

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1973

ENROLLED

HOUSE BILL No. 569

(By Mr. Smil and Mr. Harman.)

PASSED March 5 1973

In Effect 90 days from Passage



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FILED IN THE OFFICE
EDGAR F. WEISKELL III
SECRETARY OF STATE
THIS DATE 3-19-73

695

ENROLLED

House Bill No. 569

(By MRS. SMIRL and MR. HARMAN)

[Passed March 5, 1973; in effect ninety days 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 prevention and control of communicable, infectious and other diseases; compulsory immunization of school children; penalties; removal of small-pox immunization.

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
2 shall have been immunized against diphtheria, polio, rubeola,
3 rubella, tetanus and whooping cough. Any person who cannot
4 give satisfactory proof of having been immunized previously
5 or a certificate from a reputable physician showing that an
6 immunization for any or all diphtheria, polio, rubeola, rubella,
7 tetanus and whooping cough is impossible or improper or
8 sufficient reason why any or all immunizations should not be
9 done, shall be immunized for diphtheria, polio, rubeola, ru-

10 bella, tetanus and whooping cough prior to being admitted in
11 any of the schools of the state. No child or person shall be
12 admitted or received in any of the schools of the state until
13 he or she has been immunized as hereinafter provided, or pro-
14 duces a certificate from a reputable physician showing that an
15 immunization for diphtheria, polio, rubeola, rubella, tetanus
16 and whooping cough has been done or is impossible or im-
17 proper or other sufficient reason why such immunizations have
18 not been done. Any teacher, having information concerning
19 any person who attempts to enter school for the first time
20 without having been immunized against diphtheria, polio, ru-
21 beola, rubella, tetanus and whooping cough shall report the
22 names of all such persons to the county health officer. It shall
23 be the duty of the health officer in counties having a full-time
24 health officer to see that such persons are immunized before
25 entering school.

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

35 Health officers and physicians who shall do this immuniza-
36 tion work shall give to all persons and children a certificate
37 free of charge showing that they have been immunized against
38 diphtheria, polio, rubeola, rubella, tetanus and whooping
39 cough, or he may give the certificate to any person or child
40 whom he knows to have been immunized against diphtheria,
41 polio, rubeola, rubella, tetanus and whooping cough. If any
42 physician shall give any person a false certificate of immuni-
43 zation against diphtheria, polio, rubeola, rubella, tetanus and
44 whooping cough, he shall be guilty of a misdemeanor, and,
45 upon conviction, he shall be fined not less than twenty-five nor
46 more than one hundred dollars.

47 Any parent or guardian who refuses to permit his or her
48 child to be immunized against diphtheria, polio, rubeola, ru-
49 bella, tetanus and whooping cough, who cannot give satisfac-

50 tory proof that the child or person has been immunized against
51 diphtheria, polio, rubeola, rubella, tetanus and whooping cough
52 previously or a certificate from a reputable physician showing
53 that an immunization for any or all is impossible or improper
54 or sufficient reason why any or all immunizations should not
55 be done, shall be guilty of a misdemeanor, and, except as here-
56 in otherwise provided, shall, upon conviction, be punished by
57 a fine of not less than ten nor more than fifty dollars for each
58 offense.

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


Chairman Senate Committee

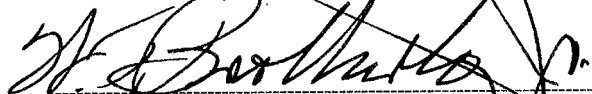

Chairman House Committee

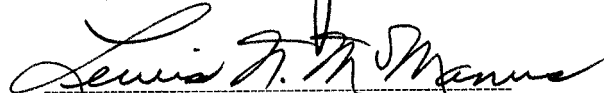
Originated in the House.

Takes effect ninety days from passage.

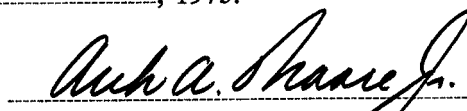

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker House of Delegates

The within approved this the 14th
March
day of _____, 1973.


Governor

PRESENTED TO THE
GOVERNOR

Date 3/12/73

Time 1:40 p.m.