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March 21, 2025
THIRTY-EIGHTH DAY

Friday, March 21, 2025

THIRTY-EIGHTH DAY

[DELEGATE HANSHAW, MR. SPEAKER, IN THE CHAIR]

The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

Prayer was offered and the House was led in recitation of the Pledge of Allegiance.

The Clerk proceeded to read the Journal of Thursday, March 20, 2025, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate McGeehan announced that H. B. 3271, on second reading, Special Calendar, had been transferred to the House Calendar; and H. B. 3072, on second reading, Special Calendar, had been transferred to the House Calendar.

Committee Reports

Delegate Anderson, Chair of the Committee on Energy and Public Works, submitted the following report, which was received:

Your Committee on Energy and Public Works has had under consideration:

H. B. 2987, Relating to the Consumer Data Protection Act,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2987 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31A-8H-1, §31A-8H-2, §31A-8H-3, §31A-8H-4, and §31A-8H-5; and to amend said code by adding a new article, designated §46A-6O-1, §46A-6O-2, §46A-6O-3, §46A-6O-4, §46A-6O-5, §46A-6O-6, §46A-6O-7, §46A-6O-8, §46A-6O-9, §46A-6O-10, and §46A-6O-11, relating to the Safe Harbor for Cybersecurity Programs and the Consumer Data Protection Act; providing for an affirmative legal defense to certain types of businesses against demands for an award of exemplary or punitive damages in lawsuits claiming that the business failed to implement reasonable cybersecurity protections and that as a result, a data breach of personal information or restricted information occurred if the business creates, maintains, and complies with a written cybersecurity program that contains administrative, technical, operational, and physical safeguards for the protection of personal information as set forth in this act; defining terms; describing the requirements of the cybersecurity program; construction of article; clarifying no private cause of action provided by article; and providing immunity in certain circumstances to certain institutions of higher education in this state that offer a cybersecurity assessment program as part of an undergraduate or graduate program relating to cybersecurity to any business in the state; establishing a framework for controlling and processing personal data of consumers in this state; creating definitions; limiting application to all

persons that conduct business in this state and either control or process personal data of at least 100,000 consumers or derive over 50% of gross revenue from the sale of personal data and control or process personal data of at least 25,000 consumers; providing exemptions; delineating responsibilities and privacy protection standards for data controllers and processors; clarifying standards do not apply to state or local governmental entities; providing exceptions for certain types of data and information governed by federal law; providing that consumers have rights to access, correct, delete, obtain a copy of personal data, and to opt out of the processing of personal data for the purposes of targeted advertising; providing standards for data protection assessments; delineating processing of de-identified data; specifying limitations upon scope of the article; providing for civil penalty for violations of provisions of the article; clarifying that the Attorney General has exclusive authority to enforce violations of the law; providing for assistance of the Attorney General in obtaining relief; and providing for construction and an effective date,"

With the recommendation that the committee substitute do pass, and with the recommendation that second reference to the Committee on the Judiciary be dispensed with.

In the absence of objection, reference of the bill (Com. Sub. for H. B. 2987) to the Committee on the Judiciary was abrogated.

Mr. Speaker (Mr. Hanshaw), Chair of the committee on Rules, submitted the following report, which was received:

Your committee on Rules has had under consideration:

Com. Sub. for H. C. R. 46, U.S. Army Ronald Gene Sypolt Memorial Bridge,

Com. Sub. for H. C. R. 47, Clinton "Randy" Dean 101st Airborne Vietnam Veterans Memorial Bridge,

Com. Sub. for H. C. R. 50, Alfred E. Garrison Memorial Bridge,

Com. Sub. for H. C. R. 54, PFC Howard Bissett Memorial Bridge,

Com. Sub. for H. C. R. 56, Tom Bill Dudley Memorial Bridge,

Com. Sub. for H. C. R. 60, Janice Cosco Memorial Bridge Longest Serving Marion County Clerk,

Com. Sub. for H. C. R. 61, U.S. Navy Seaman First Class Guy Harlow Waugh Memorial Road,

Com. Sub. for H. C. R. 62, U.S. Army PFC Henry James Miller Memorial Bridge,

Com. Sub. for H. C. R. 63, Gary W. Spinks Memorial Bridge,

H. C. R. 67, 2nd LT Darwin Keith "Gus" Kyle Memorial Bridge,

Com. Sub. for H. C. R. 68, Jim Marcum and Airiel Wallace Memorial Bridge,

Com. Sub. for H. C. R. 69, Landen, Fannie, Katherine, Ab and Laura Baisden Family Memorial Bridge,

Com. Sub. for H. C. R. 71, Leonard N. Miller Memorial Bridge,

Com. Sub. for H. C. R. 79, Donald Tackett Jr. Memorial Road,

And,

Com. Sub. for H. C. R. 83, Benny Filiaggi III Memorial Bridge,

And reports the same back with the recommendation that they each be adopted

Delegate Akers, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. B. 3289, Relating to expungement of certain criminal convictions,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3289 - "A Bill to amend and reenact §61-11-26a of the code of West Virginia 1931, as amended, relating to expungement of certain criminal convictions with certain programs; clarifying the criteria for expungements with substance use treatment; authorizing petition for expungement of certain criminal convictions upon compliance with and approved substance abuse treatment or recovery and counseling program for 90 days, graduation from approved job readiness adult training course, successful completion of drug court program, or any combination thereof; clarifying that graduation from drug court may be grounds for expungement under the section; and clarifying that the section does not supersede §61-11-26b,"

H. B. 3433, Modifying language in the statute to make it consistent with W.Va. Code §5H-1-2(b) for survivor's benefit payment for first responders for purposes of payment for funeral expenses of law enforcement, safety, and emergency workers,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3433 - "A Bill to amend and reenact §15-11-2 of the Code of West Virginia, 1931, as amended, relating to modifying the language in the statute to make it consistent with W.Va. Code §5H-1-2(b) for survivor's benefit payment for first responders for purposes of payment for funeral expenses of law enforcement, safety, and emergency workers; amending the internal effective date; and making technical corrections to the section,"

And,

H. B. 3439, Relating to registration of voters and voluntary registration of organ donors,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3439 - "A Bill to amend and reenact §3-2-5, §16-19-3, §16-19-5, and §16-19-19 of the Code of West Virginia, 1931, as amended, relating to registration of voters and voluntary registration of organ donors; providing for applications for registration to include an option for the applicant to register as an organ donor and be included in a national organ donor database; revising a definition; authorizing the Secretary of State to provide donor registrant records collected to the donor registry; requiring the Secretary of State to provide information on the election of organ donation on voter registration cards, and providing for promulgation of legislative rules,"

With the recommendation that the committee substitutes each do pass.

