

## ARTICLE 9. OFFENSES GENERALLY

- § 1386. [ 1 ] Common drinking cup prohibited; penalty.
1387. [ 2 ] Throwing dead animals or offensive substance into waters used for domestic purposes; penalty.
1388. [ 3 ] Depositing dead animals or offensive substance in waters or on or near roads, or on public grounds; penalty; failure to bury or destroy offensive substance after conviction; successive offenses; jurisdiction of justices.
1389. [ 4 ] Sale or gift of cigarette or cigarette paper to person under twenty-one, or of cigar, pipe or tobacco to person under sixteen; penalty.
1390. [ 5 ] Smoking or possession of cigarette or cigarette paper by person under twenty-one; penalty; immunity.
1391. [ 6 ] Duties of officers; penalty for failure to perform.
1392. [ 7 ] Smoking cigarettes in school building or on school grounds; penalty.
1393. [ 8 ] Jurisdiction of justices and police judges.

§ 1386. [1] **Common Drinking Cup Prohibited; Penalty.**—No person, firm or corporation owning and operating, or having the management or control of, any of the public places, vehicles or buildings hereinafter mentioned, shall furnish, or permit the use of, the common drinking cup on railroad trains, street cars, interurban cars or boats carrying passengers, in railroad or interurban stations, in any state or other public building, in the public, parochial or private schools or other educational institutions, in hotels, restaurants, theaters, department stores, or at public drinking springs and fountains within this State. The state department of health shall have full authority to establish rules and regulations to make the provisions of this section effective. Any person, firm or corporation failing to observe the provisions of this section, or the rules and regulations of the state department of health made in relation thereto, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten nor more than fifty dollars for each offense.

§ 1387. [2] **Throwing Dead Animals or Offensive Substance into Waters Used for Domestic Purposes; Penalty.**—Whoever knowingly and willfully shall throw, or cause to be thrown, any dead animal, carcass or part thereof, or any putrid, nauseous or offensive substance, into any well, cistern, spring, brook or branch of running water, which is used for domestic purposes, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five nor more than one hundred dollars, and may, at the discretion of the court, be confined in the jail of the county not exceeding ninety days, and, moreover, shall be liable to the party injured in a civil action for damages.

§ 1388. [3] **Depositing Dead Animals or Offensive Substance in or Near Waters or on or Near Roads, or on Public Grounds; Penalty; Failure to Bury or Destroy Offensive Substance After Conviction; Successive Offenses;**

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stices.—Any person who shall place, cast, discharge, or  
of any dead animal or the putrescible waste from food  
or garbage, or slop, or spoiled meat, or putrid organic  
contents of privy vaults, or septic tanks, or cesspools,  
lake or other stream or upon the surface of any land adjacent  
lake or other stream in such a location that high water or  
conditions will cause such offensive materials to be washed,  
to the river, creek or other stream; or any person who shall  
urge or deposit such offensive material upon the surface of  
street, alley, city or town lot, public ground, market space,  
upon the surface of any land within one hundred yards of a  
road; or any person who, being the owner, lessee or  
such city or town lot, public ground, market space, common,  
one hundred yards of a public street or road, shall knowingly  
offensive materials hereinbefore named to remain thereon, to  
of any of the citizens of this state, or shall neglect or refuse to  
the nuisance occasioned thereby, within twenty-four hours after  
knowledge of the existence of such nuisance upon any of the  
premises owned, leased, or occupied by him, or within twenty-  
four hours of notice thereof in writing from the health officer of the  
mayor or health officer of the municipal corporation, as the  
case in which any such nuisance exists, shall be guilty of a misde-  
meanor upon conviction thereof, shall be fined not less than five nor  
more than one hundred dollars.

Upon conviction for any such offense, the person convicted shall, within  
thirty days after such conviction, bury or cause to be buried at least  
six feet under the ground, or destroy or cause to be destroyed by fire or as  
directed by the health officer within whose jurisdiction the offense  
was committed, any of the offensive materials or substances hereinbefore  
mentioned, the person so convicted has placed or knowingly permitted to  
remain upon such city or town lot, public ground, market space, common, or  
road, in violation of the provisions of this section, and his failure to do so shall  
be a misdemeanor and a second offense against the provisions of this  
section, or continued failure or refusal of such convicted person to bury or  
destroy the offensive materials and substances as provided herein shall  
constitute a separate, distinct and additional offense for each successive twenty-  
four hour period of such failure and refusal. Any person convicted of any  
offense provided in this paragraph shall be fined not less than five nor more  
than one hundred dollars.

