

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1937



ENROLLED

HOUSE BILL No. 277

(By Mr. Evans)



PASSED March 13, 1937

In Effect 90 days from Passage

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House Bill No. 277

(BY MR. EVANS)

[Passed March 13, 1937; in effect ninety days from passage.]

AN ACT to amend and reenact section four, article three, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, relating to compulsory vaccination and providing for compulsory immunization for smallpox and diphtheria before entering school.

Be it enacted by the Legislature of West Virginia:

That, due to the increase of smallpox in the United States in the past few years and the large number of deaths from diphtheria and for the protection of the health of the people of this state, it is declared necessary that section four, article three, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 4. *Compulsory Immunization; Offenses; Penalties.*

2 All children entering school for the first time in this state

3 shall be or shall have been successfully immunized against
4 smallpox and diphtheria. Any person who cannot give satis-
5 factory proof of having been immunized previously or a cer-
6 tificate from a reputable physician showing that a successful
7 immunization for either or both smallpox and diphtheria is
8 impossible or improper or sufficient reason why either or both
9 immunizations should not be done, shall be immunized for
10 both smallpox and diphtheria within the first month of attend-
11 ance at school. No child or person shall be admitted or
12 received in any of the public schools of the state after the
13 first month of attendance at school until he or she has been
14 successfully immunized as hereinafter provided, or produces
15 a certificate from a reputable physician showing that a suc-
16 cessful immunization for both smallpox and diphtheria has
17 been done or is impossible or improper or other sufficient
18 reason why such immunizations have not been done. The
19 teacher of such pupils entering school for the first time shall
20 ascertain whether or not said pupils have been immunized
21 against both smallpox and diphtheria and shall report to the
22 county health officer all pupils who have not been immunized.
23 It shall be the duty of the health officer in counties having a

24 full-time health officer to see that children who have not been
25 immunized before entering school be immunized during the
26 first month.

27 In counties where there is no full-time health officer or dis-
28 trict health officer, the county court or municipal council
29 shall appoint competent physicians to do the immunizations
30 and fix their compensation. The expense incurred in carrying
31 into effect the provision of this section shall be deemed a part
32 of the expense of the county, city, town or village as the case
33 may be, and shall be charged and paid in the same manner
34 as other expenses. County health departments shall furnish
35 the biologicals for this immunization free of charge.

36 Health officers and physicians who shall do this immuni-
37 zation work shall give to all persons and children a certificate
38 free of charge showing that they have been successfully im-
39 munized against smallpox and diphtheria, or he may give the
40 certificate to any person or child whom he knows to have
41 been successfully immunized against smallpox and diphtheria.
42 If any physician shall give any person a false certificate of
43 immunization against either smallpox or diphtheria, he shall
44 be guilty of a misdemeanor and upon conviction he shall be

45 fined not less than twenty-five nor more than one hundred
46 dollars.

47 Any parent or guardian who refuses to permit their child
48 to be immunized against smallpox or diphtheria, who cannot
49 give satisfactory proof that the child or person has been im-
50 munized against smallpox and diphtheria previously or a
51 certificate from a reputable physician showing that a success-
52 ful immunization for either or both is impossible or improper
53 or sufficient reason why either or both immunizations should
54 not be done, shall be guilty of a misdemeanor, and, except as
55 herein otherwise provided, shall be punished by a fine of not
56 less than ten nor more than fifty dollars for each offense.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Walter B. G. Keith

Chairman Senate Committee

Neil G. Tucker

Chairman House Committee

Originated in the.....

Takes effect..... passage.

Charles D. Miley

Clerk of the Senate

W. S. Wallace

Clerk of the House of Delegates

Chas. E. Hoyle

President of the Senate

J. K. Thomas

Speaker House of Delegates

The within *Approved* this the *18th*

day of *March*, 1937.

Frank A. Holt

Governor.

Filed in the office of the Secretary of State of West Virginia **MAR 19 1937**

Wm. S. O'BRIEN, Secretary of State