

No. 388

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1989

ENROLLED

SENATE BILL NO. 388

(By Senator Tucker, Mr. President, et al)

PASSED April 7, 1989

In Effect 90 days from Passage

ENROLLED
Senate Bill No. 388

(BY SENATORS TUCKER, MR. PRESIDENT, AND HARMAN, BY
REQUEST OF THE EXECUTIVE)

[Passed April 7, 1989; in effect ninety days from passage.]

AN ACT to amend and reenact sections one, two and three, article twenty-two, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the detection and control of phenylketonuria, galactosemia and hypothyroidism in newborn children; adding certain other diseases specified by the state health director; and adding the hospital or birthing center in which an infant is born and the parents or legal guardians to be jointly responsible with the physician attending a newborn or any person attending a newborn child not under the care of a physician.

Be it enacted by the Legislature of West Virginia:

That sections one, two and three, article twenty-two, 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 22. DETECTION AND CONTROL IN NEWBORN CHILDREN
OF PHENYLKETONURIA, GALACTOSEMIA, AND
HYPOTHYROIDISM, AND CERTAIN OTHER
DISEASES SPECIFIED BY THE STATE HEALTH
DIRECTOR.**

§16-22-1. Findings.

1 The Legislature finds that phenylketonuria,
2 galactosemia and hypothyroidism, and certain other
3 diseases specified by the state health director, genetic
4 defects or defects affecting body metabolism, are
5 usually associated with mental retardation. Laboratory
6 tests are readily available to aid in the detection of
7 these diseases and the hazards to health of those
8 suffering thereof may be lessened or prevented by
9 early detection and treatment. Damage from these
10 diseases, if untreated in the early months of life, is
11 usually rapid and not appreciably affected by
12 treatment.

§16-22-2. Program to combat mental retardation; rules and regulations; facilities for making tests.

1 The state department of health is hereby authorized
2 to establish and carry out a program designed to
3 combat mental retardation in our state's population
4 due to phenylketonuria, galactosemia and
5 hypothyroidism, and certain other diseases specified
6 by the state health director, and may adopt reasonable
7 rules and regulations necessary to carry out such a
8 program. The department of health shall establish and
9 maintain facilities at its state hygienic laboratory for
10 testing specimens for the detection of phenylketonuria,
11 galactosemia and hypothyroidism, and certain other
12 diseases specified by the state health director. Tests
13 shall be made by such laboratory of specimens upon
14 request by physicians, hospital medical personnel and
15 other individuals attending newborn infants. The state
16 department of health is authorized to establish addi-
17 tional laboratories throughout the state to perform
18 tests for the detection of phenylketonuria,
19 galactosemia and hypothyroidism, and certain other
20 diseases specified by the state health director.

§16-22-3. Tests for phenylketonuria, galactosemia and hypothyroidism; and certain other diseases specified by the state health director; reports; assistance to afflicted children.

1 The hospital or birthing center in which an infant is

2 born, the parents or legal guardians and the physician
3 attending a newborn child or any person attending a
4 newborn child not under the care of a physician shall
5 be jointly responsible for causing testing to be done for
6 phenylketonuria, galactosemia and hypothyroidism,
7 and certain other diseases specified by the state health
8 director according to current recommendations of the
9 state department of health. Any test found positive for
10 phenylketonuria, galactosemia or hypothyroidism, and
11 certain other diseases specified by the state health
12 director shall be promptly reported to the state
13 department of health by the director of the laboratory
14 performing such test.

15 The state department of health, in cooperation with
16 other state departments and agencies, and with
17 attending physicians, is authorized to provide medical,
18 dietary and related assistance to children determined
19 to be afflicted with phenylketonuria, galactosemia or
20 hypothyroidism, and certain other diseases specified
21 by the state health director.

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

Frederick L. Parker.
Chairman Senate Committee

Bernard V. Kelly.
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Irish C. Stubb.
Clerk of the Senate

Donald T. Hoyle
Clerk of the House of Delegates

Sam S. Tucker
President of the Senate

Bob Allen
Speaker House of Delegates

The within *is approved* this the *24th*
day of *April* 1889.
Gaston Caperton
Governor

PRESENTED TO THE
GOVERNOR

Date 4/14/89

Time 5:16