The justice of the peace shall have jurisdiction of any offense under the  
provisions of this section committed within his county.

[4] **Sale or Gift of Cigarette or Cigarette Paper to Person under  
Sixteen; or of Cigar, Pipe or Tobacco to Person under Sixteen; Penalty.**—  
No person, firm or corporation shall sell, give or furnish, or cause to be sold,  
furnished, or given, to any person under the age of twenty-one years, any  
cigarette paper, or any other paper prepared to be filled with  
tobacco for cigarette use; and no person, firm or corporation shall  
sell, furnish, or cause to be sold, given or furnished, to any person  
under the age of sixteen years, any cigar, pipe or tobacco in any form. Any

person, firm or corporation violating any of the provisions of this section shall be guilty of a misdemeanor, and, upon a conviction thereof, shall be fined not less than ten nor more than twenty-five dollars for the first offense, and for each subsequent offense not less than twenty-five nor more than three hundred dollars.

§ 1390. [5] **Smoking or Possession of Cigarette or Cigarette Paper by Person under Twenty-one; Penalty; Immunity.**—No person under the age of twenty-one years shall smoke, or have about his person or premises, any cigarette or cigarette paper or any other form prepared to be filled with smoking tobacco for cigarette use. Any person violating the provisions of this section shall be punished by a fine of not exceeding five dollars: Provided, that if any such person shall fully, freely and truthfully disclose the name of the person, firm or corporation from whom he obtained any such cigarette or cigarette paper, he shall be immune from further prosecution or punishment for said offense.

§ 1391. [6] **Duties of Officers; Penalty for Failure to Perform.**—It shall be the duty of every constable, policeman, town sergeant, sheriff or his deputy, when he finds any person under the age of twenty-one years smoking a cigarette, or with a cigarette or a cigarette paper in his possession, immediately to inquire of such person where and of whom he obtained such cigarette or cigarette paper, and, upon failure of any person to give such information when requested by such officer, the officer shall arrest such person and take him before a justice or other officer having jurisdiction, to be dealt with as provided in the next preceding section of this article. Upon information of such person to said officer of the violation of any of the provisions of the two next preceding sections of this article, such officer shall immediately report such information to the prosecuting attorney of the county, who shall have the person giving such information, along with any other witnesses having any knowledge of the transaction, summoned before the grand jury at its next session for investigation. Any officer failing to perform the duties required of him by this section shall be fined not exceeding five dollars for each offense.

§ 1392. [7] **Smoking Cigarettes in School Building or on School Grounds; Penalty.**—Every person who shall smoke a cigarette or cigarettes in any school building, or in any building or part thereof used for school purposes, or on any lot or grounds used for school purposes, while the same is occupied or used for school purposes, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished for each offense by a fine of not less than one nor more than five dollars.

§ 1393. [8] **Jurisdiction of Justices and Police Judges.**—Justices of the peace and police judges shall have concurrent jurisdiction with the circuit and criminal courts of this State of offenses under sections four to seven, both inclusive, of this article.

- § 1394. [ 1 ]
- 1395. [ 2 ]
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N. H. DYER, M.D., M.P.H.  
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# State of West Virginia

DEPARTMENT OF HEALTH

CHARLESTON 25305

November 28, 1967

Honorable Robert D. Bailey  
Secretary of State  
State Capitol  
Charleston, West Virginia 25305

Dear Mr. Bailey:

Enclosed are two copies of a Reference Page and two copies of Index Pages for The Public Health Laws of West Virginia and a Manual of Regulations of the West Virginia Board of Health. These Laws and Regulations are filed in the Odd Size File as item number 3.

Sincerely yours,

A handwritten signature in cursive script that reads "N. H. Dyer".

N. H. Dyer, M. D., M. P. H.  
State Director of Health

FILED IN THE OFFICE  
ROBERT D. BAILEY  
SECRETARY OF STATE  
THIS DATE 11/28/67