

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3144

By Delegates C. Pritt, Kimble, Kump and Ridenour

[Introduced January 30, 2023; Referred to the
Committee on Education then the Judiciary]

1 A BILL to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended, relating to
2 prohibiting mandatory vaccinations for school children.

Be it enacted by the Legislature of West Virginia:

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

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

1 ~~(a) Whenever a resident birth occurs, the commissioner shall promptly provide parents of~~
2 ~~the newborn child with information on immunizations mandated by this state or required for~~
3 ~~admission to a public, private and parochial school in this state or a state-regulated child care~~
4 ~~center.~~

5 ~~(b) Except as hereinafter provided, a child entering school or a state-regulated child care~~
6 ~~center in this state must be immunized against chickenpox, hepatitis b, measles, meningitis,~~
7 ~~mumps, diphtheria, polio, rubella, tetanus and whooping cough.~~

8 ~~(c) No child or person may be admitted or received in any of the schools of the state or a~~
9 ~~state-regulated child care center until he or she has been immunized against chickenpox,~~
10 ~~hepatitis b, measles, meningitis, mumps, diphtheria, polio,, rubella, tetanus and whooping cough~~
11 ~~or produces a certificate from the commissioner granting the child or person an exemption from~~
12 ~~the compulsory immunization requirements of this section.~~

13 ~~(d) Any school or state-regulated child care center personnel having information~~
14 ~~concerning any person who attempts to be enrolled in a school or state-regulated child care center~~
15 ~~without having been immunized against chickenpox, hepatitis b, measles, meningitis, mumps,~~
16 ~~diphtheria, polio, rubella, tetanus and whooping cough shall report the names of all such persons~~
17 ~~to the commissioner.~~

18 ~~(e) Persons may be provisionally enrolled under minimum criteria established by the~~

19 ~~commissioner so that the person's immunization may be completed while missing a minimum~~
20 ~~amount of school. No person shall be allowed to enter school without at least one dose of each~~
21 ~~required vaccine.~~

22 ~~(f) County health departments shall furnish the biologicals for this immunization for children~~
23 ~~of parents or guardians who attest that they cannot afford or otherwise access vaccines~~
24 ~~elsewhere.~~

25 ~~(g) Health officers and physicians who provide vaccinations must present the person~~
26 ~~vaccinated with a certificate free of charge showing that they have been immunized against~~
27 ~~chickenpox, hepatitis b, measles, meningitis, mumps, diphtheria, polio, rubella, tetanus and~~
28 ~~whooping cough, or he or she may give the certificate to any person or child whom he or she~~
29 ~~knows to have been immunized against chickenpox, hepatitis b, measles, meningitis, mumps,~~
30 ~~diphtheria, polio, rubella, tetanus and whooping cough.~~

31 ~~(h) The commissioner is authorized to grant, renew, condition, deny, suspend or revoke~~
32 ~~exemptions to the compulsory immunization requirements of this section, on a statewide basis,~~
33 ~~upon sufficient medical evidence that immunization is contraindicated or there exists a specific~~
34 ~~precaution to a particular vaccine.~~

35 ~~(1) A request for an exemption to the compulsory immunization requirements of this~~
36 ~~section must be accompanied by the certification of a licensed physician stating that the physical~~
37 ~~condition of the child is such that immunization is contraindicated or there exists a specific~~
38 ~~precaution to a particular vaccine.~~

39 ~~(2) The commissioner is authorized to appoint and employ an Immunization Officer to~~
40 ~~make determinations on request for an exemption to the compulsory immunization requirements~~
41 ~~of this section, on a statewide basis, and delegate to the Immunization Officer the authority~~
42 ~~granted to the commissioner by this subsection.~~

43 ~~(3) A person appointed and employed as the Immunization Officer must be a physician~~
44 ~~licensed under the laws of this state to practice medicine.~~

45 ~~(4) The Immunization Officer's decision on a request for an exemption to the compulsory~~
46 ~~immunization requirements of this section may be appealed to the State Health Officer.~~

47 ~~(5) The final determination of the State Health Officer is subject to a right of appeal~~
48 ~~pursuant to the provisions of article five, chapter twenty-nine a of this code.~~

49 ~~(i) A physician who provides any person with a false certificate of immunization against~~
50 ~~chickenpox, hepatitis b, measles, meningitis, mumps, diphtheria, polio,, rubella, tetanus and~~
51 ~~whooping cough is guilty of a misdemeanor and, upon conviction, shall be fined not less than \$25~~
52 ~~nor more than \$100~~

53 There shall be no requirement for any child entering a public school to have received any
54 immunizations or vaccinations.

NOTE: The purpose of this bill is to prohibit vaccine mandates for schools.

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