

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **House Bill 5144**

By Delegate C. Pritt

[Introduced January 25, 2024; Referred to the  
Committee on Health and Human Resources then  
Education]

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 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 may 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.