

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 4760**

**FISCAL  
NOTE**

By Delegates Burkhammer and Worrell

[Introduced January 22, 2026; referred to the  
Committee on Health and Human Resources then  
Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,  
2 designated §33-59A-1, relating to health; and requiring insurance to cover costs for dietary  
3 supplements and nutrition prescriptions.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 59A. REQUIRED COVERAGE FOR HEALTH INSURANCE.**

**§33-59A-1. Coverage for nutritional wellness and prevention.**

1 (a) Definitions. — As used in this section, unless the context otherwise indicates, the  
2 following terms have the following meanings.

3 "Dietary supplement" has the same meaning as in the federal Dietary Supplement Health  
4 and Education Act of 1994 and means a product, other than tobacco, that:

5 (A) Is intended to supplement the diet and contains one or more dietary ingredients,  
6 including, but not limited to, vitamins, minerals, herbs, botanicals, amino acids, concentrates,  
7 metabolites, enzymes, prebiotics, probiotics, extracts and other substances and their constituents;

8 (B) Is intended for ingestion in pill, capsule, tablet, liquid form, gummy, or powder;

9 (C) Is not represented for use as a conventional food or the sole item of a meal or diet; and

10 (D) Is labeled as a dietary supplement.

11 "Nutritional wellness and prevention" means nutritional measures and products, including  
12 dietary supplements, whose primary purposes are to enhance health, improve nutritional intake,  
13 strengthen the immune system, cleanse the body of toxins, address specific health needs and aid  
14 in resisting disease, nutritional and dietary counseling, and nutrition prescriptions.

15 (b) Required coverage. — A carrier shall provide coverage and reimburse for nutritional  
16 wellness and prevention measures that have been shown to be beneficial to an enrollee's health  
17 when used as directed by the manufacturer or manufacturer's representative and recommended  
18 by the enrollee's physician.

19 (c) Application. — The requirements of this section apply to all policies, contracts and  
20 certificates executed, delivered, issued for delivery, continued or renewed in this State.

- 21            (d) The Insurance Commission shall create an approved list of dietary supplements and  
22   nutrition prescriptions that shall be covered. *Provided*; that the list shall be updated no less than  
23   annually.

NOTE: The purpose of this bill is to improve health, reduce health care usage and costs and help prevent disease through nutritional wellness and prevention measures and allow for nonpharmacological alternatives to enrollees who choose them. The bill requires that health insurance policies provide coverage for nutritional wellness and prevention that is shown to be beneficial to the enrollee and recommended by the enrollee's physician.

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