

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 5484

BY DELEGATES WHITE, COOP-GONZALEZ, DILLON,
MCGEEHAN, T. HOWELL, CROUSE, MOORE, DRENNAN,
MAZZOCCHI, GREEN, AND KIMBLE

[Passed March 14, 2026; in effect 90 days from
passage (June 12, 2026)]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §61-2-31, relating to the right to medical care; recognizing the right to medical
3 care related to a sexual offense; creating the felony offense of violating an individual's
4 right to seek appropriate medical treatment or medical forensic care related to a sexual
5 offense; creating the felony offense of forcing or coercing a person to have an illegal
6 abortion; creating the felony offense of conspiracy to violate rights relating to certain
7 medical care; providing definitions; and creating criminal penalties.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. CRIMES AGAINST THE PERSON.

§61-2-31. Prohibiting violations of an individual's right to seek appropriate medical treatment or medical forensic care related to a sexual offense; coercion to have an illegal abortion; conspiracy; definitions.

1 (a) All persons within the boundaries of the State of West Virginia have the right to seek
2 appropriate medical treatment permitted under West Virginia law or medical forensic care related
3 to a sexual offense, without delay, in a private, age-appropriate, or developmentally appropriate
4 space required to ensure the health, safety, and welfare of the victim of the sexual offense.

5 (b) If any person by force or threat of force willfully injures, intimidates, or interferes with,
6 or attempts to injure, intimidate, or interfere with, or oppresses or threatens any other person in
7 the free exercise of the right to seek appropriate medical treatment permitted under West Virginia
8 law or medical forensic care to obtain biological evidence, as defined in §15-9B-1a of this code
9 and consistent with §16-2R-1 *et seq.* of this code, related to a sexual offense, he or she is guilty
10 of a felony and, upon conviction thereof, shall be confined in a state correctional facility for not
11 less than five years nor more than 15 years, or fined not more than \$50,000, or both fined and
12 confined.

13 (c) Any person who knowingly and intentionally forces or coerces a victim of a sexual
14 offense which results in the pregnancy of the victim to have an illegal abortion in violation of the

15 provisions of §16-2R-1 *et seq.* of this code is guilty of a felony and, upon conviction thereof, shall
16 be confined in a state correctional facility for not less than five years nor more than 15 years, or
17 fined not more than \$50,000, or both fined and confined.

18 (d) It is unlawful for two or more persons to conspire to commit an offense in violation of
19 subsections (b) or (c) of this section. Any person who violates this section by conspiring to commit
20 an offense in violation of subsections (b) or (c) of this section is guilty of a felony and, upon
21 conviction thereof, shall be confined in a state correctional facility for not less than five years nor
22 more than 15 years, or fined not more than \$50,000, or both fined and confined. Nothing in this
23 subsection shall be construed to impart criminal liability on the victim of the sexual offense.

24 (e) For purposes of this section:

25 (1) "Force or coerce" means committing, attempting to commit, or threatening to commit
26 physical harm to a woman, the unborn child, or another individual where such conduct is intended
27 to compel the woman to have an abortion against her will: *Provided*, That the provision of
28 information, counseling, or assistance regarding alternatives to an abortion does not constitute
29 either force or coercion.

30 (2) "Sexual offense" includes the listed offenses as that term is defined in §15-9B-1a of
31 this code and any violation of §61-14-1 *et seq.* of this code which includes an element of sexual
32 servitude, commercial sexual activity, or other sexual exploitation.

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