

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 199

SENATOR MAYNARD, *original sponsor*

[Passed March 8, 2019; in effect from passage]

1 AN ACT to amend and reenact §64-9-1, §64-9-2, §64-9-3, §64-9-4, §64-9-5, §64-9-6, §64-9-7,
2 §64-9-8, §64-9-9, §64-9-10, and §64-9-11 of the Code of West Virginia, 1931, as
3 amended, all relating generally to authorizing certain miscellaneous agencies and boards
4 to promulgate legislative rules; authorizing the rules as filed, as modified by the Legislative
5 Rule-Making Review Committee and as amended by the Legislature; authorizing the
6 Athletic Commission to promulgate a legislative rule relating to administrative rules of the
7 West Virginia State Athletic Commission; authorizing the Commissioner of Agriculture to
8 promulgate a legislative rule relating to animal disease control; authorizing the
9 Commissioner of Agriculture to promulgate a legislative rule relating to industrial hemp;
10 authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to
11 rural rehabilitation loan program; authorizing the Commissioner of Agriculture to
12 promulgate a legislative rule relating to captive cervid farming; authorizing the
13 Commissioner of Agriculture to promulgate a legislative rule relating to farm-to-food bank
14 tax credit; authorizing the Commissioner of Agriculture to promulgate a legislative rule
15 relating to agritourism; authorizing the Commissioner of Agriculture to promulgate a
16 legislative rule relating to farmers markets; authorizing the Commissioner of Agriculture to
17 promulgate a legislative rule relating to seed certification program; authorizing the Board
18 of Licensed Dietitians to promulgate a legislative rule relating to licensure and renewal
19 requirements; authorizing the Board of Medicine to promulgate a legislative rule relating
20 to licensing and disciplinary procedures: physicians; podiatric physicians and surgeons;
21 authorizing the Board of Medicine to promulgate a legislative rule relating to permitting
22 and disciplinary procedures: educational permits for graduate medical interns, residents,
23 and fellows; authorizing the Board of Osteopathic Medicine to promulgate a legislative rule
24 relating to licensing procedures for osteopathic physicians; authorizing the Board of
25 Pharmacy to promulgate a legislative rule relating to licensure and practice of pharmacy;
26 authorizing the Board of Pharmacy to promulgate a legislative rule relating to Board of

27 Pharmacy rules for registration of pharmacy technicians; authorizing the Board of
28 Pharmacy to promulgate a legislative rule relating to regulations governing pharmacy
29 permits; authorizing the Board of Pharmacy to promulgate a legislative rule relating to
30 regulations governing pharmacists; authorizing the Board of Pharmacy to promulgate a
31 legislative rule relating to rules for the substitution of biological pharmaceuticals;
32 authorizing the Real Estate Appraiser Licensing and Certification Board to promulgate a
33 legislative rule relating to requirements for licensure and certification; authorizing the
34 Board of Examiners for Registered Professional Nurses to promulgate a legislative rule
35 relating to policies, standards, and criteria for the evaluation, approval, and national
36 nursing accreditation of prelicensure nursing education programs; authorizing the Board
37 of Examiners for Registered Professional Nurses to promulgate a legislative rule relating
38 to requirements for registration and licensure, and conduct constituting professional
39 misconduct; authorizing the Board of Examiners for Registered Professional Nurses to
40 promulgate a legislative rule relating to advanced practice registered nurse licensure
41 requirements; authorizing the Board of Examiners for Registered Professional Nurses to
42 promulgate a legislative rule relating to scope of professional nursing practice; authorizing
43 the Board of Examiners for Registered Professional Nurses to promulgate a legislative
44 rule relating to fees for services rendered by the board and supplemental renewal fee for
45 the Center for Nursing; authorizing the Board of Examiners for Registered Professional
46 Nurses to promulgate a legislative rule relating to dialysis technicians; authorizing the
47 Secretary of State to promulgate a legislative rule relating to filing and formatting rules and
48 related documents and other documents for publication in the State Register; authorizing
49 the Secretary of State to promulgate a legislative rule relating to loan and grant programs
50 under the Help America Vote Act for the purchase of voting equipment, election systems,
51 software, services, and upgrades; authorizing the Secretary of State to promulgate a
52 legislative rule relating to early voting in-person satellite precincts; authorizing the

