

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 4681**

By Delegates Anders, Kimble, White, Coop-Gonzalez,

Kump, and Dillon

[Introduced January 21, 2026; referred to the

Committee on the Judiciary]

1 A BILL to amend and reenact §55-7-30 of the Code of West Virginia, 1931, as amended, relating to  
2 creating civil liability for pharmaceutical companies for damages resulting from the Covid-  
3 19 vaccination.

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

**ARTICLE 7. ACTIONS FOR INJURIES.**

**§55-7-30. Adequate pharmaceutical warnings; limiting civil liability for manufacturers or**

**sellers who provide warning to a learned intermediary.**

1 (a) A manufacturer or seller of a prescription drug or medical device may not be held liable  
2 in a product liability action for a claim based upon inadequate warning or instruction unless the  
3 claimant proves, among other elements, that:

4 (1) The manufacturer or seller of a prescription drug or medical device acted unreasonably  
5 in failing to provide reasonable instructions or warnings regarding foreseeable risks of harm to  
6 prescribing or other health care providers who are in a position to reduce the risks of harm in  
7 accordance with the instructions or warnings; and

8 (2) Failure to provide reasonable instructions or warnings was a proximate cause of harm.

9 (b) It is the intention of the Legislature in enacting this section to adopt and allow the  
10 development of a learned intermediary doctrine as a defense in cases based upon claims of  
11 inadequate warning or instruction for prescription drugs or medical devices.

12 (c) An exception exists that shall create civil liability for pharmaceutical companies in West  
13 Virginia state courts for damages resulting from the Covid-19 vaccines. West Virginia citizens shall  
14 be allowed to sue for damages resulting from these vaccines with no limits on financial awards.

NOTE: The purpose of this bill is to allow for pharmaceutical companies to be held liable for injuries resulting from the Covid-19 vaccine.

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