

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 466

**FISCAL
NOTE**

By Senator Willis

[Introduced February 14, 2025; referred
to the Committee on Health and Human Resources;
and then to the Committee on Finance]

1 A BILL to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended, relating to
2 immunizations; establishing voluntary vaccinations and eliminating certain compulsory
3 immunization requirements; eliminating vaccine mandates for all citizens of West Virginia;
4 providing immunization information upon request by parents of newborns; providing that all
5 vaccinations for West Virginia citizens be voluntary; and establishing that vaccinations are
6 not required as a condition of school enrollment, attendance, or employment.

Be it enacted by the Legislature of West Virginia:

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

**§16-3-4. Compulsory Voluntary immunization of school children, adolescents, and adults;
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 if requested by the parents.~~

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) (b) 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 (c) Vaccination of children, adolescents, and adults in West Virginia shall be voluntary with
54 the consent of the person, parents, or legal guardians. No public school, public college, university,
55 or vocational technical school may require vaccination as a condition of school enrollment,
56 attendance, or employment.

NOTE: The purpose of this bill is to establish voluntary vaccinations and eliminate certain compulsory immunization requirements; eliminate vaccine mandates for all citizens of West Virginia; provide immunization information upon request by parents of newborns; provide all vaccinations for West Virginia citizens be voluntary; and establish that vaccinations are not required as a condition of school enrollment, attendance, or employment.

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