

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 299

BY SENATORS ROSE, BARRETT, RUCKER, TAYLOR,

BARTLETT, THORNE, WILLIS, AND HART

[Passed April 12, 2025; in effect 90 days from
passage (July 11, 2025)]

1 AN ACT to amend and reenact §30-1-26, §30-3-20, and §30-14-17 of the Code of West Virginia,
2 1931, as amended; and to amend the code by adding two new sections, designated §30-
3 3E-20 and §30-7-15f, relating to prohibiting certain medical practices; requiring proposed
4 legislative rule regarding telehealth practice by a telehealth practitioner to include a
5 prohibition on prescribing or dispensing gender altering medication; defining terms;
6 removing an exemption to prohibited practices; providing for an effective date; providing
7 that violations of certain prohibited practices require revocation of professional license of
8 allopathic physicians, osteopathic, physician assistants, and advanced practice registered
9 nurses; providing for various forms of relief for violations of this article; providing for an
10 exemption from the requirement for a certificate of merit; providing for the Attorney
11 General to bring an enforcement action; permitting intervention in proceedings; applying
12 the prohibited practices to allopathic physicians, osteopathic, physician assistants, and
13 advanced practice registered nurses; and providing effective dates.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 1. GENERAL PROVISIONS APPLICABLE TO ALL STATE BOARDS OF
EXAMINATION OR REGISTRATION REFERRED TO IN CHAPTER.**

§30-1-26. Telehealth practice.

1 (a) For the purposes of this section:
2 "Abortifacient" means any chemical or drug prescribed or dispensed with the intent of
3 causing an abortion.
4 "Established patient" means a patient who has received professional services, face-to-
5 face, from the physician, qualified health care professional, or another physician or qualified
6 health care professional of the exact same specialty and subspecialty who belongs to the same
7 group practice, within the past three years.

8 "Gender altering medication" means the prescribing or administering of the following for
9 the purpose of assisting an individual with a gender transition:

10 (1) Gonadotropin-releasing hormone (GnRH) analogues or other puberty blocking
11 medication to stop or delay normal puberty; and

12 (2) Supraphysiologic doses of testosterone, estrogen, or other androgens than would
13 normally be produced endogenously in a healthy individual of the same age and sex.

14 "Health care practitioner" means a person authorized to practice under §30-3-1 *et seq.*,
15 §30-3E-1 *et seq.*, §30-4-1 *et seq.*, §30-5-1 *et seq.*, §30-7-1 *et seq.*, §30-7A-1 *et seq.*, §30-8-1 *et*
16 *seq.*, §30-10-1 *et seq.*, §30-14-1 *et seq.*, §30-16-1 *et seq.*, §30-20-1 *et seq.*, §30-20A-1 *et seq.*,
17 §30-21-1 *et seq.*, §30-23-1 *et seq.*, §30-26-1 *et seq.*, §30-28-1 *et seq.*, §30-30-1 *et seq.*, §30-31-
18 1 *et seq.*, §30-32-1 *et seq.*, §30-34-1 *et seq.*, §30-35-1 *et seq.*, §30-36-1 *et seq.*, §30-37-1 *et seq.*
19 and any other person licensed under this chapter that provides health care services.

20 "Interstate telehealth services" means the provision of telehealth services to a patient
21 located in West Virginia by a health care practitioner located in any other state or commonwealth
22 of the United States.

23 "Registration" means an authorization to practice a health profession regulated by §30-1-
24 1 *et seq.* of this code for the limited purpose of providing interstate telehealth services within the
25 registrant's scope of practice.

26 "Telehealth services" means the use of synchronous or asynchronous
27 telecommunications technology or audio only telephone calls by a health care practitioner to
28 provide health care services, including, but not limited to, assessment, diagnosis, consultation,
29 treatment, and monitoring of a patient; transfer of medical data; patient and professional health-
30 related education; public health services; and health administration. The term does not include
31 internet questionnaires, e-mail messages, or facsimile transmissions.

