

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

ENGROSSED

Committee Substitute

for

House Bill 4012

BY DELEGATES HORST, J. JEFFRIES, STEELE, CONLEY, CROUSE,

MAYNOR, G. WARD, WORRELL, FOSTER, DEAN, AND NESTOR

[Introduced January 24, 2022; referred to the Committee on

Health and Human Resources then the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §16-3-4b, relating to prohibiting the showing of proof of a COVID-19
3 vaccination as a condition for entering upon the premises of any state or local
4 governmental office, entity, department or agency, or as a condition for entering upon the
5 premises of a hospital or state institution of higher education, unless such proof is required
6 by federal law or regulation; and providing for a person harmed to seek injunctive relief,
7 and, upon prevailing, may be awarded reasonable attorney's fees and court costs.

Be it enacted by the Legislature of West Virginia:

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

§16-3-4b. Prohibiting proof of COVID-19 vaccination.

1 (a) As used in this section:

2 (1) "COVID-19" has the same definition as provided in §55-19-3 of this code;

3 (2) "Hospital" has the same definition as provided in §16-5B-1 of this code;

4 (3) "Immunization" has the same definition as provided in §55-19-3 of this code;

5 (4) "Proof of vaccination" means physical documentation or digital storage of protected
6 health information related to an individual's immunization or vaccination against COVID-19;

7 (5) "State institution of higher education" has the same meaning as provided in §18B-1-2
8 of this code.

9 (b) A state or local governmental official, entity, department, or agency may not require
10 proof of vaccination as a condition of entering upon the premises of a state or local government
11 entity, or utilizing services provided by a state or local government entity: *Provided*, That if any
12 federal law or regulation requires proof of vaccine as a condition of entering the premises, the
13 provisions of this subsection shall not apply: *Provided, however*, That this prohibition does not

14 apply to any local government owned facility that is leased to a private entity where the local
15 governmental unit primarily serves as a property owner receiving rental payments.

16 (c) A hospital may not require proof of vaccination as a condition of entering upon the
17 premises: *Provided*, That if any federal law or regulation requires proof of vaccine as a condition
18 of entering the premises, the provisions of this subsection shall not apply.

19 (d) A state institution of higher education may not require proof of vaccination as a
20 condition of enrollment or for entering upon the premises: *Provided*, That if any federal law or
21 regulation requires proof of vaccine as a condition of entering the premises, the provisions of this
22 subsection shall not apply.

23 (e) A person harmed by a violation of this section may bring an action for injunctive relief
24 in a court of competent jurisdiction, and upon prevailing may be awarded reasonable attorney's
25 fees and court costs.

NOTE: The purpose of this bill is to prohibit an entity from requiring proof of a COVID-19 vaccination to enter a hospital, state institution of higher education or a state or local governmental office, entity, department, or agency, unless such proof is required by federal law or regulation. The bill provides for a person harmed to seek injunctive relief, and, upon prevailing, may be awarded reasonable attorney's fees and court costs.

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