

APPROVED AND SIGNED BY THE GOVERNOR

Date 4 - 29 - 81

Time _____

No. 489

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981

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ENROLLED

SENATE BILL NO. 489

(By Mr. Shise)

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PASSED April 11, 1981

In Effect from Passage



ENROLLED
Senate Bill No. 489
(By MR. WISE)

[Passed April 11, 1981; in effect from passage.]

AN ACT to amend and reenact sections ten and eleven, article three, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to removing the requirement that a solution of silver nitrate be placed in the eyes of the newborn babe, providing that other appropriate medications may be placed in the eyes of the newborn, and providing that the director of the health department shall establish and distribute to appropriate health care facilities a list of such appropriate medications, further providing that each county clerk shall certify to the county prosecuting attorney birth reports failing to show installation of such appropriate medication in the eyes of newborns.

Be it enacted by the Legislature of West Virginia:

That sections ten and eleven, 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, AND OTHER INFECTIOUS DISEASES.

§16-3-10. Inflammation of eyes of newborn — use of an appropriate medication as prophylactic; birth report.

1 It shall be unlawful for any physician, nurse-midwife or
2 midwife, practicing midwifery, or other health care
3 professional to neglect or otherwise fail to instill or have
4 instilled, immediately upon its birth, in the eyes of the
5 newborn babe, the contents of a single-use tube of an
6 ophthalmic ointment containing one percent tetracycline or

7 one half of one percent erythromycin or the equivalent
8 dosage of such medications or other appropriate medication
9 approved by the director for prevention of inflammation of
10 the eyes of the newborn. Every physician, nurse-midwife or
11 midwife or other health care professional shall, in making a
12 report of a birth, state the name of the appropriate medication
13 which was instilled into the eyes of said infant. The director
14 shall establish a list of appropriate medications for
15 prevention of inflammation of the eyes of the newborn. The
16 list shall be kept current and distributed to appropriate health
17 care facilities and such other sources as the director may
18 determine to be necessary.

§16-3-11. Same—Duty of clerk of county commission.

1 It shall be the duty of the clerk of the county commission of
2 each county, on or before the fifteenth day of each month, to
3 certify to the prosecuting attorney of his county all reports of
4 births filed during the preceding calendar month which fail to
5 show that an appropriate medication for prevention of
6 inflammation of the eyes of the newborn hereinbefore
7 provided for was instilled.

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

R. P. Bayless
Chairman Senate Committee

Tony E. Whittle
Chairman House Committee

Originated in the Senate.

To take effect from passage.

Todd C. Willis
Clerk of the Senate

Clarence Blankenship
Clerk of the House of Delegates

Mark R. Holden
President of the Senate

Charles M. Seay, Jr.
Speaker House of Delegates

The within is approved this the 29
day of April, 1981.

[Signature]
Governor

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SECY. OF STATE