32 (b) Unless provided for by statute or legislative rule, a health care board, referred to in
33 §30-1-1 *et seq.* of this code, shall propose an emergency rule for legislative approval in

34 accordance with the provisions of §29A-3-15 *et seq.* of this code to regulate telehealth practice
35 by a telehealth practitioner. The proposed rule shall consist of the following:

36 (1) The practice of the health care service occurs where the patient is located at the time
37 the telehealth services are provided;

38 (2) The health care practitioner who practices telehealth shall be:

39 (A) Licensed in good standing in all states in which he or she is licensed and not currently
40 under investigation or subject to an administrative complaint; and

41 (B) Registered as an interstate telehealth practitioner with the appropriate board in West
42 Virginia;

43 (3) When the health care practitioner-patient relationship is established;

44 (4) The standard of care for the provision of telehealth services. The standard of care shall
45 require that with respect to the established patient, the patient shall visit an in-person health care
46 practitioner within 12 months of using the initial telemedicine service or the telemedicine service
47 shall no longer be available to the patient until an in-person visit is obtained. This requirement
48 may be suspended, in the discretion of the health care practitioner, on a case-by-case basis, and
49 it does not apply to the following services: Acute inpatient care, post-operative follow-up checks,
50 behavioral medicine, addiction medicine, or palliative care;

51 (5) A prohibition of prescribing any controlled substance listed in Schedule II of the Uniform
52 Controlled Substance Act, unless authorized by another section: *Provided*, That the prescribing
53 limitations contained in this section do not apply to a physician or a member of the same group
54 practice with an established patient;

55 (6) Establish the conduct of a registrant for which discipline may be imposed by the board
56 of registration;

57 (7) Establish a fee, not to exceed the amount to be paid by a licensee, to be paid by the
58 interstate telehealth practitioner registered in the state;

59 (8) A reference to the board's discipline process;

(9) A prohibition of prescribing or dispensing an abortifacient; and

(10) A prohibition of prescribing or dispensing gender altering medication to a person who is under 18 years of age.

(c) A registration issued pursuant to the provisions of or the requirements of this section does not authorize a health care professional to practice from a physical location within this state without first obtaining appropriate licensure.

(d) By registering to provide interstate telehealth services to patients in this state, a health care practitioner is subject to:

(1) The laws regarding the profession in this state, including the state judicial system and all professional conduct rules and standards incorporated into the health care practitioner's practice act and the legislative rules of registering board; and

(2) The jurisdiction of the board with which he or she registers to provide interstate telehealth services, including such board's complaint, investigation, and hearing process.

(e) A health care professional who registers to provide interstate telehealth services pursuant to the provisions of or the requirements of this section shall immediately notify the board where he or she is registered in West Virginia and of any restrictions placed on the individual's license to practice in any state or jurisdiction.

(f) A person currently licensed in this state is not subject to registration but shall practice telehealth in accordance with the provisions of this section and the rules promulgated thereunder.

ARTICLE 3. WEST VIRGINIA MEDICAL PRACTICE ACT.

§30-3-20. Prohibited practice.

(a) For the purposes of this section:

"Gender" means the psychological, behavioral, social, and cultural aspects of being male or female.

"Gender altering medication" means the prescribing or administering of the following for the purpose of assisting an individual with a gender transition:

(1) Gonadotropin-releasing hormone (GnRH) analogues or other puberty blocking medication to stop or delay normal puberty; and

(2) Supraphysiologic doses of testosterone, estrogen, or other androgens than would normally be produced endogenously in a healthy individual of the same age and sex.

"Gender reassignment surgery" means a surgical procedure performed for the purpose of assisting an individual with a gender transition, including any of the following:

(1) Penectomy, orchiectomy, vaginoplasty, clitoroplasty, vulvoplasty, hysterectomy, or ovariectomy;

(2) Metoidioplasty, phalloplasty, vaginectomy, scrotoplasty, or implantation of erection or testicular prostheses; and

(3) Augmentation mammoplasty, subcutaneous mastectomy, or any plastic, cosmetic, or aesthetic surgery that feminizes or masculinizes the facial or other body features of an individual.

"Gender transition" means the process in which a person goes from identifying with and living as a gender that corresponds to the person's sex to identifying with and living as a gender different from the person's sex and may involve social, legal, or physical changes.

