

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 921

By Senators Rose, Bartlett, M. Maynard, Rucker,

Taylor, and Z. Maynard

[Introduced February 11, 2026; referred
to the Committee on Health and Human Resources]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
 2 designated §9-2-11a, relating to public health care funding; setting forth legislative
 3 findings; defining terms; setting forth Medicaid funding prohibitions; setting forth public
 4 funding prohibitions; permitting the Attorney General to bring enforcement action;
 5 permitting any person eligible to receive public funds to possess standing to bring action;
 6 permitting the award of reasonable attorney’s fees and costs to a prevailing plaintiff;
 7 addressing severability; permitting intervention; and setting an effective date.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 2. COMMISSIONER OF HUMAN SERVICES; POWERS, DUTIES AND
 RESPONSIBILITIES GENERALLY.**

§9-2-11a. Safeguarding Public Healthcare Funding Act.

1 (a) Legislative findings.

2 (1) Medicaid is the primary program providing comprehensive coverage of health and
 3 long-term care to 83 million low-income people in the United States.

4 (2) Medicaid is jointly financed by the states and the federal government and administered
 5 by the states under broad federal rules.

6 (3) States have broad discretion to determine who may provide services to Medicaid
 7 patients, how to deliver care, what populations and services to cover, and how much to reimburse
 8 providers.

9 (4) When West Virginia appropriates public funds to establish a program, it is entitled to
 10 define the limits of that program and to determine who is eligible to participate in and receive
 11 funding from that program.

12 (5) West Virginia may engage in unequal subsidization of abortion and gender transition
 13 procedures to encourage alternative activity deemed in the public interest.

14 (6) West Virginia uses public funds to provide healthcare through a variety of federally and
15 state-funded programs.

16 (7) This article is intended to:

17 (A) Ensure that Medicaid funds are not used to pay for abortions except for as defined by
18 §16-2R-3 of this code, gender transition procedures, or referrals for abortions except for as
19 defined by §16-2R-3 of this code and gender transition procedures;

20 (B) Disqualify individuals and entities providing abortions except for as defined by §16-2R-
21 3 of this code and gender transition procedures and their affiliates from participating in West
22 Virginia Medicaid;

23 (C) Ensure that public funds are not used to directly or indirectly pay for or subsidize
24 abortion, gender transition procedures, or referrals for these procedures; and

25 (D) Prohibit certain state contracts and commercial transactions with or grants to
26 individuals or entities performing, providing, or referring for abortions or gender.

27 (b) Definitions.

28 (1) "Abortion" has the same meaning as §16-2R-2 of this code.

29 (2) "Affiliate" means an organization that owns or controls another or is owned or
30 controlled, in whole or in part, by another; a corporation, organization, or entity that is the largest or
31 controlling shareholder of, or owns at least a 10% stake in, another corporation, organization, or
32 other entity; or a subsidiary, parent, or sibling corporation or entity.

33 (3) "Gender transition procedure" means both "Gender altering medication" and "Gender
34 reassignment surgery" as defined in §30-3-20 of this code.

35 (4) "Public funds" means funds from whatever source, including without limitation state
36 general revenue funds, state special account and limited purpose grants and/or loans, and federal
37 funds provided under Title X of the Public Health Service Act (42 U.S.C. § 300 *et seq.*), Title IV (42
38 U.S.C. § 601 *et seq.*), Title V (42 U.S.C. § 701 *et seq.*), and Title XX (42 U.S.C. § 1397 *et seq.*) of

39 the Social Security Act. It does not include funding under West Virginia Medicaid or 42 U.S.C. §
40 1396 et seq., and as amended hereafter.

41 (5) "Refer" or "referral" means any act, communication, recommendation, direction,
42 guidance, or arrangement by which a person or entity directs, advises, suggests, encourages,
43 assists, or otherwise causes or attempts to cause another person to seek, obtain, access, or
44 receive an abortion or gender transition procedure from a particular provider, facility, or
45 organization. A referral occurs regardless of whether the referring person receives compensation
46 or has a professional, contractual, or fiduciary relationship with the provider or facility.

47 (6) "Sex" has the same meaning as §30-3-20 of this code.

48 (c) Medicaid Funding Prohibitions.

49 (1) As set forth in §9-2-11 of this code, no funds from the Medicaid program accounts may
50 be used to pay for the performance of any abortion unless the abortion is permitted by §16-2R-3 of
51 this code;

52 (2) No funds from the Medicaid program accounts may be used to pay for the performance
53 of gender transition procedures.

