

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 517

BY SENATORS RUCKER, GRADY, AND WILLIS

[Introduced February 18, 2025; referred
to the Committee on Health and Human Resources]

1 A BILL to amend and reenact §16-1-6 of the Code of West Virginia, 1931, as amended, relating
2 to the Commissioner of the Bureau for Public Health; requiring medical professionals to
3 report to the Bureau for Public Health all injuries and side effects from vaccines and
4 produce an annual report for the Legislature; requiring medical professionals that deliver
5 vaccines to receive educational materials from the Bureau for Public Health about
6 negative side effects from vaccines and to be formally trained every five years; and
7 requiring the commissioner to make available a mechanism for individuals, including
8 parents, to report adverse impact from vaccines.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. STATE PUBLIC HEALTH SYSTEM.

§16-1-6. Commissioner of the Bureau for Public Health; powers and duties.

1 (a) The commissioner is the chief executive, administrative and fiscal officer of the Bureau
2 for Public Health and has the following powers and duties:

3 (1) To supervise and direct the fiscal and administrative matters of the bureau, and in that
4 regard and in accordance with law, employ, fix the compensation of, and discharge all persons
5 necessary for the proper execution of the public health laws of this state and the efficient and
6 proper discharge of the duties imposed upon, and execution of powers vested in the
7 commissioner by law and as directed by the secretary;

8 (2) To enforce all laws of this state concerning public health;

9 (3) To investigate the cause of disease, especially of epidemics and endemic conditions,
10 and the means of prevention, suppression, or control of those conditions; the source of sickness
11 and mortality, the effects of environment, employment, habits, and circumstances of life on the
12 public health;

13 (4) To inspect and examine food, drink, and drugs offered for sale or public consumption
14 in the manner the commissioner considers necessary to protect the public health and shall report

all violations of laws and rules relating to the law to the prosecuting attorney of the county in which the violations occur;

(5) To make complaint or cause proceedings to be instituted against any person, corporation, or other entity for the violation of any public health law before any court or agency, without being required to give security for costs; the action may be taken without the sanction of the prosecuting attorney of the county in which the proceedings are instituted or to which the proceedings relate;

(6) To promote the provision of essential public health services to citizens of this state;

(7) To monitor the operation and coordination of the local boards of health and local health officers;

(8) To develop and maintain a state plan of operation that sets forth the needs of the state in the areas of public health; goals and objectives for meeting those needs; methods for achieving the stated goals and objectives; and needed personnel, funds, and authority for achieving the goals and objectives;

(9) To collect data as may be required to foster knowledge on the citizenry's health status, the health system, and costs of health care;

(10) To delegate to any appointee, assistant, or employee any and all powers and duties vested in the commissioner, including, but not limited to, the power to execute contracts and agreements in the name of the bureau: *Provided*, That the commissioner is responsible for the acts of his or her appointees, assistants, and employees;

(11) To transfer any patient or resident between hospitals and facilities and, by agreement with the state Commissioner of the Division of Corrections and Rehabilitation and otherwise in accord with law, accept a transfer of a resident of a facility under the jurisdiction of the state Commissioner of the Division of Corrections and Rehabilitation;

(12) To make periodic reports to the Governor and to the Legislature relative to specific subject areas of public health, or other matters affecting the public health of the people of the state;

(13) To accept and use for the benefit of the health of the people of this state, any gift or devise of any property or thing which is lawfully given: *Provided*, That if any gift is for a specific purpose shall be used as specified. Any profit which may arise from any gift or devise of any property or thing shall be deposited in a special revenue fund with the State Treasurer and shall be used only as specified by the donor or donors;

(14) To inspect and enforce rules to control the sanitary conditions of and license all institutions and health care facilities as set forth in this chapter, including, but not limited to, schools, whether public or private, public conveyances, dairies, slaughterhouses, workshops, factories, labor camps, places of entertainment, hotels, motels, tourist camps, all other places open to the general public and inviting public patronage or public assembly, or tendering to the public any item for human consumption and places where trades or industries are conducted;

(15) To make inspections, conduct hearings, and to enforce the legislative rules concerning occupational and industrial health hazards, the sanitary condition of streams, sources of water supply, sewerage facilities, and plumbing systems, and the qualifications of personnel connected with the supplies, facilities or systems without regard to whether they are publicly or privately owned; and to make inspections, conduct hearings and enforce the legislative rules concerning the design of chlorination and filtration facilities and swimming pools;

(16) To provide in accordance with this subdivision for a program for the care, treatment, and rehabilitation of the parents of sudden infant death syndrome victims; for the training and employment of personnel to provide the requisite rehabilitation of parents of sudden infant death syndrome victims; for the education of the public concerning sudden infant death syndrome; for the education of police, employees, and volunteers of all emergency services concerning sudden

64 infant death syndrome; and for requesting appropriation of funds in both federal and state budgets
65 to fund the sudden infant death syndrome program;

66 (17) To establish and maintain a state hygienic laboratory as an aid in performing the
67 duties imposed upon the commissioner, and to employ employees that may be necessary to
68 properly operate the laboratory. The commissioner may establish branches of the state laboratory
69 within the state that are necessary in the interest of the public health;

70 (18) To expend, for the purpose of performing the public health duties imposed on the
71 bureau, or authorized by law, any sums appropriated by the Legislature. The commissioner may
72 make advance payments to public and nonprofit health services providers when the commissioner
73 determines it is necessary for the initiation or continuation of public health services. The advance
74 payments, being in derogation of the principle of payment only after receipt of goods or services,
75 shall be authorized only after serious consideration by the commissioner of the necessity of the
76 advance payments and shall be for a period no greater than 90 days in advance of rendition of
77 service or receipt of goods and continuation of health services;

78 (19) To exercise all other powers delegated to the commissioner by the secretary or by
79 this chapter or otherwise in this code, to enforce all health laws, and to pursue all other activities
80 necessary and incident to the authority and area of concern entrusted to the bureau or the
81 commissioner;

82 (20) To require medical professionals to report all injuries and side effects from vaccines
83 to the Bureau for Public Health, from which the commissioner shall produce an annual report for
84 the Legislature, and to be made public via the Bureau for Public Health website, concerning
85 injuries and negative side effects from vaccines;

86 (21) To require that medical professionals that deliver vaccines be required to receive
87 educational materials from the Bureau for Public Health about negative side effects from vaccines
88 and to be formally trained every five years; and

89 (22) To make available a mechanism for individuals, including parents, to report adverse
90 impact from vaccines.

91 (b) The commissioner shall establish, within the Bureau for Public Health, a Center for
92 Local Public Health. The center shall:

93 (1) Enhance the quality and availability of essential public health services throughout the
94 state provided by local boards of health;

95 (2) Provide technical assistance and consultation to a local board of health agency;

96 (3) Allocate and distribute funding based upon performance-based standards;

97 (4) Provide technical assistance to the local public health workforce;

98 (5) Facilitate bi-directional communication;

99 (6) Establish a uniform state-wide computer system for the reporting of public health data;

100 (7) Inventory the services provided by a local boards of health;

101 (8) Support sharing of services between local boards of health;

102 (9) Create a performance-based evaluation system based on standards established by
103 legislative rule;

104 (10) Provide a quarterly training to ensure consistency in the application of state laws,
105 legislative rules, and local health department rules; and

106 (11) Enforce compliance with performance standards.