

# **WEST VIRGINIA LEGISLATURE**

**2024 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 477**

BY SENATORS MARONEY, TAKUBO, WOELFEL, AND DEEDS

[Originating in the Committee on the Judiciary;

reported January 26, 2024]



1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §5A-8-25; and to amend said code by adding thereto a new section,  
3 designated §61-3C-14d, all relating to providing for removal of health care worker's  
4 personal information from records on the internet in certain circumstances; prohibiting  
5 public disclosure of health care worker's personal information on the internet in certain  
6 circumstances; defining terms; and providing penalties.

*Be it enacted by the Legislature of West Virginia:*

## **CHAPTER 5A. DEPARTMENT OF ADMINISTRATION.**

### **ARTICLE 8. PUBLIC RECORDS MANAGEMENT AND PRESERVATION ACT.**

#### **§5A-8-25. Health care worker personal information.**

1 (a) For purposes of this section:

2 "Health care worker" means a person who is an employee of a health care entity, a  
3 subcontractor, or independent contractor for a health care entity, or an employee of the  
4 subcontractor or independent contractor. The term includes, but is not limited to, a nurse, nurse's  
5 aide, laboratory technician, physician, intern, resident, physician assistant, physical therapist, any  
6 other person who provides direct patient care, first responder, or any person serving in a  
7 governance capacity of a health care entity;

8 "Immediate family" means a health care worker's spouse, child, or parent or any other  
9 relative who lives in the same residence as the health care worker;

10 "Personal information" means the home address, home telephone number, personal  
11 mobile telephone number, pager number, personal e-mail address, or a personal photograph or  
12 video of a health care worker; directions to the home of a health care worker; or photographs or  
13 videos of the home or personal vehicle of a health care worker or the immediate family of a health  
14 care worker.

15 (b) A health care worker may submit a written request to a state or local government official  
16 to remove personal information from records maintained by that official that are available on the  
17 internet. If a state or local government official receives such a written request, then he or she  
18 shall not knowingly make available on the internet personal information about the health care  
19 worker or the health care worker's immediate family.

20 (c) A health care worker's written request to a state or local government official to remove  
21 personal information from records made available on the internet shall include:

22 (1) Evidence that the person submitting the request is a health care worker, as defined in  
23 this section; and

24 (2) A statement, notarized by a notary public duly licensed under §39-4-1 et seq. of this  
25 code, that the person submitting the request has reason to believe that the dissemination of the  
26 personal information contained in the records that the official makes available on the internet  
27 poses an imminent and serious threat to the person's safety or the safety of the person's  
28 immediate family.

29 (d) Falsification of the evidence proffered to satisfy the requirements of §5A-8-25(b)(1) or  
30 §5A-8-25(b)(2) constitutes false swearing and is punishable under §61-5-2 of this code.

## **CHAPTER 61. CRIMES AND THEIR PUNISHMENT.**

### **ARTICLE 3C. WEST VIRGINIA COMPUTER CRIME AND ABUSE ACT.**

#### **§61-3C-14d. Prohibiting public disclosure of personal information on the internet;** **penalties.**

1 (a) For purposes of this section:

2 "Health care worker" means a person who is an employee of a health care entity, a  
3 subcontractor, or independent contractor for a health care entity, or an employee of the  
4 subcontractor or independent contractor. The term includes, but is not limited to, a nurse, nurse's  
5 aide, laboratory technician, physician, intern, resident, physician assistant, physical therapist, any

6 other person who provides direct patient care, first responder, or any person serving in a  
7 governance capacity of a health care entity;

8 "Immediate family" means a health care worker's spouse, child, or parent or any other  
9 relative who lives in the same residence as the health care worker;

10 "Personal information" means the home address, home telephone number, personal  
11 mobile telephone number, pager number, personal e-mail address, or a personal photograph or  
12 video of a health care worker; directions to the home of a health care worker; or photographs or  
13 videos of the home or personal vehicle of a health care worker or the immediate family of a health  
14 care worker.

15 (b) A person who knowingly, willfully, and intentionally makes the personal information of  
16 a health care worker, or a health care worker's immediate family, publicly available on the internet:

17 (1) With the intent to threaten, intimidate, or incite the commission of a crime of violence  
18 against that person; or

19 (2) With the intent and knowledge that the personal information will be used to threaten,  
20 intimidate, or facilitate the commission of a crime of violence against that person is guilty of a  
21 misdemeanor and, upon conviction thereof, shall be fined not more than \$500 or confined in jail  
22 not more than six months, or both fined and confined. For a second or subsequent offense, the  
23 person is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than  
24 \$1,000 or confined in jail for not more than one year, or both fined and confined.