WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995

--- • ---

ENROLLED

HOUSE BILL No. 2130

(By Delegates Bond, Kiss, Anderson, and 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.

Revenues allocated to volunteer and part volunteer fire companies and departments may be expended only for the items listed in subdivisions (a) through (h) of this section. Such expenditures may be made for the following:

(a) Personal protective equipment, including protective head gear, bunker coats, pants, boots, combination of bunker pants and boots, coats and gloves;

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

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

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

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

(f) Retirement of debts;

(g) Payment of utility bills; and

(h) Payment of the cost of immunizations, including any laboratory work incident thereto, for firefighters against hepatitis-b and other blood borne pathogens: Provided, That the vaccine shall be purchased through the state immunization program or from the lowest cost vendor available: Provided, however, That volunteer and part volunteer fire companies and departments shall seek to obtain no cost administration of the vaccinations
through local boards of health: Provided further, That in
the event any volunteer or part volunteer fire company or
department is unable to obtain no cost administration of
the vaccinations through a local board of health, the
company or department shall seek to obtain the lowest
cost available for the administration of the vaccinations
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.

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

It is the duty of local boards of health to protect the
general health and supervise and control the sanitation of
their respective counties and municipalities; to enforce the
laws of this state pertaining to public health, and the rules
of the department of health and human resources, insofar
as they are applicable to counties or municipalities, and to
perform duties in relation to public health as may be
prescribed by order of the county commission or by ordinance of the municipality consistent with the public health laws of this state and the regulations duly adopted by the department of health and human resources. All local boards of health receiving state or federal funds for health purposes shall submit a general plan of operation for health purposes to the commissioner of the bureau of public health for approval. The commissioner may act through any county or municipal board of health created, established and operated pursuant to the provisions of this article.

Local departments of health created and established pursuant to the provisions of either this article or article two of this chapter shall be notified of each immunization for hepatitis-b and other blood borne pathogens received by firefighters within the service area of the local department of health. Local departments of health shall maintain, for a period of not less than thirty years, a record of the date of the immunization and the name of each firefighter within the service area of the local health department immunized against hepatitis-b and other blood borne pathogens.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Randy L. Feenham
Chairman Senate Committee

Ernest C. Moore
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Earl Ray Tomblin
Clerk of the Senate

Donald L. Hefner
Clerk of the House of Delegates

Earl Ray Tomblin
President of the Senate

M. C. Coleman
Speaker of the House of Delegates

The within is approved this the 24th day of March, 1994.

Jim curtains
Governor
PRESENTED TO THE
GOVERNOR
Date 3/23/95
Time 11:50 AM