

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4005

BY DELEGATES BROWNING, DEAN, WORRELL,
McCORMICK, PRITT, MARTIN, HOTT, BELL, PINSON,
STEPHENS, AND WATT

[Passed March 10, 2026; in effect 90 days from
passage (June 8, 2026)]

1 AN ACT to amend and reenact §18-2-7G and §21-6-2 of the Code of West Virginia, 1931, as
2 amended; to clarify the categories of employment which are prohibited or authorized for
3 persons in West Virginia who are under the age of 18 and to clarify youth apprenticeships
4 prohibited or authorized in such categories of employment and to be known as "The
5 Workforce Development Act of 2026".

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-7g. Youth Apprenticeship Program.

1 (a) In addition to any other registered apprenticeship programs, there is herein created the
2 "Youth Apprenticeship Program," which shall allow for any public, private, or home school student
3 in the eleventh or twelfth grade, or are 16 years or older, the opportunity to enroll in apprenticeship
4 programs: *Provided*, That, no apprenticeship program shall be authorized for any occupation
5 prohibited for children under the age of 16 in accordance with the requirements of §21-6-2 of this
6 code.

7 (b) For the purposes of this section, "apprenticeship program" shall have the same
8 meaning as defined in §21-1E-2 of this code.

9 (c) Any student participating in the program may receive secondary credit or other
10 credentialing for the apprenticeship when the apprenticeship is approved by the local county
11 board of education and in keeping with the rules of the Division of Labor (hereinafter "the
12 division").

13 (d) The West Virginia Department of Education (hereinafter "the department") is
14 responsible for establishing the Youth Apprenticeship Program, including setting standards,
15 providing guidelines for county boards of education to approve local enterprise, and granting
16 release time from public schools to participate in the program.

17 (1) The Youth Apprenticeship Program shall include a broad range of skills, including
18 those specifically focused on manufacturing, engineering technology, administration and office
19 technology, and health care.

20 (2) The county boards of education shall develop materials in conjunction with industry to
21 promote awareness of apprenticeship for students and to encourage recruitment.

22 (3) The program shall create a structural linkage between secondary and postsecondary
23 components of the program leading to the school awarding a high school diploma and
24 postsecondary certification of occupational skills to the student.

25 (e) The department shall develop pilot projects for the 2024-2025 school year and shall
26 implement and direct a comprehensive apprenticeship program for all school systems by the
27 beginning of the 2025-2026 school year.

28 (f) Each apprenticeship shall meet the department's criteria which shall include, but is not
29 limited to:

30 (1) A detailed training plan between the employer and the apprentice that identifies specific
31 work tasks that will develop workplace competency;

32 (2) A minimum of 135 classroom hours of related academic instruction and training;

33 (3) A minimum of 400 hours of on-the-job training;

34 (4) A progressive wage schedule established by the participating employer;

35 (5) On-site evaluation of the student's performance; and

36 (6) Training remediation as necessary at the school site.

CHAPTER 21. LABOR.

ARTICLE 6. CHILD LABOR.

**§21-6-2. Employment of children under 16 in certain occupations; determination as to other
occupations; exemptions for certain students performing roofing operations.**

1 (a) A child 16 years of age or older may not be employed, permitted, or suffered to work
2 in, about, or in connection with any nonagricultural category of employment prohibited by the U.S.
3 Department of Labor for individuals in such age range, pursuant to federal law or Hazardous
4 Occupation Order issued by the U.S. Secretary of Labor pursuant to federal law, except as subject
5 to any and all special provisions permitting employment of such minors in such nonagricultural
6 categories, or subject to any and all exemptions from specified Hazardous Occupation Orders for
7 Apprentices and Student-Learners granted by the U.S. Department of Labor: *Provided*, That the
8 following occupation(s) shall be subject to whatever applicable age restrictions and additional
9 authorizations and prohibitions are established pursuant to federal law, the Code of West Virginia,
10 or by legislative rule of the commissioner:

11 (1) Ore reduction works, smelters, hot rolling mills, furnaces, foundries, forging shops, or
12 in any other place in which the heating, melting, or heat treatment of metals is carried on; but

13 (2) May work in hazardous occupations in agriculture and with hours and times in
14 accordance with those authorized by federal law or exemptions issued by the U.S. Secretary of
15 Labor pursuant to federal law for such agricultural occupations, unless expressly prohibited by
16 the commissioner pursuant to §21-6-2(d) of this code.

