

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

**Introduced**

### **House Bill 2004**

By Delegates Hanshaw (Mr. Speaker) and Crouse

[By Request of the Executive]

[Introduced February 18, 2025; 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 vaccinations; providing religious and philosophical exemptions to the immunization of  
3 school children; clarifying the procedure for exemption; requiring schools create and  
4 maintain a report on the number of exempt school children; and clarifying the duties of  
5 state health officer and commissioner of bureau for public health.

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

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

**§16-3-4. Compulsory immunization of school children; information disseminated;  
offenses; penalties.**

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

5 (b) Except as ~~hereinafter~~ provided in subsections (h), (j), or (k) of this section, a child  
6 entering school or a state-regulated child care center in this state must be immunized against  
7 chickenpox, hepatitis-b, measles, meningitis, mumps, diphtheria, polio, rubella, tetanus and  
8 whooping cough.

9 (c) No child or person may be admitted or received in any of the schools of the state or a  
10 state-regulated child care center until he or she has been immunized against chickenpox,  
11 hepatitis-b, measles, meningitis, mumps, diphtheria, polio,, rubella, tetanus and whooping cough  
12 or produces a certificate from the ~~commissioner~~ state health officer granting the child or person an  
13 exemption from the compulsory immunization requirements of this section under subsections (h),  
14 (j), or (k) of this section.

15 (d) Any school or state-regulated child care center personnel having information

16 concerning any person who attempts to be enrolled in a school or state-regulated child care center  
17 without having been immunized against chickenpox, hepatitis-b, measles, meningitis, mumps,  
18 diphtheria, polio, rubella, tetanus and whooping cough shall report the names of all such persons  
19 to the ~~commissioner~~ state health officer.

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

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

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

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

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

41 (2) The commissioner, upon the recommendation of the state health officer, is authorized

42 to appoint and employ an Immunization Officer to make determinations on request for an  
43 exemption to the compulsory immunization requirements of this section, on a statewide basis, ~~and~~  
44 ~~and~~ The state health officer may delegate to the Immunization Officer the authority granted to the  
45 ~~commissioner~~ state health officer by this subsection.

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

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

50 (5) The final determination of the State Health Officer is subject to a right of appeal  
51 pursuant to the provisions of ~~article five, chapter twenty-nine-a~~ §29A-5-1 of this code.

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

56 (j) Subsections (b) through (i) of this section, including any requirements for compulsory  
57 immunization under subsections (b) and (c) of this section, shall not apply if the parents or legal  
58 guardians of the child object to immunization on the grounds that it conflicts with the religious or  
59 philosophical beliefs of the parents, legal guardians, or child.

60 (1) To qualify for this exemption, the parents or legal guardians of the child shall submit a  
61 written statement, on an annual basis, requesting a religious or philosophical exemption and  
62 stating that the parent, legal guardian, or child object on religious or philosophical grounds to one  
63 or more of the vaccines listed in subsections (b) and (c) of this section;

64 (2) The state health office shall develop a form for the receipt and submission of  
65 information necessary to efficiently process exemptions under subsection (j): *Provided*, That a  
66 written statement, signed by the parent or legal guardian shall be sufficient proof to establish an  
67 objection under subsection (j) of this code.

68 (k) A full time virtual public school student who does not physically attend public school,  
69 private, or parochial school shall be exempt from the requirements of subsections (b) through (i) of  
70 this section.

71 (l) All public, private, and parochial schools shall create and maintain a report containing  
72 the following:

73 (1) The number of students enrolled in the school who have been granted an exemption  
74 from vaccination under subsections (h) or (j); and

75 (2) The percentage of students enrolled in the school who have been granted an  
76 exemption from vaccination under subsections (h) or (j).

77 (m) The report required under subsection (l) shall:

78 (1) Be updated by December 1 of each calendar year; and

79 (2) Be posted and available to the public online.

80 (n) No personal identifying or personal health information of any individual shall be  
81 included in the report required under subsections (l) and (m) of this section.

NOTE: The purpose of this bill is to modify the requirements for compulsory childhood immunizations to provide for exemptions based on religious and philosophical objections.

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