H. B. 2386 1 2 3 (By Delegates Manchin and Longstreth) [Introduced January 12, 2011; referred to the 4 5 Committee on Political Subdivisions then the Judiciary.] 6 7 8 9 10 A BILL to amend the Code of West Virginia, 1931, as amended, by 11 adding thereto a new section, designated \$16-2-11a, relating 12 to the approval of local board of health rules concerning 13 tobacco use in public or private places by its appointing 14 authority or authorities. 15 Be it enacted by the Legislature of West Virginia: That the Code of West Virginia, 1931, as amended, be amended 16 17 by adding thereto a new section, designated §16-2-11a, to read as 18 follows: 19 ARTICLE 2. LOCAL BOARDS OF HEALTH. 20 §16-2-11a. Approval of local board rules, relating to tobacco use 21 in public or private places, by appointing authority. 22 (a) Before a rule relating to tobacco use in public or private 23 places promulgated by a local board of health becomes effective,

- 1 the appointing authority or authorities must approve the rule.
- 2 (b) After giving at least thirty days' notice, the appointing
- 3 authority or authorities shall hold a public hearing to allow the
- 4 public to submit comments concerning the proposed rules.
- 5 Notwithstanding any other provision of this code, the appointing
- 6 authority or authorities shall, no sooner than thirty days after
- 7 the conclusion of the hearing and no later than sixty days after
- 8 the hearing, vote on the approval of the rules. The appointing
- 9 authority may not modify the rules. If approved, the rules take
- 10 effect thirty days after approval unless a later date is set by the
- 11 local board of health. If the rules are not approved, the local
- 12 board of health may resubmit the rules or modify the rules and
- 13 resubmit them at any time.
- 14 (c) If the appointing authority or authorities do not vote on
- 15 the rules within ninety days after the rules are submitted, the
- 16 rules are considered rejected by the appointing authority or
- 17 authorities. A vote taken by the appointing authority or
- 18 authorities after the ninety-day period has no effect on the rules.
- 19 (d) The provisions of this section apply only to the rules of
- 20 a local board of health that have not been made effective prior to
- 21 the effective date of this section.

NOTE: The purpose of this bill is to require the approval of local board of health rules by its appointing authority or authorities relating to tobacco use in public and private places.

This section is new; therefore, it has been completely underscored.