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WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1991

— ● —

ENROLLED

Com. Sub. For
HOUSE BILL No. 2822

(By Mr. Del. Brown)

— ● —

Passed March 9, 1991

In Effect 90 days From Passage

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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.

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

**§16-22-2. Program to combat mental retardation or other
severe health hazards; rules; facilities for
making tests.**

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

**§16-22-3. Tests for phenylketonuria, galactosemia and
hypothyroidism and certain other diseases
specified by the state public health commis-
sioner; reports; assistance to afflicted
children; public health commissioner to
promulgate rules.**

1 (a) The hospital or birthing center in which an infant
2 is born, the parents or legal guardians, the physician
3 attending a newborn child, or any person attending a
4 newborn child not under the care of a physician shall
5 require and ensure that each such child be tested for
6 phenylketonuria, galactosemia, hypothyroidism, and
7 certain other diseases specified by the state public
8 health commissioner according to current recommenda-
9 tions of the state bureau of public health. Any test found
10 positive for phenylketonuria, galactosemia, hypothyroid-
11 ism, or certain other diseases specified by the state
12 public health commissioner shall be promptly reported
13 to the state bureau of public health by the director of
14 the laboratory performing such test.

15 (b) The state bureau of public health, in cooperation
16 with other state departments and agencies, and with
17 attending physicians, is authorized to provide medical,
18 dietary and related assistance to children determined to
19 be afflicted with phenylketonuria, galactosemia, hypo-
20 thyroidism and certain other diseases specified by the
21 state public health commissioner.

22 (c) The state public health commissioner is authorized
23 to promulgate rules pursuant to chapter twenty-nine of
24 this code to implement the provisions of this section,
25 with the approval of the secretary of the department of
26 health and human resources.

Enr. Com. Sub. for H. B. 2822] 4

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

Homar Heck

Chairman Senate Committee

Ernest C Moore

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Farrell E. Nelson

Clerk of the Senate

Donald L. Kopp

Clerk of the House of Delegates

Kith Brantette

President of the Senate

Bob Case

Speaker of the House of Delegates

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

Gaston Caperton

Governor

PRESENTED TO THE

GOVERNOR

Date 3/20/91

Time 4:45 PM