WEST VIRGINIA CODE CHAPTER 16 ARTICLE 67

WV Legislature

§16-67-1. Short title.

This article shall be known and may be cited as the "Make West Virginia Healthy Act of 2026".

WV Legislature

§16-67-2. Findings and purpose.

(a) The Legislature finds that chronic diet-/lifestyle-related diseases (including obesity, type 2 diabetes, hypertension) impose substantial health and fiscal burdens on the State.

(b) The Legislature finds that ensuring program integrity in state health and nutrition assistance programs, promoting nutritious food access, increasing consumer transparency, and encouraging physical fitness are essential to improving the health of West Virginians.

(c) The purpose of this article is to create, as an integral part of the Department of Health, an entity to coordinate the efforts of all agencies to prevent and remedy chronic diseases and to ensure that all citizens are being educated on this serious health risks that are affecting the state.

WV Legislature

§16-67-3. Definitions.

In this article, unless the context otherwise requires:

"BMS" means the West Virginia Bureau for Medical Services.

"Department" means the West Virginia Department of Health, or successor.et

"Eligible nutritious food" means food items that meet criteria established by the Department under rule for high-nutritional value, no or low added sugar, minimal artificial dyes/additives, and meeting standards consistent with USDA guidance.

"Food deserts" means areas with limited access to affordable and nutritious food.

"Pilot program" means a time-limited, state-approved demonstration initiative under this article.

"SNAP" means the Supplemental Nutrition Assistance Program under the federal Food and Nutrition Act of 2008 (7 U.S.C. §2011 *et seq*.) and the State's implementing rules.

WV Legislature

§16-67-4. Creation of the Office of Healthy Lifestyles.

There is continued the Office of Healthy Lifestyles within the Department of Health. The management of this office shall be provided in the manner determined by the Secretary of the Department of Health to be in the best interest of the state and its citizens.

WV Legislature

§16-67-5. Powers and duties of the office.

The Office of Healthy Lifestyles shall:

(1) Establish a Healthy Lifestyle Coalition to assure consistency of the public health and private sector approach to dealing with programs that affect health and wellness; to provide a forum for discussing the issues that affect healthy lifestyles and to identify best practices that can be replicated. By July 1, 2026, the Secretary shall appoint 13 members of the Coalition whose terms shall be for a period of four years, and the members may be reappointed to a second term. The terms may be staggered to assure continuity of experience on the coalition. Members shall represent state agencies, community organizations and other entities which have an interest and expertise in healthy lifestyles. Members may not be compensated but shall receive reimbursement for expenses incurred while performing the business of the coalition. The Coalition shall meet monthly;

(2) Establish a clinical advisory committee to assure a unified approach using the latest research to assure consistency in program development;

(3) Establish a statewide voluntary private sector partnership and recognition program for employers, merchants, restaurants and other private sector businesses to encourage the development or further advance current programs that encourage healthy lifestyles;

(4) Coordinate higher education training programs for dietary and exercise physiology students with rural health care providers;

(5) Coordinate existing health promotion initiatives to assure clear, concise and consistent communication;

(6) Solicit, accept and expend grants, gifts, bequests, donations and other funds from any source for programs that will enable the state to accomplish the goals of this program;

(7) Develop a cross-agency series of goals to ensure consistency throughout the system of providers and agencies working in the area of improving lifestyles;

(8) Consider the resources of the local health departments and recommend ongoing relationships, as appropriate, between local health departments, family resource networks, faith-based organizations, cooperative extension services, farm bureaus and other health care providers;

(9) Encourage the development of incentives for participation in employee wellness programs. Incentives may be based upon, but should not be limited to, the employee's completion of health questionnaires or participating in healthy lifestyles initiatives, and may use experiences of successful initiatives that have occurred in this state. The action plan should include among its targets, state government employees in this incentive program;

(10) Build upon existing initiatives that focus on any of the coalition's goals, soliciting input

WV Legislature

from these initiatives and eliminating duplication of efforts; and

(11) Report its progress annually by December 1st to the Legislative Oversight Commission on Health and Human Resource Accountability; including:

(A) The initiatives and outcomes of efforts coordinated with the Department of Education;

(B) The initiatives and outcomes of efforts coordinated with the Department of Agriculture;

(C) The initiatives and outcomes of efforts coordinated with BMS; and

(D) The initiatives and outcomes of efforts coordinated with SNAP.

