

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 3138

BY DELEGATES FOSTER, RILEY, PAYNTER, PHILLIPS,

STEELE AND MCGEEHAN

[Introduced March 15, 2021; Referred to the
Committee on Health and Human Resources then the
Judiciary]

1 A BILL to amend and reenact §16-3-1, §16-3-2, and §16-3-3 of the Code of West Virginia, 1931,
 2 as amended, all relating to authority and powers of the state director of health; removing
 3 the director's ability to arrest and detain persons; removing the conditions requiring the
 4 county or municipality to pay expenses relating to communicable diseases; removing the
 5 penalties for violations; and establishing penalties for persons who fail to stop to have
 6 goods inspected for communicable diseases.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 3. PREVENTION AND CONTROL OF COMMUNICABLE AND OTHER
 INFECTIOUS DISEASES.**

**§16-3-1. State director of health authority to quarantine and to enforce regulations; state
 board of health Should this be Secretary of the Department of Health and Should
 this be Secretary of the Department of Health and Should this be Secretary of the
 Department of Health and authority to issue regulations to control infectious or
 contagious diseases.**

1 The state director of health is empowered to establish and strictly maintain quarantine at
 2 such places as he or she may deem proper and forbid and prevent the assembling of the people
 3 in any specific place, when the state director of health or any county or municipal health officer
 4 deems that the public health and safety so demand, and the state board of health Should this be
 5 Secretary of the Department of Health and Should this be Secretary of the Department of Health
 6 and Should this be Secretary of the Department of Health and may adopt rules and regulations
 7 to obstruct and prevent the introduction or spread of smallpox or other communicable or infectious
 8 diseases into or within the state. ~~and the state director of health shall have the power to enforce~~
 9 ~~these regulations by detention and arrest, if necessary~~ The state director of health shall have
 10 power to enter into any town, city, factory, railroad train, steamboat or other place whatsoever,
 11 and enter upon and inspect private property for the purpose of investigating the sanitary and

12 hygienic conditions and the presence of cases of infectious diseases, and may, at his or her
13 discretion, take charge of any epidemic or endemic conditions, and enforce such regulations as
14 the state board of health Should this be Secretary of the Department of Health and Should this
15 be Secretary of the Department of Health and Should this be Secretary of the Department of
16 Health and may prescribe. ~~All expenses incurred in controlling any endemic or epidemic~~
17 ~~conditions shall be paid by the county or municipality in which such epidemic occurs~~

**§16-3-2. Powers of county and municipal boards of health to establish quarantine; penalty
for violation.**

1 The county board of health of any county may declare quarantine therein, or in any
2 particular district or place therein, whenever in their judgment it is necessary to prevent the spread
3 of any communicable or infectious disease prevalent therein, or to prevent the introduction of any
4 communicable or infectious disease prevailing in any other state, county or place, and of any and
5 all persons and things likely to spread such infection. As soon as such quarantine is established
6 such board shall, in writing, inform the director of health thereof, the duty of whom it shall be to
7 ascertain, as soon as practicable, the necessity therefor, if any exists, and if the state director of
8 health finds that no such necessity exists, the same shall, by the said director, be declared raised.
9 The said county board of health shall have power and authority to enforce such quarantine until
10 the same is raised as aforesaid, or by themselves, and may confine any such infected person, or
11 any person liable to spread such infection, to the house or premises in which he or she resides,
12 or if he or she has no residence in the county, at a place to be provided by them for the purpose;
13 and if it shall become necessary to do so, they shall summon sufficient guard for the enforcement
14 of their orders in the premises. ~~Every person who shall fail or refuse to comply with any order~~
15 ~~made by such board under this section, and every person summoned as such guard who shall,~~
16 ~~without a lawful excuse, fail or refuse to obey the orders and directions of such board in enforcing~~
17 ~~said quarantine, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not~~
18 ~~less than twenty-five nor more than \$200~~ In cases of emergency or actual necessity, and when

19 the county commission or corporate authorities are from any cause unable to meet or to provide
 20 for the emergency or the necessity of the case ~~all actual expenditures necessary for local and~~
 21 ~~county quarantine, as provided for in this section, shall be certified by the county board of health~~
 22 ~~to the county commission, and the whole, or as much thereof as the said commission may deem~~
 23 ~~right and proper, shall be paid out of the county treasury.~~ The board of health of any city, town or
 24 village shall have, within the municipality, the same powers and perform the same duties herein
 25 conferred upon and required of the county board of health in their county. So far as applicable the
 26 provisions of this section shall apply to any quarantine established and maintained by the state
 27 director of health pursuant to section one of this article.

§16-3-3. Communicable diseases on vessels or trains; offenses; penalty.

1 The state department of health, its agents and employees, and the local boards of health,
 2 in the absence of the state department, its agents and employees, when they have reason to
 3 believe that any steamboat or other watercraft navigating the Ohio river or its tributaries in this
 4 state, or any other of the waters of the state, or bordering thereon, is infected with any
 5 communicable disease, may prevent the landing of such boat or craft at any point in this state.
 6 They may also, if they have reason to believe that any railroad train, coach or other vehicle
 7 passing on or along any railroad in this state, contains any person having a communicable disease
 8 or any thing infected with contagious matter, detain such train, coach or vehicle at any station or
 9 point on such railroad where it can be done with safety, for a time sufficient to examine the same,
 10 and if found to be so infected, for a time sufficient to disinfect the same; and if the conductor or
 11 person in charge of such train, coach or vehicle, shall willfully fail or refuse to stop the said train,
 12 coach or vehicle for the time aforesaid, he or she shall be guilty of a misdemeanor and, ~~punished~~
 13 ~~as prescribed in section two of this article~~ upon conviction thereof, shall be fined not less than \$25
 14 nor more than \$200.

NOTE: The purpose of this bill is to update the requirements of the state director of health

to quarantine and enforce regulations in a specific place, removing certain penalties, and establishing other penalties for failing to stop a train or other vessel for inspections.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.