

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Committee Substitute**

**for**

**House Bill 4982**

By Delegate Worrell

[Originating in the Committee on Health and Human  
Resources; Reported on February 3, 2026]

1 A BILL to amend and reenact §18-2-7a and §18-5D-4 of the Code of West Virginia, 1931, as  
2 amended; to amend the code by adding new sections, designated, §9-5-34; §16-67-1,  
3 §16-67-2, §16-67-3, §16-67-4, §16-67-5, §16-67-6, §16-67-7, §16-67-8, §16-67-9 and  
4 §16-67-10; and to repeal §5-1E-1, §5-1E-2, §5-1E-3, §5-1E-4, and §5-1E-5, relating to the  
5 healthy lifestyles; reestablishing the statewide Healthy Lifestyles program; expanding the  
6 authority of the Office of Healthy Lifestyles; promoting wellness initiatives; coordinating  
7 efforts among state agencies; creating programs; requiring physical fitness in schools; and  
8 requiring a report.

*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, PROGRAMS, ETC.**

**ARTICLE 1E. HEALTHY WEST VIRGINIA PROGRAM**

**§5-1E-1. Findings and purposes.**

1 [Repealed.]

**§5-1E-2. Creation of the Office of Healthy Lifestyles.**

1 [Repealed.]

**§5-1E-3. Powers and duties of the Office.**

1 [Repealed.]

**§5-1E-4. Partnership to encourage healthy lifestyles by children and families.**

1 [Repealed.]

**§5-1E-5. Creation of a Healthy Lifestyles Fund.**

1 [Repealed.]

## CHAPTER 9. HUMAN SERVICES.

### ARTICLE 5. MISCELLANEOUS PROVISIONS.

#### §9-5-34. Food is Medicine services under the Medicaid Program.

2       (a) The Legislature finds that nutrition-related chronic diseases are prevalent among  
3       Medicaid members in West Virginia and contribute to poor health outcomes and increased health  
4       care costs. The purpose of this section is to authorize the use of nutrition-based interventions,  
5       known as Food Is Medicine services, as a cost-effective strategy to improve health outcomes and  
6       reduce avoidable medical utilization.

7       (b) The Bureau for Medical Services shall design programs to improve health outcomes for  
8       Medicaid members with nutrition related chronic diseases through nutrition supports and related  
9       services that reduce the need for higher cost medical care.

10       (c) Food is Medicine services offered pursuant to this section shall be designed to improve  
11       health outcomes for Medicaid members with nutrition related chronic diseases through nutrition  
12       supports and related services that reduce the need for higher cost medical care.

13       (d) Food is medicine services include, but are not limited to:

14           (1) Nutrition-related case management;  
15           (2) Nutrition counseling provided by qualified professionals;  
16           (3) Medically tailored meals;  
17           (4) Nutrition prescriptions; and  
18           (5) Grocery provisions intended to support medically appropriate diets.

19       (e) Where feasible and consistent with Medicaid requirements, the Bureau for Medical  
20       Services shall encourage managed care organizations and their contracted entities to partner with  
21       community-based organizations and to prioritize the use of food grown or produced by local  
22       farmers and food producers in West Virginia.

23       (f) The Bureau for Medical Services shall provide guidance to managed care organizations

24 regarding the implementation of Food Is Medicine services under this section and may establish  
25 standards, reporting expectations, and quality measures to ensure program integrity and  
26 effectiveness.

## CHAPTER 16 PUBLIC HEALTH

### **ARTICLE 67. MAKE WEST VIRGINIA HEALTHY ACT OF 2026.**

#### **§16-67-1. Short title.**

1       This article shall be known and may be cited as the "Make West Virginia Healthy Act of  
2       2026."

#### **§16-67-2. Findings and purpose.**

1       (a) The Legislature finds that chronic diet-/lifestyle-related diseases (including obesity,  
2       type 2 diabetes, hypertension) impose substantial health and fiscal burdens on the State.

