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
shall be or shall have been successfully immunized against smallpox and diphtheria. Any person who cannot give satisfactory proof of having been immunized previously or a certificate from a reputable physician showing that a successful immunization for either or both smallpox and diphtheria is impossible or improper or sufficient reason why either or both immunizations should not be done, shall be immunized for both smallpox and diphtheria within the first month of attendance at school. No child or person shall be admitted or received in any of the public schools of the state after the first month of attendance at school until he or she has been successfully immunized as hereinafter provided, or produces a certificate from a reputable physician showing that a successful immunization for both smallpox and diphtheria has been done or is impossible or improper or other sufficient reason why such immunizations have not been done. The teacher of such pupils entering school for the first time shall ascertain whether or not said pupils have been immunized against both smallpox and diphtheria and shall report to the county health officer all pupils who have not been immunized. It shall be the duty of the health officer in counties having a
full-time health officer to see that children who have not been
immunized before entering school be immunized during the
first month.

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

Health officers and physicians who shall do this immuni-
ization work shall give to all persons and children a certificate
free of charge showing that they have been successfully im-
munized against smallpox and diphtheria, or he may give the
certificate to any person or child whom he knows to have
been successfully immunized against smallpox and diphtheria.

If any physician shall give any person a false certificate of
immunization against either smallpox or diphtheria, he shall
be guilty of a misdemeanor and upon conviction he shall be
fined not less than twenty-five nor more than one hundred dollars.

Any parent or guardian who refuses to permit their child to be immunized against smallpox or diphtheria, who cannot give satisfactory proof that the child or person has been immunized against smallpox and diphtheria previously or a certificate from a reputable physician showing that a successful immunization for either or both is impossible or improper or sufficient reason why either or both immunizations should not be done, shall be guilty of a misdemeanor, and, except as herein otherwise provided, shall be punished by a fine of not 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.

Chairman Senate Committee

Chairman House Committee

Originated in the

Takes effect.............................................................................................................. passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within.................................................this the..............................................

day of................................................., 1937.

Governor.

Filed in the office of the Secretary of State
of West Virginia MAR 19 1937
Wm. S. O'Brien,
Secretary of State