WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1989

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ENROLLED

SENATE BILL NO. 388

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

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PASSED April 7, 1989
In Effect 40 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, galactosemia and hypothyroidism, and certain other diseases specified by the state health director, genetic defects or defects affecting body metabolism, are usually associated with mental retardation. Laboratory tests are readily available to aid in the detection of these diseases and the hazards to health of those suffering thereof may be lessened or prevented by early detection and treatment. Damage from these diseases, if untreated in the early months of life, is usually rapid and not appreciably affected by 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 to establish and carry out a program designed to combat mental retardation in our state's population due to phenylketonuria, galactosemia and hypothyroidism, and certain other diseases specified by the state health director, and may adopt reasonable rules and regulations necessary to carry out such a program. The department of health shall establish and maintain facilities at its state hygienic laboratory for testing specimens for the detection of phenylketonuria, galactosemia and hypothyroidism, and certain other diseases specified by the state health director. Tests shall be made by such laboratory of specimens upon request by physicians, hospital medical personnel and other individuals attending newborn infants. The state department of health is authorized to establish additional laboratories throughout the state to perform tests for the detection of phenylketonuria, galactosemia and hypothyroidism, and certain other 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
born, the parents or legal guardians and the physician
attending a newborn child or any person attending a
newborn child not under the care of a physician shall
be jointly responsible for causing testing to be done for
phenylketonuria, galactosemia and hypothyroidism,
and certain other diseases specified by the state health
director according to current recommendations of the
state department of health. Any test found positive for
phenylketonuria, galactosemia or hypothyroidism, and
certain other diseases specified by the state health
director shall be promptly reported to the state
department of health by the director of the laboratory
performing such test.

The state department of health, in cooperation with
other state departments and agencies, and with
attending physicians, is authorized to provide medical,
dietary and related assistance to children determined
to be afflicted with phenylketonuria, galactosemia or
hypothyroidism, and certain other diseases specified
by the state health director.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Frederick L. Packer
Chairman Senate Committee

Bernard V. Kelly
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within was approved this the 24th day of April, 1989.

Governor
PRESENTED TO THE
GOVERNOR
Date 4/14/89
Time 5:14