

# **WEST VIRGINIA LEGISLATURE**

**2022 REGULAR SESSION**

**Introduced**

## **House Bill 4633**

BY DELEGATES CONLEY, FOSTER, AND PRITT

[Introduced February 10, 2022; Referred to the  
Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §21-3-23, relating to holding employers liable for all injuries and damages, up  
 3 to and including death, caused by COVID-19 vaccines or vaccines for the variants of  
 4 COVID-19, such as the Delta variant, that has been mandated by the employer to the  
 5 employee as a condition of employment.

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

**ARTICLE 3. SAFETY AND WELFARE OF EMPLOYEES.**

**§21-3-23. Liability of employer for damages caused by COVID-19 vaccine; compensable injury.**

1 (a) “Employee” means any person who performs a service for wages or other  
 2 remuneration for an employer.

3 (b) “Employer” means any person who has one or more employees. “Employer” includes  
 4 an agent of an employer, the state or any agency or instrumentality of the state, and any municipal  
 5 corporation, county, township, school district, or other political subdivision or any agency or  
 6 instrumentality thereof.

7 (c) Notwithstanding any provision of the code to the contrary, an employee may bring a  
 8 claim for damages against an employer in a court of competent jurisdiction for any damages  
 9 caused by a COVID-19 vaccination, up to and including death, if both of the following apply:

10 (1) The employer required the employee to receive the vaccine as a condition of  
 11 employment.

12 (2) The employee brings the claim within five years after the date on which the employee  
 13 received the vaccine.

14 (d) An injury or disability caused by a COVID-19 vaccination if the employer required the  
 15 employee to receive the vaccine as a condition of employment shall be covered by the West  
 16 Virginia Worker’s Compensation and shall be considered a compensable injury.

NOTE: The purpose of this bill is to hold employers liable for damages to employees if that employer required the COVID-19 vaccine as a condition of employment. The bill creates a cause of action and provides certain terms.

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