



LEGAL PROTECTIONS FOR PUBLIC HEALTH OFFICIALS

West Virginia Fact Sheet

Obstructing Local Health Officers

Nationwide, state and local public health officials working to protect the public from COVID-19 are on the receiving end of threatening and harassing conduct for simply fulfilling their duty to protect the public health. In response, the Network conducted research to examine whether the states and Washington, D.C., have criminal statutes punishing individuals who impede public health officials' duties with such behavior. Our research is presented in this [chart](#). Many states have adopted statutes to protect public officials generally; included here are those with broad enough language to include public health officials. However, we have also included the three states with laws that if broadened, would encompass public health officials, namely, Illinois, North Carolina, and Vermont. While 35 states and Washington, D.C., have such a statute, the remaining 15 states either do not have a statute protecting government officials in these circumstances or do not have one protecting public health officials. Of the 35 states and Washington, D.C., all but two, Louisiana and Oklahoma, include protections for state **and** local officials. Below is more information on West Virginia's relevant law.

West Virginia Code, § 16-2-15, Obstructing local health officers and others in the enforcement of public health laws

Any person who willfully obstructs any local health officer, public health nurse, sanitarian or any other person charged with the enforcement of any public health law, in the performance of that person's legal duties in enforcing the law, is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than fifty dollars and not more than five hundred dollars.

Any person who willfully violates any of the provisions of this article, or any of the rules or orders adopted or issued pursuant to the provisions, for which a penalty is not otherwise provided, is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of up to one thousand dollars.

Magistrates have concurrent jurisdiction with the circuit courts of this state for violations of provisions of this article.

Penalties

West Virginia Code, §16-2-15



A fine of \$200-\$1,000

Summary

A person is guilty of obstructing local health officers when he/she obstructs a local health officer or person charged with the enforcement of any public health law, in the performance of that person's legal duties. The statute may apply to state health officers as well. If convicted a person may be punished by a fine up to \$1,000.

Template for Notifying Violators

Below is a sample template for notifying individuals regarding their conduct relative to the code.

West Virginia Code, § 16-2-15 prohibits obstructing local health officers and others charged with enforcing health laws. [insert here a description of the conduct with a date—for example: On August 28, 2020, you sent an email threatening harm to the West Virginia Secretary of Health for implementing a mask mandate.] *This may constitute a violation of § 16-2-15 If convicted, you face penalties up to \$1,000.*

- If the conduct is extreme, add: *We have notified the [insert proper law enforcement agency] of this conduct.*
- If the conduct does not rise to the level of reporting, add: *Should you continue with this conduct, we may report the matter to [insert law enforcement agency].*