WEST virginia legislature

2021 regular session

Introduced

House Bill 2289

By Delegates Steele and Sypolt

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

A BILL to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended, relating to compulsory immunizations; permitting physicians to provide exemption certificates relating to required immunizations; and removing requirement for certain personnel to report persons not immunized.

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 school children.

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

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

(c) ~~No~~ A child ~~or person~~ may not be ~~admitted or received~~ enrolled in any ~~of the schools~~ ~~of the state~~ school or a state-regulated child care center until he or she has been immunized against chickenpox, hepatitis-b, measles, meningitis, mumps, diphtheria, polio, rubella, tetanus, and whooping cough or produces a certificate from ~~the commissioner~~ his or her physician granting the child ~~or person~~ an exemption from the compulsory immunization requirements of this section.

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

(d) ~~(e)~~ Persons may be provisionally enrolled under minimum criteria established by the commissioner so that the person’s immunization may be completed while missing a minimum amount of school. No person shall be allowed to enter school without at least one dose of each required vaccine.

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

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

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

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

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

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

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

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

(h) A physician who provides an exemption certificate shall submit to the commissioner when he or she grants an exemption the medical evidence that immunization is contraindicated or there exists a specific precaution to a particular vaccine.

(i)~~(j)~~ A physician who approves and provides a child with a false certificate of immunization ~~against chickenpox, hepatitis-b, measles, meningitis, mumps, diphtheria, polio, rubella, tetanus and whooping cough~~ is subject to disciplinary action by his or her board. ~~guilty of a misdemeanor and, upon conviction, shall be fined not less than $25 nor more than $100~~

NOTE: The purpose of this bill is to permit physicians to provide exemption certificates relating to required immunizations. It removes requirement for certain personnel to report persons not immunized.

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