WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2001

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ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 2871

(By Delegates Amores, Compton and Leach)

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Passed April 13, 2001

In Effect Ninety Days from Passage
AN ACT to amend and reenact section two-a, article five-a, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to expanding the existing cancer registry to include the collection of medical information concerning intracranial and central nervous system tumors; requiring reports and maintaining confidentiality.

Be it enacted by the Legislature of West Virginia:

That section two-a, article five-a, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended, to read as follows:

ARTICLE 5A. CANCER CONTROL.

(a) To the extent funds are available, the director of the division of health shall establish a cancer and tumor registry for the purpose of collecting information concerning the incidence of cancer and non-malignant intracranial and central nervous system tumors. The information collected by the registry shall be analyzed to prepare reports and perform studies as necessary when such data identifies hazards to public health. Pending appropriate funding, a statewide system shall be phased in and be fully operational by the first day of July, two thousand two, pursuant to the enactment of this section in two thousand one.

(b) All reporting sources, including hospitals, physicians, laboratories, clinics or other similar units diagnosing or providing treatment for cancer and non-malignant intracranial and central nervous system tumors, shall provide a report of each cancer or tumor case to the cancer and tumor registry in a format specified by the director. The reporting sources shall grant the director or an authorized representative of the registry access to all records which would identify cases of cancer or non-malignant intracranial and central nervous system tumors or would establish characteristics of cancer or non-malignant intracranial or central nervous system tumors.

(c) All information reported pursuant to this section is confidential and shall be used for the purpose of determining the sources of malignant neoplasms and non-malignant intracranial and central nervous system tumors and evaluating measures designed to eliminate, alleviate or ameliorate their effect. A report provided to the cancer and tumor registry disclosing the identity of an individual who was reported as having cancer or tumors shall only be released to reporting sources and persons demonstrating a need which is essential to health related research, except that the release shall be conditioned upon the reporting source and personal identities remaining confidential. No liability of any kind or character for damages or other relief shall arise or be enforced against any
reporting source by reason of having provided the information
or material to the cancer and tumor registry.

(d) The director of the division of health shall appoint an
advisory committee on cancer and tumors with membership
consisting of representatives of appropriate agencies, including
the West Virginia hospital association; the American cancer
society, West Virginia division; the American lung association
of West Virginia; the West Virginia medical association; the
association of osteopathic medicine; the West Virginia nurses
association; the Mary Babb Randolph cancer center; and, at the
discretion of the director, any other individuals directly
involved. The advisory committee shall provide technical
guidance regarding the operation of the cancer registry and
shall provide such advice and assistance as needed to carry out
effective cancer prevention and control activities. The members
of the advisory committee shall serve four-year terms. Vacan-
cies shall be filled in a like manner for the unexpired term.

(e) The director shall promulgate rules related to: (1) The
content and design of all forms and reports required by this
section; (2) the procedures for disclosure of information
gathered by the cancer and tumor registry by monitoring and
evaluating health data and from completed risk assessments;
and (3) any other matter necessary to the administration of this
section.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 30th day of April, 2001.

Governor