WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1974

ENROLLED

HOUSE BILL No. 906

(By Mr. Shiflet)

PASSED March 9, 1974

In Effect 90 days

VE TO

FILED IN THE OFFICE
EDGAR F. HEISHELL, JR.
SECRETARY OF STATE
THIS DATE 3/29/74
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AN ACT to amend and reenact section three, article one, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the powers and duties of the state board of health; authority to make rules and regulations; rural sewage and water systems.

Be it enacted by the Legislature of West Virginia:

That section three, article one, 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 1. STATE DEPARTMENT OF HEALTH.

§16-1-3. Board of Health—Powers and duties; rules and regulations.

1 The state board of health shall assume, carry on, and succeed to, all the duties, rights, powers, obligations and liabilities heretofore belonging to, exercised by, or assumed by the state department of health, the public health council, and the commissioner of health pursuant to statutory authority heretofore existing and as changed or modified by the provisions of this article: Provided, That the said board shall not succeed to, or exercise any of the powers heretofore exercised by the public health council with regard to the licensure of physicians, surgeons, chiropodists, and chiropractors.

12 The state board of health shall have the power to acquire by condemnation or otherwise land or buildings and to
hold title thereto, for the use and benefit of any state institution subject to its control and management, and, by and with the consent of the governor, to sell, exchange or otherwise convey any property title to which is acquired or held by it. Any condemnation proceeding instituted by the said board shall be conducted pursuant to the provisions of chapter fifty-four of this code.

The state board shall have supervision and control of the business, fiscal, administrative and medical affairs of the department of health and shall have advisory medical supervision of all of the state institutions set forth in section ten of this article. It shall have authority to employ, fix the compensation of, and discharge all persons necessary for the proper execution and enforcement of the laws of this state pertaining to public health, and the efficient and proper discharge of the duties imposed upon, and execution of the powers vested in, the said board by law. It may place any or all of its employees under the merit system, provided that the same may be done in conformity with the applicable laws of this state and of the federal government.

The state board shall have the authority to enforce all of the laws of this state concerning the public health; and shall take care to protect the life and health of all of the inhabitants of the state, and to that end shall make or cause to be made sanitary investigations and inquiries respecting the cause of disease, especially of epidemics and endemic conditions, and the means of prevention, suppression or control of such conditions; the source of mortality, and the effects of localities, employment, habits and circumstances of life on the public health. It shall gather information in respect to the said and kindred subjects for diffusion among the people of the state. It shall inspect and examine food, drink and drugs offered for sale, or for public consumption, in such manner as it shall deem necessary to protect the public health, and shall report all violations of the laws of this state and the regulations adopted thereunder relating to pure food, drink and drugs to the prosecuting attorney of the county in which such violations occur, and lay before such prosecuting attorney the evidence in its
knowledge of such violations. The board or its duly designated employees may make complaint or cause proceedings to be instituted against any person or persons, or corporation, for the violation of any of the health laws of this state. Such action may be taken by the board without the sanction of the prosecuting attorney of the county in which proceedings are instituted, if said officer fail or refuse to discharge his duty. In no such case shall the board or any person acting under its direction be required to give security for costs.

The state board of health shall provide for the efficient and accurate registration of births and deaths, and the recordation of cases of such diseases as may be required to be recorded by statute or regulation. It shall have the power to inspect, and to make and enforce, for the protection of the public health, reasonable rules and regulations to control the sanitary condition of all institutions and schools, whether public or private, public conveyances, dairies, creameries, slaughterhouses, workshops, factories, labor camps, places of entertainment, hotels, tourist camps, all other places open to the general public and inviting public patronage or public assembly, or tendering to the public any item for human consumption, and places where offensive trades or industries are conducted. It shall have the power to make and enforce reasonable rules and regulations to control occupational and industrial health hazards, and to make inspections and conduct hearings respecting the cause and control of such hazards. It shall have the power to inspect and to make reasonable rules and regulations to control the sanitary condition of streams, sources of water supply, and sewerage facilities.

The state board is empowered and directed to encourage and foster the cooperation of all physicians, volunteer health organizations and other interested persons and organizations in the improvement of public health, and to disseminate information to the general public in all matters pertaining to public health.

The state board shall promulgate and enforce regulations governing the design of all public water systems, plumbing systems, sewerage systems and sewage treatment plants, swimming pools and excreta disposal methods in this state, whether
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publicly or privately owned; the operation of all public
chlorination and filtration plants, and the qualifications of
operators, chemists, bacteriologists and superintendents of
filtration, or others, who are in actual charge of the plant
operation of all public water systems, sewage treatment plants
and swimming pools.

The state board shall have the power and authority to
make and promulgate, and from time to time amend such rules
and regulations as it may deem necessary and advisable to
properly put into effect the public health laws of this state,
and for the administration of the powers granted to it by
this article: Provided, That no rules or regulations shall be
promulgated or enforced restricting the subdivision or develop-
ment of any parcel of land within which the individual tracts,
lots, or parcels exceed two and one-half acres each in total
surface area, and which tracts are sold, leased or utilized only
as single family dwelling units. The provisions next above not-
withstanding, nothing in this section shall be construed to abate
the authority of the state health department to restrict the
subdivision or development of such tract for any more intense
or higher density occupancy than such single family dwelling
unit or to restrict any subdivision or development which shall
endanger the public health.

Every general regulation adopted by the state board of
health shall state the day on which it takes effect. A copy
of any such regulation, duly signed by the director of health,
shall be filed in the office of the secretary of state and a copy
thereof shall be sent by the director of health to each health
officer within the state and shall be published in such manner
as the board may determine: Provided, That nothing herein
contained shall be construed to give the state department of
health or the state board of health power to regulate or interfere
with the drainage from any mine or manufacturing plant unless
the drainage from said mine or manufacturing plant shall con-
tain disease-producing bacteria in sufficient numbers to en-
danger health, or organic or inorganic wastes of such nature
as to cause the water intended for public or private water
supplies to be unfit for use.
The Joint Committee on Enrolled Bills hereby certifies that the
foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the House.
Takes effect ninety days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within bill has been approved this the 26th
day of March, 1974.

[Signature]
Governor