

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1966

ENROLLED

SENATE BILL NO. 3

(By Mr. Davis and Mr. Moulton)

PASSED Feb 10, 1966

In Effect July 1, 1966 Passage

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

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**Senate Bill No. 3**

(By MR. DAVIS and MR. MORELAND)

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

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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**

**2 Spacing Clinics by State Department of Health.—There**

3 is hereby created a section of family planning and child  
4 spacing in the maternal and child health division of the  
5 state department of health. The section, under the su-  
6 pervision of the state board of health, is authorized to  
7 provide printed material, guidance, advice, financial as-  
8 sistance, appliances, devices, drugs, approved methods,  
9 and medicines to local boards of health requesting the  
10 same for use in the operation of family planning and child  
11 spacing clinics to the extent of funds appropriated by the  
12 Legislature and any federal funds made available for  
13 such purpose.

**Sec. 2. Family Planning and Child Spacing Clinics.—A**

2 local board of health, created and maintained pursuant  
3 to the provisions of article two or article two-a of this  
4 chapter, is authorized to establish and operate within  
5 its jurisdiction, one or more family planning and child  
6 spacing clinics under the supervision of a licensed physi-  
7 cian for the purpose of disseminating information, con-  
8 ducting medical examinations and distributing family  
9 planning and child spacing appliances, devices, drugs, ap-  
10 proved methods and medication without charge to indi-

11 gent and medically indigent persons who are married and  
12 living with their spouses on request and with the approval  
13 of said licensed physician. Such information, appliances,  
14 devices, drugs, approved methods and medication shall be  
15 dispensed only in accordance with the recipients' express-  
16 ed wishes and beliefs and in accordance with all state and  
17 federal laws for the dispensing of legend drugs: *Provided,*  
18 *however,* That the procedures of sterilization and abortion  
19 shall not be considered approved methods of family plan-  
20 ning and child spacing within the intent of this section  
21 and are expressly excluded from the programs herein  
22 authorized. All local boards of health receiving state or  
23 federal funds for family planning or child spacing pro-  
24 grams shall first receive approval by the state board of  
25 health of their general plan of operation of such programs.

**Sec. 3. State and Local Health and Welfare Agency Em-**

2 **ployees Not to Engage in Certain Conduct.**—The state  
3 director of health, and commissioner of the department of  
4 welfare are directed to instruct their employees who work  
5 with the indigent and medically indigent to advise such  
6 indigent persons of the availability of the family planning

7 and child spacing services offered by the state and local  
8 health departments: *Provided, however,* That no em-  
9 ployee of the state of West Virginia or any employee of  
10 its agencies or of its political subdivisions, including but  
11 not limited to local health, or welfare agencies may com-  
12 pel any individual or family, either directly or indirectly,  
13 to accept or practice family planning, or any particular  
14 family planning method as a condition for receiving other  
15 public services or governmental benefits in any form nor  
16 shall any such employee or person represent to any indi-  
17 vidual or family, either directly or indirectly, that the  
18 acceptance or practice of family planning is a condition for  
19 receiving any public services or governmental benefits.  
20 Any violation of this section shall be grounds for dismissal  
21 or other appropriate disciplinary action.

**Sec. 4. Employee Exemption.**—Any employee of the  
2 state of West Virginia or any of its agencies or political  
3 subdivisions, including, but not limited to, local health or  
4 welfare agencies, may refuse to accept the duty of offering  
5 family planning services to the extent that such duty is  
6 contrary to his personal religious beliefs and such refusal

7 shall not be grounds for any disciplinary action, for dis-  
8 missal, for any interdepartmental transfer, or any other  
9 discrimination in his employment, or for suspension from  
10 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.

*O. Ray Parker*  
Chairman Senate Committee

*James W. Loop*  
Chairman House Committee

Originated in the Senate.

Takes effect July 1, 1966 Passage.

*Howard Meyer*  
Clerk of the Senate

*C. A. Blankenship*  
Clerk of the House of Delegates

*Howard Johnson*  
President of the Senate

*H. Lahan White*  
Speaker House of Delegates

The within Approved this the 15<sup>th</sup>  
day of February, 1966.

*H. C. Smith*  
Governor

FEB 15 1 57 PM '66

OFFICE OF THE GOVERNOR



PRESENTED TO THE  
GOVERNOR

FILED

Date 2/14/66

Time 3:25 PM

FEB 15 7 55 PM '66

OFFICE OF  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

OFFICE OF THE CLERK

ED

9-22-66