WEST VIRGINIA CODE: §18-5-30

§18-5-30. Preferred gender pronouns.

(a) For the purposes of this section: "Sex", when this term is used to classify or describe a natural person, means the state of being either male or female as observed or clinically verified at birth. There are only two sexes, and every individual is either male or female: *Provided*, That individuals with congenital and medically verifiable "DSD conditions" (sometimes referred to as "differences in sex development", "disorders in sex development", or "intersex conditions") are not members of a third sex and must be accommodated consistent with state and federal law.

(b) County board and public charter school employees shall not be:

(1) Required to use a student's preferred pronoun when referring to the student if the preferred pronoun is not consistent with the student's sex;

(2) Civilly liable for using a pronoun that is consistent with the sex of the student to whom the teacher or employee is referring, even if the pronoun is not the student's preferred pronoun; and

(3) Subject to an adverse employment action for not using a student's preferred pronoun if the student's preferred pronoun is inconsistent with the student's sex.

(c) A county board or public charter school is not civilly liable if a county board or public charter school employee refers to a student using a pronoun that is consistent with the sex of the student to whom the employee is referring, even if the pronoun is not the student's preferred pronoun.

(d) No county board or public charter school may establish a policy or take any action that is contrary to this section.

(e) Nothing in this article may be construed to abrogate individuals' rights and causes of action under the West Virginia Human Rights Act.

WV Legislature