WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4298

BY DELEGATES CONLEY, KIMBLE, MANDT, MAZZOCCHI, G.

WARD, MCGEEHAN, PHILLIPS, J. JEFFRIES, AND PRITT

[Introduced January 20, 2022; Referred to the

Committee on Health and Human Resources then the

Judiciary]

1   A BILL to amend and reenact §16-3-4b of the Code of West Virginia, 1931, as amended, relating

2   to COVID-19 vaccine mandates.

Be it enacted by the Legislature of West Virginia:

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

§16-3-4b.   ~~Required exemptions to compulsory immunization against COVID-19 as a condition of employment; effective date.~~ <u>No COVID-19 vaccine mandates permitted.</u>

1   ~~(a) A covered employer, as defined in this section, that requires as a condition of continued~~

2   ~~employment or as a condition of hiring an individual for employment that such person receive a~~

3   ~~COVID-19 immunization or present documentation of immunization from COVID-19, shall exempt~~

4   ~~current or prospective employees from such immunization requirements upon the presentation of~~

5   ~~one of the following certifications:~~

6   ~~(1) A certification presented to the covered employer, signed by a physician licensed~~

7   ~~pursuant to the provisions of §30-3-1 et seq. or §30-14-1 et seq. of this code or an advanced~~

8   ~~practice registered nurse licensed pursuant to the provisions of §30-7-1 et seq. of this code who~~

9   ~~has conducted an in person examination of the employee or prospective employee, stating that~~

10   ~~the physical condition of the current or prospective employee is such that a COVID-19~~

11   ~~immunization is contraindicated, there exists a specific precaution to the mandated vaccine, or~~

12   ~~the current or prospective employee has developed COVID-19 antibodies from being exposed to~~

13   ~~the COVID-19 virus or suffered from and has recovered from the COVID-19 virus; or~~

14   ~~(2) A notarized certification executed by the employee or prospective employee that is~~

15   ~~presented to the covered employer by the current or prospective employee that he or she has~~

16   ~~religious beliefs that prevent the current or prospective employee from taking the COVID-19~~

17   ~~immunization.~~

18   ~~(b) A covered employer shall not be permitted to penalize or discriminate against current~~

19   or prospective employees for exercising exemption rights provided in this section by practices

20   including, but not limited to, benefits decisions, hiring, firing, or withholding bonuses, pay raises,

21   or promotions.

22   (c) As used in this section, the following terms shall have the following meaning:

23   (1) "Covered employer" shall mean:

24   (A) The State of West Virginia, including any department, division, agency, bureau, board,

25   commission, office or authority thereof, any political subdivision of the State of West Virginia

26   including, but not limited to, any county, municipality or school district; or

27   (B) A business entity, including without limitation any individual, firm, partnership, joint

28   venture, association, corporation, company, estate, trust, business trust, receiver, syndicate, club,

29   society, or other group or combination acting as a unit, engaged in any business activity in this

30   state, including for-profit or not-for-profit activity, that has employees.

31   (2) "COVID-19" shall mean the respiratory disease caused by a novel coronavirus known

32   as COVID-19.

33   (3) "Immunization" shall mean any federally authorized immunization for COVID-19,

34   whether fully approved or approved under an emergency use authorization.

35   (d) Any person or entity harmed by a violation of this section may seek injunctive relief in

36   a court of competent jurisdiction.

37   (e) The provisions of this section shall become effective immediately.

38   There shall be no mandatory or compulsory COVID-19 vaccine mandates in the State of

39   West Virginia.

NOTE: The purpose of this bill is to ban all COVID-19 vaccine mandates.

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