"Sex" means the state of being either male or female as observed or clinically verified at birth. There are only two sexes, and every individual is either male or female: *Provided, That* individuals with congenital and medically verifiable "DSD conditions" (sometimes referred to as "differences in sex development", "disorders in sex development", or "intersex conditions") are not members of a third sex and must be accommodated consistent with state and federal law.

(b) A physician may not provide gender reassignment surgery or gender altering medication to a person who is under 18 years of age.

(c) A physician may provide any of the following to a person who is under 18 years of age:

(1) Services provided to an individual born with a medically verifiable disorder of sex development, including, but not limited to, a person with external sex characteristics that are

irresolvably ambiguous, such as an individual born with 46 xx chromosomes with virilization, 46 xy chromosomes with undervirilization, or having both ovarian and testicular tissue;

(2) Services provided to an individual when a physician has otherwise diagnosed a disorder of sexual development and in which the physician has determined through genetic or biochemical testing that the individual does not have normal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action;

(3) The treatment of any infection, injury, disease, or disorder that has been caused by or exacerbated by the performance of gender transition procedures, whether or not these procedures were performed in accordance with state and federal law; and

(4) Any procedure undertaken because the individual suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the person in imminent danger of death, or impairment of a major bodily function unless surgery is performed.

(d) The provisions of this section are effective on January 1, 2024. The amendments made to this article during the 2025 regular session of the Legislature are effective on August 1, 2025.

(e) If a physician provides either gender reassignment surgery or gender altering medication to a person who is under 18 years of age, the appropriate licensing board shall find the physician in violation of this section and shall immediately revoke the license of the physician.

(f) A person may assert an actual or threatened violation of this section as a claim or defense in a judicial or administrative proceeding and obtain compensatory damages, injunctive relief, declaratory relief, reasonable attorneys' fees, and any other appropriate relief. A person shall bring a claim for a violation of this section not later than two years after the day the cause of action accrues. A minor may bring an action before reaching 18 years of age through a parent or guardian and may bring an action in the minor's own name upon reaching 18 years of age at any time from that point until 20 years after. Inasmuch as the Legislature intends to make unlawful the provision of gender reassignment surgery or gender altering medication to a minor, it is the intent of the Legislature that this section be exempt from compliance with §55-7B-6 of this code.

(g) The Attorney General may bring an action to enforce compliance with this section. Nothing in this section shall be construed to deny, impair, or otherwise affect any right or authority of the Attorney General, the state, or any agency, officer, or employee of the state to institute or intervene in any proceeding.

(h) If any provision of this section, or the application thereof to any provision or circumstance, shall be held unconstitutional or otherwise invalid, such invalidity or unconstitutionality shall not affect the provisions or application of this section which can be given effect without the unconstitutional or invalid provisions of application, and to this end the provisions of this section are declared to be severable.

ARTICLE 3E. PHYSICIAN ASSISTANTS PRACTICE ACT.

§30-3E-20. Prohibited practice.

(a) For the purposes of this section:

"Gender" means the psychological, behavioral, social, and cultural aspects of being male or female.

"Gender altering medication" means the prescribing or administering of the following for the purpose of assisting an individual with a gender transition:

(1) Gonadotropin-releasing hormone (GnRH) analogues or other puberty blocking medication to stop or delay normal puberty; and

(2) Supraphysiologic doses of testosterone, estrogen, or other androgens than would normally be produced endogenously in a healthy individual of the same age and sex.

"Gender reassignment surgery" means a surgical procedure performed for the purpose of assisting an individual with a gender transition, including any of the following:

(1) Penectomy, orchiectomy, vaginoplasty, clitoroplasty, vulvoplasty, hysterectomy, or ovariectomy;

(2) Metoidioplasty, phalloplasty, vaginectomy, scrotoplasty, or implantation of erection or testicular prostheses; and

(3) Augmentation mammoplasty, subcutaneous mastectomy, or any plastic, cosmetic, or aesthetic surgery that feminizes or masculinizes the facial or other body features of an individual.

"Gender transition" means the process in which a person goes from identifying with and living as a gender that corresponds to the person's sex to identifying with and living as a gender different from the person's sex and may involve social, legal, or physical changes.

