

**STATE OF WEST VIRGINIA
EXECUTIVE DEPARTMENT
Charleston**

A PROCLAMATION

By the Governor

I, **JIM JUSTICE**, by virtue of the authority vested in the Governor by Section 7, Article VII, of the Constitution of West Virginia, do hereby **AMEND** the proclamation dated October 8, 2021, calling the West Virginia Legislature to convene in Extraordinary Session on Monday, October 11, 2021, in its chambers in the State Capitol, the City of Charleston, as follows:

1. By adding items thirty-five and thirty-six as follows:

THIRTY-FIFTH: To supplement and amend the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Homeland Security, Division of Justice and Community Services, fund 0546, fiscal year 2022, organization 0623, by supplementing and amending the appropriation for Current Expenses, appropriation 13000, in the amount of \$4,000,000, for the fiscal year ending June 30, 2022.

THIRTY-SIXTH: To amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated § 16-3-4b, relating to required exemptions to compulsory immunization against COVID-19 as a condition of employment; to provide that, (a) a covered employer, as defined in the section, that requires as a condition of continued employment or as a condition of hiring an individual for employment that such person receive a COVID-19 immunization or present documentation of immunization from COVID-19, shall exempt current or prospective employees from such immunization requirements upon the presentation of one of the following certifications: (1) a certification presented to the covered employer, signed by a physician licensed pursuant to the provisions of § 30-3-1 et seq. or § 30-14-1 et seq. of the code or an advanced practice registered nurse licensed pursuant to the provisions of § 30-7-1 et seq. of the code, who has conducted an in-person examination of the employee or prospective employee, stating that the physical condition of the current or prospective employee is such that a COVID-19 immunization is contraindicated, there exists a specific precaution to the mandated

vaccine, or the current or prospective employee has developed COVID-19 antibodies from being exposed to the COVID-19 virus or suffered from and has recovered from the COVID-19 virus, or (2) a notarized certification executed by the employee or prospective employee that is presented to the covered employer by the current or prospective employee that he or she has religious beliefs that prevent the current or prospective employee from taking the COVID-19 immunization; to provide that, (b) a covered employer shall not be permitted to penalize or discriminate against current or prospective employees for exercising exemption rights provided in this section by practices including, but not limited to, benefits decisions, hiring, firing, or withholding bonuses, pay raises, or promotions; to provide that, (c) as used in this section, the following terms shall have the following meanings: (1) "covered employer" shall mean: (A) the State of West Virginia, including any department, division, agency, bureau, board, commission, office or authority thereof, any political subdivision of the State of West Virginia including, but not limited to, any county, municipality or school district, that has employees, or (B) a business entity, including without limitation any individual, firm, partnership, joint venture, association, corporation, company, estate, trust, business trust, receiver, syndicate, club, society, or other group or combination acting as a unit, engaged in any business activity in this state, including for-profit or not-for-profit activity, that has employees, (2) "COVID-19" shall mean the respiratory disease caused by a novel coronavirus known as COVID-19, (3) "Immunization" shall mean any federally authorized immunization for COVID-19, whether fully approved or approved under an emergency use authorization; to provide that, (d) any person or entity harmed by a violation of this section may seek injunctive relief in a court of competent jurisdiction; to provide that, (e) the provisions of this section shall become effective immediately.

[Signature Page Follows]

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



By the Governor

DONE at the Capitol in the City of Charleston, State of West Virginia, this Twelfth day of October, in the Year of our Lord, Two Thousand Twenty-One, and in the One Hundred Fifty-Ninth year of the State.

James E. Justice
GOVERNOR

Mac Warner
SECRETARY OF STATE