

# **WEST VIRGINIA LEGISLATURE**

## **2022 REGULAR SESSION**

### **Committee Substitute**

**for**

### **House Bill 4320**

BY DELEGATES CROUSE, KEATON, MAYNOR, HORST,  
PINSON, LONGANACRE, HANNA, WORRELL, PRITT,  
MAZZOCCHI, AND HONAKER

[Originating in the Committee on Health and Human  
Resources; reported on February 24, 2022]



1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §16-3-14, relating to requiring that a covered employer accept biological  
3 immunity for a communicable disease; prohibiting requiring a vaccine if protective antibody  
4 level occur; and defining terms

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

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

**§16-3-14. Recognizing biological immunity.**

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 he or she receive an  
3 immunization from a communicable disease shall permit the individual to prove he or she has  
4 obtained biologic immunity by having protective antibody levels for the communicable disease  
5 before requiring a vaccination.

6 (b) An individual who has antibodies to a communicable disease may not be required to  
7 obtain a vaccine against such communicable disease in which they have protective antibody  
8 levels.

9 (c) "Covered employer" means a business entity, including without limitation any  
10 individual, firm, partnership, joint venture, association, corporation, company, estate, trust,  
11 business trust, recover, syndicate, club, society, or other group or combination acting as a unit  
12 engaged in any business activity in this state, including for-profit or not-for-profit activity, that has  
13 employees.

NOTE: The purpose of this bill is to provide a person who has natural immunity from a communicable disease to not obtain a vaccine for the communicable disease.

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