

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1957



ENROLLED

HOUSE BILL No. 120

(By Mr. Myler)



PASSED March 5 1957

In Effect Today's from Passage



**ENROLLED**

**House Bill No. 120**

(By MR. MYLES)

[Passed March 5, 1957; in effect ninety days from passage.]

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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-

4 cational and inspectional duties in the field of industrial  
5 sanitation, or who, under the direction of an organized  
6 public health department, is qualified to assist in the  
7 enforcement of the laws and regulations in the field of  
8 environmental sanitation as it relates to the public health.

Sec. 2. *Board of Sanitarians.*—There is hereby estab-  
2 lished a state board for the examination and registration  
3 of professional sanitarians, to be known as the “West  
4 Virginia Board of Sanitarians”. The board shall consist  
5 of the state director of health, who shall be a member  
6 ex officio and secretary of the board, and four professional  
7 sanitarians, to be appointed by the governor, by and with  
8 the advice and consent of the senate, at least one of whom  
9 shall be employed in the field of industrial sanitation.  
10 Each member appointed by the governor shall have been  
11 engaged in active practice as a professional sanitarian  
12 in this state for at least five years prior to his appointment,  
13 and, except in the case of the original members of the  
14 board, shall have been registered in this state as a pro-  
15 fessional sanitarian as provided in this article. On or  
16 before the first day of July, one thousand nine hundred

*OK  
C. B. Beaman  
Rep  
E. J. P.*

*[Signature]*

17 fifty-seven, the governor shall name the four original  
18 appointive members for terms of one, two, three and four  
19 years, respectively, beginning on that date. Thereafter  
20 each appointment shall be for a term of four years, except  
21 that an appointment to fill a vacancy shall be for the  
22 unexpired term.

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

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

Sec. 4. *Application for Registration; Fees.*—The board  
2 shall prescribe and furnish an application form for the  
3 use of persons applying for registration. The registration  
4 fee shall be ten dollars, five dollars of which shall accom-  
5 pany the application, the remaining five dollars to be paid

6 upon issuance of the certificate of registration. Should  
7 the board deny the issuance of a certificate to any appli-  
8 cant, the initial fee deposited shall be retained as a fee for  
9 the processing and evaluation of his application.

*Sec. 5. Eligibility and Qualifications for Registration.—*

2 The board shall accept for review the application of any  
3 person twenty-one years of age or more whose application  
4 is submitted with the necessary fee.

5 The board shall issue a certificate of registration as a  
6 professional sanitarian, together with a numbered identi-  
7 fication card, to any applicant of good moral character:

8 (1) Who held a position as a professional sanitarian in  
9 this state for a period of not less than six months prior  
10 to the first day of July, one thousand nine hundred fifty-  
11 seven, such position having been earned as a result of  
12 successfully passing a merit system or civil service exami-  
13 nation given under the authority of this state, or having  
14 been awarded on the basis of comparable standards in  
15 industry, if application for registration under this sub-  
16 section is filed with the board not more than sixty days  
17 after such date; or

18 (2) Who shall hereafter qualify for and successfully  
19 pass such a merit system or civil service examination,  
20 and who has satisfactorily completed a six-month pro-  
21 bationary period of employment as a sanitarian prior to  
22 the date of his application; or

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

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

38 (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

4 on or before the first day of July of each year. Upon pay-  
5 ment by the registrant of an annual renewal fee of five  
6 dollars, or a fee of ten dollars in the case of a late renewal,  
7 the board shall issue a new certificate of registration,  
8 together with a current identification card with the same  
9 number that was assigned to him at the time of his  
10 original registration. A registered sanitarian whose certi-  
11 ficate of registration has expired may have the same re-  
12 newed only upon payment of all lapsed renewal fees.

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

- 8 (1) The practice of fraud or deceit in obtaining the  
9 certificate of registration.
- 10 (2) Gross neglect of duty or gross incompetence in the  
11 practice of industrial or environmental sanitation, or mal-  
12 feasance or misfeasance in office.

13 (3) Any criminal, infamous, dishonest, immoral, or  
14 notoriously disgraceful conduct, habitual use of intoxi-  
15 cants to excess, drug addiction, or sexual perversion.

16 (4) Any acts which furnish reasonable grounds for  
17 belief by the board that the holder of the certificate may  
18 be subjected to coercion, influence or pressure which may  
19 cause him to act contrary to the best interests of the pro-  
20 fession.

Sec. 8. *Offenses; Penalty; Injunctive Relief.*—It shall be  
2 unlawful for any person to represent himself as a regis-  
3 tered professional sanitarian or a registered apprentice  
4 sanitarian, or to perform the duties of a registered pro-  
5 fessional sanitarian or a registered apprentice sanitarian,  
6 unless he holds an unexpired certificate of registration  
7 therefor issued by the board as provided in this article.  
8 Any person who violates the provisions of this section  
9 shall be guilty of a misdemeanor, and upon conviction  
10 thereof shall be punished by a fine of not less than twenty-  
11 five dollars nor more than one hundred dollars. Justices  
12 of the peace shall have concurrent jurisdiction of cases  
13 for the violation of the provisions of this section.

14 In addition, the board is authorized and empowered to  
15 apply to any court having equity powers, or to the judge  
16 thereof in vacation, for an injunction to restrain any  
17 violation of the provisions of this section.

Sec. 9. *Reciprocity*.—Any person who is registered as  
2 a professional sanitarian in any other state, in which the  
3 qualifications for registration are not lower than the quali-  
4 fications set forth in this article, shall upon application  
5 and payment of the necessary fees be accepted for regis-  
6 tration in this state.

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

*E. McConnell*  
Chairman Senate Committee

*P. F. Deem*  
Chairman House Committee

Originated in the House of Delegates

Takes effect *90 days from* passage.

*Thomas Heger*  
Clerk of the Senate

*C. Blankenship*  
Clerk of the House of Delegates

*Reph. J. Burr*  
President of the Senate

*W. E. ...*  
Speaker, House of Delegates

The within *approved* this the *14th* day of *March* 1957.

*Leift. Luderwood*  
Governor



Filed in the Office of the Secretary of State  
of West Virginia **MAR 14 1957**  
D. PITT O'BRIEN  
SECRETARY OF STATE