

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2529

By Delegates Brooks, Green, Hillenbrand, Foggin,

Masters, Pritt, Kump, Anders, and Canterbury

[Introduced February 18, 2025; referred to the

Committee on Health and Human Resources]

1 A BILL to amend and reenact §16-3-4b of the Code of West Virginia, 1931, as amended, relating to
 2 eliminating compulsory COVID-19 vaccinations for participation or employment in any
 3 organization that receives state dollars.

Be it enacted by the Legislature of West Virginia:

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

~~§16-3-4b. Required exemptions to compulsory immunization against COVID-19 as a
 condition of employment; effective date~~ No organization that receives state dollars
 may require a COVID-19 vaccination as a pre-requisite for participation or
 employment.

1 ~~(a) A covered employer, as defined in this section, that requires as a condition of continued
 2 employment or as a condition of hiring an individual for employment, that such person receive a
 3 COVID-19 immunization or present documentation of immunization from COVID-19, shall exempt
 4 current or prospective employees from such immunization requirements upon the presentation of
 5 one of the following certifications:~~

6 ~~(1) A certification presented to the covered employer, signed by a licensed physician or a
 7 licensed advanced practice registered nurse who has conducted an in-person examination of the
 8 employee or prospective employee, stating that the physical condition of the current or
 9 prospective employee is such that a COVID-19 immunization is contraindicated; there exists a
 10 specific precaution to the mandated vaccine; or the current or prospective employee has
 11 developed COVID-19 antibodies from being exposed to the COVID-19 virus, or suffered from and
 12 has recovered from the COVID-19 virus; or~~

13 ~~(2) A notarized certification executed by the employee or prospective employee that is
 14 presented to the covered employer by the current or prospective employee that he or she has
 15 sincerely held religious beliefs that prevent the current or prospective employee from taking the~~

16 COVID-19 immunization.

17 ~~(b) A covered employer may not be permitted to penalize or discriminate against current or~~
18 ~~prospective employees for exercising exemption rights provided in this section by practices~~
19 ~~including, but not limited to, benefits decisions, hiring, firing, or withholding bonuses, pay raises, or~~
20 ~~promotions.~~

21 ~~(c) As used in this section, the following terms shall have the following meaning:~~

22 ~~"Covered employer" means:~~

23 ~~(1) The State of West Virginia, including any department, division, agency, bureau, board,~~
24 ~~commission, office, or authority thereof, or any political subdivision of the State of West Virginia~~
25 ~~including, but not limited to, any county, municipality, or school district;~~

26 ~~(2) A business entity, including without limitation any individual, firm, partnership, joint~~
27 ~~venture, association, corporation, company, estate, trust, business trust, receiver, syndicate, club,~~
28 ~~society, or other group or combination acting as a unit, engaged in any business activity in this~~
29 ~~state, including for-profit or not-for-profit activity, that has employees;~~

30 ~~(3) "Covered employer" does not include any Medicare or Medicaid-certified facilities~~
31 ~~which are subject to enforceable federal regulations contrary to the requirements of this section;~~

32 ~~(4) "COVID-19" means the same as that term is defined in §55-19-3 of this code; or~~

33 ~~(5) "Immunization" means any federally authorized immunization for COVID-19, whether~~
34 ~~fully approved or approved under an emergency use authorization.~~

35 ~~(d) The provisions of this section are inapplicable to employees of covered employers who~~
36 ~~are required to work in Medicare or Medicaid-certified facilities which are subject to enforceable~~
37 ~~federal regulations contrary to the requirements of this section.~~

38 ~~(e) Any person or entity harmed by a violation of this section may seek injunctive relief in a~~
39 ~~court of competent jurisdiction.~~

40 ~~(f) The provisions of this section shall become effective immediately.~~

41 ~~(g) Pursuant to §2-2-10 of this code, if any provision of this section or the application~~

42 ~~thereof to any person or circumstance is held unconstitutional or invalid, such unconstitutionality~~
43 ~~or invalidity shall not affect other provisions or applications of the section, and to this end the~~
44 ~~provisions of this section are declared to be severable~~

45 No organization receiving state dollars may make a COVID-19 vaccination a pre-requisite
46 for participation or employment in any aspect of that organization's operation. This prohibition shall
47 commence upon passage of this bill.

NOTE: The purpose of this bill is to eliminate compulsory COVID-19 vaccinations for participation or employment in any organization that receives state dollars.

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