

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

House Bill 4760

By Delegates Burkhammer and Worrell

[Originating in the Committee on Health and Human
Resources; Reported on February 12, 2026]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding new sections,
2 designated §5-16-15a, §9-5-34, §33-15-4y, §33-16-3ii, §33-24-7z, §33-25-8w, and §33-
3 25A-8z, relating to health; and requiring insurance to cover costs for dietary supplements.

Be it enacted by the Legislature of West Virginia:

**CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE
GOVERNOR, SECRETARY OF STATE AND ATTORNEY GENERAL;
BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES,
COMMISSIONS, OFFICES, PROGRAMS, ETC.**

ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT.

§5-16-15a. Coverage for a dietary supplement.

1 (a) As used in this section, "dietary supplement" means the same as in the federal Dietary
2 Supplement Health and Education Act of 1994 and means a product, other than tobacco, that:

3 (A) Is intended to supplement the diet and contains one or more dietary ingredients,
4 including, but not limited to, vitamins, minerals, herbs, botanicals, amino acids, concentrates,
5 metabolites, enzymes, prebiotics, probiotics, extracts and other substances and their constituents;

6 (B) Is intended for ingestion in pill, capsule, tablet, liquid, gummy, or powder;

7 (C) Is not represented for use as a conventional food or the sole item of a meal or diet; and

8 (D) Is labeled as a dietary supplement.

9 (b) A policy, plan, or contract that is issued or renewed on or after January 1, 2027, shall
10 provide coverage or reimbursement for dietary supplements as recommended by the enrollee's
11 health care provider.

CHAPTER 9. HUMAN SERVICES.

ARTICLE 5. MISCELLANEOUS PROVISIONS.

§9-5-34. Coverage for a dietary supplement.

1 (a) As used in this section, "dietary supplement" means the same as in the federal Dietary
2 Supplement Health and Education Act of 1994 and means a product, other than tobacco, that:

3 (A) Is intended to supplement the diet and contains one or more dietary ingredients,
4 including, but not limited to, vitamins, minerals, herbs, botanicals, amino acids, concentrates,
5 metabolites, enzymes, prebiotics, probiotics, extracts and other substances and their constituents;

6 (B) Is intended for ingestion in pill, capsule, tablet, liquid, gummy, or powder;

7 (C) Is not represented for use as a conventional food or the sole item of a meal or diet; and

8 (D) Is labeled as a dietary supplement.

9 (b) A policy, plan, or contract that is issued or renewed on or after January 1, 2027, shall
10 provide coverage or reimbursement for dietary supplements as recommended by the enrollee's
11 health care provider.

CHAPTER 33. INSURANCE.

ARTICLE 15. ACCIDENT AND SICKNESS INSURANCE.

§33-15-4y. Coverage for a dietary supplement.

1 (a) As used in this section, "dietary supplement" means the same as in the federal Dietary
2 Supplement Health and Education Act of 1994 and means a product, other than tobacco, that:

3 (A) Is intended to supplement the diet and contains one or more dietary ingredients,
4 including, but not limited to, vitamins, minerals, herbs, botanicals, amino acids, concentrates,
5 metabolites, enzymes, prebiotics, probiotics, extracts and other substances and their constituents;

6 (B) Is intended for ingestion in pill, capsule, tablet, liquid, gummy, or powder;

7 (C) Is not represented for use as a conventional food or the sole item of a meal or diet; and

8 (D) Is labeled as a dietary supplement.

9 (b) A policy, plan, or contract that is issued or renewed on or after January 1, 2027, shall
10 provide coverage or reimbursement for dietary supplements as recommended by the enrollee's
11 health care provider.

ARTICLE 16. GROUP ACCIDENT AND SICKNESS INSURANCE.

§33-16-3ii. Coverage for a dietary supplement.

