WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1966

ENROLLED
SENATE BILL NO. 3
(By Mr. [Name(s)] and Mr. [Name(s)])

PASSED February 10, 1966
In Effect July 1, 1966

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 2-15-66
ENROLLED

Senate Bill No. 3

(By Mr. Davis and Mr. Moreland)

[Passed February 10, 1966; in effect July 1, 1966.]

AN ACT to amend chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article two-b, relating to the establishment and operation of clinics for family planning and child spacing.

Be it enacted by the Legislature of West Virginia:

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

Article 2-b. Clinics for Family Planning and Child Spacing.

Section 1. Support of Family Planning and Child Spacing Clinics by State Department of Health.—There
is hereby created a section of family planning and child spacing in the maternal and child health division of the state department of health. The section, under the supervision of the state board of health, is authorized to provide printed material, guidance, advice, financial assistance, appliances, devices, drugs, approved methods, and medicines to local boards of health requesting the same for use in the operation of family planning and child spacing clinics to the extent of funds appropriated by the Legislature and any federal funds made available for such purpose.

Sec. 2. Family Planning and Child Spacing Clinics.—A local board of health, created and maintained pursuant to the provisions of article two or article two-a of this chapter, is authorized to establish and operate within its jurisdiction, one or more family planning and child spacing clinics under the supervision of a licensed physician for the purpose of disseminating information, conducting medical examinations and distributing family planning and child spacing appliances, devices, drugs, approved methods and medication without charge to indi-
gent and medically indigent persons who are married and
living with their spouses on request and with the approval
of said licensed physician. Such information, appliances,
devices, drugs, approved methods and medication shall be
dispensed only in accordance with the recipients' expressed
wishes and beliefs and in accordance with all state and
federal laws for the dispensing of legend drugs: Provided,
however, That the procedures of sterilization and abortion
shall not be considered approved methods of family plan-
ing and child spacing within the intent of this section
and are expressly excluded from the programs herein
authorized. All local boards of health receiving state or
federal funds for family planning or child spacing pro-
grams shall first receive approval by the state board of
health of their general plan of operation of such programs.

Sec. 3. State and Local Health and Welfare Agency Em-
ployees Not to Engage in Certain Conduct.—The state
director of health, and commissioner of the department of
welfare are directed to instruct their employees who work
with the indigent and medically indigent to advise such
indigent persons of the availability of the family planning
and child spacing services offered by the state and local
health departments: Provided, however, That no em-
ployee of the state of West Virginia or any employee of
its agencies or of its political subdivisions, including but
not limited to local health, or welfare agencies may com-
pel any individual or family, either directly or indirectly,
to accept or practice family planning, or any particular
family planning method as a condition for receiving other
public services or governmental benefits in any form nor
shall any such employee or person represent to any indi-
vidual or family, either directly or indirectly, that the
acceptance or practice of family planning is a condition for
receiving any public services or governmental benefits.
Any violation of this section shall be grounds for dismissal
or other appropriate disciplinary action.

Sec. 4. Employee Exemption.—Any employee of the
state of West Virginia or any of its agencies or political
subdivisions, including, but not limited to, local health or
welfare agencies, may refuse to accept the duty of offering
family planning services to the extent that such duty is
contrary to his personal religious beliefs and such refusal
shall not be grounds for any disciplinary action, for dis-
missal, for any interdepartmental transfer, or any other
discrimination in his employment, or for suspension from
employment, or for any loss in pay or any other benefits.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

Takes effect July 1, 1966

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within Approved this the 15th day of February, 1966.

Governor