

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1974



ENROLLED

Committee Substitute for
HOUSE BILL No. 844

(By Mr. Smuel)



PASSED March 9 1974

In Effect 90 days Passage



C 641

844

WALTER W. CHANCE
ESQ. F. WINGELL III
SECRETARY OF STATE

THIS DATE 3-26-74

ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 844

(By MRS. SMIRL)

[Passed March 9, 1974; in effect ninety days from passage.]

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 eleven, relating to voluntary sexual sterilization; procedures; and immunity of persons or institutions refusing to perform or performing sterilization operations.

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 eleven, to read as follows:

ARTICLE 11. SEXUAL STERILIZATION.

§16-11-1. Male or female sterilization procedures.

1 It shall be lawful for any physician duly licensed by the
2 state, when so requested by any person other than a minor, or
3 mentally incompetent person, or any other person suffering
4 from any similar disability which would affect their ability to
5 enter into a valid contractual agreement, to perform upon
6 such person, a male or female sterilization procedure: *Provided,*
7 That a request in writing is made by such person and that at
8 the time of such request a full and reasonable medical explana-
9 tion is given by the physician to such person as to the meaning

10 and consequences of such operation: *Provided, however,* That
11 the female sterilization procedure shall only take place in a
12 hospital or facility duly licensed by the state board of health
13 and authorized by said board to perform similar operations,
14 or a hospital or facility administered or owned by the state
15 and duly authorized by said board to perform such operations.

16 Nothing in this section shall require any hospital or other
17 medical facility to admit any patient for the purpose of under-
18 going a sterilization operation. No hospital shall be subject to
19 any legal or other penalty or restrictions or shall incur any civil
20 liability because of any refusal to perform, accommodate or
21 assist in any sterilization procedure for any reason. No person
22 shall be required to perform or participate in medical pro-
23 cedures which result in the sterilization of an individual, and the
24 refusal of any person to perform or participate in such medical
25 procedure shall not be a basis for any legal sanction to any
26 person. No hospital administrator or governing board of any
27 hospital shall terminate the employment of, prevent or impair
28 the practice or occupation of, or impose any other penalties or
29 restrictions upon any person who refuses to perform or partici-
30 pate in a sterilization procedure.

§16-11-2. Immunity of persons performing operation.

1 No properly licensed health care facility or any superinten-
2 dent or administrator thereof, or physician or any other person
3 legally participating in any such properly requested sterilization
4 operation shall be liable either civilly or criminally by reason
5 of such participation: *Provided,* That this section shall not
6 be construed to be in derogation of any actionable negligence
7 occurring during or tort liability arising from such operation.

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

H. Laurel Slaby

Chairman Senate Committee

Clarence C. Christensen, Jr.

Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Haward Watson

Clerk of the Senate

C. Blankenship

Clerk of the House of Delegates

H. P. Brotherton, Jr.

President of the Senate

Lewis H. McManis

Speaker House of Delegates

The within approved this the 25th
day of March, 1974.

Arch A. Shouse, Jr.

Governor

PRESENTED TO THE
GOVERNOR

Date 3/18/74

Time 3:05 p.m.