

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 5378**

By Delegates Crouse and White

[Introduced February 09, 2026; 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 ("school") in this state or a state-  
4 regulated child care center.

5 (b) ~~Except as hereinafter provided, a~~ 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 except as otherwise set forth in  
8 this section.

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~~ written statement granting the child or person an  
13 exemption from the compulsory immunization requirements of this section, as provided in  
14 subsection (f).

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

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

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

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

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

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

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

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

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

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

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

55 ~~(f) A child shall be exempt from the mandatory immunization requirements of this section~~  
56 ~~as to a specific immunization for any period of time as to which a licensed physician, physician~~  
57 ~~assistant, or nurse practitioner provides a written statement to the administrator of the child's~~  
58 ~~school or to the operator of the state-regulated child care center that a specific immunization is or~~  
59 ~~may be detrimental to the child's health or is not appropriate.~~

60 ~~(1) A licensing board shall not take any disciplinary action against a licensed physician,~~  
61 ~~physician assistant, or nurse practitioner who provides a written statement as set forth in this~~  
62 ~~subsection;~~

63 ~~(2) A licensed physician, nurse practitioner or physician assistant whose actions under this~~  
64 ~~section are taken in good faith is immune from civil liability related to the statement issued~~  
65 ~~pursuant to this subsection, unless his or her actions were the result of gross negligence or willful~~  
66 ~~misconduct; and~~

67 (3) A licensed physician, physician assistant, or nurse practitioner who provides a written  
68 statement as set forth in this subsection shall report to the state health office the number of  
69 children granted an exemption from compulsory immunizations and the county in which that child  
70 resides. The State Health Officer shall report such information annually by December 1, to the  
71 Joint Committee on Health.

72 (g) A school or state-regulated child care center may not prohibit a child exercising an  
73 exemption pursuant to this section from participating in extracurricular activities or from attending  
74 school-based events.

75 (h) A person harmed by a violation of this section by a public school may seek injunctive  
76 relief in a court of competent jurisdiction.

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.