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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995

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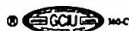
HOUSE BILL No. 2130

(By Delegates Boyer, Kiss, Anderson,
Manuel & Love)

— ● —

Passed March 10, 1995

In Effect 90 Days From Passage



H. B. 2130

(BY DELEGATES BORDER, KISS, ANDERSON, MANUEL AND LOVE)

[Passed March 10, 1995; in effect ninety days from passage.]

AN ACT to amend and reenact section eight-b, article fifteen, chapter eight and section three, article two-a, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to firefighters; providing for payment of the cost of providing immunizations against hepatitis-b and other blood borne pathogens to firefighters; requiring volunteer and part volunteer fire departments to obtain no cost or lowest cost vaccinations from local boards of health or from a licensed health care provider; requiring local health departments to maintain records of immunizations; and approval of general plan of operation of local boards of health by the commissioner of public health.

Be it enacted by the Legislature of West Virginia:

That section eight-b, article fifteen, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that section three, article two-a, chapter sixteen of said code be amended and reenacted, all to read as follows:

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 15. FIRE FIGHTING; FIRE COMPANIES AND DEPARTMENTS; CIVIL SERVICE FOR PAID FIRE DEPARTMENTS.

§8-15-8b. Authorized expenditures of revenues from the municipal pensions and protection fund and the fire protection fund.

1 Revenues allocated to volunteer and part volunteer
2 fire companies and departments may be expended only
3 for the items listed in subdivisions (a) through (h) of this
4 section. Such expenditures may be made for the fol-
5 lowing:

6 (a) Personal protective equipment, including pro-
7 tective head gear, bunker coats, pants, boots, combination
8 of bunker pants and boots, coats and gloves;

9 (b) Equipment for compliance with the national fire
10 protection standard or automotive fire apparatus,
11 NFPA-1901;

12 (c) Compliance with insurance service office
13 recommendations relating to fire departments;

14 (d) Rescue equipment, communications equipment
15 and ambulance equipment: *Provided*, That no moneys
16 received from the municipal pensions and protection fund
17 or the fire protection fund may be used for equipment for
18 personal vehicles owned or operated by volunteer fire
19 company or department members;

20 (e) Capital improvements reasonably required for
21 effective and efficient fire protection service and
22 maintenance thereof;

23 (f) Retirement of debts;

24 (g) Payment of utility bills; and

25 (h) Payment of the cost of immunizations, including
26 any laboratory work incident thereto, for firefighters
27 against hepatitis-b and other blood borne pathogens:
28 *Provided*, That the vaccine shall be purchased through the
29 state immunization program or from the lowest cost
30 vendor available: *Provided, however*, That volunteer and
31 part volunteer fire companies and departments shall seek
32 to obtain no cost administration of the vaccinations

33 through local boards of health: *Provided further*, That in
34 the event any volunteer or part volunteer fire company or
35 department is unable to obtain no cost administration of
36 the vaccinations through a local board of health, the
37 company or department shall seek to obtain the lowest
38 cost available for the administration of the vaccinations
39 from a licensed health care provider.

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 2A. ALTERNATIVE METHOD OF ORGANIZING LOCAL HEALTH AGENCIES.

§16-2A-3. Powers and duties of county and municipal boards of health; filing of rules.

1 County or municipal boards of health created and
2 established pursuant to the provisions of this article shall
3 direct, supervise and control all matters relating to the
4 general health and sanitation of their respective counties
5 or municipalities. The local boards of health also have the
6 power and authority to adopt and promulgate and from
7 time to time amend rules, consistent with the public health
8 laws of this state and the rules of the West Virginia state
9 department of health and human resources, as may be
10 necessary and proper for the protection of the general
11 health of the county or municipality and the prevention of
12 the introduction, propagation and spread of disease. All
13 rules shall be filed, in the case of a county board, with the
14 clerk of the county commission, and in the case of a
15 municipal board, with the clerk, recorder or similar officer
16 of the municipality. The rules shall be kept by the clerk or
17 recording officer in a separate book and shall be public
18 records.

19 It is the duty of local boards of health to protect the
20 general health and supervise and control the sanitation of
21 their respective counties and municipalities; to enforce the
22 laws of this state pertaining to public health, and the rules
23 of the department of health and human resources, insofar
24 as they are applicable to counties or municipalities, and to
25 perform duties in relation to public health as may be

26 prescribed by order of the county commission or by
27 ordinance of the municipality consistent with the public
28 health laws of this state and the regulations duly adopted
29 by the department of health and human resources. All
30 local boards of health receiving state or federal funds for
31 health purposes shall submit a general plan of operation
32 for health purposes to the commissioner of the bureau of
33 public health for approval. The commissioner may act
34 through any county or municipal board of health created,
35 established and operated pursuant to the provisions of this
36 article.

37 Local departments of health created and established
38 pursuant to the provisions of either this article or article
39 two of this chapter shall be notified of each immunization
40 for hepatitis-b and other blood borne pathogens received
41 by firefighters within the service area of the local
42 department of health. Local departments of health shall
43 maintain, for a period of not less than thirty years, a
44 record of the date of the immunization and the name of
45 each firefighter within the service area of the local health
46 department immunized against hepatitis-b and other blood
47 borne pathogens.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Randy Schoonover
Chairman Senate Committee

Ernest C. Moore
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Harrell Holmes
Clerk of the Senate

Donald L. Kapp
Clerk of the House of Delegates

Earl Ray Tomblin
President of the Senate

Will Calton
Speaker of the House of Delegates

The within is approved this the 24th
day of March, 1997.

Garston Caprior
Governor

PRESENTED TO THE

GOVERNOR

Date 3/23/95

Time 11:50 am