WEST VIRGINIA CODE: §16-3C-5

§16-3C-5. Remedies and penalties.

- (a) Any person aggrieved by a violation of this article has right of action in the circuit court and may recover for the violation:
- (1) Against any person who recklessly violates a provision of this article, liquidated damages of \$1,000 or actual damages, whichever is greater; or
- (2) Against any person who intentionally or maliciously violated a provision of this article, liquidated damages of \$10,000 or actual damages, whichever is greater; and
- (3) Reasonable attorney fees; and
- (4) Such other relief, including an injunction, as the court may consider appropriate.
- (b) Any action under this article is barred unless the action is commenced within five years after the violation occurs.
- (c) Nothing in this article limits the rights of the subject of an HIV-related test to recover damages or other relief under any other applicable law.
- (d) Nothing in this article may be construed to impose civil liability for disclosure of an HIV-related test result in accordance with any reporting guidelines or requirements of the department or the centers for disease control of the United States Public Health Service.