"Sex" means the state of being either male or female as observed or clinically verified at birth. There are only two sexes, and every individual is either male or female: *Provided*, That individuals with congenital and medically verifiable "DSD conditions" (sometimes referred to as "differences in sex development", "disorders in sex development", or "intersex conditions") are not members of a third sex and must be accommodated consistent with state and federal law.

(b) A physician assistant may not assist in providing gender reassignment surgery or provide gender altering medication to a person who is under 18 years of age.

(c) A physician assistant may provide, within his or her scope of practice, any of the following to a person who is under 18 years of age:

(1) Services provided to an individual born with a medically verifiable disorder of sex development, including, but not limited to, a person with external sex characteristics that are irresolvably ambiguous, such as an individual born with 46 xx chromosomes with virilization, 46 xy chromosomes with undervirilization, or having both ovarian and testicular tissue;

(2) Services provided to an individual when a physician has otherwise diagnosed a disorder of sexual development and in which the physician has determined through genetic or biochemical testing that the individual does not have normal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action;

(3) The treatment of any infection, injury, disease, or disorder that has been caused by or exacerbated by the performance of gender transition procedures, whether or not these procedures were performed in accordance with state and federal law; and

41 (4) Any procedure undertaken because the individual suffers from a physical disorder,
42 physical injury, or physical illness that would, as certified by a physician, place the person in
43 imminent danger of death, or impairment of a major bodily function unless surgery is performed.

44 (d) The provisions of this section are effective on August 1, 2025.

45 (e) If a physician assistant provides either gender reassignment surgery or gender altering
46 medication to a person who is under 18 years of age, the appropriate licensing board shall find
47 the physician assistant in violation of this section and shall immediately revoke the license of the
48 physician assistant.

49 (f) A person may assert an actual or threatened violation of this section as a claim or
50 defense in a judicial or administrative proceeding and obtain compensatory damages, injunctive
51 relief, declaratory relief, reasonable attorneys' fees, and any other appropriate relief. A person
52 shall be required to bring a claim for a violation of this section not later than two years after the
53 day the cause of action accrues. A minor may bring an action before reaching 18 years of age
54 through a parent or guardian and may bring an action in the minor's own name upon reaching 18
55 years of age at any time from that point until 20 years after. Inasmuch as the Legislature intends
56 to make unlawful the provision of gender reassignment surgery or gender altering medication to
57 a minor, it is the intent of the Legislature that this section be exempt from compliance with §55-
58 7B-6 of this code.

59 (g) The Attorney General may bring an action to enforce compliance with this section.
60 Nothing in this section shall be construed to deny, impair, or otherwise affect any right or authority
61 of the Attorney General, the state, or any agency, officer, or employee of the state to institute or
62 intervene in any proceeding.

63 (h) If any provision of this section, or the application thereof to any provision or
64 circumstance, shall be held unconstitutional or otherwise invalid, such invalidity or
65 unconstitutionality shall not affect the provisions or application of this section which can be given

effect without the unconstitutional or invalid provisions of application, and to this end the provisions of this section are declared to be severable.

ARTICLE 7. REGISTERED PROFESSIONAL NURSES.

§30-7-15f. Prohibited practice.

(a) For the purposes of this section:

"Gender" means the psychological, behavioral, social, and cultural aspects of being male or female.

"Gender altering medication" means the prescribing or administering of the following for the purpose of assisting an individual with a gender transition:

(1) Gonadotropin-releasing hormone (GnRH) analogues or other puberty blocking medication to stop or delay normal puberty; and

(2) Supraphysiologic doses of testosterone, estrogen, or other androgens than would normally be produced endogenously in a healthy individual of the same age and sex.

"Gender reassignment surgery" means a surgical procedure performed for the purpose of assisting an individual with a gender transition, including any of the following:

(1) Penectomy, orchiectomy, vaginoplasty, clitoroplasty, vulvoplasty, hysterectomy, or ovariectomy;

(2) Metoidioplasty, phalloplasty, vaginectomy, scrotoplasty, or implantation of erection or testicular prostheses; and

(3) Augmentation mammoplasty, subcutaneous mastectomy, or any plastic, cosmetic, or aesthetic surgery that feminizes or masculinizes the facial or other body features of an individual.

