

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

Senate Bill 543

BY SENATORS DEEDS, GRADY, M. MAYNARD, ROBERTS,

GARCIA, TAYLOR, RUCKER, AND WILLIS

[Reported February 3, 2026, from the Committee on
the Judiciary]

1 A BILL to amend and reenact §49-2-121 of the Code of West Virginia, 1931, as amended, relating
2 to requiring the Bureau for Social Services to file legislative rule by certain date; specifying
3 certain policies to be filed as legislative rule; requiring the filing of amendments as a
4 legislative rule in certain circumstances; and clarifying causes of action, immunities, and
5 privileges available in civil suits.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.

§49-2-121. Rulemaking.

1 (a) The secretary shall promulgate legislative rules in accordance with §29A-3-1 *et seq.*
2 of this code regarding the licensure, approval, certification, and registration of child care facilities
3 and the implementation of this article.

4 (b) The secretary shall review the rules promulgated pursuant to this article at least once
5 every five years, making revisions when necessary or convenient.

6 (c) The rules shall incorporate, by reference, the requirements of the Integrated Pest
7 Management Program established by legislative rule by the Department of Agriculture under §19-
8 16A-4 of this code.

9 (d) (1) The Bureau for Social Services shall prepare, compile, and file its complete policy
10 manual, including all policies governing Child Protective Services, foster care, youth services,
11 licensing, casework standards, and any other operational or programmatic guidance used by the
12 bureau, as a legislative rule in accordance with the provisions of §29A-3-1 *et seq.* of this code.

13 (2) The bureau shall file the legislative rule required under subsection (d) of this section
14 with the Secretary of State's office on or before July 1, 2026.

15 (3) Following the required initial filing, the bureau shall file all subsequent amendments,
16 supplements, and revisions to its policy manual as an amendment to the legislative rule in
17 accordance with subdivision (1) of this subsection and §29A-3-1 *et seq.* of this code.

18 (4) Nothing in this subsection prohibits the bureau from issuing internal guidance or
19 emergency procedures as necessary to protect child safety; however, any such guidance that
20 remains in effect for more than 180 days shall be incorporated into the legislative rule in
21 accordance with subdivision (1) of this subsection and §29A-3-1 et seq. of this code.

22 (5) The amendments to this section enacted during the 2026 regular session of the
23 Legislature shall not be construed as creating a private cause of action against the Bureau for
24 Social Services, its employees, or its agents, nor shall the amendments be construed as
25 abrogating or otherwise modifying any common law immunity or statutory privilege available
26 to the Bureau for Social Services, its employees, or its agents.