

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2052

By Delegates C. Pritt and Brooks

[Introduced January 11, 2023; Referred to the
Committee on Economic Development and Tourism
then the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §11-12-3a, ensuring that all businesses in West Virginia have their respective
 3 business licenses and registrations protected from revocation for refusing to comply with
 4 any mask requirement issued during a declared state of emergency by the Governor of
 5 West Virginia or otherwise; providing for a cause of action; establishing a two-year statute
 6 of limitations to file suit; and providing an effective date.

Be it enacted by the Legislature of West Virginia:

ARTICLE 12. BUSINESS REGISTRATION TAX.

§11-12-3a. Protection of businesses from license or registration revocation for mask order noncompliance.

1 (a) Mask orders. - Notwithstanding any other provision in this code to the contrary, no
 2 mandatory mask order issued pursuant to the authority granted to the Governor under §15-5-6 of
 3 this code, nor any control measure taken under §15-5-1 *et seq.* of this code, may prohibit a
 4 business from remaining open, and the business license and/or business registration certificate
 5 issued to a business shall be protected from revocation by the State of West Virginia.

6 (b) Cause of action. - Any business that suffers any direct or indirect harm as a result of a
 7 violation of this section shall have a private cause of action for injunctive relief, damages, and any
 8 other relief available under law.

9 (c) Statute of limitations. - All civil actions must be initiated within two (2) years after the
 10 harm occurred. Persons or organizations who prevail on a claim brought pursuant to this section
 11 shall be entitled to monetary damages, including for any psychological, emotional, and physical
 12 harm suffered, reasonable attorney’s fees and costs, and any other appropriate relief.

13 (d) Effective date. - This section shall take effect immediately upon passage.

NOTE: The purpose of this bill is to ensure that businesses have their respective business licenses/registrations protected from revocation by the State of West Virginia for noncompliance with any mandatory mask order.

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