

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

### **Introduced**

## **House Bill 2129**

By Delegates Butler, Kump, Pinson, Kimble,  
Funkhouser, Ridenour, Horst, Heckert, and Dillon

[Introduced February 12, 2025; referred  
to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,  
2 designated §49-11-1, §49-11-2, and §49-11-3, all relating to codifying the Parents' Bill of  
3 Rights.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 11. PARENTS' BILL OF RIGHTS.**

**§49-11-1. Short title.**

1 This article shall be known and may be cited as the "Parents' Bill of Rights."

**§49-11-2. Fundamental rights of parents.**

1 (a) The liberty of a parent to direct the upbringing, education, and care, including medical  
2 care, of the parent's child is a fundamental right.

3 (b) The parental right to direct education includes, but is not limited to, the right to choose,  
4 as an alternative to public education, private, religious, or home schools, and the right to make  
5 reasonable choices within public schools for one's child.

6 (c) The parental rights guaranteed by this article shall not be denied or abridged on  
7 account of disability.

8 (d) Neither the State nor any agency or locality thereof, nor any government official or  
9 person acting under color of law, shall infringe this right without demonstrating that the  
10 governmental compelling interest as applied to the parent and the child is of the highest order as  
11 long recognized in the history and traditions of this state, is narrowly tailored, and is not otherwise  
12 served by a less restrictive means.

13 (e) A parent may bring suit against the state, any agency or locality thereof, any  
14 government official, or any person acting under color of law based on any violation of this article  
15 and seek appropriate relief, including, but not limited to, injunctive relief, monetary damages,  
16 reasonable attorneys' fees, and court costs. A parent may also raise this article as a defense  
17 before any court or administrative tribunal.

**§49-11-3. Applicability.**

1        (a) In general. -- This article shall apply to any state or local law, rule, or ordinance and the  
2 implementation of that law, rule, or ordinance, whether statutory or otherwise, and whether  
3 adopted or effective prior to or after the effective date of this article.

4        (b) Rule of construction. -- Statutory law adopted after the date of the enactment of this  
5 article is subject to this article unless such law explicitly excludes such application by reference to  
6 this article.

7        (c) Nothing in this article may be construed to protect actions or decisions to abuse or  
8 neglect a child; nor may anything in this article be construed to grant a parent a right to acquire or  
9 access, on behalf of the parent's child, health care treatments or procedures that the state has  
10 reasonably restricted; nor may anything in this article be construed to protect actions or decisions  
11 to end the life of any human being, born or unborn, including, but limited to, any claim or defense  
12 arising out of a violation of § 16-2F-1 et seq., § 16-2I-1 et seq., § 16-2M-1 et seq., § 16-2O-1, § 16-  
13 2P-1, § 16-2Q-1, § 16-2R-1 et seq., § 16-5-22, § 30-1-26, § 33-42-8, or § 61-2-8.

NOTE: The purpose of this bill is to codify the Parents Bill of Rights.

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