

# WEST VIRGINIA LEGISLATURE

## 2020 REGULAR SESSION

Introduced

### House Bill 4063

FISCAL  
NOTE

BY DELEGATES STEELE AND SYPOLT

[Introduced January 08, 2020; 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  
2 to compulsory immunizations.

*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.**

1 (a) Whenever a resident birth occurs, the ~~commissioner~~ health care practitioner shall  
2 promptly provide parents of the newborn child with information provided by the commissioner, on  
3 immunizations mandated by this state or required for admission to a public, private and parochial  
4 school in this state or a state-regulated child care 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~~ A child ~~or person~~ may not be ~~admitted or received~~ enrolled in any ~~of the schools of~~  
9 ~~the state~~ school or a state-regulated child care center until he or she has been immunized against  
10 chickenpox, hepatitis-b, measles, meningitis, mumps, diphtheria, polio,, rubella, tetanus, and  
11 whooping cough or produces a certificate from ~~the commissioner~~ his or her physician granting the  
12 child ~~or person~~ an exemption from 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 (d) ~~(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 ~~(e)~~(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 ~~(f)~~(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 ~~(g)~~(h) The ~~commissioner~~ child's physician is authorized to grant, renew, condition, deny,  
32 suspend or revoke exemptions to the compulsory immunization requirements of this section, on  
33 a statewide basis, upon sufficient medical evidence that immunization is contraindicated or there  
34 exists a specific 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 (h) A physician who provides an exemption certificate shall submit to the commissioner  
50 when he or she grants an exemption the medical evidence that immunization is contraindicated  
51 or there exists a specific precaution to a particular vaccine.

52 ~~(i)(j) A physician who approves and provides a child with a false certificate of immunization~~  
53 ~~against chickenpox, hepatitis b, measles, meningitis, mumps, diphtheria, polio, rubella, tetanus~~  
54 ~~and whooping cough is subject to disciplinary action by his or her board. guilty of a misdemeanor~~  
55 ~~and, upon conviction, shall be fined not less than \$25 nor more than \$100~~

NOTE: The purpose of this bill is to permit physicians to provide exemption certificates relating to required immunizations. It removes requirement for certain personnel to report persons not immunized.

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