

NO. 491

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OFFICE OF THE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1987



ENROLLED

Committee Substitute for

SENATE BILL NO. 491

(By Senator *Tom Clavin, Mr. President, et al.*)



PASSED March 12, 1987

In Effect unity days from Passage



ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 491

(SENATORS TONKOVICH, MR. PRESIDENT (BY REQUEST), AND HARMAN,
original sponsors)

[Passed March 12, 1987; in effect ninety days 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
- 2 health shall promptly provide parents of the newborn child
- 3 with information on immunizations mandated by this state
- 4 or required for admission to a public school in this state.

5 All children entering school for the first time in this state
6 shall have been immunized against diphtheria, polio,
7 rubeola, rubella, tetanus and whooping cough. Any person
8 who cannot give satisfactory proof of having been
9 immunized previously or a certificate from a reputable
10 physician showing that an immunization for any or all
11 diphtheria, polio, rubeola, rubella, tetanus and whooping
12 cough is impossible or improper or sufficient reason why
13 any or all immunizations should not be done, shall be
14 immunized for diphtheria, polio, rubeola, rubella, tetanus
15 and whooping cough prior to being admitted in any of the
16 schools in the state. No child or person shall be admitted or
17 received in any of the schools of the state until he or she has
18 been immunized as hereinafter provided or produces a
19 certificate from a reputable physician showing that an
20 immunization for diphtheria, polio, rubeola, rubella,
21 tetanus and whooping cough has been done or is impossible
22 or improper or other sufficient reason why such
23 immunizations have not been done. Any teacher having
24 information concerning any person who attempts to enter
25 school for the first time without having been immunized
26 against diphtheria, polio, rubeola, rubella, tetanus and
27 whooping cough shall report the names of all such persons
28 to the county health officer. It shall be the duty of the health
29 officer in counties having a full-time health officer to see
30 that such persons are immunized before entering school:
31 *Provided*, That persons enrolling from schools outside of
32 the state may be provisionally enrolled under minimum
33 criteria established by the director of the department of
34 health so that the person's immunization may be completed
35 while missing a minimum amount of school: *Provided*,
36 *however*, That no person shall be allowed to enter school
37 without at least one dose of each required vaccine.

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

44 Health officers and physicians who shall do this
45 immunization work shall give to all persons and children a
46 certificate free of charge showing that they have been
47 immunized against diphtheria, polio, rubeola, rubella,

48 tetanus and whooping cough, or he or she may give the
49 certificate to any person or child whom he or she knows to
50 have been immunized against diphtheria, polio, rubeola,
51 rubella, tetanus and whooping cough. If any physician shall
52 give any person a false certificate of immunization against
53 diphtheria, polio, rubeola, rubella, tetanus and whooping
54 cough, he or she shall be guilty of a misdemeanor, and, upon
55 conviction, shall be fined not less than twenty-five nor more
56 than one hundred dollars.

57 Any parent or guardian who refuses to permit his or her
58 child to be immunized against diphtheria, polio, rubeola,
59 rubella, tetanus and whooping cough, who cannot give
60 satisfactory proof that the child or person has been
61 immunized against diphtheria, polio, rubeola, rubella,
62 tetanus and whooping cough previously, or a certificate
63 from a reputable physician showing that immunization for
64 any or all is impossible or improper, or sufficient reason
65 why any or all immunizations should not be done, shall be
66 guilty of a misdemeanor, and except as herein otherwise
67 provided, shall, upon conviction, be punished by a fine of
68 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.

Bernard J. ...
.....
Chairman Senate Committee

Bernard V. Kelly
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Jedd B. ...
.....
Clerk of the Senate

Donald L. ...
.....
Clerk of the House of Delegates

Ray ...
.....
President of the Senate

...
.....
Speaker House of Delegates

The within *approved* this the *19th*
day of *March* 1987.

...
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 8/16/57

Time 3:18 p.m.