WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 841

By Senators Maynard, Azinger, Bartlett, Charnock, Deeds, Fuller, Grady, Helton, Martin, Roberts, Rose, Rucker, Tarr, Taylor, Thorne, and Willis

[Introduced March 20, 2025; referred
to the Committee on the Judiciary]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §1-8-1, §1-8-2, §1-8-3, §1-8-4, and §1-8-5, relating to prohibiting state government entities from promoting or facilitating discussions, policies, programs, or medical procedures related to sexual orientation or gender transitioning; defining terms; prohibiting use of state funds for such purposes; establishing enforcement mechanisms; and providing for penalties.

Be it enacted by the Legislature of West Virginia:

article 8. Prohibition on Promotion or Facilitation of Sexual Orientation and Gender Transitioning by State Entities.

§1-8-1. Definitions.

For the purposes of this section:

(1) "State government entity" means any department, agency, bureau, board, commission, public school, state-funded university, state-operated healthcare facility, social services office, or any entity receiving state funds.

(2) "Promotion or facilitation" means any form of discussion, training, curriculum, counseling, medical procedure, referral, policy implementation, or financial support related to sexual orientation or gender transitioning.

(3) "Gender transitioning" includes but is not limited to any medical, surgical, pharmaceutical, or counseling-based interventions intended to change an individual’s gender identity from their biological sex at birth.

§1-8-2. Prohibitions.

(a) No state government entity shall engage in, promote, or facilitate discussions, training, curriculum development, or policies related to sexual orientation or gender transitioning.

(b) No state funds shall be used to support any medical, psychological, or educational program that includes gender transitioning or sexual orientation discussions.

(c) No state entity shall offer referrals, funding, or resources for gender transition-related treatments, including puberty blockers, hormone therapy, or surgical procedures.

(d) No public school, university, or state-funded institution shall allow materials, books, instructional programs, or presentations that promote or facilitate discussions on sexual orientation or gender identity.

§1-8-3. Enforcement.

(a) Any employee or official of a state government entity who willfully violates this section shall be subject to disciplinary action, including termination.

(b) Any state entity found in violation shall be subject to a suspension of funding, as determined by the appropriate oversight authority.

(c) A private right of action is granted to any resident of West Virginia who believes a state government entity has violated this section. Such action may be filed in any circuit court within the state.

(d) The Attorney General shall have the authority to investigate and prosecute violations of this section.

§1-8-4. Severability.

If any provision of this article or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this article that can be given effect without the invalid provision or application, and to this end, the provisions of this article are severable.

NOTE: The purpose of this bill is to prohibit state government entities from promoting or facilitating discussions, policies, programs, or medical procedures related to sexual orientation or gender transitioning; defining terms; prohibiting use of state funds for such purposes; establishing enforcement mechanisms; and providing for penalties.

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