

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Introduced**

### **House Bill 2558**

By Delegates Crouse, Kirby, Mallow, Longanacre,  
Kump, Forsht, Devault, Heckert, Hillenbrand, A. Hall,  
and Worrell

[Introduced January 16, 2023; Referred to the  
Committee on Health and Human Resources]

1 A BILL to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended, relating to  
2 compulsory immunizations; and permitting religious exemptions.

*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; 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, there exists a specific  
34 precaution to a particular vaccine, or the parent or guardian submits a notarized Certificate of  
35 Religious Exemption Form to the admitting official of the school to which the student is seeking  
36 admission stating that the administration of immunizing agents conflicts with the student's religious  
37 tenets or practices.

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

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

45 granted to the commissioner by this subsection.

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

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

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

52 (i) A physician who provides any person with a false certificate of immunization against  
53 chickenpox, hepatitis-b, measles, meningitis, mumps, diphtheria, polio,, rubella, tetanus and  
54 whooping cough is guilty of a misdemeanor and, upon conviction, shall be fined not less than \$25  
55 nor more than \$100.

NOTE: The purpose of this bill is to permit a religious exemption to compulsory school immunizations.

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