53 Secretary of State to promulgate a legislative rule relating to notaries public; authorizing
54 the Board of Social Work Examiners to promulgate a legislative rule relating to
55 qualifications for the profession of social work; authorizing the Board of Social Work
56 Examiners to promulgate a legislative rule relating to code of ethics; and authorizing the
57 Treasurer's Office to promulgate a legislative rule relating to reporting and claiming
58 unknown and unlocatable interest owners' reserved interests.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENCIES AND BOARDS
TO PROMULGATE LEGISLATIVE RULES.**

§64-9-1. Athletic Commission.

1 The legislative rule filed in the State Register on July 24, 2018, authorized under the
2 authority of §29-5A-24 of this code, modified by the Athletic Commission to meet the objections
3 of the Legislative Rule-Making Review Committee and refiled in the State Register on December
4 4, 2018, relating to the Athletic Commission (administrative rules of the West Virginia State
5 Athletic Commission, 177 CSR 1), is authorized.

§64-9-2. Commissioner of Agriculture.

1 (a) The legislative rule filed in the State Register on July 27, 2018, authorized under the
2 authority of §19-9-2 of this code, modified by the Commissioner of Agriculture to meet the
3 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on
4 December 10, 2018, relating to the Commissioner of Agriculture (animal disease control, 61 CSR
5 1), is authorized.

6 (b) The legislative rule filed in the State Register on July 27, 2018, authorized under the
7 authority of §19-12E-7 of this code, modified by the Commissioner of Agriculture to meet the
8 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on

9 December 11, 2018, relating to the Commissioner of Agriculture (industrial hemp, 61 CSR 29), is
10 authorized with the following amendments:

11 On page 4, section 4, by inserting a new subsection 4.1 to read as follows:

12 4.1. Within 60 days of being issued a license, the licensee shall certify to the
13 Commissioner that he or she has provided a copy of that license to both the sheriff of the county
14 in which the hemp is being grown and the local detachment of the West Virginia State Police.

15 And,

16 By renumbering the remaining subsections.

17 (c) The legislative rule filed in the State Register on July 26, 2018, authorized under the
18 authority of §19-1-11 of this code, modified by the Commissioner of Agriculture to meet the
19 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on
20 December 4, 2018, relating to the Commissioner of Agriculture (rural rehabilitation loan program,
21 61 CSR 33), is authorized.

22 (d) The legislative rule filed in the State Register on July 27, 2018, authorized under the
23 authority of §19-2H-12 of this code, modified by the Commissioner of Agriculture to meet the
24 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on
25 December 4, 2018, relating to the Commissioner of Agriculture (captive cervid farming, 61 CSR
26 34), is authorized with the following amendment:

27 On page 1, subsection 1.6, after the word “Standards” by inserting the words “effective
28 June 13, 2012,”.

29 (e) The legislative rule filed in the State Register on January 9, 2018, authorized under
30 the authority of §11-13DD-5 of this code, relating to the Commissioner of Agriculture (farm-to-
31 food bank tax credit, 61 CSR 36), is authorized with the following amendment:

32 On page 4, after subdivision 5.6.b. by inserting a new subsection 5.7. to read as follows:

33 5.7. All applications for tax credits must be received by the Department of Agriculture no
34 later than January 31 of the year following the year in which the donation was made.

35 (f) The legislative rule filed in the State Register on July 27, 2018, authorized under the
36 authority of §19-36-1 of this code, modified by the Commissioner of Agriculture to meet the
37 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on
38 November 26, 2018, relating to the Commissioner of Agriculture (agritourism, 61 CSR 37), is
39 authorized.

40 (g) The legislative rule filed in the State Register on July 27, 2018, authorized under the
41 authority of §19-35-4 of this code, modified by the Commissioner of Agriculture to meet the
42 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on
43 November 26, 2018, relating to the Commissioner of Agriculture (farmers markets, 61 CSR 38),
44 is authorized with the following amendment:

45 On page 8, by striking out paragraph “11.2.a.” in its entirety and renumbering the
46 remaining paragraphs accordingly.

