

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 289

By Senator Rose

[Introduced February 12, 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 exemptions for compulsory immunization requirements; removing reporting requirements;
3 revising medical exemption process; eliminating State Immunization Officer; permitting
4 religious exemption to mandatory vaccination requirements; permitting philosophical
5 exemption to mandatory vaccination requirements; and permitting injunctive relief for
6 violations of this section.

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 shall promptly provide parents of
2 the newborn child with information on immunizations mandated by this state or required for
3 admission to a public, private, and parochial school in this state or a state-regulated childcare
4 center.

5 (b) ~~Except as hereinafter provided, a~~ A child entering school or a state-regulated childcare
6 center in this state must be immunized against chickenpox, hepatitis-b, measles, meningitis,
7 mumps, diphtheria, polio, rubella, tetanus, and whooping cough, except as otherwise set forth in
8 this section.

9 (c) No child or person may be admitted or received in any of the schools of the state or a
10 state-regulated childcare 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 granting the child or person an exemption from
13 the compulsory immunization requirements of this section, except as otherwise set forth in this
14 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~~

20 ~~(e)~~(d) Persons may be provisionally enrolled under minimum criteria established by the
21 commissioner so that the person's immunization may be completed while missing a minimum
22 amount of school. No person shall be allowed to enter school without at least one dose of each
23 required vaccine, except as otherwise set forth in this section.

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

27 ~~(g)~~(f) 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)~~(g) The commissioner is authorized to grant, renew, condition, deny, suspend, or revoke
34 exemptions to the compulsory immunization requirements of this section, on a statewide basis,
35 upon sufficient medical evidence that immunization is contraindicated or there exists a specific
36 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 is authorized to appoint and employ an Immunization Officer to~~
42 ~~make determinations on request for an exemption to the compulsory immunization requirements~~
43 ~~of this section, on a statewide basis, and delegate to the Immunization Officer the authority~~
44 ~~granted to the commissioner by this subsection.~~

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

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

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

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

55 (h) A child shall be exempt from the mandatory vaccination requirements of this section as
56 to a specific immunization for any period of time as to which a physician, physician assistant, or
57 nurse practitioner provides a written statement to the administrator of the child's school or operator
58 of the state-regulated childcare center that specific immunizations are or may be detrimental to the
59 child's health or are not appropriate.

60 (1) A licensing board shall not take any disciplinary action against a physician, physician
61 assistant, or nurse practitioner who provides a written statement as set forth in subsection (h); and

62 (2) A physician, physician assistant, or nurse practitioner who provides a written
63 statement, as set forth in subsection (h), shall not otherwise be subject to any penalty
64 administrative or criminal in nature, related to the letter issued in subsection (h).

65 (i) A child shall be exempt from the mandatory vaccination requirements of this section if a
66 parent, a guardian of the child, or an emancipated child, presents a written statement to the

67 administrator of the child's school or operator of the state-regulated childcare center to the effect
68 that the mandatory vaccination requirements of this section cannot be met because of a religious
69 conviction or philosophical belief.

70 (j) Any person harmed by a violation of this section may seek injunctive relief in a court of
71 competent _____ jurisdiction.

NOTE: The purpose of this bill is to create exemptions to mandatory vaccination requirements to accommodate religious conviction and philosophical beliefs. The bill also revises the existing medical exemption process and eliminates the position of the State Immunization Officer. The bill permits injunctive relief for violations of this section.

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