"Gender transition" means the process in which a person goes from identifying with and living as a gender that corresponds to the person's sex to identifying with and living as a gender different from the person's sex and may involve social, legal, or physical changes.

21 "Sex" means the state of being either male or female as observed or clinically verified at
22 birth. There are only two sexes, and every individual is either male or female: *Provided*, That
23 individuals with congenital and medically verifiable "DSD conditions" (sometimes referred to as
24 "differences in sex development", "disorders in sex development", or "intersex conditions") are
25 not members of a third sex and must be accommodated consistent with state and federal law.

26 (b) An advanced practice registered nurse may not assist in providing gender
27 reassignment surgery or provide gender altering medication to a person who is under 18 years of
28 age.

29 (c) An advanced practice registered nurse may, within his or her scope of practice, provide
30 any of the following to a person who is under 18 years of age:

31 (1) Services provided to an individual born with a medically verifiable disorder of sex
32 development, including, but not limited to, a person with external sex characteristics that are
33 irresolvably ambiguous, such as an individual born with 46 xx chromosomes with virilization, 46
34 xy chromosomes with undervirilization, or having both ovarian and testicular tissue;

35 (2) Services provided to an individual when a physician has otherwise diagnosed a
36 disorder of sexual development and in which the physician has determined through genetic or
37 biochemical testing that the individual does not have normal sex chromosome structure, sex
38 steroid hormone production, or sex steroid hormone action;

39 (3) The treatment of any infection, injury, disease, or disorder that has been caused by or
40 exacerbated by the performance of gender transition procedures, whether or not these
41 procedures were performed in accordance with state and federal law; and

42 (4) Any procedure undertaken because the individual suffers from a physical disorder,
43 physical injury, or physical illness that would, as certified by a physician, place the person in
44 imminent danger of death, or impairment of a major bodily function unless surgery is performed.

45 (d) The provisions of this section are effective on August 1, 2025.

46 (e) If an advanced practice registered nurse provides either gender reassignment surgery
47 or gender altering medication to a person who is under 18 years of age, the appropriate licensing
48 board shall find the advanced practice registered nurse in violation of this section and shall
49 immediately revoke the license of the advanced practice registered nurse.

50 (f) A person may assert an actual or threatened violation of this section as a claim or
51 defense in a judicial or administrative proceeding and obtain compensatory damages, injunctive
52 relief, declaratory relief, reasonable attorneys' fees, and any other appropriate relief. A person
53 shall bring a claim for a violation of this section not later than two years after the day the cause of
54 action accrues. A minor may bring an action before reaching 18 years of age through a parent or
55 guardian and may bring an action in the minor's own name upon reaching 18 years of age at any
56 time from that point until 20 years after. Inasmuch as the Legislature intends to make unlawful the
57 provision of gender reassignment surgery or gender altering medication to a minor, it is the intent
58 of the Legislature that this section be exempt from compliance with §55-7B-6 of this code.

59 (g) The Attorney General may bring an action to enforce compliance with this section.
60 Nothing in this section shall be construed to deny, impair, or otherwise affect any right or authority
61 of the Attorney General, the state, or any agency, officer, or employee of the state to institute or
62 intervene in any proceeding.

63 (h) If any provision of this section, or the application thereof to any provision or
64 circumstance, shall be held unconstitutional or otherwise invalid, such invalidity or
65 unconstitutionality shall not affect the provisions or application of this section which can be given
66 effect without the unconstitutional or invalid provisions of application, and to this end the
67 provisions of this section are declared to be severable.

ARTICLE 14. OSTEOPATHIC PHYSICIANS AND SURGEONS.

§30-14-17. Prohibited practice.

1 (a) For the purposes of this section:

"Gender" means the psychological, behavioral, social, and cultural aspects of being male or female.

"Gender altering medication" means the prescribing or administering of the following for the purpose of assisting an individual with a gender transition:

(1) Gonadotropin-releasing hormone (GnRH) analogues or other puberty blocking medication to stop or delay normal puberty; and

(2) Supraphysiologic doses of testosterone, estrogen, or other androgens than would normally be produced endogenously in a healthy individual of the same age and sex.

