

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 3489

By Delegate Masters

[Introduced March 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; clarifying the procedure for exemption; and clarifying the duties of state
 3 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 subsection (f) of this section, a child entering a public
 6 school or a state-regulated child care center in this state must be immunized against chickenpox,
 7 hepatitis-b, measles, meningitis, mumps, diphtheria, polio, rubella, tetanus and whooping cough.

8 (c) No child or person may be admitted or received in any of the public schools of the state
 9 or a state-regulated child care center until he or she has been immunized against chickenpox,
 10 hepatitis-b, measles, meningitis, mumps, diphtheria, polio,, rubella, tetanus and whooping cough
 11 or produces a certificate from the ~~commissioner~~ State Health Officer granting the child or person
 12 an exemption from the compulsory immunization requirements of this section except as otherwise
 13 set forth under subsection (f) of this section.

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

18 ~~to the commissioner.~~

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

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

26 ~~(g)~~ (f) A child shall be exempt from the mandatory vaccination requirements of this section
27 as to a specific immunization for any period of time as to which a licensed physician, physician
28 assistant, or nurse practitioner provides a written statement to the administrator of the child's
29 school or to the operator of the state-regulated child care center that any or all specific
30 immunizations are or may be detrimental to the child's health or are not appropriate.

31 (1) A licensing board shall not take any disciplinary action against a licensed physician,
32 physician assistant, or nurse practitioner who provides a written statement as set forth in
33 subsection (h) of this section; and

34 (2) A licensed physician, physician assistant, or nurse practitioner who provides a written
35 statement as set forth in subsection (g) of this section may not otherwise be subject to any penalty
36 administrative or criminal in nature related to the letter issued in subsection (h) of this section.

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

43 ~~(h)~~ The commissioner is authorized to grant, renew, condition, deny, suspend or revoke

44 ~~exemptions to the compulsory immunization requirements of this section, on a statewide basis,~~
45 ~~upon sufficient medical evidence that immunization is contraindicated or there exists a specific~~
46 ~~precaution to a particular vaccine.~~

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

51 ~~(2) The commissioner, upon the recommendation of the state health officer, is authorized~~
52 ~~to appoint and employ an Immunization Officer to make determinations on request for an~~
53 ~~exemption to the compulsory immunization requirements of this section, on a statewide basis, ;~~
54 ~~and The state health officer may delegate to the Immunization Officer the authority granted to the~~
55 ~~commissioner state health officer by this subsection.~~

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

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

60 ~~(5) The final determination of the State Health Officer is subject to a right of appeal~~
61 ~~pursuant to the provisions of §29A-5-1 of this code.~~

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

NOTE: The purpose of this bill is to modify the requirements for compulsory childhood immunizations.

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