3       (b) The Legislature finds that ensuring program integrity in state health and nutrition  
4       assistance programs, promoting nutritious food access, increasing consumer transparency, and  
5       encouraging physical fitness are essential to improving the health of West Virginians.

6       (c) The purpose of this article is to create, as an integral part of the Department of Health,  
7       an entity to coordinate the efforts of all agencies to prevent and remedy chronic diseases and to  
8       ensure that all citizens are being educated on this serious health risks that are affecting the state.

#### **§16-67-3. Definitions.**

1       In this article, unless the context otherwise requires:

2       "BMS" means the West Virginia Bureau for Medical Services.

3       "Department" means the West Virginia Department of Health, or successor.

4       "Eligible nutritious food" means food items that meet criteria established by the  
5       Department under rule for high-nutritional value, no or low added sugar, minimal artificial  
6       dyes/additives, and meeting standards consistent with USDA guidance.

7       "Food deserts" means areas with limited access to affordable and nutritious food.

8        "Pilot program" means a time-limited, state-approved demonstration initiative under this  
9 article.

10        "SNAP" means the Supplemental Nutrition Assistance Program under the federal Food  
11 and Nutrition Act of 2008 (7 U.S.C. §2011 et seq.) and the State's implementing rules.

**§16-67-4. Creation of the Office of Healthy Lifestyles.**

1        There is continued the Office of Healthy Lifestyles within the Department of Health. The  
2 management of this office shall be provided in the manner determined by the Secretary of the  
3 Department of Health to be in the best interest of the state and its citizens.

**§16-67-5. Powers and duties of the office.**

1        The Office of Healthy Lifestyles shall:

2        (1) Establish a Healthy Lifestyle Coalition to assure consistency of the public health and  
3 private sector approach to dealing with programs that affect health and wellness; to provide a  
4 forum for discussing the issues that affect healthy lifestyles and to identify best practices that can  
5 be replicated. By July 1, 2026, the Secretary shall appoint 13 members of the Coalition whose  
6 terms shall be for a period of four years, and the members may be reappointed to a second term.

7        The terms may be staggered to assure continuity of experience on the coalition. Members shall  
8 represent state agencies, community organizations and other entities which have an interest and  
9 expertise in healthy lifestyles. Members may not be compensated but shall receive reimbursement  
10 for expenses incurred while performing the business of the coalition. The Coalition shall meet  
11 monthly;

12        (2) Establish a clinical advisory committee to assure a unified approach using the latest  
13 research to assure consistency in program development;

14        (3) Establish a statewide voluntary private sector partnership and recognition program for  
15 employers, merchants, restaurants and other private sector businesses to encourage the  
16 development or further advance current programs that encourage healthy lifestyles;

17        (4) Coordinate higher education training programs for dietary and exercise physiology

18     students with rural health care providers;

19           (5) Coordinate existing health promotion initiatives to assure clear, concise and consistent

20     communication;

21           (6) Solicit, accept and expend grants, gifts, bequests, donations and other funds from any

22     source for programs that will enable the state to accomplish the goals of this program;

23           (7) Develop a cross-agency series of goals to ensure consistency throughout the system of

24     providers and agencies working in the area of improving lifestyles;

25           (8) Consider the resources of the local health departments and recommend ongoing

26     relationships, as appropriate, between local health departments, family resource networks, faith-

27     based organizations, cooperative extension services, farm bureaus and other health care

28     providers;

29           (9) Encourage the development of incentives for participation in employee wellness

30     programs. Incentives may be based upon, but should not be limited to, the employee's completion

31     of health questionnaires or participating in healthy lifestyles initiatives, and may use experiences

32     of successful initiatives that have occurred in this state. The action plan should include among its

33     targets, state government employees in this incentive program;

34           (10) Build upon existing initiatives that focus on any of the coalition's goals, soliciting input

35     from these initiatives and eliminating duplication of efforts; and

36           (11) Report its progress annually by December 1st to the Legislative Oversight

37     Commission on Health and Human Resource Accountability; including:

38           (A) The initiatives and outcomes of efforts coordinated with the Department of Education;

39           (B) The initiatives and outcomes of efforts coordinated with the Department of Agriculture;

40           (C) The initiatives and outcomes of efforts coordinated with BMS; and

41           (D) The initiatives and outcomes of efforts coordinated with SNAP.