Delegate Worrell, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

H. B. 2880, Relating to parent resource navigators,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 2880 - "A Bill to amend and reenact §49-1-201 and §49-4-405 of the Code of West Virginia, 1931, as amended, relating parent resource navigators; defining terms; including parent resource navigators within multidisciplinary teams,"

And,

H. B. 3343, Relating to drugs and adding a provision relating to the scheduling of crystalline polymorph psilocybin approved by the Food and Drug Administration,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 3343 - "A Bill to amend and reenact §60A-2-204 of the Code of West Virginia, 1931, as amended, relating to schedule I drugs; and adding a provision relating to the scheduling of crystalline polymorph psilocybin approved by the Food and Drug Administration and the Drug Enforcement Administration,"

With the recommendation that the committee substitutes each do pass.

**Messages from the Executive
and Other Communications**



Patrick Morrisey
Governor of West Virginia

March 20, 2025

The Honorable Lee Cassis, Clerk
West Virginia Senate
State Capitol
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, is the following bill:

Senate Bill No. Three Hundred Fifty-Eight (358), which was presented to me on March 14, 2025.

You will note that I have approved this bill on March 20, 2025.

Sincerely,

A handwritten signature in dark ink, appearing to read "Patrick Morrisey".

Patrick Morrisey
Governor

PM/an
cc: The Honorable Jeff Pack, Clerk



Patrick Morrisey
Governor of West Virginia

March 21, 2025

The Honorable Jeff Pack, Clerk
West Virginia House of Delegates
State Capitol
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, is the following bill:

House Bill No. Two Thousand Fifty-Three (2053), which was presented to me on March 17, 2025.

You will note that I have approved this bill on March 21, 2025.

Sincerely,

A handwritten signature in dark ink, appearing to read "Patrick Morrisey".

Patrick Morrisey
Governor

PM/an
cc: The Honorable Lee Cassis, Clerk

Messages from the Senate

A message from the Senate, by

Com. Sub. for S. B. 450 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §18-5-52, relating to allowing county boards of education to contract with an independent contractor, known as a West Virginia guardian, who is a former state trooper, former deputy sheriff, former state fire marshal, former Department of Natural Resources police officer, former municipal police officer, or former federal law-enforcement officer to provide to provide public safety and/or security on school grounds to protect life and property; specifying the authority of independent contractors participating in the program and an apparel requirement; requiring the West Virginia guardian to apply for a permit from the county sheriff of the county in which the guardian will provide services; mandating the county sheriff to require an applicant to provide proof of meeting certain requirements; allowing county board to impose additional requirements; requiring permit application fee to be deposited into a guardian program fund; stating that meeting all of certain requirements does not guarantee a contract will be extended to the applicant; specifying instances in which an independent contractor is precluded from participation as a West Virginia guardian; addressing civil and criminal liability; exempting West Virginia guardian contract from certain purchasing requirements; clarifying that county board participation is voluntary and subject to the availability of county funds; and providing for exclusions from state benefit programs "; which was referred to the Committee on Education then Finance.

A message from the Senate, by

Com. Sub. for S. B. 731 - "A Bill to amend and reenact §5-22A-2, §5-22A-3, §5-22A-4, §5-22A-9a, and §5-22A-12 of the Code of West Virginia, 1931, as amended; and to repeal §5-22A-5, relating to termination of the Design-Build Board; and making technical and conforming amendments to allow the continued use of the Design-Build project delivery method"; which was referred to the Committee on Government Organization.

A message from the Senate, by

S. B. 734 - "A Bill to repeal §22-15A-21 of the Code of West Virginia, 1931, as amended, relating to the A. James Manchin Rehabilitation Environmental Action Plan's procurement of recycled products"; which was referred to the Committee on Government Organization.

A message from the Senate, by

Com. Sub. for S. B. 736 - "A Bill to amend and reenact §6B-3-3 of the Code of West Virginia, 1931, as amended, relating to the publication of registered lobbyist information"; which was referred to the Committee on Government Organization.

A message from the Senate, by

S. B. 738 - "A Bill to repeal §5A-1A-1, §5A-1A-2, §5A-1A-3, §5A-1A-4, and §5A-1A-5 of the Code of West Virginia, 1931, as amended, relating to the Employee Suggestion Award Board"; which was referred to the Committee on Government Organization.

Special Calendar

Third Reading

Com. Sub. for S. B. 369, Authorizing miscellaneous boards and agencies to promulgate legislative rules; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 129**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Burkhammer, Flanigan, Martin, B. Smith and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 369) passed.

