WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1987

ENROLLED
Committee Substitute for
SENATE BILL NO. 491

(By Senator, [signature])

PASSED March 12, 1987

In Effect [signature] from Passage
AN ACT to amend and reenact section four, article three, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to immunization requirements for school entrance; and providing for provisional enrollment for certain persons having one dose of each vaccine.

Be it enacted by the Legislature of West Virginia:

That section four, 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.

§16-3-4. Compulsory immunization of school children; information disseminated; offenses; penalties.

1 Whenever a resident birth occurs, the state director of health shall promptly provide parents of the newborn child with information on immunizations mandated by this state or required for admission to a public school in this state.
All children entering school for the first time in this state shall have been immunized against diphtheria, polio, rubeola, rubella, tetanus and whooping cough. Any person who cannot give satisfactory proof of having been immunized previously or a certificate from a reputable physician showing that an immunization for any or all diphtheria, polio, rubeola, rubella, tetanus and whooping cough is impossible or improper or sufficient reason why any or all immunizations should not be done, shall be immunized for diphtheria, polio, rubeola, rubella, tetanus and whooping cough prior to being admitted in any of the schools in the state. No child or person shall be admitted or received in any of the schools of the state until he or she has been immunized as hereinafter provided or produces a certificate from a reputable physician showing that an immunization for diphtheria, polio, rubeola, rubella, tetanus and whooping cough has been done or is impossible or improper or other sufficient reason why such immunizations have not been done. Any teacher having information concerning any person who attempts to enter school for the first time without having been immunized against diphtheria, polio, rubeola, rubella, tetanus and whooping cough shall report the names of all such persons to the county health officer. It shall be the duty of the health officer in counties having a full-time health officer to see that such persons are immunized before entering school: Provided, That persons enrolling from schools outside of the state may be provisionally enrolled under minimum criteria established by the director of the department of health so that the person's immunization may be completed while missing a minimum amount of school; Provided, however, That no person shall be allowed to enter school without at least one dose of each required vaccine.

In counties where there is no full-time health officer or district health officer, the county commission or municipal council shall appoint competent physicians to do the immunizations and fix their compensation. County health departments shall furnish the biologicals for this immunization free of charge.

Health officers and physicians who shall do this immunization work shall give to all persons and children a certificate free of charge showing that they have been immunized against diphtheria, polio, rubeola, rubella,
tetanus and whooping cough, or he or she may give the
certificate to any person or child whom he or she knows to
have been immunized against diphtheria, polio, rubeola,
rubella, tetanus and whooping cough. If any physician shall
give any person a false certificate of immunization against
diphtheria, polio, rubeola, rubella, tetanus and whooping
cough, he or she shall be guilty of a misdemeanor, and, upon
conviction, shall be fined not less than twenty-five nor more
than one hundred dollars.

Any parent or guardian who refuses to permit his or her
child to be immunized against diphtheria, polio, rubeola,
rubella, tetanus and whooping cough, who cannot give
satisfactory proof that the child or person has been
immunized against diphtheria, polio, rubeola, rubella,
tetanus and whooping cough previously, or a certificate
from a reputable physician showing that immunization for
any or all is impossible or improper, or sufficient reason
why any or all immunizations should not be done, shall be
guilty of a misdemeanor, and except as herein otherwise
provided, shall, upon conviction, be punished by a fine of
not less than ten nor more than fifty dollars for each offense.
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 Senate.

In 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

[Signature]
approved ...............this the 19th
day of ...............1987.

Governor