

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **Senate Bill 610**

By Senator Rucker

[Introduced January 27, 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 medical exemption to mandatory vaccination requirements; replacing the commissioner's  
3 right to produce a certificate of exemption with the right of a treating physician or advance  
4 practice provider to produce a certificate; eliminating the position of State Immunization  
5 Officer; and providing that a child is exempt from the mandatory vaccination requirements  
6 when a physician or advanced practice provider presents a written statement.

*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 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~~ child's treating physician or advanced practice  
12 provider granting the child or person an exemption from the compulsory immunization  
13 requirements of this section.

14 ~~(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.

(e) Persons may be provisionally enrolled under minimum criteria established by the commissioner 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)(d) 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)(e) Health officers, and physicians, and advanced practice providers 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 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 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 delegate to the Immunization Officer the authority granted to the commissioner 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 of this code.~~

~~(i) (f) A physician or advanced practice provider 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.~~

~~(g) A child is exempt from the requirements of this section for any period of time as to which a physician or advanced practice provider presents a written statement to the child's school or state-regulated child care center that immunization with one or more specific vaccines is or may be detrimental to the child's health.~~

NOTE: The purpose of this bill is to amend the process for a medical exemption to compulsory vaccination. It eliminates the commissioners' right to grant, renew, deny, suspend, or revoke medical exemptions to compulsory vaccination requirement and the Immunization Officer. The bill specifies that medical exemptions to compulsory vaccination are granted based on a treating physician's or advanced practice provider's determination that vaccination is or may be detrimental to the child's health. The physician or advanced practice provider is to provide a written statement to this effect to the child's school or state-regulated child care center.

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