On motion of Delegate Phillips, the title of the bill was amended to read as follows:

Committee Substitute for S.B. 369 — "A BILL to amend and reenact §64-9-1 *et seq.* of the Code of West Virginia, 1931, as amended, relating to authorizing certain miscellaneous agencies and boards to promulgate legislative rules; authorizing the rules as filed, as modified, and as amended by the Legislative Rule-Making Review Committee, and as amended by the Legislature; authorizing the Department of Agriculture to promulgate a legislative rule relating to state aid for fairs and festivals; authorizing the Department of Agriculture to promulgate a legislative rule relating to the inspection of meat and poultry; authorizing the Department of Agriculture to promulgate a legislative rule relating to licensing and other fees; authorizing the Department of Agriculture to promulgate a legislative rule relating to manufacture-grade milk; authorizing the Department of Agriculture to promulgate a legislative rule relating to employment reference and inquiries and background checks; authorizing the Department of Agriculture to promulgate a legislative rule relating to fish processing; authorizing the Department of Agriculture to promulgate a legislative rule relating to select plant-based derivatives and select plant-based derivative products; authorizing the Department of Agriculture to promulgate a legislative rule relating to the Rural Rehabilitation Program; authorizing the Department of Agriculture to promulgate a legislative rule relating to raw milk; authorizing the Board of Architects to promulgate a legislative rule relating to registration of architects; authorizing the Board of Architects to promulgate a legislative rule relating to fees for registration of architects; authorizing the State Auditor to promulgate a legislative rule relating to Local Government Purchasing Card Program; authorizing the State Auditor to promulgate a legislative rule relating to private trust companies; authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to the operation of barber, cosmetology, nail technology, aesthetic, hair styling, and waxing salons and schools; authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to the schedule of fees; authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to the schedule of fines; authorizing the Board of Chiropractic Examiners to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations; authorizing the Board of Dentistry to promulgate a legislative rule relating to continuing education requirements; authorizing the Board of Dentistry to promulgate a legislative rule relating to mobile dental facilities and portable dental units; authorizing the Election Commission to promulgate a legislative rule relating to the regulation of campaign finance; authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to funeral director, embalmer, apprentice, courtesy card holders, and funeral establishment requirements; authorizing the Massage Therapy Licensure Board to promulgate a legislative rule relating to general provisions; authorizing the Board of Medicine to promulgate a legislative rule relating to waiver of initial licensing fees for certain initial licensure applicants; authorizing the Board of Occupational Therapy to promulgate a legislative rule relating to fees for services rendered by the board; authorizing the Board of Occupational Therapy to promulgate a legislative rule relating to competency standards for advanced practice by occupational therapists and occupational therapy assistants; authorizing the Board of Occupational Therapy to promulgate a legislative rule relating to request for waiver of licensing fees for certain individuals; authorizing

the Board of Occupational Therapy to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations; authorizing the Board of Occupational Therapy to promulgate a legislative rule relating to telehealth practice requirements and definitions; authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to a waiver of initial licensing fees for certain initial licensure applicants; authorizing the Board of Pharmacy to promulgate a legislative rule relating to licensure and practice of pharmacy; authorizing the Board of Pharmacy to promulgate a legislative rule relating to the Uniform Controlled Substances Act; authorizing the Board of Pharmacy to promulgate a legislative rule relating to regulations governing pharmacy permits; authorizing the Board of Pharmacy to promulgate a legislative rule relating to the application of waiver of initial licensing fees for certain individuals; authorizing the Board of Examiners of Psychologists to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations and application for waiver of initial licensing fees for certain individuals; authorizing the Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to requirements for licensure and certification; authorizing the Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to renewal of licensure or certification; authorizing the Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to requirements for registration and renewal of appraisal management companies; authorizing the Real Estate Commission to promulgate a legislative rule relating to licensing real estate brokers, associate brokers, and salespersons and the conduct of brokerage business; authorizing the Real Estate Commission to promulgate a legislative rule relating to the application for waiver of initial licensing fees for certain individuals; authorizing the Real Estate Commission to promulgate a legislative rule relating to consideration of prior criminal convictions in initial license eligibility determination; authorizing the Board of Respiratory Care to promulgate a legislative rule relating to criteria for licensure; authorizing the Board of Respiratory Care to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations; authorizing the Board of Respiratory Care to promulgate a legislative rule relating to telehealth practice requirements and definitions; authorizing the Board of Sanitarians to promulgate a legislative rule relating to the practice of public health sanitation; authorizing the Board of Examiners for Speech-Language Pathology and Audiology to promulgate a legislative rule relating to speech-language pathology and audiology assistants; authorizing the State Conservation Committee to promulgate a legislative rule relating to the State Conservation Committee Grant Program; and authorizing the Hope Scholarship Board to promulgate a legislative rule relating to the Hope Scholarship Program."

Delegate McGeehan moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 130**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Burkhammer, Flanigan, Martin, B. Smith and Steele.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 369) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 2003, Prohibiting Cell phones in class; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 131**), and there were—yeas 92, nays 3, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Drennan, Foggin and Hornbuckle.

Absent and Not Voting: Burkhammer, Flanigan, Martin, B. Smith and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2003) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 2349, To offer long-acting reversible contraception to patients receiving methadone and suboxone at the treatment facility for the methadone and suboxone; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 132**), and there were—yeas 91, nays 4, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Anders, Chiarelli, Kump and McGeehan.

Absent and Not Voting: Burkhammer, Flanigan, Martin, B. Smith and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2349) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 2389, Relating to Dietitian Licensure Compact; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 133**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Burkhammer, Flanigan, B. Smith and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2389) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 2479, Relating to Management and control of county authority vested in board; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 134**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Pinson.

Absent and Not Voting: Burkhammer, Flanigan, B. Smith and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2479) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 2502, Establishing limitations on billing practices of Internet or telecommunications providers that fail to provide subscribed customers service for five or more days; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 135**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Burkhammer, Flanigan, B. Smith, Steele and White.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2502) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 2776, Requiring Department of Health to report positive Alpha Gal tests to CDC; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 136**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Burkhammer, Flanigan, Hornbuckle, B. Smith, Steele and White.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 2776) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 2797, Relating to who may diagnose post-traumatic stress disorder as a compensable injury or disease under workers compensation; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 137**), and there were—yeas 94, nays 1, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Foggin.

Absent and Not Voting: Burkhammer, Flanigan, Hornbuckle, B. Smith and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2797) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 2835, Relating to creating the West Virginia Infrastructure Deployment Clearinghouse; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 138**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Burkhammer, Flanigan, Hornbuckle, B. Smith and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2835) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 2856, Providing for conservation easements to allow for broadband through easements either directly or under a conservation plan; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 139**), and there were—yeas 91, nays 5, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Anders, Kimble, Masters, Steele and Street.

