

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

Senate Bill 398

BY SENATORS SMITH (MR. PRESIDENT) AND WOELFEL

[BY REQUEST OF THE EXECUTIVE]

[Reported February 13, 2026, from the Committee on

Health and Human Resources]

1 A BILL to amend and reenact §16-1-5 and §16-5P-4 of the Code of West Virginia, 1931, as
2 amended, relating to modifying the qualifications for the State Health Officer,
3 Commissioner of the Bureau for Public Health, and the Commissioner of the Bureau of
4 Senior Services.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. STATE PUBLIC HEALTH SYSTEM.

**§16-1-5. State Health Officer; Commissioner of the Bureau for Public Health; appointment;
qualifications; term.**

1 The Commissioner of the Bureau for Public Health may be designated the State Health
2 Officer. The commissioner and the State Health Officer shall be appointed by the secretary. The
3 commissioner shall be a person ~~holding a doctorate degree in public health administration~~ holding
4 a master's degree in public health unless designated the State Health Officer. The State Health
5 Officer shall be licensed under the laws of this state to practice medicine. ~~The commissioner and~~
6 ~~the state health officer serve at the will and pleasure of the secretary and shall not be actively~~
7 ~~engaged or employed in any other business, vocation, or employment, serving full time in the~~
8 ~~duties of the office as prescribed by this article.~~ The commissioner shall serve at the will and
9 pleasure of the secretary and shall not be actively engaged or employed in any other business,
10 vocation, or employment, serving full-time in the duties of the office as prescribed by this article.
11 The State Health Officer shall serve at the will and pleasure of the secretary and may not engage
12 in any other business, occupation, or employment inconsistent with the expeditious, proper, and
13 complete performance of his or her duties.

ARTICLE 5P. SENIOR SERVICES.

§16-5P-4. Appointment of commissioner; term of office; reporting; qualifications; oath.

1 (a) There is hereby established the Bureau of Senior Services. As of the effective date of
2 this article, all references to the Commission on Aging shall be construed to mean the Bureau of
3 Senior Services.

4 (b) The bureau shall be under the supervision of a Commissioner of the Bureau of Senior
5 Services. The commissioner shall be appointed by the Governor, with the advice and consent of
6 the Senate, and shall hold office subject to the will and pleasure of the Governor. The
7 commissioner shall be selected with consideration to training and experience in senior issues.

8 (c) The commissioner ~~shall devote his or her entire time to the duties of his or her office,~~
9 and may not engage in any other business, occupation, or employment inconsistent with the
10 expeditious, proper, and complete performance of his or her duties and may not be a candidate
11 for nor hold any other public office or trust nor be a member of a political committee.

12 (d) The commissioner, before entering upon the duties of office, shall take and subscribe
13 to the oath prescribed by article IV, section five of the state Constitution. The oath shall be filed
14 with the Secretary of State.

15 (e) The commissioner shall report directly to the Governor or the Governor's designee.