

1 **H. B. 3113**

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3 (By Delegate Perdue)

4 [Introduced March 25, 2013; referred to the  
5 Committee on Health and Human Resources then the  
6 Judiciary.]

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10 A BILL to amend the Code of West Virginia, 1931, as amended, by  
11 adding thereto a new section, designated §16-3-4a, relating to  
12 establishing a process to determine the validity of an  
13 application for a medical exemption for compulsory  
14 immunization of school children by a public health official.

15 *Be it enacted by the Legislature of West Virginia:*

16 That the Code of West Virginia, 1931, as amended, be amended  
17 by adding thereto a new section, designated §16-3-4a, to read as  
18 follows:

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

21 **§16-3-4a. Medical exemption for compulsory immunization of**  
22 **school children.**

23 (a) A parent or guardian of a child entering a school in this

1 state for the first time may request a medical exemption from a  
2 required vaccination.

3 (b) A parent or guardian of a child shall obtain a certificate  
4 signed by a physician who is duly licensed to practice medicine in  
5 West Virginia or its contiguous states that sets forth the basis of  
6 his or her medical opinion that immunization is medically  
7 impossible or improper, and whether this exemption is permanent or  
8 temporary and to which vaccinations the child is to be exempt.  
9 Immunity may be shown through laboratory testing results in lieu of  
10 vaccination.

11 (c) A child's parent or guardian shall present the certificate  
12 to the local health officer in the county where the child attends  
13 school to obtain a medical exemption.

14 (d) The medical exemption shall be reviewed and approved or  
15 denied by the local health officer within five days.

16 (e) Approval or denial of a request shall be in writing and  
17 state the reasons for the approval or denial. A copy of the  
18 response shall be sent to the state health officer.

19 (f) A person adversely affected by the decision of the local  
20 health officer on a request for a medical exemption from  
21 immunization may submit the request for a medical exemption for  
22 review by the state health officer. The request for state level  
23 review shall be in writing and the state health officer's decision  
24 on such requests shall be in writing and be completed within ten

1 days.

2 (g) An appeal from the ruling of the state health officer  
3 shall be made through the department's administrative review  
4 procedure.

5 (h) The local health official shall verify that immunization  
6 exemptions are entered into the West Virginia Statewide  
7 Immunization Information System - WVSIIIS - to enable support of  
8 individuals at increased risk of disease in an outbreak and to aid  
9 in disease control and surveillance.

NOTE: The purpose of this bill is to establish a process to determine the validity of a medical exemption for compulsory immunization of school children.

§16-3-4a is new; therefore, it has have been completely underscored.