Absent and Not Voting: Burkhammer, Flanigan, Hornbuckle and B. Smith.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2856) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 2878, To require railroad companies to provide alternative entry and exit ways; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 140**), and there were—yeas 95, nays 1, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Criss.

Absent and Not Voting: Burkhammer, Flanigan, Hornbuckle and B. Smith.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 2878) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 3125, To remove restrictions from teachers receiving permanent teaching licenses; on third reading, coming up in regular order, was read a third time.

Delegates Stephens and Pritt requested to be excused from voting on Com. Sub. for H. B. 3125 under the provisions of House Rule 49.

The Speaker replied that the Delegates were members of a class of persons possibly to be affected by the passage of the bill and directed the Members to vote.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 141**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Burkhammer, Flanigan and B. Smith.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3125) passed.

Delegate McGeehan moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 142**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Burkhammer, Flanigan and B. Smith.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3125) takes effect from its passage.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 3146, Relating to special registration plates for military personnel; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 143**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Burkhammer, Flanigan and B. Smith.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3146) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 3166, Requirements for School Safety Mapping Data; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 144**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Burkhammer, Flanigan and B. Smith.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3166) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 3168, Allow customers to make changes to their accounts by phone or mail

on third reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate McGeehan, and by unanimous consent, the bill was postponed one day.

H. B. 3187, Relating to the West Virginia Task Force on Artificial Intelligence; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 145**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Burkhammer, Flanigan and B. Smith.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3187) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 3263, Relating to providing notification of utility service disruption to its' customers; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 146**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Burkhammer, Devault, Flanigan, Linville and B. Smith.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3263) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

H. B. 3292, Relating to special stops required for on-track equipment; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 147**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Burkhammer, Flanigan, Linville and B. Smith.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 3292) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Com. Sub. for H. B. 3297, Establishing the Washington Center for Civics, Culture, and Statesmanship at West Virginia University; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 148**), and there were—yeas 86, nays 10, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Fluharty, Garcia, Hamilton, Hansen, Hornbuckle, Kump, Lewis, Pushkin, Williams and Young.

Absent and Not Voting: Bridges, Burkhammer, Flanigan and B. Smith.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 3297) passed.

Ordered, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

Second Reading

Com. Sub. for S. B. 460, Relating to vaccine requirements; on second reading, coming up in regular order, was read a second time,

On motion of Delegate Canterbury, the amendment was rejected.

Delegate Canterbury moved to amend the amendment on page 1, line 8, by striking, “chickenpox, hepatitis-b”;

And,

On page 1, line 12, by striking, “chickenpox, hepatitis-b”;

And,

On page 2, line 33, by striking, “chickenpox, hepatitis-b”.

On the adoption of the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 149**), and there were—yeas 40, nays 55, absent and not voting 5, with the yeas and the absent and not voting being as follows:

Yeas: Anders, Bridges, Brooks, Browning, Butler, D. Cannon, Canterbury, Chiarelli, W. Clark, Coop-Gonzalez, Criss, Crouse, Dean, Devault, Dillon, Foggin, Funkhouser, Green, Hite, Horst, G. Howell, T. Howell, Jennings, Kimble, Kump, Martin, Masters, Maynor, Mazzocchi, McGeehan, Moore, Phillips, Pinson, Ridenour, Steele, Street, Toney, Ward, White and Worrell.

Absent and Not Voting: Burkhammer, Clay, Flanigan, Linville and B. Smith.

So, a majority of the members present not having voted in the affirmative, the amendment was rejected.

On motion of Delegate Fehrenbacher, the amendment was rejected.

Delegate Fehrenbacher moved to amend the committee amendment on page 3, line 59, after the words, “nurse practitioner” by inserting, “who is licensed in West Virginia and has an established patient/provider relationship with the child,”

And,

On page 3, line 60, after the words, “specific immunization is” by striking “or may be detrimental to the child’s health or are not appropriate” and inserting in lieu thereof, “contraindicated or there exists a specific precaution to a particular vaccine.”

And,

On page 3, line 62, by striking “A licensing board shall not take any disciplinary action against a physician, physician assistant, or nurse practitioner who provides a written statement as set forth in subsection (g) of this section;” and inserting in lieu thereof, “The medical exemption statement may not be provided via a telehealth visit.”

On the adoption of the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 150**), and there were—yeas 8, nays 89, absent and not voting 3, with the yeas and the absent and not voting being as follows:

Yeas: Amos, Anderson, Fehrenbacher, Marple, Pushkin, Rohrbach, Shamblin and Statler.

Absent and Not Voting: Burkhammer, Flanigan and B. Smith.

So, a majority of the members present not having voted in the affirmative, the amendment was rejected.

On motion of Delegate Ferrell, the amendment was rejected.

Delegate Ferrell moved to amend the committee amendment on page 4, line 78, by inserting a new subsection (i) to read as follows, “(i) The provisions of this section are subject to the following conditions:

(1) A specified number of exemptions to each vaccine shall be granted based upon annual statewide enrollment numbers multiplied by 5%;

(2) Exemptions shall be first open to medical conditions followed by religious and philosophical reasons.

(3) The exemption calculations shall be conducted annually by the Bureau for Public Health.

(4) No exemptions shall be granted beyond the 5% number unless granted by permission of state health officer.

(5) Application of this subsection shall work to maintain the 95% "herd immunity" quota while also providing an ample number of exemptions.”

On the adoption of the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken **(Roll No. 151)**, and there were—yeas 1, nays 96, absent and not voting 3, with the yeas and the absent and not voting being as follows:

Yeas: Ferrell.

Absent and Not Voting: Burkhammer, Flanigan and B. Smith.

So, a majority of the members present not having voted in the affirmative, the amendment was rejected.

Delegate Kump demanded the previous question, which demand was sustained.

On adoption of the motion for the previous question, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken **(Roll No. 152)**, and there were—yeas 79, nays 16, absent and not voting 5, with the yeas and the absent and not voting being as follows:

Nays: Eldridge, Fluharty, Garcia, Hamilton, Hansen, Hornbuckle, G. Howell, Lewis, Maynor, McCormick, Pinson, Pushkin, Ridenour, Statler, Williams and Young.