**§16-67-6. Creation of a Healthy Lifestyles Fund.**

1     There is continued in the state Treasury a separate special revenue account, which shall

2 be an interest bearing account, to be known as the "Healthy Lifestyles Fund". The special revenue  
3 account shall consist of all appropriations made by the Legislature, income from the investment of  
4 moneys held in the special revenue account and all other sums available for deposit to the special  
5 revenue account from any source, public or private. No expenditures for purposes of this section  
6 are authorized from collections except in accordance with the provisions of §12-3-1 et seq. of this  
7 code and upon fulfillment of the provisions set forth in §11B-2-1 et seq. of this code. Any balance  
8 remaining in the special revenue account at the end of any state fiscal year does not revert to the  
9 General Revenue Fund but remains in the special revenue account and shall be used solely in a  
10 manner consistent with this article. No expenses incurred under this section shall be a charge  
11 against the General Funds of the state.

**§16-67-7. Coordination with the West Virginia Department of Education.**

1       (a) The Office of Healthy Lifestyles shall work with the Department of Education to help  
2 develop and implement plans focused on improving the physical fitness of students in West  
3 Virginia pursuant to §18-2-7a of this code.

4       (b) The Office of Healthy Lifestyles shall work with the Department of Education to help  
5 develop and implement plans focused on improving the nutrition of students in West Virginia  
6 pursuant to §18-5D-3 of this code.

7       (c) The Office of Healthy Lifestyles shall work with the Department of Education and the  
8 Department of Agriculture to implement and fund a sustainable Farm-to-School program.

9       (d) The Department of Education shall provide the Office of Healthy Lifestyles the results of  
10 the programs listed in this section, including:

11       (1) For the physical activity initiatives.

12       (A) Physical activity participation;

13       (B) Aerobic capacity;

14       (C) Strength;

15       (D) Flexibility; and

16        (E) All metrics to be reported will be anonymous and are not to include any identifying  
17 information about students.

18        (2) For the nutrition initiatives:

19        (A) Whether the school meal options provided to students comply with the United States  
20 Department of Agriculture's School Nutrition Standards; and

21        (B) The amount of fresh fruit and vegetables, to be recorded separately, made available to  
22 students.

**§16-67-8. Coordination with the West Virginia Department of Agriculture.**

1        (a) The Office for Healthy Lifestyles shall coordinate with the West Virginia Department of  
2 Agriculture to complete a study on the health impact of food additives and dyes.

3        (b) The Office of Healthy Lifestyles shall coordinate with the West Virginia Department of  
4 Agriculture to create a state-wide map of "food desert" zones and create a plan to improve access  
5 to fresh-local food.

6        (c) The Office of Healthy Lifestyles shall coordinate with the West Virginia Department of  
7 Agriculture and the West Virginia Department of Education to implement and fund a sustainable  
8 Farm-to-School program.

9        (d) The outcome of all programs in this section will be provided to the Office of Health  
10 Lifestyles to include in the annual report required by §16-67-5 of this code.

**§16-67-9. Coordination with Medicaid.**

1        (a) The Legislature requests the Office for Healthy Lifestyles coordinate with Bureau of  
2 Medical Services to develop a demonstration waiver for Section 1115 of the Social Security Act to  
3 be given to the Secretary of the United States Health and Human Services exhibiting the impact of  
4 the Food Is Medicine program, as provide for in §9-5-34 of this code;

5        (b) A copy of the demonstration shall be provided to the Legislative Oversight Committee  
6 on Health and Human Resources Accountability upon submission.

7        (c) Upon approval of demonstration the implementation and outcomes of the Section 1115

8 waiver programs shall be included in the Office for Healthy Lifestyles annual report.

