WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1991

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ENROLLED

Com. Sub. For

HOUSE BILL No. 2822

(By Mr. Del. Brown)

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Passed March 9, 1991

In Effect 90 Days From Passage
ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2822
(BY DELEGATE BROWN)

[Passed March 9, 1991; 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, hypothyroidism, and authorizing additional testing for certain other diseases in newborn children; authorizing the bureau of public health to test for and establish programs relating to the same; requiring hospitals, birthing centers, parents or guardians, as well as physicians, to test for such diseases on newborns; replacing the department of health with the bureau of public health; authorizing the state public health commissioner to promulgate rules.

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 OF PHENYLKETONURIA, GALACTOSEMIA, HYPOTHYROIDISM, AND CERTAIN OTHER DISEASES IN NEWBORN CHILDREN.

§16-22-1. Findings.
The Legislature finds that phenylketonuria, galactosemia, hypothyroidism, and certain other diseases are usually associated with mental retardation or other severe health hazards. Laboratory tests are readily available to aid in the detection of these diseases and hazards to the 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 or other severe health hazards; rules; facilities for making tests.

The state bureau of public health is hereby authorized to establish and carry out a program designed to combat mental retardation or other severe health hazards in our state’s population due to phenylketonuria, galactosemia, hypothyroidism, and certain other diseases specified by the state public health commissioner, and may adopt reasonable rules and regulations necessary to carry out such a program. The bureau of public health shall establish and maintain facilities at its state hygienic laboratory for testing specimens for the detection of phenylketonuria, galactosemia, hypothyroidism, and certain other diseases specified by the state public health commissioner. Tests shall be made by such laboratory of specimens upon request by physicians, hospital medical personnel and other individuals attending newborn infants. The state bureau of public health is authorized to establish additional laboratories throughout the state to perform tests for the detection of phenylketonuria, galactosemia, hypothyroidism, and certain other diseases specified by the state public health commissioner.

§16-22-3. Tests for phenylketonuria, galactosemia and hypothyroidism and certain other diseases specified by the state public health commissioner; reports; assistance to afflicted children; public health commissioner to promulgate rules.
(a) The hospital or birthing center in which an infant is born, the parents or legal guardians, the physician attending a newborn child, or any person attending a newborn child not under the care of a physician shall require and ensure that each such child be tested for phenylketonuria, galactosemia, hypothyroidism, and certain other diseases specified by the state public health commissioner according to current recommendations of the state bureau of public health. Any test found positive for phenylketonuria, galactosemia, hypothyroidism, or certain other diseases specified by the state public health commissioner shall be promptly reported to the state bureau of public health by the director of the laboratory performing such test.

(b) The state bureau of public 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, hypothyroidism and certain other diseases specified by the state public health commissioner.

(c) The state public health commissioner is authorized to promulgate rules pursuant to chapter twenty-nine of this code to implement the provisions of this section, with the approval of the secretary of the department of health and human resources.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 29th day of March, 1991.

Governor