WEST virginia legislature

2022 regular session

Committee Substitute

for

House Bill 4320

By Delegates Crouse, Keaton, Maynor, Horst, Pinson, Longanacre, Hanna, Worrell, Pritt, Mazzocchi, and Honaker

[Originating in the Committee on Health and Human Resources; reported on February 24, 2022]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-3-14, relating to requiring that a covered employer accept biological immunity for a communicable disease; prohibiting requiring a vaccine if protective antibody level occur; and defining terms

Be it enacted by the Legislature of West Virginia:

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

§16-3-14. Recognizing biological immunity.

(a) A covered employer, as defined in this section, that requires as a condition of continued employment or as a condition of hiring an individual for employment that he or she receive an immunization from a communicable disease shall permit the individual to prove he or she has obtained biologic immunity by having protective antibody levels for the communicable disease before requiring a vaccination.

(b) An individual who has antibodies to a communicable disease may not be required to obtain a vaccine against such communicable disease in which they have protective antibody levels.

(c) “Covered employer” means a business entity, including without limitation any individual, firm, partnership, joint venture, association, corporation, company, estate, trust, business trust, recover, syndicate, club, society, or other group or combination acting as a unit engaged in any business activity in this state, including for-profit or not-for-profit activity, that has employees.

NOTE: The purpose of this bill is to provide a person who has natural immunity from a communicable disease to not obtain a vaccine for the communicable disease.

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