

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 632

By Senators Chapman and Taylor

[Introduced February 15, 2023; referred
to the Committee on Health and Human Resources]

1 A BILL to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended, relating to
 2 prohibiting COVID-19 and other experimental vaccines and creating religious and
 3 philosophical exemptions for school attendance vaccines.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. PREVENTION AND CONTROL OF COMMUNICABLE INFECTIOUS DISEASES.

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

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, unless the child is exempted from
 8 the immunization pursuant to this section.

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

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

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

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

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

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

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

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

40 (A) The certification of a licensed physician stating that the physical condition of the child is
41 such that immunization is contraindicated or there exists a specific precaution to a particular
42 vaccine; or

43 (B) Notwithstanding any other provisions in this code, any child whose parents present a
44 signed statement to school officials stating their objections for reason of conscience, including
45 religious or philosophical reasons, shall be exempt from the provisions in this chapter.

46 (C) Under no circumstances may the COVID-19 vaccination, or other experimental
47 vaccinations, be required for attendance of school.

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

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

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

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

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

62 (f) No healthcare entity, school, childcare facility, or agent may question, penalize, or
63 discriminate against any person exercising exemption rights provided in this section.

64 (g) Any person harmed by a violation of this section may seek injunctive relief in a court of
65 competent jurisdiction.

66 (h) The provisions of this section shall become effective immediately.

NOTE: The purpose of this bill is to prohibit the COVID-19 or other experimental vaccines for school attendance. Parents or guardians have a right to object to vaccinations based upon reasons of conscience, including religious and philosophical reasons.

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