1 (a) As used in this section, "dietary supplement" means the same as in the federal Dietary
2 Supplement Health and Education Act of 1994 and means a product, other than tobacco, that:

3 (A) Is intended to supplement the diet and contains one or more dietary ingredients,
4 including, but not limited to, vitamins, minerals, herbs, botanicals, amino acids, concentrates,
5 metabolites, enzymes, prebiotics, probiotics, extracts and other substances and their constituents;

6 (B) Is intended for ingestion in pill, capsule, tablet, liquid, gummy, or powder;

7 (C) Is not represented for use as a conventional food or the sole item of a meal or diet; and

8 (D) Is labeled as a dietary supplement.

9 (b) A policy, plan, or contract that is issued or renewed on or after January 1, 2027, shall
10 provide coverage or reimbursement for dietary supplements as recommended by the enrollee's
11 health care provider.

ARTICLE 24. HOSPITAL MEDICAL AND DENTAL CORPORATIONS.

§33-24-7z. Coverage for a dietary supplement.

1 (a) As used in this section, "dietary supplement" means the same as in the federal Dietary
2 Supplement Health and Education Act of 1994 and means a product, other than tobacco, that:

3 (A) Is intended to supplement the diet and contains one or more dietary ingredients,
4 including, but not limited to, vitamins, minerals, herbs, botanicals, amino acids, concentrates,
5 metabolites, enzymes, prebiotics, probiotics, extracts and other substances and their constituents;

6 (B) Is intended for ingestion in pill, capsule, tablet, liquid, gummy, or powder;

7 (C) Is not represented for use as a conventional food or the sole item of a meal or diet; and

8 (D) Is labeled as a dietary supplement.

9 (b) A policy, plan, or contract that is issued or renewed on or after January 1, 2027, shall
10 provide coverage or reimbursement for dietary supplements as recommended by the enrollee's
11 health care provider.

ARTICLE 25. HEALTHCARE CORPORATION.

§33-25-8w. Coverage for a dietary supplement.

1 (a) As used in this section, "dietary supplement" means the same as in the federal Dietary
2 Supplement Health and Education Act of 1994 and means a product, other than tobacco, that:

3 (A) Is intended to supplement the diet and contains one or more dietary ingredients,
4 including, but not limited to, vitamins, minerals, herbs, botanicals, amino acids, concentrates,
5 metabolites, enzymes, prebiotics, probiotics, extracts and other substances and their constituents;

6 (B) Is intended for ingestion in pill, capsule, tablet, liquid, gummy, or powder;

7 (C) Is not represented for use as a conventional food or the sole item of a meal or diet; and

8 (D) Is labeled as a dietary supplement.

9 (b) A policy, plan, or contract that is issued or renewed on or after January 1, 2027, shall
10 provide coverage or reimbursement for dietary supplements as recommended by the enrollee's
11 health care provider.

ARTICLE 25A. HEALTH MAINTENANCE ORGANIZATION ACT.

§33-25A-8z. Coverage for a dietary supplement.

1 (a) As used in this section, "dietary supplement" means the same as in the federal Dietary
2 Supplement Health and Education Act of 1994 and means a product, other than tobacco, that:

3 (A) Is intended to supplement the diet and contains one or more dietary ingredients,
4 including, but not limited to, vitamins, minerals, herbs, botanicals, amino acids, concentrates,
5 metabolites, enzymes, prebiotics, probiotics, extracts and other substances and their constituents;

6 (B) Is intended for ingestion in pill, capsule, tablet, liquid, gummy, or powder;

7 (C) Is not represented for use as a conventional food or the sole item of a meal or diet; and

8 (D) Is labeled as a dietary supplement.

9 (b) A policy, plan, or contract that is issued or renewed on or after January 1, 2027, shall
10 provide coverage or reimbursement for dietary supplements as recommended by the enrollee's
11 health care provider.

NOTE: The purpose of this bill is to improve health, reduce health care usage and costs and help prevent disease through nutritional wellness and prevention measures and allow for nonpharmacological alternatives to enrollees who choose them. The bill requires that health insurance policies provide coverage for nutritional wellness and prevention that is shown to be beneficial to the enrollee and recommended by the enrollee's physician.

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