Absent and Not Voting: Bridges, Burkhammer, Campbell, Flanigan and B. Smith.

So, a majority of the members present having voted in the affirmative, the motion prevailed.

On motion of Delegate Green, et. al., the amendment was adopted.

Delegate Green, Masters and Funkhouser moved to amend the committee amendment on page 1, line 16, after, “(f)” by inserting, “or (g)”;

And,

On page 4, line 74, by inserting a new subsection (g), to read as follows:

“(g) A child shall be exempt from the mandatory immunization requirements of this section if a parent, a guardian of the child, or an emancipated child presents a written statement to the administrator of the child’s school or to the operator of the state-regulated child care center to the effect that the mandatory immunization requirements of this section cannot be met because it conflicts with the religious beliefs of the parents, legal guardians, or emancipated child. A private or parochial school may elect by informing the West Virginia Department of Education, in writing, that it has a different religious exemption policy than provide for in this subsection.”

And,

Re-lettering the remaining subsections.

On the adoption of the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 153**), and there were—yeas 52, nays 44, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Adkins, Akers, Amos, Anderson, Barnhart, Campbell, J. Cannon, T. Clark, Cooper, Criss, Dittman, Drennan, Eldridge, Ellington, Fehrenbacher, Ferrell, Fluharty, Garcia, Hall, Hamilton, Hansen, Heckert, Hornbuckle, Hornby, Hott, G. Howell, Kelly, Kyle, Lewis, McCormick, Parsons, Pushkin, Riley, Rohrbach, Shamblin, D. Smith, Statler, Stephens, Vance, Williams, Willis, Young, Zatezalo and Hanshaw (Mr. Speaker).

Absent and Not Voting: Bridges, Burkhammer, Flanigan and B. Smith.

So, a majority of the members present having voted in the affirmative, the amendment was adopted.

On motion of Delegate Kimble, the amendment was rejected.

Delegate Kimble, Ridenour and Butler moved to amend the Committee Amendment on page 1, section 4, line 4, immediately following the word “immunizations” by inserting a period and striking the remainder of the subsection.

And,

On page 1, section 4, line 7, by striking subsections (b) and (c) in their entirety

And,

On page 2, section 4, line 26, immediately following the word “furnish” by striking the words “the biologicals for this immunization” and inserting in lieu thereof “with informed consent, the biologicals for immunizations”

And,

On page 2, section 4, line 29 by striking subsection (e) and inserting in lieu thereof the following: "Health officers and physicians who provide vaccinations must present the person vaccinated with a certificate free of charge stating what the persons have been immunized against. He or she may give the certificate to any person or child whom he or she knows to have been immunized."

And,

On page 3, section 4, line 57 by striking entirety of subsection (f)

And,

On page 4, section 4, line 69 by striking subdivision 3 in its entirety, and inserting in lieu thereof the following: "(3) Vaccination of children, adolescents, and adults in West Virginia shall be voluntary and with consent of the person, parents, or legal guardians. No public, private, parochial school, state regulated child care center, public college, university, or vocational/technical school may require vaccinations as a condition of enrollment, attendance, certification, or graduation."

And,

Renumbering the remaining subsections accordingly.

On the adoption of the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 154**), and there were—yeas 22, nays 72, absent and not voting 6, with the yeas and the absent and not voting being as follows:

Yeas: Anders, Brooks, Butler, Coop-Gonzalez, Crouse, Devault, Dillon, Foggin, Green, Hillenbrand, T. Howell, Jeffries, Jennings, Kimble, Kump, Mazzocchi, Phillips, Ridenour, Steele, Ward, White and Worrell.

Absent and Not Voting: Bridges, Burkhammer, Flanigan, Linville, B. Smith and Street.

So, a majority of the members present not having voted in the affirmative, the amendment was rejected.

An amendment offered by Delegate Kimble was reported by the Clerk.

Whereupon,

Delegate Kimble asked and obtained unanimous consent to withdraw the amendment.

On motion of Delegate White et. al., the amendment was rejected.

Delegate White, Ridenour and Butler moved to amend the Health Committee Amendment on page 3, section 4, line 57, by striking out the remainder of the Committee Amendment and inserting in lieu thereof the following:(f) A child shall be exempt from the mandatory vaccination requirements of this section as to a specific immunization for any period of time as to which a

physician, physician assistant, or nurse practitioner provides a written statement to the administrator of the child's school or to the operator of the state-regulated child care center that specific immunizations are or may be detrimental to the child's health or are not appropriate.

(1) A licensing board shall not take any disciplinary action against a physician, physician assistant, or nurse practitioner who provides a written statement as set forth in subsection (g) of this section; and

(2) A physician, physician assistant, or nurse practitioner who provides a written statement as set forth in subsection (g) of this section shall not otherwise be subject to any penalty administrative or criminal in nature related to the letter issued in subsection (g) of this section.

(g) A child shall be exempt from the mandatory vaccination requirements of this section if a parent, a guardian of the child, or an emancipated child presents a written statement to the administrator of the child's school or to the operator of the state-regulated child care center to the effect that the mandatory vaccination requirements of this section cannot be met because it conflicts with the religious or philosophical beliefs of the parents, legal guardians, or emancipated child.

(h) No school or state-regulated child care center shall prohibit an individual exercising an exemption pursuant to this section from participating in extracurricular activities or from attending school-based events.

(i) In the event that a school or state-regulated child care center takes any adverse action against a party that is seeking or is granted an exemption pursuant to this section, the party that is seeking or is granted an exemption may in a civil action recover from the offending school or state-regulated child care center such damages as may be appropriate including, but not limited to, compensatory and punitive damages and equitable relief.

(j) The Equal Protection for Religion Act of 2023, codified in §35-1A-1 of this code (2023) mandates that "no state action may...[s]ubstantially burden a person's exercise of religion unless" it "is essential to further a compelling governmental interest" and "is the least restrictive means of" achieving that interest. A number of citizens have religious and moral objections to one or more of the vaccines on the compulsory immunization list contained in this section. Compulsory immunization forces those West Virginians to choose between their religious belief and their children's fundamental right to a public education. Forcing West Virginians to vaccinate their children despite their religious and moral objections substantially burdens the free exercise of religion in violation of the Constitutions of the United States and West Virginia and, further, is against the public health policy of this state.

