WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1957

ENROLLED

HOUSE BILL No. 120

(By Mr. Myler)

PASSED March 5, 1957
In Effect 90 days from Passage
AN ACT to amend chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, to be designated article seventeen, relating to the registration of sanitarians in this state, prohibiting certain acts by unregistered sanitarians, and providing penalties therefor.

Be it enacted by the Legislature of West Virginia:

That chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, to be designated article seventeen, to read as follows:

Article 17. Sanitarians.

Section 1. Sanitarian Defined.—As used in this article

2 "sanitarian" means a person trained in the field of sanitary

3 science and technology who is qualified to carry out edu-
cational and inspectional duties in the field of industrial sanitation, or who, under the direction of an organized public health department, is qualified to assist in the enforcement of the laws and regulations in the field of environmental sanitation as it relates to the public health.

Sec. 2. Board of Sanitarians.—There is hereby established a state board for the examination and registration of professional sanitarians, to be known as the “West Virginia Board of Sanitarians”. The board shall consist of the state director of health, who shall be a member ex officio and secretary of the board, and four professional sanitarians, to be appointed by the governor, by and with the advice and consent of the senate, at least one of whom shall be employed in the field of industrial sanitation. Each member appointed by the governor shall have been engaged in active practice as a professional sanitarian in this state for at least five years prior to his appointment, and, except in the case of the original members of the board, shall have been registered in this state as a professional sanitarian as provided in this article. On or before the first day of July, one thousand nine hundred
The governor shall name the four original appointive members for terms of one, two, three and four years, respectively, beginning on that date. Thereafter each appointment shall be for a term of four years, except that an appointment to fill a vacancy shall be for the unexpired term.

All expenses of the board shall be paid solely from registration fees and renewal fees collected as provided in this article.

Sec. 3. Registration of Sanitarians Required.—On and after the first day of September, one thousand nine hundred fifty-seven, no person shall perform or offer to perform the duties of a professional sanitarian in this state without first applying for and obtaining from the West Virginia Board of Sanitarians a certificate of registration as a professional sanitarian or as an apprentice sanitarian.

Sec. 4. Application for Registration; Fees.—The board shall prescribe and furnish an application form for the use of persons applying for registration. The registration fee shall be ten dollars, five dollars of which shall accompany the application, the remaining five dollars to be paid
upon issuance of the certificate of registration. Should
the board deny the issuance of a certificate to any appli-
cant, the initial fee deposited shall be retained as a fee for
the processing and evaluation of his application.

Sec. 5. *Eligibility and Qualifications for Registration.*—
The board shall accept for review the application of any
person twenty-one years of age or more whose application
is submitted with the necessary fee.

The board shall issue a certificate of registration as a
professional sanitarian, together with a numbered identi-
fication card, to any applicant of good moral character:
(1) Who held a position as a professional sanitarian in
this state for a period of not less than six months prior
to the first day of July, one thousand nine hundred fifty-
seven, such position having been earned as a result of
successfully passing a merit system or civil service exami-
nation given under the authority of this state, or having
been awarded on the basis of comparable standards in
industry, if application for registration under this sub-
section is filed with the board not more than sixty days
after such date; or
(2) Who shall hereafter qualify for and successfully pass such a merit system or civil service examination, and who has satisfactorily completed a six-month probationary period of employment as a sanitarian prior to the date of his application; or

(3) Who is a graduate of a college or university, duly accredited by the proper regional accrediting agency or by the West Virginia state board of education, who has credit for not less than thirty semester or forty-five quarter hours of work in the physical, biological, social and sanitary sciences; or

(4) Who has credit for not less than three full years of academic work at a college or university, duly accredited by the proper regional accrediting agency or by the West Virginia state board of education, including credit for not less than twenty semester or thirty quarter hours of work in the physical, biological, social and sanitary sciences, and who has satisfactorily completed a six-month probationary period of employment as a sanitarian prior to the date of his application; or

(5) Who has credit for not less than two full years of
39 academic work at a college or university, duly accredited
40 by the proper regional accrediting agency or by the West
41 Virginia state board of education, including credit for
42 not less than ten semester or fifteen quarter hours of
43 work in the physical, biological, social and sanitary sci-
44 ences, and who has satisfactorily completed a six-month
45 probationary period of employment as a sanitarian prior
46 to the date of his application.
47 Any person who meets all qualifications for registration
48 as a professional sanitarian, except the experience re-
49 quirements, may upon making application and paying
50 a total fee of ten dollars be granted a temporary certifi-
51 cate of registration as an apprentice sanitarian. Such
52 temporary registration shall, unless sooner revoked for
53 cause, remain in effect for a period not to exceed one
54 year, and upon payment of the required fee may be
55 renewed annually for a period not to exceed two addi-
56 tional years.

Sec. 6. Annual Renewal of Registration; Fees.—Every
2 registered professional sanitarian who desires to continue
3 in active practice or service shall renew his registration
on or before the first day of July of each year. Upon pay-
ment by the registrant of an annual renewal fee of five
dollars, or a fee of ten dollars in the case of a late renewal,
the board shall issue a new certificate of registration,
together with a current identification card with the same
number that was assigned to him at the time of his
original registration. A registered sanitarian whose certi-
ficate of registration has expired may have the same re-
newed only upon payment of all lapsed renewal fees.

Sec. 7. Revocation of Registration.—In a proceeding,
instituted and conducted as provided in section eight,
article one of this chapter, for the revocation of any cer-
tificate of registration issued by the board of sanitarians,
the board shall have the power to revoke the registration
if it finds that the holder thereof is guilty of any one or
more of the following:

(1) The practice of fraud or deceit in obtaining the
certificate of registration.

(2) Gross neglect of duty or gross incompetence in the
practice of industrial or environmental sanitation, or mal-
feasance or misfeasance in office.
(3) Any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, habitual use of intoxicants to excess, drug addiction, or sexual perversion.

(4) Any acts which furnish reasonable grounds for belief by the board that the holder of the certificate may be subjected to coercion, influence or pressure which may cause him to act contrary to the best interests of the profession.

Sec. 8. Offenses; Penalty; Injunctive Relief.—It shall be unlawful for any person to represent himself as a registered professional sanitarian or a registered apprentice sanitarian, or to perform the duties of a registered professional sanitarian or a registered apprentice sanitarian, unless he holds an unexpired certificate of registration therefor issued by the board as provided in this article. Any person who violates the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars. Justices of the peace shall have concurrent jurisdiction of cases for the violation of the provisions of this section.
In addition, the board is authorized and empowered to apply to any court having equity powers, or to the judge thereof in vacation, for an injunction to restrain any violation of the provisions of this section.

Sec. 9. Reciprocity.—Any person who is registered as a professional sanitarian in any other state, in which the qualifications for registration are not lower than the qualifications set forth in this article, shall upon application and payment of the necessary fees be accepted for registration in this state.
The Joint Committee on Enrolled Bills hereby certifies that
the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House of Delegates

Takes effect 90 days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker, House of Delegates

The within approved this the 18th
day of March, 1957.

Governor

Filed in the Office of the Secretary of State of West Virginia, MAR 14, 1957

D. Pitt O'Brien
SECRETARY OF STATE