**§16-67-10. The Office of Healthy Lifestyles County Grant Program.**

1 (a) The Office of Healthy Lifestyles shall develop a county grant program to help further the  
2 goals of this office in promoting healthy lifestyles for West Virginia residents. The grant program  
3 shall prioritize applications by schools to increase the participation in Farm-to-School initiative.

4 (b) The Office of Healthy Lifestyles shall develop and publish publicly the criteria for  
5 eligibility.

6 (c) The Office of Healthy Lifestyles shall include in its annual report required by §16-67-5 of  
7 this code, the grant awardees, the proposed plans by the recipients, and the following year how  
8 the grant awardees utilized the funds awarded.

**CHAPTER 18. EDUCATION.**

**ARTICLE 2. STATE BOARD OF EDUCATION.**

**§18-2-7a. Legislative findings; required physical education; program in physical fitness.**

1 (a) The Legislature hereby finds that obesity is a problem of epidemic proportions in this  
2 state. There is increasing evidence that all segments of the population, beginning with children,  
3 are becoming more sedentary, more overweight and more likely to develop health risks and  
4 diseases including Type II Diabetes, high blood cholesterol and high blood pressure. The  
5 Legislature further finds that the promotion of physical activity during the school day for school  
6 children is a crucial step in combating this growing epidemic and in changing the attitudes and  
7 behavior of the residents of this state toward health promoting physical activity.

8 (b) As a result of these findings, the State Department of Education shall establish the  
9 requirement that each child enrolled in the public schools of this state actively participates in  
10 physical education classes during the school year to the level of his or her ability as follows:

11 (1) *Elementary school grades.* -- Not less than 30 minutes of physical education, including  
12 physical exercise and age-appropriate physical activities, for not less than three days a week.

13                   (2) *Middle school grades*. -- Not less than one full period of physical education, including  
14 physical exercise and age-appropriate physical activities, each school day of one semester of the  
15 school year.

16                   (3) *High school grades*. -- Not less than one full course credit of physical education,  
17 including physical exercise and age-appropriate physical activities, which shall be required for  
18 graduation and the opportunity to enroll in an elective lifetime physical education course.

19                   (c) In providing a physical education curriculum, a school employee may not restrict  
20 participation in:

21                   (1) Recess of other physical activity offered as part of the school's physical education  
22 curriculum for a student enrolled in kindergarten or in a grade level below grade six as a penalty for  
23 the student's academic performance or behavior; or

24                   (2) Physical activity offered as part of the school's physical education curriculum for a  
25 student enrolled in grade level six, seven, or eight as a penalty for the student's academic  
26 performance or behavior.

27                   (d) The Office of Healthy Lifestyles shall coordinate with the West Virginia Department of  
28 Education, to help develop and implement initiatives to improve the physical fitness of students in  
29 West Virginia under §16-67-5 and §16-67-7 of this code.

30                   (1) Research viability of programs such as:

31                   (A) Develop a plan to implement a Mountaineer Mile trail surrounding the high schools that  
32 would be open for the communities use to encourage participation in this fitness initiative.

33                   (B) Implementing a school fitness month; that provides learning opportunities to students  
34 on maintaining their physical health.

35                   (2) Providing the outcomes of all programs developed under this section to the Office of  
36 Healthy Lifestyles to include in the annual report to the Legislative Oversight Committee on Health  
37 and Human Resources Accountability under §16-67-5 of this code.

38                   (e) Enrollment in physical education classes and activities required by the provisions of this

39 section shall not exceed, and shall be consistent with, state guidelines for enrollment in all other  
40 subjects and classes: *Provided*, That schools which do not currently have the number of certified  
41 physical education teachers, do not currently have the required physical setting or would have to  
42 significantly alter academic offerings to meet the physical education requirements may develop  
43 alternate programs that will enable current staff, physical settings and offerings to be used to meet  
44 the physical education requirements established herein. These alternate programs shall be  
45 submitted to the state Department of Education and the Healthy Lifestyle Council for approval.  
46 Those schools needing to develop alternate programs shall not be required to implement this  
47 program until the school year commencing two thousand six.

