

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1945



ENROLLED

HOUSE BILL No. 51

(By Mr. Cross)



PASSED February 16<sup>th</sup> 1945

In Effect From Passage

16  
K-1-702202

**ENROLLED**  
**House Bill No. 51**

(By MR. EVANS)

[Passed February 16, 1945; in effect from passage.]

AN ACT to amend and reenact sections two and three, article one, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the appointment of the commissioner of health and the public health council, their compensation, powers and duties.

*Be it enacted by the Legislature of West Virginia:*

That sections two and three, article one, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 2. *Commissioner of Health.*—The commissioner  
2 of health shall be appointed by the governor, by and with  
3 the advice and consent of the senate, and shall be a phy-  
4 sician, a graduate of a reputable medical college, of at  
5 least five years' experience in the practice of medicine,

6 skilled in sanitary science and experience in public health  
7 administration. Before making such appointment, the  
8 governor shall request the council of the West Virginia  
9 state medical association to furnish a full and complete re-  
10 port concerning the qualifications and suitability of the  
11 proposed appointee for this position. The commissioner of  
12 health in office on the date this act takes effect shall,  
13 unless sooner removed, continue to serve until his term  
14 expires and his successor has been appointed and has  
15 qualified. On or before the first day of June, one thou-  
16 sand nine hundred thirty-one, and on or before the first  
17 day of June on each fourth year thereafter, the governor  
18 shall appoint a commissioner of health to serve for a term  
19 of four years, commencing on said first day of June, and  
20 any commissioner shall be eligible for reappointment.  
21 The commissioner of health shall receive an annual salary  
22 of six thousand dollars and actual expenses incurred  
23 in the performance of official business, which salary shall  
24 be in full for all services. He shall be the administrative  
25 head of the state department of health and shall be ex  
26 officio a member of its public health council. His duties

27 shall be to administer the laws and regulations of the de-  
28 partment; to prepare rules and regulations for the con-  
29 sideration of the public health council; and, with the  
30 approval of said council, to appoint, remove and fix the  
31 compensation of the directors of divisions and all other  
32 employees, but said compensation shall not exceed the  
33 appropriation therefor; to advise with the public health  
34 council, keep himself informed as to the efficiency of each  
35 local health officer within the state; aid each health offi-  
36 cer in the performance of his duties; assist each local  
37 health officer in making an annual sanitary survey of the  
38 territory within his jurisdiction, and in maintaining there-  
39 in a continuous sanitary supervision; adjust questions of  
40 jurisdiction arising between local health officers within  
41 the state, study the cause of excessive mortality or mor-  
42 bidity from any disease in any portion of the state; pro-  
43 mote efficient registration of births, deaths and notifiable  
44 disease; inspect and report from time to time the sanitary  
45 condition of institutions, schools and school houses, pub-  
46 lic conveyances, dairies, creameries, slaughter houses,

47 work shops, factories, labor camps, hotels and places  
48 where offensive trades or industries are conducted; in-  
49 spect and report the sanitary conditions of streams,  
50 sources of water supply and sewerage facilities; endeavor  
51 to enlist the cooperation of all physicians and volunteer  
52 health organizations in the improvement of public health;  
53 promulgate information to the general public in all mat-  
54 ters pertaining to the public health. He shall perform all  
55 executive and other customary duties incident to his posi-  
56 tion as chief executive officer, and shall provide offices  
57 and equipment necessary for the transaction of the busi-  
58 ness of the state department of health out of funds appro-  
59 priated for said department. He shall submit annually to  
60 the governor, on or before the first day of November, or  
61 as soon thereafter as practicable, a report of the opera-  
62 tions of the department, with any recommendations he  
63 may have to make, which report shall be printed and  
64 distributed as soon as practicable thereafter in the same  
65 manner as other public documents of the state. The com-  
66 missioner of health may direct any official or employee

67 of the state department of health to assist in the study,  
68 control, suppression and prevention of diseases in any  
69 part of the state, and necessary expenses shall be paid  
70 while in the performance of such duty.

