

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

**Enrolled
Committee Substitute
for**

Senate Bill 477

BY SENATORS MARONEY, TAKUBO, WOELFEL, AND DEEDS

[Passed March 6, 2024; in effect 90 days from
passage (June 4, 2024)]

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

2024 MAR 27 P 2:55

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1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §5A-8-25; and to amend said code by adding thereto a new section,
3 designated §61-3C-14d, all relating to providing for removal of health care worker's
4 personal information from records on the internet in certain circumstances; prohibiting
5 public disclosure of health care worker's personal information on the internet in certain
6 circumstances; defining terms; and providing penalties.

Be it enacted by the Legislature of West Virginia:

CHAPTER 5A. DEPARTMENT OF ADMINISTRATION.

ARTICLE 8. PUBLIC RECORDS MANAGEMENT AND PRESERVATION ACT.

§5A-8-25. Health care worker personal information.

1 (a) For purposes of this section:

2 "Health care worker" means a person who is an employee of a health care entity, a
3 subcontractor, or independent contractor for a health care entity, or an employee of the
4 subcontractor or independent contractor. The term includes, but is not limited to, a nurse, nurse's
5 aide, laboratory technician, physician, intern, resident, physician assistant, physical therapist, any
6 other person who provides direct patient care, first responder, or any person serving in a
7 governance capacity of a health care entity;

8 "Immediate family" means a health care worker's spouse, child, or parent or any other
9 relative who lives in the same residence as the health care worker;

10 "Personal information" means the home address, home telephone number, personal
11 mobile telephone number, pager number, personal e-mail address, or a personal photograph or
12 video of a health care worker; directions to the home of a health care worker; or photographs or
13 videos of the home or personal vehicle of a health care worker or the immediate family of a health
14 care worker.

15 (b) A health care worker may submit a written request to a state or local government official
16 to remove personal information from records maintained by that official that are available on the
17 internet. If a state or local government official receives such a written request, then he or she shall
18 not knowingly make available on the internet personal information about the health care worker
19 or the health care worker's immediate family.

20 (c) A health care worker's written request to a state or local government official to remove
21 personal information from records made available on the internet shall include:

22 (1) Evidence that the person submitting the request is a health care worker, as defined in
23 this section; and

24 (2) A statement, notarized by a notary public duly licensed under §39-4-1 *et seq.* of this
25 code, that the person submitting the request has reason to believe that the dissemination of the
26 personal information contained in the records that the official makes available on the internet
27 poses an imminent and serious threat to the person's safety or the safety of the person's
28 immediate family.

29 (d) Falsification of the evidence proffered to satisfy the requirements of §5A-8-25(b)(1) or
30 §5A-8-25(b)(2) constitutes false swearing and is punishable under §61-5-2 of this code.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 3C. WEST VIRGINIA COMPUTER CRIME AND ABUSE ACT.

§61-3C-14d. Prohibiting public disclosure of personal information on the internet; penalties.

1 (a) For purposes of this section:

2 "Health care worker" means a person who is an employee of a health care entity, a
3 subcontractor, or independent contractor for a health care entity, or an employee of the
4 subcontractor or independent contractor. The term includes, but is not limited to, a nurse, nurse's
5 aide, laboratory technician, physician, intern, resident, physician assistant, physical therapist, any

6 other person who provides direct patient care, first responder, or any person serving in a
7 governance capacity of a health care entity;

8 "Immediate family" means a health care worker's spouse, child, or parent or any other
9 relative who lives in the same residence as the health care worker;

10 "Personal information" means the home address, home telephone number, personal
11 mobile telephone number, pager number, personal e-mail address, or a personal photograph or
12 video of a health care worker; directions to the home of a health care worker; or photographs or
13 videos of the home or personal vehicle of a health care worker or the immediate family of a health
14 care worker.

15 (b) A person who knowingly, willfully, and intentionally makes the personal information of
16 a health care worker, or a health care worker's immediate family, publicly available on the internet:

17 (1) With the intent to threaten, intimidate, or incite the commission of a crime of violence
18 against that person; or

19 (2) With the intent and knowledge that the personal information will be used to threaten,
20 intimidate, or facilitate the commission of a crime of violence against that person is guilty of a
21 misdemeanor and, upon conviction thereof, shall be fined not more than \$500 or confined in jail
22 not more than six months, or both fined and confined. For a second or subsequent offense, the
23 person is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than
24 \$1,000 or confined in jail for not more than one year, or both fined and confined.

The Clerk of the Senate and the Clerk of the House of Delegates hereby certify that the foregoing bill is correctly enrolled.



Clerk of the Senate


Clerk of the House of Delegates

FILED
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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Originated in the Senate.

In effect 90 days from passage.


President of the Senate


Speaker of the House of Delegates

The within is approved this the 27th
Day of March, 2024.


Governor

PRESENTED TO THE GOVERNOR

MAR 11 2024

Time 2:09 pm