

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1967



## ENROLLED

HOUSE BILL No. 895

(By Mr. Holliday and Mr. Potter)



PASSED March 1, 1967

In Effect from Passage



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

568 #

**ENROLLED**

# **House Bill No. 895**

(By MR. HOLLIDAY and MR. POTTER)

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

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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  
2 state shall have been successfully immunized against  
3 smallpox, diphtheria, polio, measles, tetanus and whoop-  
4 ing cough. Any person who cannot give satisfactory proof  
5 of having been immunized previously or a certificate  
6 from a reputable physician showing that a successful  
7 immunization for any or all smallpox, diphtheria, polio,  
8 measles, tetanus and whooping cough is impossible or im-  
9 proper or sufficient reason why any or all immuniza-  
10 tions should not be done, shall be immunized for small-  
11 pox, diphtheria, polio, measles, tetanus and whooping  
12 cough prior to being admitted in any of the public  
13 schools of the state. No child or person shall be admitted  
14 or received in any of the public schools of the state  
15 until he or she has been successfully immunized as  
16 hereinafter provided, or produces a certificate from a  
17 reputable physician showing that a successful immuni-  
18 zation for smallpox, diphtheria, polio, measles, tetanus

19 and whooping cough has been done or is impossible  
20 or improper or other sufficient reason why such im-  
21 munizations have not been done. Any teacher, having  
22 information concerning any person who attempts to en-  
23 ter school for the first time without having been immun-  
24 ized against smallpox, diphtheria, polio, measles, tet-  
25 anus and whooping cough, shall report the names of all  
26 such persons to the county health officer. It shall be  
27 the duty of the health officer in counties having a full-  
28 time health officer to see that such persons are immunized  
29 before entering school.

30 In counties where there is no full-time health officer  
31 or district health officer, the county court or municipal  
32 council shall appoint competent physicians to do the  
33 immunizations and fix their compensation. The expense  
34 incurred in carrying into effect the provision of this sec-  
35 tion shall be deemed a part of the expense of the county,  
36 city, town or village as the case may be, and shall be  
37 charged and paid in the same manner as other expenses.  
38 County health departments shall furnish the biologicals  
39 for this immunization free of charge.

40 Health officers and physicians who shall do this im-  
41 munization work shall give to all persons and children  
42 a certificate free of charge showing that they have been  
43 successfully immunized against smallpox, diphtheria,  
44 polio, measles, tetanus and whooping cough, or he may  
45 give the certificate to any person or child whom he knows  
46 to have been successfully immunized against smallpox,  
47 diphtheria, polio, measles, tetanus and whooping cough.  
48 If any physician shall give any person a false certificate  
49 of immunization against smallpox, diphtheria, polio,  
50 measles, tetanus or whooping cough, he shall be guilty  
51 of a misdemeanor, and, upon conviction, he shall be fined  
52 not less than twenty-five nor more than one hundred  
53 dollars.

54 Any parent or guardian who refuses to permit his or  
55 her child to be immunized against smallpox, diphtheria,  
56 polio, measles, tetanus or whooping cough, who cannot  
57 give satisfactory proof that the child or person has been  
58 immunized against smallpox, diphtheria, polio, measles,  
59 tetanus and whooping cough previously or a certificate  
60 from a reputable physician showing that a successful

61 immunization for any or all is impossible or improper  
62 or sufficient reason why any or all immunizations should  
63 not be done, shall be guilty of a misdemeanor, and, ex-  
64 cept as herein otherwise provided, shall, upon convic-  
65 tion, be punished by a fine of not less than ten nor more  
66 than fifty dollars for each offense.

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

William Tompos  
Chairman Senate Committee

Clayton C. Davidson  
Chairman House Committee

Originated in the House.

Takes effect from passage.

Thomas Myers  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

Howard E. Carson  
President of the Senate

H. Saksa White  
Speaker House of Delegates

The within approved this the 11  
day of March, 1967.

Walter C. Smith  
Governor



PRESENTED TO THE  
GOVERNOR

Date 3/7/67

Time 1:40pm