WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1967

ENROLLED

HOUSE BILL No. 895

(By Mr. Holliday and Mr. Potter)

PASSED March 1, 1967

In Effect

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 3-11-67

# 895
ENROLLED

House Bill No. 895

(By MR. HOLLIDAY and MR. POTTER)

[Passed March 1, 1967; in effect from passage.]

AN ACT to amend and reenact section four, article three, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to compulsory immunization of school children and providing penalties.

Be it enacted by the Legislature of West Virginia:

That section four, article three, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:
ARTICLE 3. PREVENTION AND CONTROL OF COMMUNICABLE, INFECTIOUS AND OTHER DISEASES.

§16-3-4. Compulsory immunization of school children; offenses; penalties.

1 All children entering school for the first time in this state shall have been successfully immunized against smallpox, diphtheria, polio, measles, tetanus and whooping cough. Any person who cannot give satisfactory proof of having been immunized previously or a certificate from a reputable physician showing that a successful immunization for any or all smallpox, diphtheria, polio, measles, tetanus and whooping cough is impossible or improper or sufficient reason why any or all immunizations should not be done, shall be immunized for smallpox, diphtheria, polio, measles, tetanus and whooping cough prior to being admitted in any of the public schools of the state. No child or person shall be admitted or received in any of the public schools of the state until he or she has been successfully immunized as hereinafter provided, or produces a certificate from a reputable physician showing that a successful immunization for smallpox, diphtheria, polio, measles, tetanus
and whooping cough has been done or is impossible or improper or other sufficient reason why such immunizations have not been done. Any teacher, having information concerning any person who attempts to enter school for the first time without having been immunized against smallpox, diphtheria, polio, measles, tetanus and whooping cough, shall report the names of all such persons to the county health officer. It shall be the duty of the health officer in counties having a full-time health officer to see that such persons are immunized before entering school.

In counties where there is no full-time health officer or district health officer, the county court or municipal council shall appoint competent physicians to do the immunizations and fix their compensation. The expense incurred in carrying into effect the provision of this section shall be deemed a part of the expense of the county, city, town or village as the case may be, and shall be charged and paid in the same manner as other expenses. County health departments shall furnish the biologicals for this immunization free of charge.
Health officers and physicians who shall do this immunization work shall give to all persons and children a certificate free of charge showing that they have been successfully immunized against smallpox, diphtheria, polio, measles, tetanus and whooping cough, or he may give the certificate to any person or child whom he knows to have been successfully immunized against smallpox, diphtheria, polio, measles, tetanus and whooping cough.

If any physician shall give any person a false certificate of immunization against smallpox, diphtheria, polio, measles, tetanus or whooping cough, he shall be guilty of a misdemeanor, and, upon conviction, he shall be fined not less than twenty-five nor more than one hundred dollars.

Any parent or guardian who refuses to permit his or her child to be immunized against smallpox, diphtheria, polio, measles, tetanus or whooping cough, who cannot give satisfactory proof that the child or person has been immunized against smallpox, diphtheria, polio, measles, tetanus and whooping cough previously or a certificate from a reputable physician showing that a successful
immunization for any or all is impossible or improper or sufficient reason why any or all immunizations should not be done, shall be guilty of a misdemeanor, and, except as herein otherwise provided, shall, upon conviction, be punished by a fine of not less than ten nor more than fifty dollars for each offense.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Tempe
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the House.

Takes effect from passage.

F. Leonig Meyers
Clerk of the Senate

O A Blankenship
Clerk of the House of Delegates

Howard F. Carson
President of the Senate

H. Lake White
Speaker House of Delegates

The within approved this the

day of March, 1967.

Hulet C. Smith
Governor
PRESENTED TO THE
GOVERNOR

Date   3/7/67
Time   1:40 pm