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]

1   A BILL to amend and reenact §55-19-6 of the Code of West Virginia, 1931, as amended, relating

2   to employers' liability for injury, disease or illness or death resulting from employer

3   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.

1   Notwithstanding the provisions of this article and the further provisions of §23-4-2 of this

2   code which permits the filing of a civil cause of action against an employer for damages in excess

3   of benefits received or receivable in a workers' compensation claim, if it is determined that the

4   employer acted with deliberate intention, when a claim for workers' compensation benefits is

5   awarded to an employee pursuant to §23-1-1 *et seq.* of this code for a work-related injury, disease,

6   or death caused by or arising from COVID-19 in the course of and resulting from covered

7   employment, such claim for workers' compensation benefits shall be the sole and exclusive

8   remedy for such injury, disease, or death and the immunity from suit provided under §23-2-6 and

9   §23-2-6a of this code shall be and remain in full force and effect: *Provided,* That the provisions of

10   §23-4-2 of this code shall apply if an employee becomes ill or dies as the result of a disease,

11   injury or illness resulting from receiving a Covid-19 vaccine mandated by an employer in order to

12   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.