

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 553

By Senators Roberts, Azinger, Chapman, Hunt,
Karnes, Martin, Maynard, Rucker, Smith, Stuart,
Taylor, and Phillips

[Introduced January 25, 2024; referred
to the Committee on Health and Human Resources]

1 A BILL to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended, relating to
2 creating a religious exemption for school attendance vaccines requirements.

Be it enacted by the Legislature of West Virginia:

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

**§16-3-4.—~~Compulsory~~ Immunization of school children; information disseminated;
~~offenses; penalties~~ exemptions.**

3 (a) Whenever a resident birth occurs, the commissioner shall promptly provide parents of
4 the newborn child with information on immunizations mandated by this state or required for
5 admission to a public, private and parochial school in this state or a state-regulated child care
6 center.

7 (b) Except as hereinafter provided, a child entering school or a state-regulated child care
8 center in this state must be immunized against chickenpox, hepatitis-b, measles, meningitis,
9 mumps, diphtheria, polio, rubella, tetanus and whooping cough, unless the child is exempted from
10 the immunization pursuant to this section.

11 (c) No child or person may be admitted or received in any of the schools of the state or a
12 state-regulated child care center until he or she has been immunized against chickenpox,
13 hepatitis-b, measles, meningitis, mumps, diphtheria, polio, rubella, tetanus and whooping cough
14 or produces a certificate from the commissioner granting the child or person an exemption from
15 the compulsory immunization requirements of this section or unless the child is exempted from
16 immunization pursuant to this section.

17 (d) Any school or state-regulated child care center personnel having information
18 concerning any person who attempts to be enrolled in a school or state-regulated child care center
19 without having been immunized against chickenpox, hepatitis-b, measles, meningitis, mumps,
20 diphtheria, polio, rubella, tetanus and whooping cough shall report the names of all such persons

21 to the commissioner. This section does not apply if a child is exempted from immunization
22 pursuant to this section.

23 (e) Persons may be provisionally enrolled under minimum criteria established by the
24 commissioner so that the person's immunization may be completed while missing a minimum
25 amount of school. ~~No person shall be allowed to enter school without at least one dose of each~~
26 ~~required vaccine~~

27 (f) County health departments shall furnish the biologicals for this immunization for children
28 of parents or guardians who attest that they cannot afford or otherwise access vaccines
29 elsewhere.

30 (g) Health officers and physicians who provide vaccinations must present the person
31 vaccinated with a certificate free of charge showing that they have been immunized against
32 chickenpox, hepatitis-b, measles, meningitis, mumps, diphtheria, polio, rubella, tetanus and
33 whooping cough, or he or she may give the certificate to any person or child whom he or she
34 knows to have been immunized against chickenpox, hepatitis-b, measles, meningitis, mumps,
35 diphtheria, polio, rubella, tetanus and whooping cough.

36 (h) The commissioner is authorized to grant, renew, condition, deny, suspend or revoke
37 exemptions to the compulsory immunization requirements of this section, on a statewide basis,
38 upon sufficient medical evidence that immunization is contraindicated or there exists a specific
39 precaution to a particular vaccine.

40 (1) A request for ~~an~~ a medical exemption to the compulsory immunization requirements of
41 this section must be accompanied by the certification of a licensed physician stating that the
42 physical condition of the child is such that immunization is contraindicated or there exists a specific
43 precaution to a particular vaccine.

44 (2) The commissioner is authorized to appoint and employ an Immunization Officer to
45 make determinations on request for ~~an~~ a medical exemption to the compulsory immunization
46 requirements of this section, on a statewide basis, and delegate to the Immunization Officer the

47 authority granted to the commissioner by this subsection.

48 (3) A person appointed and employed as the Immunization Officer must be a physician
49 licensed under the laws of this state to practice medicine.

50 (4) The Immunization Officer's decision on a request for an exemption to the compulsory
51 immunization requirements of this section may be appealed to the State Health Officer.

52 (5) The final determination of the State Health Officer is subject to a right of appeal
53 pursuant to the provisions of §29A-5-1 *et seq.* of this code.

54 (i) Notwithstanding any other provisions in this code, any child whose parents or guardians
55 present a signed statement to school officials stating their objections for reason of religious
56 convictions, shall be exempt from the provisions in this chapter.

57 (j) No healthcare entity, school, childcare facility, or agent may question, penalize, or
58 discriminate against any person exercising exemption rights provided in this section.

59 (k) Any person harmed by a violation of this section may seek injunctive relief in a court of
60 competent jurisdiction.

61 ~~(i)~~ (l) A physician who provides any person with a false certificate of immunization against
62 chickenpox, hepatitis-b, measles, meningitis, mumps, diphtheria, polio, rubella, tetanus and
63 whooping cough is guilty of a misdemeanor and, upon conviction, shall be fined not less than \$25
64 nor more than \$100.

65 (m) The provisions of this section shall become effective immediately.

NOTE: The purpose of this bill is to provide a religious exemption to school attendance vaccines requirements.

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