

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

### **Introduced**

## **Senate Bill 460**

By Senators Smith (Mr. President) and Woelfel

[By Request of the Executive]

[Introduced February 13, 2025; 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 vaccinations; providing religious and philosophical exemptions to the immunization of  
3 school children; clarifying the procedure for exemption; requiring schools create and  
4 maintain a report on the number of exempt school children; and clarifying the duties of  
5 state health officer and Commissioner of Bureau for Public Health.

*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~~ state health officer shall promptly  
2 provide parents of the newborn child with information on immunizations ~~mandated by this state or~~  
3 required for admission to a public, private and parochial school in this state or a state-regulated  
4 child care center.

5 (b) Except as ~~hereinafter~~ provided in subsections (h), (j), or (k) of this section, a child  
6 entering school or a state-regulated child care center in this state must be immunized against  
7 chickenpox, hepatitis-b, measles, meningitis, mumps, diphtheria, polio, rubella, tetanus and  
8 whooping cough.

9 (c) No child or person may be admitted or received in any of the schools of the state or a  
10 state-regulated child care center until he or she has been immunized against chickenpox,  
11 hepatitis-b, measles, meningitis, mumps, diphtheria, polio,, rubella, tetanus and whooping cough  
12 or produces a certificate from the ~~commissioner~~ state health officer granting the child or person an  
13 exemption from the compulsory immunization requirements of this section under subsections (h),  
14 (j), or (k) of this section.

15 (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~~ state health officer.

(e) Persons may be provisionally enrolled under minimum criteria established by the ~~commissioner~~ state health officer 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.~~

(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.

(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.

(h) The ~~commissioner~~ state health officer 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, upon the recommendation of the state health officer, 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 The state health officer may delegate to the Immunization Officer the authority granted to the commissioner state health officer 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 Officer's 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~~ §29A-5-1 of this code.

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

(j) Subsections (b) through (i) of this section, including any requirements for compulsory immunization under subsections (b) and (c) of this section, shall not apply if the parents or legal guardians of the child object to immunization on the grounds that it conflicts with the religious or philosophical beliefs of the parents, legal guardians, or child.

(1) To qualify for this exemption, the parents or legal guardians of the child shall submit a written statement, on an annual basis, requesting a religious or philosophical exemption and stating that the parent, legal guardian, or child object on religious or philosophical grounds to one or more of the vaccines listed in subsections (b) and (c) of this section;

(2) The state health office shall develop a form for the receipt and submission of information necessary to efficiently process exemptions under subsection (j): *Provided, That a written statement, signed by the parent or legal guardian shall be sufficient proof to establish an objection under subsection (j) of this code.*

68 (k) A full time virtual public school student who does not physically attend public school,  
69 private, or parochial school shall be exempt from the requirements of subsections (b) through (i) of  
70 this section.

71 (l) All public, private, and parochial schools shall create and maintain a report containing  
72 the following:

73 (1) The number of students enrolled in the school who have been granted an exemption  
74 from vaccination under subsections (h) or (j); and

75 (2) The percentage of students enrolled in the school who have been granted an  
76 exemption from vaccination under subsections (h) or (j).

77 (m) The report required under subsection (l) shall:

78 (1) Be updated by December 1 of each calendar year; and

79 (2) Be posted and available to the public online.

80 (n) No personal identifying or personal health information of any individual shall be  
81 included in the report required under subsections (l) and (m) of this section.

NOTE: The purpose of this bill is to modify the requirements for compulsory childhood immunizations to provide for exemptions based on religious and philosophical objections.

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