

**STATE OF WEST VIRGINIA**  
**EXECUTIVE DEPARTMENT**

**At Charleston**

**EXECUTIVE ORDER NO. 7-25**

**By the Governor**

**WHEREAS**, the Constitution of West Virginia recognizes that all people “are, by nature, equally free and independent,” and “have certain inherent rights” of which they cannot justly be deprived or divested, W. Va. Const. Art. III, § 1 (1872); and

**WHEREAS**, the Constitutions of both the United States and West Virginia acknowledge the “free exercise” of religion, U.S. Const. Amend. I, cl. 2, and freedom “to profess and by argument, maintain” religious opinions, W. Va. Const. art. III, § 15, as among these inherent rights; and

**WHEREAS**, the Constitution of West Virginia also recognizes that no person can be justly “enforced, restrained, molested or burthened, in his body or goods, or otherwise suffer, on account of his religious opinions or beliefs,” and that a person’s religious beliefs should “in nowise, affect, diminish or enlarge their civil capacities,” W. Va. Const. art. III, § 15; and

**WHEREAS**, the Constitution of West Virginia further directs the Legislature to “provide, by general law, for a thorough and efficient system of free schools,” W. Va. Const. art. XII, § 1;

**WHEREAS**, the Supreme Court of Appeals of West Virginia found that directive makes “education a fundamental, constitutional right in this State,” *State v. Beaver*, 248 W. Va. 177, 196, 887 S.E.2d 610, 629 (2022); and

**WHEREAS**, Chapter 16, Article 3, Section 4 of the West Virginia Code establishes compulsory vaccination requirements for admission to public schools and state-regulated child care centers; and

**WHEREAS**, that compulsory vaccination law prevents any child from attending “the schools of the state or a state-regulated child care center until he or she has been immunized against chickenpox, hepatitis-b, measles, meningitis, mumps, diphtheria, polio, rubella, tetanus and whooping cough,” W. Va. Code § 16-3-4(c) (2015); and

**WHEREAS**, the law authorizes the Commissioner of the Bureau for Public Health to “grant . . . exemptions to the compulsory immunization requirements of this section, on a statewide basis, upon sufficient medical evidence that immunization is contraindicated or there exists a specific precaution to a particular vaccine,” W. Va. Code § 16-3-4(h); and

**WHEREAS**, in isolation, West Virginia Code Section 16-3-4 does not expressly provide for a religious or conscientious based exemption to compulsory school vaccination; and

**WHEREAS**, the only other states that do not allow any type of non-medical exemption for school immunization are California, New York, Connecticut, and Maine, NATIONAL CONFERENCE OF STATE LEGISLATURES, STATE NON-MEDICAL EXEMPTIONS FROM SCHOOL IMMUNIZATION REQUIREMENTS (Aug. 13, 2024), <https://www.ncsl.org/health/state-non-medical-exemptions-from-school-immunization-requirements>; and

**WHEREAS**, more recently, the Legislature enacted the Equal Protection for Religion Act of 2023, W. Va. Acts 2023, c. 295 (May 29, 2023), *codified in* W. Va. Code § 35-1A-1 (2023); and

**WHEREAS**, that law mandates that “no state action may” “[s]ubstantially burden a person’s exercise of religion unless” it “is essential to further a compelling governmental interest” and “is the least restrictive means of” achieving that interest, W. Va. Code § 35-1A-1(a)(1); and

**WHEREAS**, the Legislature directed the Equal Protection for Religion Act to apply “[n]otwithstanding any other provision of law,” W. Va. Code § 35-1A-1(a); and

**WHEREAS**, a number of citizens of West Virginia have religious and moral objections to one or more of the vaccines on the compulsory immunization list; and

**WHEREAS**, compulsory immunization forces those West Virginians to choose between their religious belief and their children’s fundamental right to public education; and

**WHEREAS**, even after the enactment of the Equal Protection for Religion Act of 2023, the compulsory immunization law is still being used to bar West Virginians with religious and moral objections to vaccines from sending their children to state schools; and

**WHEREAS**, forcing those West Virginians to vaccinate their children despite their religious and moral objections substantially burdens the free exercise of religion in violation of

the inherent religious liberties guaranteed by the Constitutions of the United States and West Virginia; and

**WHEREAS**, the Constitution of West Virginia vests “chief executive powers” of the State in the Governor and entrusts the Governor to “take care that the laws be faithfully executed.” W. Va. Const. art. VII, § 5 (1872).

**NOW, THEREFORE, I, PATRICK MORRISEY**, by virtue of the authority vested in me as the Governor of the State of West Virginia, do hereby **DIRECT** and **ORDER**:

1. The Commissioner of the Bureau for Public Health and the State Health Officer to:
  - a. Establish a process for objections to compulsory school immunization from persons who desire to send their children to a state school or state-regulated child care center but object on religious or conscientious grounds to one or more vaccine required by the compulsory immunization law;
    - i. For purposes of this process, a writing signed by the objector shall be sufficient proof to establish the objection;
2. When—as directed by the Equal Protection for Religion Act of 2023, W. Va. Code § 35-1A-1 (2023)—the compulsory immunizations requirements violate a religious and moral objection, the Commissioner of the Bureau for Public Health, the State Health Officer, and all officials and employees of the State under their authority shall—consistent with the Equal Protection for Religion Act of 2023, W. Va. Code § 35-1A-1 (2023)—take no action to enforce the compulsory school immunization requirements against the particular objector or his or her child.
3. By February 1, 2025, the Bureau for Public Health and the State Health Officer shall
  - a. Submit a plan the Office of the Governor, including a proposal for any necessary legislation and rules, to enable and facilitate a statewide exemption to the compulsory school immunization in Chapter 16, Article 3, Section 4 of the West Virginia Code for objections based on religious and moral beliefs; and
  - b. Report to the Office of the Governor on the number of people who have filed written objections to the compulsory school immunization requirements.

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

**DONE** at the Capitol in the City of Charleston, State of West Virginia, this Fourteenth Day of January, in the Year of our Lord, Two Thousand Twenty-Five in the One Hundred Sixty-Second Year of the State.



*Patrick Morley*  
**GOVERNOR**

*Krist Warner*  
**SECRETARY OF STATE**