

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1971

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**ENROLLED**

HOUSE BILL No. 646

(By Mrs. WITHEROW AND MISS CRANDALL)

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PASSED MARCH 5, 1971

In Effect NINETY DAYS FROM Passage



FILED IN THE OFFICE  
JOHN D. ROCKEFELLER, IV  
SECRETARY OF STATE  
THIS DATE 3-15-71

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**House Bill No. 646**

(By MRS. WITHROW and MISS CRANDALL)

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[Passed March 5, 1971; in effect ninety days 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 for 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 immunized against small pox,

3 diphtheria, polio, rubeola, rubella, tetanus and whooping  
4 cough. Any person who cannot give satisfactory proof  
5 of having been immunized previously or a certificate  
6 from a reputable physician showing that an immuniza-  
7 tion for any or all small pox, diphtheria, polio, rubeola,  
8 rubella, tetanus and whooping cough is impossible or  
9 improper or sufficient reason why any or all immuniza-  
10 tions should not be done, shall be immunized for small-  
11 pox, diphtheria, polio, rubeola, rubella, tetanus and  
12 whooping cough prior to being admitted in any of the  
13 schools of the state. No child or person shall be admitted  
14 or received in any of the schools of the state until he  
15 or she has been immunized as hereinafter provided, or  
16 produces a certificate from a reputable physician show-  
17 ing that an immunization for smallpox, diphtheria,  
18 polio, rubeola, rubella, tetanus and whooping cough has  
19 been done or is impossible or improper or other sufficient  
20 reason why such immunizations have not been done.  
21 Any teacher, having information concerning any person  
22 who attempts to enter school for the first time without  
23 having been immunized against smallpox, diphtheria,

24 polio, rubeola, rubella, tetanus and whooping cough  
25 shall report the names of all such persons to the county  
26 health officer. It shall be the duty of the health officer  
27 in counties having a full-time health officer to see that  
28 such persons are immunized before entering school.

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

39 Health officers and physicians who shall do this im-  
40 munization work shall give to all persons and children  
41 a certificate free of charge showing that they have been  
42 immunized against smallpox, diptheria, polio, rubeola,  
43 rubella, tetanus and whooping cough, or he may give the  
44 certificate to any person or child whom he knows to

45 have been immunized against smallpox, diphtheria, polio,  
46 rubeola, rubella, tetanus and whooping cough. If any  
47 physician shall give any person a false certificate of im-  
48 munization against smallpox, diphtheria, polio, rubeola,  
49 rubella, tetanus and whooping cough, he shall be guilty  
50 of a misdemeanor, and, upon conviction, he shall be  
51 fined not less than twenty-five nor more than one hun-  
52 dred dollars.

53 Any parent or guardian who refuses to permit his or  
54 her child to be immunized against smallpox, diphtheria,  
55 polio, rubeola, rubella, tetanus and whooping cough,  
56 who cannot give satisfactory proof that the child or per-  
57 son has been immunized against smallpox, diphtheria,  
58 polio, rubeola, rubella, tetanus and whooping cough, pre-  
59 viously or a certificate from a reputable physician show-  
60 ing that an immunization for any or all is impossible or  
61 improper or sufficient reason why any or all immuniza-  
62 tions should not be done, shall be guilty of a misdemeanor,  
63 and, except as herein otherwise provided, shall, upon  
64 conviction, be punished by a fine of not less than ten nor  
65 more than fifty dollars for each offense.

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

*Fussell H. Baine*  
Chairman Senate Committee

*Phyllis Rutledge*  
Chairman House Committee

Originated in the House.

In effect ninety days from passage.

*William Meyer*  
Clerk of the Senate

*C. Blankenship*  
Clerk of the House of Delegates

*Robert*  
President of the Senate

*Gov. F. B. B. B.*  
Speaker House of Delegates

The within *approved* this the *13th*  
day of *March*, 1971.

*Gov. F. B. B. B.*  
Governor



PRESENTED TO THE  
GOVERNOR

Date 3/9/71

Time 1:53 p.m.

RECEIVED

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OFFICE OF  
SECRETARY OF STATE  
STATE OF VIRGINIA