"Gender reassignment surgery" means a surgical procedure performed for the purpose of assisting an individual with a gender transition, including any of the following:

(1) Penectomy, orchiectomy, vaginoplasty, clitoroplasty, vulvoplasty, hysterectomy, or ovariectomy;

(2) Metoidioplasty, phalloplasty, vaginectomy, scrotoplasty, or implantation of erection or testicular prostheses; and

(3) Augmentation mammoplasty, and subcutaneous mastectomy, or any plastic, cosmetic, or aesthetic surgery that feminizes or masculinizes the facial or other body features of an individual.

"Gender transition" means the process in which a person goes from identifying with and living as a gender that corresponds to the person's sex to identifying with and living as a gender different from the person's sex and may involve social, legal, or physical changes.

"Sex" means the state of being either male or female as observed or clinically verified at birth. There are only two sexes, and every individual is either male or female: *Provided*, That individuals with congenital and medically verifiable "DSD conditions" (sometimes referred to as "differences in sex development", "disorders in sex development", or "intersex conditions") are not members of a third sex and must be accommodated consistent with state and federal law.

(b) A physician may not provide gender reassignment surgery or gender altering medication to a person who is under 18 years of age.

(c) A physician may provide any of the following to a person who is under 18 years of age:

(1) Services provided to an individual born with a medically verifiable disorder of sex development, including, but not limited to, a person with external sex characteristics that are irresolvably ambiguous, such as an individual born with 46 xx chromosomes with virilization, 46 xy chromosomes with undervirilization, or having both ovarian and testicular tissue;

(2) Services provided to an individual when a physician has otherwise diagnosed a disorder of sexual development and in which the physician has determined through genetic or biochemical testing that the individual does not have normal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action;

(3) The treatment of any infection, injury, disease, or disorder that has been caused by or exacerbated by the performance of gender transition procedures, whether or not these procedures were performed in accordance with state and federal law; and

(4) Any procedure undertaken because the individual suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the person in imminent danger of death, or impairment of a major bodily function unless surgery is performed.

(d) The provisions of this section are effective on January 1, 2024. The amendments made to this article during the 2025 regular session of the Legislature shall be effective on August 1, 2025.

(e) If a physician provides either gender reassignment surgery or gender altering medication to a person who is under 18 years of age, the appropriate licensing board shall find the physician in violation of this section and shall immediately revoke the license of the physician.

(f) A person may assert an actual or threatened violation of this section as a claim or defense in a judicial or administrative proceeding and obtain compensatory damages, injunctive relief, declaratory relief, reasonable attorneys' fees, and any other appropriate relief. A person

53 shall bring a claim for a violation of this section not later than two years after the day the cause of
54 action accrues. A minor may bring an action before reaching 18 years of age through a parent or
55 guardian and may bring an action in the minor's own name upon reaching 18 years of age at any
56 time from that point until 20 years after. Inasmuch as the Legislature intends to make unlawful the
57 provision of gender reassignment surgery or gender altering medication to a minor, it is the intent
58 of the Legislature that this section be exempt from compliance with §55-7B-6 of this code.

59 (g) The Attorney General may bring an action to enforce compliance with this section.
60 Nothing in this section shall be construed to deny, impair, or otherwise affect any right or authority
61 of the Attorney General, the state, or any agency, officer, or employee of the state to institute or
62 intervene in any proceeding.

63 (h) If any provision of this section, or the application thereof to any provision or
64 circumstance, shall be held unconstitutional or otherwise invalid, such invalidity or
65 unconstitutionality shall not affect the provisions or application of this section which can be given
66 effect without the unconstitutional or invalid provisions of application, and to this end the
67 provisions of this section are declared to be severable.

The Clerk of the Senate and the Clerk of the House of Delegates hereby
certify that the foregoing bill is correctly enrolled.

.....
Clerk of the Senate

.....
Clerk of the House of Delegates

Originated in the Senate.

In effect 90 days from passage.

.....
President of the Senate

.....
Speaker of the House of Delegates

The within is this the.....
Day of, 2025.

.....
Governor