On the adoption of the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 155**), and there were—yeas 26, nays 69, absent and not voting 5, with the yeas and the absent and not voting being as follows:

Yeas: Anders, Brooks, Butler, D. Cannon, Coop-Gonzalez, Crouse, Dillon, Eldridge, Foggin, Green, Hillenbrand, Horst, T. Howell, Jeffries, Kimble, Kump, Marple, Mazzocchi, Moore, Petitto, Phillips, Ridenour, Steele, Ward, White and Worrell.

Absent and Not Voting: Burkhammer, Flanigan, Kyle, Linville and B. Smith.

So, a majority of the members present not having voted in the affirmative, the amendment was rejected.

On motion of Delegate Coop-Gonzalez et. al., the amendment was rejected.

Delegate Coop-Gonzalez, Steele, Ridenour and Butler moved to amend the Committee Amendment by striking out everything after the enacting clause and inserting in lieu thereof the following:

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.

(a) Whenever a resident birth occurs, the ~~commissioner~~ state health officer shall promptly provide parents of the newborn child with information on immunizations ~~mandated by this state~~ or required for admission to a public, private and parochial school in this state or a state-regulated child care center.

(b) Except as ~~hereinafter~~ provided in subsections (h), (j), or (k) of this section, a child entering school or a state-regulated child care center in this state must be immunized against chickenpox, hepatitis-b, measles, meningitis, mumps, diphtheria, polio, rubella, tetanus and whooping cough.

(c) No child or person may be admitted or received in any of the schools of the state or a state-regulated child care center until he or she has been immunized against chickenpox, hepatitis-b, measles, meningitis, mumps, diphtheria, polio,, rubella, tetanus and whooping cough or produces a certificate from the ~~commissioner~~ state health officer granting the child or person an exemption from the compulsory immunization requirements of this section under subsections (h), (j), or (k) of this section.

(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~~ state health officer.

(e) Persons may be provisionally enrolled under minimum criteria established by the ~~commissioner~~ state health officer 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) 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) Health officers and physicians 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~~ state health officer 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, upon the recommendation of the state health officer, 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~~ The state health officer may delegate to the Immunization Officer the authority granted to the commissioner state health officer 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 §29A-5-1 of this code.

(i) A physician 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.

(j) Subsections (b) through (i) of this section, including any requirements for compulsory immunization under subsections (b) and (c) of this section, shall not apply if the parents or legal guardians of the child object to immunization on the grounds that it conflicts with the religious or philosophical beliefs of the parents, legal guardians, or child.

(1) To qualify for this exemption, the parents or legal guardians of the child shall submit a written statement, on an annual basis, requesting a religious or philosophical exemption and stating that the parent, legal guardian, or child object on religious or philosophical grounds to one or more of the vaccines listed in subsections (b) and (c) of this section;

(2) The state health office shall develop a form for the receipt and submission of information necessary to efficiently process exemptions under subsection (j): *Provided*, That a written statement, signed by the parent or legal guardian shall be sufficient proof to establish an objection under subsection (j) of this code.

(k) A full time virtual public school student who does not physically attend public school, private, or parochial school shall be exempt from the requirements of subsections (b) through (i) of this section.

(l) All public, private, and parochial schools shall create and maintain a report containing the following:

(1) The number of students enrolled in the school who have been granted an exemption from vaccination under subsections (h) or (i); and

(2) The percentage of students enrolled in the school who have been granted an exemption from vaccination under subsections (h) or (i).

(m) The report required under subsection (l) shall:

(1) Be updated by December 1 of each calendar year; and

(2) Be posted and available to the public online.

(n) No personal identifying or personal health information of any individual shall be included in the report required under subsections (l) and (m) of this section.

On the adoption of the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 156**), and there were—yeas 31, nays 64, absent and not voting 5, with the yeas and the absent and not voting being as follows:

Yeas: Anders, Barnhart, Bridges, Brooks, Butler, D. Cannon, J. Cannon, Coop-Gonzalez, Crouse, Dean, Devault, Dillon, Fehrenbacher, Foggin, Gearheart, Green, Hillenbrand, Horst, T. Howell, Jeffries, Kimble, Kump, Martin, Mazzocchi, Moore, Phillips, Ridenour, Steele, Ward, White and Worrell.

Absent and Not Voting: Burkhammer, Flanigan, Kyle, Linville and B. Smith.

So, a majority of the members present not having voted in the affirmative, the amendment was rejected.

An amendment was recommended by the Committee on Health and Human Resources, on page 1, by striking everything after the enacting clause and inserting the following:

“ARTICLE 3. PREVENTION AND CONTROL OF COMMUNICABLE AND OTHER INFECTIOUS DISEASES.

§16-3-4. Compulsory immunization of school children; information disseminated; offenses; penalties.

(a) Whenever a resident birth occurs, the ~~commissioner~~ State Health Officer shall promptly provide parents of the newborn child with information on immunizations mandated by this state or required for admission to a public, private, and parochial school (“school”) in this state or a state-regulated child care center.

~~(b) Except as hereinafter provided, a~~ A child entering school or a state-regulated child care center in this state must be immunized against chickenpox, hepatitis-b, measles, meningitis, mumps, diphtheria, polio, rubella, tetanus, and whooping cough except as otherwise set forth in this section.

(c) No child or person may be admitted or received in any of the schools of the state or a state-regulated child care center until he or she has been immunized against chickenpox, hepatitis-b, measles, meningitis, mumps, diphtheria, polio, rubella, tetanus, and whooping cough or produces a ~~certificate from the commissioner~~ written statement granting the child or person an exemption from the compulsory immunization requirements of this section, as provided in subsection (f).

