

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **Senate Bill 731**

By Senator Rucker

[Introduced February 3, 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 the elimination of hepatitis-b and meningitis as required vaccines.

*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~~ 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  
23 children 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 or there exists a specific  
34 precaution to a particular vaccine.

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

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

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

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

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

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

NOTE: The purpose of this bill is to eliminate hepatitis-b and meningococcal meningitis vaccines from the existing compulsory vaccination requirements as outlined in WV Code 16-3-4. The Center for Disease Control and Prevention Advisory Committee on Immunization Practices has revised their recommendations, and they no longer include the hepatitis B and meningococcal vaccines in their recommended childhood vaccine schedule. Consequently, this bill removes the meningitis and hepatitis-b vaccines from the list of vaccines that are compulsory for school or state-regulated child care center entry in West Virginia.

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