

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 2271

BY DELEGATES STEELE AND SYPOLT

[Introduced February 10, 2021; Referred to the
Committee on Education then Health and Human
Resources]

1 A BILL to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended, relating
 2 to compulsory immunization of public school children; and removing references to private
 3 and parochial schools from compulsory immunization.

Be it enacted by the Legislature of West Virginia:

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

**§16-3-4. Compulsory immunization of public 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 public school or a state-regulated child
 6 care center in this state ~~must~~ shall be immunized against chickenpox, hepatitis-b, measles,
 7 meningitis, mumps, diphtheria, polio, rubella, tetanus and whooping cough.

8 (c) No child or person may be admitted or received in any of the public schools of the state
 9 or a 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 public school or state-regulated child care center personnel having information
 14 concerning any person who attempts to be enrolled in a public school or state-regulated child care
 15 center without having been immunized against chickenpox, hepatitis-b, measles, meningitis,
 16 mumps, diphtheria, polio, rubella, tetanus and whooping cough shall report the names of all such
 17 persons 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 public school. No person ~~shall~~ may be allowed to enter public school without at least
21 one dose of each required vaccine.

22 (f) County health departments shall furnish the biologicals for this immunization for
23 children 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~~ shall 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~~ may grant, renew, condition, deny, suspend or
32 revoke exemptions to the compulsory immunization requirements of this section, on a statewide
33 basis, upon sufficient medical evidence that immunization is contraindicated or there exists a
34 specific precaution to a particular vaccine.

35 (1) A request for an exemption to the compulsory immunization requirements of this
36 section ~~must~~ shall be accompanied by the certification of a licensed physician stating that the
37 physical 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~~ may appoint and employ an Immunization Officer
40 to make determinations on request for an exemption to the compulsory immunization
41 requirements of this section, on a statewide basis, and delegate to the Immunization Officer the
42 authority granted to the commissioner by this subsection.

43 (3) A person appointed and employed as the Immunization Officer ~~must~~ shall be a

44 physician 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~~ §29A-5-1 *et seq.* 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.

NOTE: The purpose of this bill is to require compulsory immunization of public school children. The bill removes references to private and parochial schools from compulsory immunization.

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