17 (b) Children under the age of 16 may only be employed as specifically authorized by
18 exceptions and special provisions issued by the U.S. Secretary of Labor pursuant to federal law,
19 unless expressly prohibited by the commissioner pursuant to §21-6-2(d) of this code.

20 (c) A child under 18 years of age may not be employed or permitted to work in a bar, or
21 be permitted, employed, or suffered to sell, dispense, or serve alcoholic beverages in any place
22 or establishment where the consumption of alcoholic beverages is permitted by law: *Provided*,
23 That the prohibitions of this subsection shall be subject to the exceptions allowing retail sales by
24 employees between the inclusive ages of 16 years and 20 years when directly supervised by a
25 person 21 years of age or older as set forth in §60-3A-25(c), §§60-7-12(a)(10)(A)-(B), §60-8-
26 20(g), and §11-16-18(d) of this code.

27 (d) A child at least 16 years old but under 18 years of age may be employed or permitted
28 to work in any occupation not otherwise prohibited by §21-6-2(a), §21-6-2(b) or §21-6-2(c) of
29 this code, or which is expressly prohibited by West Virginia state law, or expressly determined by
30 the commissioner by legislative rulemaking to be dangerous or injurious: *Provided*, That a child
31 between the ages of 16 and 18 years who is enrolled in, participating in, or has completed the
32 minimum training requirements of the West Virginia State Fire Commission, West Virginia
33 Department of Education Public Service Training, or West Virginia University fire service
34 extension, or equivalent approved program, and who has the written consent of his or her parents
35 or guardian, may be employed by or elected as a member of a volunteer fire department to
36 perform firefighting functions: *Provided, however*, That no child may be permitted to operate any
37 fire fighting vehicles, enter a burning building in the course of his or her employment or work or
38 enter into any area determined by the fire chief or fireman in charge at the scene of a fire or other
39 emergency to be an area of danger exposing the child to physical harm by reason of impending
40 collapse of a building or explosion, unless the child is under the immediate supervision of a fire
41 line officer.

42 (e) Students enrolled in a Youth Apprenticeship Program pursuant to §18-2-7g of this
43 code are authorized to work on machinery associated with any occupations not prohibited by §21-
44 6-2(a) , §21-6-2(b), or §21-6-2(d) of this code.

45 (f) In compliance with U.S. Child Labor Provisions for nonagricultural occupations under
46 the Fair Labor Standards Act, Child Labor Bulletin 101, exemptions shall be made for students 16
47 years of age or older performing roofing operations above ground level for the express purpose
48 of learning how to install, wire, or repair a rooftop or other equipment provided the student is
49 employed under the following conditions:

50 (1) The student is enrolled in a course of study and training in a cooperative vocational
51 training program under a recognized state or local educational authority or in a course of study in
52 a substantially similar program conducted by a private school;

53 (2) Written consent of the parent or legal guardian for the student to perform roofing
54 operations pursuant to this subsection is submitted to both the cooperative vocational training
55 program or private school, as applicable, and the employer; and

56 (3) The student is employed under a written agreement which stipulates that:

57 (A) The work will be intermittent and under the direct and close supervision of a qualified
58 and experienced person;

59 (B) Safety instruction will be provided by the school and coordinated with the employer
60 through on-the-job training; and

61 (C) A schedule of organized and progressive work processes be performed.

62 (g) Other limited exemptions for nonagricultural work in compliance with U.S. Child Labor
63 Provisions for nonagricultural occupations under the Fair Standards Act, Child Labor Bulletin 101
64 may be permitted by the department.

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

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Clerk of the House of Delegates

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Clerk of the Senate

Originated in the House of Delegates.

In effect 90 days from passage.

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Speaker of the House of Delegates

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President of the Senate

The within is this the.....
Day of, 2026.

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Governor