

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 408

By Senator Rucker

[Introduced January 15, 2026; referred
to the Committee on Health and Human Resources]

1 A BILL to amend and reenact §16-3-1 of the Code of West Virginia, 1931, as amended, relating to
2 communicable and other infectious diseases; ensuring that no law may require a person to
3 receive or use a medical product; and ensuring there will be no penalties imposed nor
4 benefit denied due to refusing a medical product or refusing to disclose whether a medical
5 product has been used or not.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 3. PREVENTION AND CONTROL OF COMMUNICABLE AND OTHER
INFECTIOUS DISEASES.**

**§16-3-1. State Director of Health Authority to quarantine and to enforce regulations; State
Board of Health Authority to issue regulations to control infectious or contagious
diseases.**

1 (a) The state director of health is empowered to establish and strictly maintain quarantine
2 at such places as he may deem proper and forbid and prevent the assembling of the people in any
3 place, when the state director of health or any county or municipal health officer deems that the
4 public health and safety so demand, and the state board of health may adopt rules and regulations
5 to obstruct and prevent the introduction or spread of smallpox or other communicable or infectious
6 diseases into or within the State, and the state director of health shall have the power to enforce
7 these regulations by detention and arrest, if necessary. The state director of health shall have
8 power to enter into any town, city, factory, railroad train, steamboat or other place whatsoever, and
9 enter upon and inspect private property for the purpose of investigating the sanitary and hygienic
10 conditions and the presence of cases of infectious diseases, and may, at his discretion, take
11 charge of any epidemic or endemic conditions, and enforce such regulations as the state board of
12 health may prescribe. All expenses incurred in controlling any endemic or epidemic conditions
13 shall be paid by the county or municipality in which such epidemic occurs.

- 14 (b) Notwithstanding any other section of this code, no law may require or coerce a
15 person to receive or use a medical product, impose a penalty or deprive a benefit for refusing a
16 medical product, or impose penalty or deprive a benefit for refusing to disclose whether a person
17 has received a medical product.

NOTE: The purpose of this bill is to ensure that no law may require a person to receive or use a medical product and to ensure that there will be no penalties associated with refusing the medical product or refusing to disclose whether the product has been used or not.

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