~~(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 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) A physician 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.~~

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

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

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

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

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

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

On the adoption of the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 157**), and there were—yeas 51, nays 44, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Adkins, Akers, Amos, Anders, Barnhart, Browning, Campbell, J. Cannon, T. Clark, Cooper, Coop-Gonzalez, Dittman, Drennan, Eldridge, Ellington, Fehrenbacher, Fluharty, Garcia, Hall, Hamilton, Hansen, Hornbuckle, Hornby, Horst, Hott, T. Howell, Kelly, Kimble, Kump, Lewis, Marple, Parsons, Pushkin, Rohrbach, Shamblin, D. Smith, Statler, Stephens, Vance, White, Williams, Willis, Young and Zatezalo.

Absent and Not Voting: Burkhammer, Flanigan, Jennings, Lucas and B. Smith.

So, a majority of the members present having voted in the affirmative, the amendment was adopted.

Delegate McGeehan moved to dispense with the constitutional rule requiring the bill to be fully and distinctly read on three different days.

On this question, the yeas and nays were taken (**Roll No. 158**), and there were—yeas 74, nays 22, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Amos, Anders, Coop-Gonzalez, Fluharty, Garcia, Hamilton, Hansen, Hillenbrand, Hornbuckle, T. Howell, Kimble, Kump, Lewis, Marple, Parsons, Pushkin, Stephens, Vance, Ward, White, Williams and Young.

Absent and Not Voting: Burkhammer, Flanigan, Lucas and B. Smith.

So, four fifths of the members present having not voted in the affirmative, the motion to dispense the constitutional rule was rejected.

S. B. 492, Removing outdated provisions governing political committees; on second reading, coming up in regular order, was read a second time and ordered to third reading,

S. B. 621, Authorizing digital court records,

Com. Sub. for H. B. 2043, Relating to use of dog and/or drones for tracking or locating mortally wounded deer, elk, turkey, wild board or bear,

At the request of Delegate McGeehan, and by unanimous consent, the bill was postponed one day,

Com. Sub. for H. B. 2111, Establishing the Uniform Mortgage Modification Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading,

Com. Sub. for H. B. 2499, Training course for principals in public schools; informing teachers of their rights and protections; IEP format; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading,

Com. Sub. for H. B. 2679, To allow for the reinstatement of retired Deputy Sheriffs to their former departments; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading,

H. B. 2948, Relating to obtaining title to abandoned or junked motor vehicles abandoned on the property or place of business of an automobile dealer; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading,

Com. Sub. for H. B. 2960, Allowing the Division of Highways to contract out snow removal to private companies on secondary roads in Monongalia and Preston counties;

on second reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate McGeehan, and by unanimous consent, the bill was postponed one day,

Com. Sub. for H. B. 3144, Wireless Infrastructure and Facilities Siting and Co-location; on second reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate McGeehan, and by unanimous consent, the bill was postponed one day,

H. B. 3272, Relating to eviction proceedings; on second reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate McGeehan, and by unanimous consent, the bill was postponed one day,

H. B. 3274, Relating to reports of circuit court proceedings; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading,

H. B. 3275, Update timing for appeals; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading,

H. B. 3277, Relating to defining terms for the West Virginia Hospital Finance Authority Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading,

Com. Sub. for H. B. 3336, Well Plugging methods; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading,

Com. Sub. for H. B. 3338, Allow child witness testify remotely in situations deemed traumatic by judge; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading,

And,

First Reading

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for S. B. 199, Relating to elementary behavior intervention and safety,

Com. Sub. for S. B. 283, Expanding grade levels of personal finance course requirements needed for graduation,

H. B. 2646, To permit students in eighth and ninth grade to attend summer school in order to raise their grades and establish academic eligibility to play sports in the fall,

H. B. 2876, Increase the number of Natural Resources Commission members,

H. B. 3000, Relating to agency changes and updates to the West Virginia Commercial Feed Law,

Com. Sub. for H. B. 3139, Relating to charter schools applications,

H. B. 3313, Providing more opportunities for high school students in community colleges,

And,

H. B. 3504, Relating to protecting critical infrastructure; and defining terms.

Leaves of Absence

At the request of Delegate McGeehan, and by unanimous consent, leaves of absence for the day were granted Delegates Burkhammer, Flanigan, Hornbuckle, B. Smith.

Miscellaneous Business

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

H. B. 2052: Delegate Horst;

H. B. 2133: Delegate Flanigan;

H. B. 2146: Delegate Hott;

H. B. 2575: Delegates W. Clark, Dittman, Hamilton, and Worrell;

H. B. 2878: Delegate Eldridge;

H. B. 2945: Delegate Flanigan;

H. B. 3054: Delegate Kump;

H. B. 3169: Delegate Hott;

And,

H. B. 3304: Delegates J. Cannon and Holstein.

Pursuant to House Rule 94b, a form was filed with the Clerk's Office to be removed as a cosponsor of the following:

H. B. 3332: Delegate Adkins;

And,

H. B. 3452: Delegate Kimble.

At 2:02 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, March 24, 2025.

**HOUSE OF DELEGATES
JEFFREY PACK, Clerk
Building 1, Room M-212
1900 Kanawha Blvd., East
Charleston, WV 25305-0470**

SPECIAL CALENDAR

Monday, March 24, 2025

41st Day

11:00 A.M.

