

Senate Bill No. 522

(By Senators Boley, Kessler (Acting President), Browning, Sypolt,
Miller, Minard, Tucker, Barnes, Klempa, Yost, Edgell, Hall and
Nohe)

[Introduced February 16, 2011; referred to the Committee on
Health and Human resources; and then to the Committee on
Education.]

A BILL to amend and reenact §16-3-4 of the Code of West Virginia,
1931, as amended, relating to requiring parents who object to
immunizations on the basis of their beliefs to provide a
written statement to that effect in lieu of certificates
showing proof of immunizations.

Be it enacted by the Legislature of West Virginia:

That §16-3-4 of the Code of West Virginia, 1931, as amended,
be amended and reenacted to read as follows:

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

**§16-3-4. Compulsory immunization of school children; information
disseminated; offenses; penalties.**

Whenever a resident birth occurs, the State Director of Health
shall promptly provide parents of the newborn child with
information on immunizations mandated by this state or required for

1 admission to a public school in this state.

2 All children entering school for the first time in this state
3 shall have been immunized against diphtheria, polio, rubeola,
4 rubella, tetanus and whooping cough. Any person who cannot give
5 satisfactory proof of ~~having been immunized previously~~
6 immunizations or a certificate from a reputable physician showing
7 that an immunization for any or all diphtheria, polio, rubeola,
8 rubella, tetanus and whooping cough is impossible or improper or
9 provide sufficient reason why any or all immunizations should not
10 be done, shall be immunized for diphtheria, polio, rubeola,
11 rubella, tetanus and whooping cough prior to being admitted in any
12 of the schools in the state. No child or person ~~shall~~ may be
13 admitted or received in ~~any of the schools~~ a school of the state
14 until he or she has been immunized as hereinafter provided or
15 produces a certificate from a reputable physician showing that an
16 immunization for diphtheria, polio, rubeola, rubella, tetanus and
17 whooping cough has been done or is impossible or improper or
18 provide other sufficient reason why such immunizations have not
19 been done. ~~Any~~ A teacher having information concerning any person
20 who attempts to enter school for the first time without ~~having been~~
21 ~~immunized~~ immunizations against diphtheria, polio, rubeola,
22 rubella, tetanus and whooping cough shall report the names ~~of all~~
23 ~~such persons~~ to the county health officer. It ~~shall be~~ is the duty
24 of the health officer in counties having a full-time health officer
25 to see that such persons are immunized before entering school.
26 ~~Provided, That~~ Persons enrolling from schools outside of the state

1 may be provisionally enrolled under minimum criteria established by
2 the Director of the Department of Health so that the person's
3 immunization may be completed while missing a minimum amount of
4 school—~~Provided, however, That~~ except that no person ~~shall~~ may be
5 allowed to enter school without at least one dose of each required
6 vaccine.

7 A parent or legal guardian who objects to immunizations
8 because of religious, conscientious or philosophical beliefs, shall
9 sign a form, duly notarized, stating that the child has not been
10 immunized because of these beliefs. The form shall be prescribed
11 by the West Virginia State Department of Education, presented upon
12 entering school in lieu of proof of immunization and filed in the
13 child's permanent file.

14 In counties where there is no full-time health officer or
15 district health officer, the county commission or municipal council
16 shall appoint competent physicians to do the immunizations and fix
17 their compensation. County health departments shall furnish the
18 biologicals for ~~this immunization~~ immunizations free of charge.

19 Health officers and physicians who ~~shall do this immunization~~
20 perform this work shall give to all persons and children a
21 certificate, free of charge, showing that they have been immunized
22 against diphtheria, polio, rubeola, rubella, tetanus and whooping
23 cough. ~~or he or she may~~ The health officers and physicians may also
24 give the certificate to any person or child whom he or she knows to
25 have been immunized against diphtheria, polio, rubeola, rubella,
26 tetanus and whooping cough. If ~~any physician shall give any person~~

1 a physician provides a false certificate of immunization, ~~against~~
2 ~~diphtheria, polio, rubeola, rubella, tetanus and whooping cough, he~~
3 ~~or she shall be~~ he or she is guilty of a misdemeanor and, upon
4 conviction, shall be fined not less than ~~twenty-five~~ \$25 nor more
5 than ~~one hundred dollars.~~ \$100.

6 ~~Any~~ A parent or guardian who refuses to permit his or her
7 child to be immunized against diphtheria, polio, rubeola, rubella,
8 tetanus and whooping cough; who cannot give satisfactory proof that
9 the child or person has been immunized against diphtheria, polio,
10 rubeola, rubella, tetanus and whooping cough previously; ~~or~~ a
11 certificate from a reputable physician showing that immunization
12 for any or all is impossible or improper; or, sufficient reason why
13 any or all immunizations should not be done, ~~shall be~~ is guilty of
14 a misdemeanor and, except as herein otherwise provided, shall, upon
15 conviction, be punished by a fine of not less than \$10 nor more
16 than ~~fifty dollars~~ \$50 for each offense.

NOTE: The purpose of this bill is to require parents or guardians who object to immunizations on the basis of religious, philosophical or conscientious beliefs to write a statement to this effect in lieu of certificates showing proof of immunizations.

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