

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1974

— ● —

ENROLLED

HOUSE BILL No. 906

(By Mr. Shepherd of Mrs. Curs)

— ● —

PASSED March 9 1974

In Effect 90 days Passage



FILED IN THE OFFICE
EDGAR F. WICKRELL JR.
SECRETARY OF STATE
THIS DATE 3/29/74

906
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VETO

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H. B. 906

(By MR. SHIFLET and MR. OURS)

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

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
2 succeed to, all the duties, rights, powers, obligations and
3 liabilities heretofore belonging to, exercised by, or assumed
4 by the state department of health, the public health council,
5 and the commissioner of health pursuant to statutory authority
6 heretofore existing and as changed or modified by the pro-
7 visions of this article: *Provided*, That the said board shall
8 not succeed to, or exercise any of the powers heretofore
9 exercised by the public health council with regard to the
10 licensure of physicians, surgeons, chiropodists, and chiro-
11 practors.

12 The state board of health shall have the power to acquire
13 by condemnation or otherwise land or buildings and to

14 hold title thereto, for the use and benefit of any state
15 institution subject to its control and management, and, by
16 and with the consent of the governor, to sell, exchange or
17 otherwise convey any property title to which is acquired or
18 held by it. Any condemnation proceeding instituted by the
19 said board shall be conducted pursuant to the provisions of
20 chapter fifty-four of this code.

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

34 The state board shall have the authority to enforce all
35 of the laws of this state concerning the public health; and
36 shall take care to protect the life and health of all of
37 the inhabitants of the state, and to that end shall make or
38 cause to be made sanitary investigations and inquiries re-
39 specting the cause of disease, especially of epidemics and
40 endemic conditions, and the means of prevention, suppression
41 or control of such conditions; the source of mortality, and
42 the effects of localities, employment, habits and circum-
43 stances of life on the public health. It shall gather information
44 in respect to the said and kindred subjects for diffusion
45 among the people of the state. It shall inspect and examine
46 food, drink and drugs offered for sale, or for public con-
47 sumption, in such manner as it shall deem necessary to
48 protect the public health, and shall report all violations
49 of the laws of this state and the regulations adopted there-
50 under relating to pure food, drink and drugs to the prosecuting
51 attorney of the county in which such violations occur, and
52 lay before such prosecuting attorney the evidence in its

53 knowledge of such violations. The board or its duly designated
54 employees may make complaint or cause proceedings to be
55 instituted against any person or persons, or corporation, for
56 the violation of any of the health laws of this state. Such
57 action may be taken by the board without the sanction of
58 the prosecuting attorney of the county in which proceedings
59 are instituted, if said officer fail or refuse to discharge his
60 duty. In no such case shall the board or any person acting
61 under its direction be required to give security for costs.

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

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

88 The state board shall promulgate and enforce regulations
89 governing the design of all public water systems, plumbing
90 systems, sewerage systems and sewage treatment plants, swim-
91 ming pools and excreta disposal methods in this state, whether

92 publicly or privately owned; the operation of all public
93 chlorination and filtration plants, and the qualifications of
94 operators, chemists, bacteriologists and superintendents of
95 filtration, or others, who are in actual charge of the plant
96 operation of all public water systems, sewage treatment plants
97 and swimming pools.

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

115 Every general regulation adopted by the state board of
116 health shall state the day on which it takes effect. A copy
117 of any such regulation, duly signed by the director of health,
118 shall be filed in the office of the secretary of state and a copy
119 thereof shall be sent by the director of health to each health
120 officer within the state and shall be published in such manner
121 as the board may determine: *Provided*, That nothing herein
122 contained shall be construed to give the state department of
123 health or the state board of health power to regulate or interfere
124 with the drainage from any mine or manufacturing plant unless
125 the drainage from said mine or manufacturing plant shall con-
126 tain disease-producing bacteria in sufficient numbers to en-
127 danger health, or organic or inorganic wastes of such nature
128 as to cause the water intended for public or private water
129 supplies to be unfit for use.

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

H. Darrol Darby
Chairman Senate Committee

Clarence C. Christy Jr.
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard W. Carson
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

H. P. Brotherton, Jr.
President of the Senate

Levin R. M. Murre
Speaker House of Delegates

The within disapproved this the 26th
day of March, 1974.

Anna A. Shaver Jr.
Governor

GOVERNOR

Date 3/18/74

Time 3:05 p.m.