UNFINISHED BUSINESS

- Com. Sub. for H. C. R. 46 - U.S. Army Ronald Gene Sypolt Memorial Bridge
- Com. Sub. for H. C. R. 47 - Clinton "Randy" Dean 101st Airborne Vietnam Veterans Memorial Bridge
- Com. Sub. for H. C. R. 50 - Alfred E. Garrison Memorial Bridge
- Com. Sub. for H. C. R. 54 - PFC Howard Bissett Memorial Bridge
- Com. Sub. for H. C. R. 56 - Tom Bill Dudley Memorial Bridge
- Com. Sub. for H. C. R. 60 - Janice Cosco Memorial Bridge Longest Serving Marion County Clerk
- Com. Sub. for H. C. R. 61 - U.S. Navy Seaman First Class Guy Harlow Waugh Memorial Road
- Com. Sub. for H. C. R. 62 - U.S. Army PFC Henry James Miller Memorial Bridge
- Com. Sub. for H. C. R. 63 - Gary W. Spinks Memorial Bridge
- Com. Sub. for H. C. R. 67 - 2nd LT Darwin Keith "Gus" Kyle Memorial Bridge
- Com. Sub. for H. C. R. 68 - Jim Marcum and Airlie Wallace Memorial Bridge
- Com. Sub. for H. C. R. 69 - Landen, Fannie, Katherine, Ab and Laura Baisden Family Memorial Bridge
- Com. Sub. for H. C. R. 71 - Leonard N. Miller Memorial Bridge
- Com. Sub. for H. C. R. 79 - Donald Tackett Jr. Memorial Road
- Com. Sub. for H. C. R. 83 - Benny Filiaggi III Memorial Bridge

THIRD READING

- Com. Sub. for S. B. 460 - Relating to vaccine requirements
- S. B. 492 - Removing outdated provisions governing political committees
- S. B. 621 - Authorizing digital court records

Com. Sub. for H. B. 2111 -	Establishing the Uniform Mortgage Modification Act
Com. Sub. for H. B. 2499 -	Training course for principals in public schools; informing teachers of their rights and protections; IEP format
Com. Sub. for H. B. 2679 -	To allow for the reinstatement of retired Deputy Sheriffs to their former departments.
H. B. 2948 -	Relating to obtaining title to abandoned or junked motor vehicles abandoned on the property or place of business of an automobile dealer
Com. Sub. for H. B. 3168 -	Allow customers to make changes to their accounts by phone or mail.
H. B. 3274 -	Relating to reports of circuit court proceedings
H. B. 3275 -	Update timing for appeals
H. B. 3277 -	Relating to defining terms for the West Virginia Hospital Finance Authority Act
Com. Sub. for H. B. 3336 -	Well Plugging methods
Com. Sub. for H. B. 3338 -	Allow child witness testify remotely in situations deemed traumatic by judge

SECOND READING

Com. Sub. for S. B. 199 -	Relating to elementary behavior intervention and safety
Com. Sub. for S. B. 283 -	Expanding grade levels of personal finance course requirements needed for graduation
Com. Sub. for Com. Sub. for H. B. 2043 -	Relating to use of dog and/or drones for tracking or locating mortally wounded deer, elk, turkey, wild boar or bear
H. B. 2646 -	To permit students in eighth and ninth grade to attend summer school in order to raise their grades and establish academic eligibility to play sports in the fall.
H. B. 2876 -	Increase the number of Natural Resources Commission members
Com. Sub. for H. B. 2960 -	Allowing the Division of Highways to contract out snow removal to private companies on secondary roads in Monongalia and Preston counties.
H. B. 3000 -	Relating to agency changes and updates to the West Virginia Commercial Feed Law.
Com. Sub. for H. B. 3139 -	Relating to charter schools applications
Com. Sub. for H. B. 3144 -	Wireless Infrastructure and Facilities Siting and Co-location

- H. B. 3272 - Relating to eviction proceedings
- H. B. 3313 - Providing more opportunities for high school students in community colleges
- H. B. 3504 - Relating to protecting critical infrastructure; and defining terms

FIRST READING

- Com. Sub. for H. B. 2027 - Relating to changing circumstances for when a child may be removed from a foster home.
- Com. Sub. for H. B. 2880 - Relating to parent resource navigators
- Com. Sub. for H. B. 2987 - Relating to the Consumer Data Protection Act
- Com. Sub. for H. B. 3289 - Relating to expungement of certain criminal convictions
- Com. Sub. for H. B. 3343 - Relating to drugs and adding a provision relating to the scheduling of crystalline polymorph psilocybin approved by the Food and Drug Administration
- H. B. 3344 - Relating to the establishment of a grant program to fund the United States Food and Drug Administration's drug development trials with ibogaine
- Com. Sub. for H. B. 3433 - Modifying language in the statute to make it consistent with W.Va. Code §5H-1-2(b) for survivor's benefit payment for first responders for purposes of payment for funeral expenses of law enforcement, safety, and emergency workers
- Com. Sub. for H. B. 3439 - Relating to registration of voters and voluntary registration of organ donors

HOUSE CALENDAR

Monday, March 24, 2025

41st Day

11:00 A.M.

THIRD READING

H. B. 2060 - Creating tax exemption for agricultural cooperative associations

SECOND READING

Com. Sub. for H. B. 2006 - Defining Men and Women

Com. Sub. for H. B. 2054 - Relating to liability of vendors in private farmers markets

Com. Sub. for H. B. 2400 - Prohibiting the delivery of unsolicited absentee ballot applications to any person who has not specifically requested one from the county clerk

H. B. 2683 - To prohibit rank choice voting

Com. Sub. for H. B. 3072 - Creating Super two highways in West Virginia

Com. Sub. for H. B. 3154 - Relating to advertising by licensed limited video lottery retailers and licensed limited video lottery operators

H. B. 3271 - Authorizing digital court records

WEST VIRGINIA HOUSE OF DELEGATES

MONDAY, MARCH 24, 2025

HOUSE CONVENES AT 11:00 A.M.

COMMITTEE ON RULES

10:45 A.M. – SPEAKERS CONFERENCE ROOM 218M

COMMITTEE ON FINANCE

9:00 A.M. – FINANCE COMMITTEE ROOM 460M

COMMITTEE ON JUDICIARY

9:00 A.M. – JUDICIARY COMMITTEE ROOM 410M

COMMITTEE ON GOVERNMENT ORGANIZATION

1:00 P.M. – GOVERNMENT ORGANIZATION COMMITTEE ROOM 215E

COMMITTEE ON EDUCATION

1:00 P.M. – EDUCATION COMMITTEE ROOM 432M

COMMITTEE ON ENERGY AND PUBLIC WORKS

3:00 P.M. – JUDICIARY COMMITTEE ROOM 410M

COMMITTEE ON HEALTH AND HUMAN RESOURCES

3:30 P.M. – HEALTH COMMITTEE ROOM 215E

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