

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 5338**

By Delegate Dillon

[Introduced February 09, 2026; referred to the  
Committee on Health and Human Resources then the  
Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,  
 2 designated §18A-2A-2; and to amend and reenact §18A-5-1c of said code, relating to the  
 3 creation of the Health Freedom for Teachers and Students Act of 2026; creating a  
 4 prohibition of mandated teacher or school employee immunizations or medical treatments;  
 5 and creating a prohibition of mandated student immunizations or medical treatments.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 2A. TEACHERS BILL OF RIGHTS.**

**§18A-2A-2. Prohibition of mandated teacher or school employee immunizations or medical treatments.**

1 (a) Notwithstanding any other section of code, no school employee shall be required to  
 2 receive any immunization, injection, or medical treatment or procedure as a condition of  
 3 employment in West Virginia, nor be subject to coercion or intimidation by any school employee to  
 4 receive any of the same.

5 (b) This section shall take effect immediately upon passage.

**ARTICLE 5. AUTHORITY; RIGHTS; RESPONSIBILITY.**

**§18A-5-1c. Bill of Rights and Responsibilities for Students and School Personnel.**

1 (a) The Legislature finds that:

2 (1) The mission of public schools is to prepare students for equal and responsible  
 3 citizenship and productive adulthood;

4 (2) Democratic citizenship and productive adulthood begin with standards of conduct in  
 5 schools;

6 (3) Schools should be safe havens for learning with high standards of conduct for students;

7 and

8 (4) Rights necessarily carry responsibilities.

9 (b) In recognition of the findings in this section, the following Bill of Rights and

10 Responsibilities for Students and School Personnel is established:

11 (1) The right to attend a school and ride a bus that is safe, orderly and drug free;

12 (2) The right to learn and work in a school that has clear discipline codes with fair and  
13 consistently enforced consequences for misbehavior;

14 (3) The right to learn and work in a school that has alternative educational placements for  
15 violent or chronically disruptive students;

16 (4) The right to be treated with courtesy and respect;

17 (5) The right to attend a school and ride on a bus that is free from bullying;

18 (6) The right to support from school administrators when enforcing discipline policies;

19 (7) The right to support from parents, the community, public officials and businesses in  
20 their efforts to uphold high standards of conduct;

21 (8) Notwithstanding any other section of code, no student shall be required to receive any  
22 immunization, injection, or medical treatment or procedure as a condition of enrollment in any  
23 West Virginia school, nor be subject to coercion or intimidation by any school employee to receive  
24 any of the same. This section shall take effect immediately upon passage; and

25 ~~(8)~~ (9) The responsibility to adhere to the principles in this Bill of Rights and  
26 Responsibilities for Students and School Personnel, and to behave in a manner that guarantees  
27 that other students and school personnel enjoy the same rights.

NOTE: The purpose of this bill is to create the Health Freedom for Teachers and Students Act of 2026.

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