WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

Senate Bill 578

By Senators Maynard and Grady

[Introduced February 03, 2022; referred
to the Committee on the Judiciary; and then to the Committee on Finance]

A BILL to amend and reenact §55-19-6 of the Code of West Virginia, 1931, as amended, relating to employers’ liability for injury, disease or illness or death resulting from employer mandated Covid-19 vaccine.

Be it enacted by the Legislature of West Virginia:

ARTICLE 19. COVID-19 JOBS PROTECTION ACT.

§55-19-6. Workers’ compensation.

Notwithstanding the provisions of this article and the further provisions of §23-4-2 of this code which permits the filing of a civil cause of action against an employer for damages in excess of benefits received or receivable in a workers’ compensation claim, if it is determined that the employer acted with deliberate intention, when a claim for workers’ compensation benefits is awarded to an employee pursuant to §23-1-1 *et seq*. of this code for a work-related injury, disease, or death caused by or arising from COVID-19 in the course of and resulting from covered employment, such claim for workers’ compensation benefits shall be the sole and exclusive remedy for such injury, disease, or death and the immunity from suit provided under §23-2-6 and §23-2-6a of this code shall be and remain in full force and effect: *Provided,* That the provisions of §23-4-2 of this code shall apply if an employee becomes ill or dies as the result of a disease, injury or illness resulting from receiving a Covid-19 vaccine mandated by an employer in order to retain employment with the employer.

NOTE: The purpose of this bill is to make employers liable for injury or death to employees who become ill or die following an employer mandated Covid-19 vaccine.

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