WV Legislature

§16-67-6. Creation of a Healthy Lifestyles Fund.

There is continued in the State Treasury a separate special revenue account, which shall be an interest bearing account, to be known as the "Healthy Lifestyles Fund". The special revenue account shall consist of all appropriations made by the Legislature, income from the investment of moneys held in the special revenue account and all other sums available for deposit to the special revenue account from any source, public or private. No expenditures for purposes of this section are authorized from collections except in accordance with the provisions of §12-3-1 *et seq.* of this code and upon fulfillment of the provisions set forth in §11B-2-1 *et seq.* of this code. Any balance remaining in the special revenue account at the end of any state fiscal year does not revert to the General Revenue Fund but remains in the special revenue account and shall be used solely in a manner consistent with this article. No expenses incurred under this section shall be a charge against the General Funds of the state.

WV Legislature

§16-67-7. Coordination with the West Virginia Department of Education.

(a) The Office of Healthy Lifestyles shall work with the Department of Education to help develop and implement plans focused on improving the physical fitness of students in West Virginia pursuant to §18-2-7a of this code.

(b) The Office of Healthy Lifestyles shall work with the Department of Education to help develop and implement plans focused on improving the nutrition of students in West Virginia pursuant to §18-5D-3 of this code.

(c) The Office of Healthy Lifestyles shall work with the Department of Education and the Department of Agriculture to implement and fund a sustainable Farm-to-School program.

(d) The Department of Education shall provide the Office of Healthy Lifestyles the results of the programs listed in this section, including:

(1) For the physical activity initiatives.

(A) Physical activity participation;

(B) Aerobic capacity;

(C) Strength;

(D) Flexibility; and

(E) All metrics to be reported will be anonymous and are not to include any identifying information about students.

(2) For the nutrition initiatives:

(A) Whether the school meal options provided to students comply with the United States Department of Agriculture's School Nutrition Standards; and

(B) The amount of fresh fruit and vegetables, to be recorded separately, made available to students.

WV Legislature

§16-67-8. Coordination with the West Virginia Department of Agriculture.

(a) The Office for Healthy Lifestyles shall coordinate with the West Virginia Department of Agriculture to complete a study on the health impact of food additives and dyes.

(b) The Office of Healthy Lifestyles shall coordinate with the West Virginia Department of Agriculture to create a state-wide map of "food desert" zones and create a plan to improve access to fresh-local food.

(c) The Office of Healthy Lifestyles shall coordinate with the West Virginia Department of Agriculture and the West Virginia Department of Education to implement and fund a sustainable Farm-to-School program.

(d) The Office for Healthy Lifestyles shall coordinate with the West Virginia Department of Agriculture to identify vendors to locally source, grow, and supply fresh healthy foods.

(e) The outcome of all programs in this section will be provided to the Office of Health Lifestyles to include in the annual report required by §16-67-5 of this code.

WV Legislature

§16-67-9. Coordination with Medicaid.

(a) The Legislature requests the Office for Healthy Lifestyles coordinate with Bureau of Medical Services to develop a demonstration waiver for Section 1115 of the Social Security Act to be given to the Secretary of the United States Health and Human Services exhibiting the impact of the Food Is Medicine program, as provide for in §9-5-34 of this code.

(b) A copy of the demonstration shall be provided to the Legislative Oversight Committee on Health and Human Resources Accountability upon submission.

(c) Upon approval of demonstration the implementation and outcomes of the Section 1115 waiver programs shall be included in the Office for Healthy Lifestyles annual report.

WV Legislature

§16-67-10. The Office of Healthy Lifestyles County Grant Program.

(a) The Office of Healthy Lifestyles shall develop a county grant program to help further the goals of this office in promoting healthy lifestyles for West Virginia residents. The grant program shall prioritize applications by schools to increase the participation in Farm-to-School initiative.

(b) The Office of Healthy Lifestyles shall develop and publish publicly the criteria for eligibility,

(c) The Office of Healthy Lifestyles shall include in its annual report required by §16-67-5 of this code, the grant awardees, the proposed plans by the recipients, and the following year how the grant awardees utilized the funds awarded.

WV Legislature