Sec. 3. *Public Health Council; Violation of Its Regula-*  
2 *tions*—The public health council shall consist of the com-  
3 missioner of health and seven other members, who shall  
4 be appointed by the governor, by and with the advice and  
5 consent of the senate. The commissioner and six of the  
6 members shall be graduates of reputable medical colleges,  
7 and shall have had at least five years' experience in the  
8 practice of medicine. Before making such appointments,  
9 the governor shall request the council of the West Virginia  
10 state medical association to furnish a full and complete re-  
11 port concerning the qualifications and suitability of the  
12 proposed appointee or appointees. The other member shall  
13 be a graduate of a reputable dental college, a member of  
14 the West Virginia state dental society and shall have  
15 had at least five years' experience in the practice of  
16 dentistry. Before making such appointment, the gover-

17 nor shall request the West Virginia state dental society  
18 to furnish a complete report concerning the qualifications  
19 and suitability of the proposed appointee for such posi-  
20 tion. The members in office on the date this section takes  
21 effect shall, unless sooner removed, continue to serve  
22 until their respective terms expire and until their suc-  
23 cessors have been appointed and have qualified. On or  
24 before the first day of July, one thousand nine hundred  
25 thirty-three, and on or before the first day of July of each  
26 alternate year thereafter, the governor shall appoint  
27 three medical members of the public health council, other  
28 than the commissioner of health, to serve for terms of four  
29 years respectively, commencing on said first day of July.  
30 On or before the first day of July, one thousand nine  
31 hundred thirty-three, and on or before the first day of  
32 July of every fourth year thereafter, the governor shall  
33 appoint the dental member to serve for a term of four  
34 years, commencing on said first day of July, and any  
35 member shall be eligible for reappointment.

36 The public health council shall elect one of its mem-  
37 bers president, whose term of office shall be two years.

38 The commissioner of health shall be secretary of the  
39 council. The public health council shall hold at least  
40 two meetings each year, and at such other times as it  
41 may prescribe by rule, or upon the request of the com-  
42 missioner of health. A quorum of the council shall con-  
43 sist of not fewer than four members. Each member of  
44 the council, other than the commissioner, shall receive  
45 ten dollars for each day actually spent in attending the  
46 sessions of the council or of its committees and in neces-  
47 sary travel, not to exceed sixty days in any one calendar  
48 year, and shall be reimbursed for all actual and neces-  
49 sary traveling, incidental and clerical expenses incurred  
50 in the discharge of his duties. All authorized compensa-  
51 tion and all expenses certified by the council as properly  
52 and necessarily incurred in the discharge of its duties shall  
53 be paid out of the state treasury, from funds appropriated  
54 for that purpose, on the warrant of the state auditor  
55 issued on requisitions signed by the president and sec-  
56 retary of the council.

57 It shall be the duty of the public health council to pro-  
58 mulgate rules and regulations; take evidence in appeals;

59 approve plans and appointments; hold hearings; advise  
60 with the commissioner of health; define the qualifications  
61 of local health authorities and directors of divisions and  
62 discharge other like duties. The public health council  
63 shall have power, by the affirmative vote of a majority  
64 of its members, to establish and from time to time amend  
65 regulations under the public health laws, the enforcement  
66 of which devolves upon the state commissioner of health.  
67 Every general regulation adopted by the public health  
68 council shall state the day on which it takes effect, and  
69 a copy thereof, duly signed by the commissioner of health,  
70 shall be filed in the office of the secretary of state, and a  
71 copy thereof shall be sent by the commissioner of health  
72 to each health officer within the state, and shall be pub-  
73 lished in such manner as the public health council may  
74 determine. Any violation of the regulations so promul-  
75 gated, when said regulations are reasonable and not in-  
76 consistent with law, shall be a misdemeanor, punishable  
77 by a fine of not less than ten dollars nor more than three  
78 hundred dollars, and in the discretion of the court, by im-  
79 prisonment in the county jail for not more than thirty

80 days: *Provided, however,* That the dental member of the  
81 public health council shall have no duties or authority  
82 whatever in connection with the licensing of physicians  
83 or the regulation of the practice of medicine in this  
84 state.

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

*Charles C. Morris*  
Chairman Senate Committee

*J. Ad. Snyder, Jr.*  
Chairman House Committee

Originated in the *House*

Takes effect *From* passage.

*Samuel H. Jones*  
Clerk of the Senate

*J. R. Clipp*  
Clerk of the House of Delegates

*Donald M. Tipton*  
President of the Senate

*John E. Canine*  
Speaker House of Delegates

The within *Approved* this the *20<sup>th</sup>*  
day of *February*, 1945.

*Robert M. Canine*  
Governor.

 Filed in the office of the Secretary of State  
of West Virginia **FEB 20 1945**  
Wm. S. O'Brien,  
Secretary of State