48 (f) The state board shall implement The Presidential Fitness Test as the Standardized Test  
49 for Physical Education in West Virginia public schools.

50 (1) The components shall include curl-ups or sit-ups (depending on school policy), shuttle  
51 run, sit and reach, pull ups, and 1-mile run.

52 (2) Students shall be required to take the test once in elementary school, once in middle  
53 school, and once in high school.

54 (3) The test shall be accommodated or modified for students to comply with students' IEP's  
55 and 504 plans.

56 (4) Nothing in this section shall hinder the ability to graduate or pass a physical education  
57 course.

58 (5) The criteria that students shall follow will be in the format set forth on the chart provided  
59 by the national organization responsible for the Qualifying Standards for the Physical Fitness  
60 Challenge.

61 (6) Participants must at least reach these levels in all 5 events in order to qualify for the  
62 Presidential Physical Fitness Award. These levels represent the 85<sup>th</sup> percentile based on the 1985  
63 School Population Fitness Survey.

<u>Age</u>	<u>Curl Ups (numb er per one minute , or)</u>	<u>Partial Curl Ups (numb er)</u>	<u>Shuttle run (sec.)</u>	<u>V-Sit Reach (inche s) or</u>	<u>Sit &amp; Reac h (cm)</u>	<u>One Mile Run (min:se c) or</u>	<u>Distanc e Option (min: sec) 1/4 mile and (min:se c) 1/2 mile</u>	<u>Rt. Angle Push Ups (numb er)</u>		
	6	33	22	12.1	3.5	31	10:15	1:55	2	9
BOY	7	36	24	11.5	3.5	30	9:22	1:48	4	14
	8	40	30	11.1	3	31	8:48	3:30	5	17
	9	41	37	10.9	3	31	8:31	3:30	5	18
	10	45	35	10.3	4	30	7:57		6	22
S	11	47	43	10	4	31	7:32		6	27
	12	50	64	9.8	4	31	7:11		7	31
	13	53	59	9.5	3.5	33	6:50		7	39
	14	56	62	9.1	4.5	36	6:26		10	40
	15	57	75	9	5	37	6:20		11	42
	16	56	73	8.7	6	38	6:08		11	55
	17	55	66	8.7	7	41	6:06		13	53
	6	32	22	12.4	5.5	32	11:20	2:00	2	9
	7	34	24	12.1	5	32	10:36	1:55	2	14
	8	38	30	11.8	4.5	33	10:02	3:58	2	17
	9	39	37	11.1	5.5	33	9:30	3:53	2	18
	10	40	33	10.8	6	33	9:19		3	20
GIRL	11	42	43	10.5	6.5	34	9:02		3	19
S	12	45	50	10.4	7	36	8:23		2	20
	13	46	59	10.2	7	38	8:13		2	21
	14	47	48	10.1	8	40	7:59		2	20
	15	48	38	10	8	43	8:08		2	21
	16	45	49	10.1	9	42	8:23		1	24
	17	44	58	10	8	42	8:15		1	25

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65        The program shall include modified tests for exceptional students. Each school in the state  
 66        shall participate in National Physical Fitness and Sports Month in May of each year and shall make  
 67        every effort to involve the community it serves in the related events.

68        (e)(g) The state board shall promulgate a rule in accordance with the provisions article  
 69        three-b, chapter twenty-nine-a of this code that includes at least the following provisions to provide

70 for the collection, reporting and use of body mass index data in the public schools:

71 (1) The data shall be collected using the appropriate methodology for assessing the body

72 mass index from student height and weight data;

73 (2) The data shall be collected on a scientifically drawn sample of students;

74 (3) The data shall be collected and reported in a manner that protects student

75 confidentiality;

76 (4) The data shall be reported to the Department of Education; and

77 (5) All body mass index data shall be reported in aggregate to the Governor, the ~~state West~~

78 ~~Virginia~~ Board of Education, the ~~Healthy Lifestyles Coalition~~ ~~the Office for Healthy Lifestyles~~, and

79 the Legislative Oversight Commission on Health and Human Resources Accountability for use as

80 an indicator of progress toward promoting healthy lifestyles among school-aged children.