54 (3) West Virginia Medicaid shall not enter into a contract or commercial transaction with, or
55 make a grant to, any entity or person that performs abortions except for as defined by §16-2R-3 of
56 this code or gender transition procedures; provides referrals for abortions except for as defined by
57 §16-2R-3 of this code or gender transition procedures; maintains or operates a facility where
58 abortions except for as defined by §16-2R-3 of this code or gender transition procedures are
59 performed; is an affiliate of any entity or person that performs abortions except for as defined by
60 §16-2R-3 of this code or gender transition procedures; refers for abortions except for as defined by
61 §16-2R-3 of this code or gender transition procedures; or maintains or operates a facility where
62 abortions except for as defined by §16-2R-3 of this code or gender transition procedures are
63 performed.

64 (d) Public Funding Prohibitions.

65 (1) No public funds made available by the state, a county, city, municipality, or any local
66 political subdivision or agency thereof and distributed or appropriated by any institution, board,
67 commission, department, agency, official, or employee of the state, a county, city, municipality, or
68 any local political subdivision or agency thereof shall be used in any way to provide or perform an
69 abortion or gender transition procedure; assist in the provision or performance of an abortion or
70 gender transition procedure; promote an abortion or gender transition procedure; counsel in favor
71 of an abortion or gender transition procedure; refer for an abortion or gender transition procedure;
72 provide facilities for an abortion, gender transition procedure, or for training to provide or perform
73 an abortion or gender transition procedure.

74 (2) No person or entity that receives funds authorized or appropriated by the state, a
75 county, city, municipality, or any local political subdivision or agency thereof may use those funds
76 to perform or promote an abortion or gender transition procedure; provide counseling in favor of an
77 abortion or gender transition procedure; make referrals for an abortion or gender transition
78 procedure; or provide facilities for an abortion, gender transition procedure, or for training to
79 provide or perform an abortion or gender transition procedure.

80 (3) The state, a county, city, municipality, or any local political subdivision thereof, including
81 a public health or school district, shall not enter into any contract or commercial transaction with
82 any person or entity that performs any abortion or gender transition procedure; provides any
83 referral for an abortion or gender transition procedure; maintains or operates a facility where any
84 abortion or gender transition procedure is performed; or is an affiliate of any person or entity that
85 performs an abortion or gender transition procedure, refers for an abortion or gender transition
86 procedure, or maintains or operates a facility where an abortion or gender transition procedure is
87 performed. This section does not apply to a contract or commercial transaction that is subject to a
88 federal law that is in conflict with this section as determined by the Secretary of the Department of
89 Health and confirmed in writing by the Attorney General.

90 (e) Enforcement.

91 (1) The Attorney General shall have authority to bring an action in law or equity to enforce
92 the provisions of this article, and relief, such as recoupment, declaratory relief, and injunctive
93 relief, including, without limitation, suspension or debarment, shall be available in appropriate
94 circumstances.

95 (2) Any person or entity eligible for the receipt of public funds shall possess standing to
96 bring any action that the Attorney General has authority to bring pursuant to the provisions of this
97 section. The person or entity bring such action shall, in appropriate circumstances, be entitled to
98 the same relief, provided that any expenditure or grant of public funds made in violation of this
99 article has resulted in the reduction of public funds available to such person or entity and that any
100 award of monetary relief shall be made to an appropriate public officer for deposit into one or more
101 accounts maintained by the state for public funds.

102 (3) In an action brought pursuant to this section, a prevailing plaintiff shall be entitled to an
103 award of reasonable attorneys' fees and costs.

104 (f) Severability.

105 It is the intent of the Legislature that every provision of this article shall operate with equal
106 force and shall be severable one from the other and that, if any provision of this article shall be held
107 invalid or unenforceable by a court of competent jurisdiction, said provision shall be deemed
108 severable. The remaining provisions of this article are deemed fully enforceable.

109 (g) Right of Intervention.

110 The Legislature may appoint one or more of its members to intervene as a matter of right in
111 any case in which the constitutionality or enforceability of this article is challenged.

112 (h) Effective Date.

113 This article is effective on October 1, 2026.

NOTE: The purpose of this bill is to prohibit state funding from being used to pay for abortions or gender reassignment surgery.

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