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WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1975



ENROLLED

HOUSE BILL No. 623

(By Mr. Shiflet)



PASSED February 4 1975

In Effect ninety days from Passage



FILED IN THE OFFICE
EDGAR F. HEISKELL III
SECRETARY OF STATE
THIS DATE 2/14/75

623

ENROLLED

H. B. 623

(By MR. SHIFLET)

[Passed February 4, 1975; 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 in 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 suc-
2 ceed to, all the duties, rights, powers, obligations and liabilities
3 heretofore belonging to, exercised by, or assumed by the state
4 department of health, the public health council, and the com-
5 missioner of health pursuant to statutory authority heretofore
6 existing and as changed or modified by the provisions of this
7 article: *Provided*, That the said board shall not succeed to, or
8 exercise any of the powers heretofore exercised by the public
9 health council with regard to the licensure of physicians, sur-
10 geons, chiroprodists and chiropractors.

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

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

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

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

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

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

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

86 The state board shall promulgate and enforce regulations
87 governing the design of all public water systems, plumbing
88 systems, sewerage systems and sewage treatment plants,
89 swimming pools and excreta disposal methods in this state,
90 whether publicly or privately owned; the operation of all

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

96 The state board shall have the power and authority to make
97 and promulgate, and from time to time amend such rules
98 and regulations as it may deem necessary and advisable to
99 properly put into effect the public health laws of this state,
100 and for the administration of the powers granted to it by
101 this article: *Provided*, That no rules or regulation shall be
102 promulgated or enforced restricting the subdivision or develop-
103 ment of any parcel of land within which the individual tracts,
104 lots, or parcels exceed five acres each in total surface area
105 and which individual tracts, lots or parcels have an average
106 frontage of not less than three hundred feet, even though the
107 total surface area of said tract, lot or parcel equals or ex-
108 ceeds five acres in total surface area, and which tracts are
109 sold, leased or utilized only as single family dwelling units.
110 The provisions next above notwithstanding, nothing in this
111 section shall be construed to abate the authority of the state
112 health department to restrict the subdivision or development
113 of such tract for any more intense or higher density occupancy
114 than such single family dwelling unit or to restrict any sub-
115 division or development which might endanger the public
116 health, the sanitary condition of streams, or sources of water
117 supply.

118 Every general regulation adopted by the state board of
119 health shall state the day on which it takes effect. A copy
120 of any such regulation, duly signed by the director of health,
121 shall be filed in the office of the secretary of state, and a copy
122 thereof shall be sent by the director of health to each health
123 officer within the state and shall be published in such manner
124 as the board may determine: *Provided*, That nothing herein
125 contained shall be construed to give the state department
126 of health or the state board of health power to regulate or
127 interfere with the drainage from any mine or manufacturing
128 plant unless the drainage from said mine or manufacturing
129 plant shall contain disease-producing bacteria in sufficient

130 numbers to endanger health, or organic or inorganic wastes of
131 such nature as to cause the water intended for public or private
132 water supplies to be unfit for use.

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

James L. Davis

Chairman Senate Committee

Lawrence C. Crenshaw

Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

James L. Davis

Clerk of the Senate

W. A. Blankenship

Clerk of the House of Delegates

W. T. Brotherton, Jr.

President of the Senate

Lewis F. McRae

Speaker House of Delegates

The within *approved* this the *11th*
day of *February*, 1975.

Arva Shauf

Governor

PRESENTED TO THE
GOVERNOR

Date 2/7/75

Time 3:50 p.m.