**ARTICLE 5D. FEED TO ACHIEVE ACT.**

**§18-5D-4. Creating public-private partnerships; creating nonprofit foundation or fund; audit.**

1 (a) The Department of Education and each county board of education shall promptly

2 establish a fund that is restricted solely for the receipt and expenditure of gifts, grants and

3 bequests for the purposes of this article and may establish in lieu thereof a nonprofit foundation for

4 this purpose. The purpose of the fund or nonprofit foundation is to provide supplemental or

5 matching funds to increase participation in the nutrition programs in the Feed to Achieve initiative

6 set forth in subsection (c) of this section. The Department of Education shall utilize its fund or

7 nonprofit foundation to assist county boards of education in counties whose fund or foundation

8 lacks sufficient business, industry and individual contributors to fund the Feed to Achieve nutrition

9 programs.

10 (b) Financial support for the fund or foundation may come from either public or private gifts,

11 grants, contributions, bequests and endowments.

12 (c) Expenditures from the state or county funds or by the foundations shall be used for

13 provision of food to students through any of the programs or initiatives approved by the Office of  
14 Child Nutrition, including the following programs: School Breakfast Program, National School  
15 Lunch Program, the Summer Food Service Program, the Fresh Fruit and Vegetable Program, the  
16 Child and Adult Care Food Program, the farm-to-school initiative and community gardens.  
17 Expenditures may also be made for initiatives developed with the Department of Human Services  
18 and public-private partnerships to provide outreach and nutritional meals when students are not in  
19 school.

20 (d) No administrative expenses or personnel expenses for any of the state departments  
21 implementing this act, the State Board of Education, any county board of education, school or  
22 program may be paid from the funds or by the foundations.

23 (e) Individuals or businesses that contribute to the funds or foundations may specify  
24 schools or nutrition programs for which the contribution is to be used.

25 (f) The Department of Education and county boards of education may establish public-  
26 private partnerships to enhance current or advance additional nutrition programs that provide  
27 nutritious food for children to take home for weekend meals.

28 (g) ~~The Department of Education and county boards of education shall form or expand~~  
29 ~~existing partnerships with the federal and state departments of agriculture, Department of Human~~  
30 ~~Services, local master gardeners, county extension agents or other experts in the field of~~  
31 ~~agriculture or gardening to develop community gardens, farm-to-school programs and other such~~  
32 ~~programs that teach students how to grow and produce healthy food and provide healthy food to~~  
33 ~~the students.~~

34 (g) The West Virginia Board of Education will work with the Office of Healthy Lifestyles and  
35 the West Virginia Department of Agriculture to implement and fund a sustainable "Farm-to-School"  
36 program. The outcomes of this program will be included in the annual report provided by the Office  
37 of Healthy Lifestyles required by §16-67-5 of this code.

38 (h) The Department of Education shall collaborate with the Department of Human Services

39 to develop effective strategies and programs such as after school nutrition outreach and programs  
40 that improve the healthy lifestyle of all students in pre-kindergarten through twelfth grade. The  
41 Department of Human Services may propose rules for promulgation in accordance with the  
42 provisions of article three, chapter twenty-nine-a of this code to effectuate any programs so  
43 developed.

44 (i) All moneys contributed to a fund or foundation established pursuant to this section and  
45 all expenditures made therefrom shall be audited as part of the annual independent audit of the  
46 State Board of Education and the county boards of education.

NOTE: The purpose of this bill is to establish and expand a coordinated, statewide Healthy Lifestyles framework to promote nutrition, physical activity, and wellness through cross-agency collaboration, school-based initiatives, public-private partnerships, grants, and reporting requirements to improve the health of West Virginians.

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