47 (h) The legislative rule filed in the State Register on July 27, 2018, authorized under the
48 authority of §19-16-3a of this code, modified by the Commissioner of Agriculture to meet the
49 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on
50 December 11, 2018, relating to the Commissioner of Agriculture (seed certification program, 61
51 CSR 39), is authorized.

§64-9-3. Board of Licensed Dietitians.

1 The legislative rule filed in the State Register on July 24, 2018, authorized under the
2 authority of §30-35-4 of this code, modified by the Board of Licensed Dietitians to meet the
3 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on
4 September 20, 2018, relating to the Board of Licensed Dietitians (licensure and renewal
5 requirements, 31 CSR 1), is authorized.

§64-9-4. Board of Medicine.

1 (a) The legislative rule filed in the State Register on July 25, 2018, authorized under the
2 authority of §30-3-7 of this code, relating to the Board of Medicine (licensing and disciplinary
3 procedures: physicians; podiatric physicians and surgeons, 11 CSR 1A), is authorized.

4 (b) The legislative rule filed in the State Register on July 25, 2018, authorized under the
5 authority of §30-3-7 of this code, relating to the Board of Medicine (permitting and disciplinary
6 procedures: educational permits for graduate medical interns, residents, and fellows, 11 CSR 12),
7 is authorized.

§64-9-5. Board of Osteopathic Medicine.

1 The legislative rule filed in the State Register on July 26, 2018, authorized under the
2 authority of §30-14-14 of this code, relating to the Board of Osteopathic Medicine (licensing
3 procedures for osteopathic physicians, 24 CSR 1), is authorized with the following amendment:

4 On page 16, striking paragraph “18.1.hh.2” in its entirety and renumber the remaining
5 paragraphs accordingly.

§64-9-6. Board of Pharmacy.

1 (a) The legislative rule filed in the State Register on July 27, 2018, authorized under the
2 authority of §30-5-7 of this code, relating to the Board of Pharmacy (licensure and practice of
3 pharmacy, 15 CSR 1), is authorized.

4 (b) The legislative rule filed in the State Register on July 27, 2018, authorized under the
5 authority of §30-5-7 of this code, relating to the Board of Pharmacy (board of pharmacy rules for
6 registration of pharmacy technicians, 15 CSR 7), is authorized with the following amendments:

7 On page 5, subsection 4.2 after the words, “minimum of” by striking out “960” and inserting
8 in lieu thereof “500”;

9 On page 5, subsection 4.2 after the words, “within a” by striking out “15” and inserting in
10 lieu thereof “12”;

11 On page 5, subsection 4.3 after the words, “a pharmacy in a” by striking out “960” and
12 inserting in lieu thereof “500”;

13 On page 6, subdivision 4.4.c after the word, “Within” by striking out “15” and inserting in
14 lieu thereof “12”;

15 And,

16 On page 6, subdivision 4.4.e after the words “within the” by striking out “15” and inserting
17 in lieu thereof “12”.

18 (c) The legislative rule filed in the State Register on July 27, 2018, authorized under the
19 authority of §30-5-7 of this code, relating to the Board of Pharmacy (regulations governing
20 pharmacy permits, 15 CSR 15), is authorized.

21 (d) The legislative rule filed in the State Register on July 27, 2018, authorized under the
22 authority of §30-5-7 of this code, relating to the Board of Pharmacy (regulations governing
23 pharmacists, 15 CSR 16), is authorized.

24 (e) The legislative rule filed in the State Register on November 16, 2018, authorized under
25 the authority of §30-5-12c of this code, modified by the Board of Pharmacy to meet the objections
26 of the Legislative Rule-Making Review Committee and refiled in the State Register on November
27 16, 2018, relating to the Board of Pharmacy (rules for the substitution of biological
28 pharmaceuticals, 15 CSR 17), is authorized.

§64-9-7. Real Estate Appraiser Licensing and Certification Board.

1 The legislative rule filed in the State Register on July 27, 2018, authorized under the
2 authority of §30-38-9 of this code, modified by the Real Estate Appraiser Licensing and
3 Certification Board to meet the objections of the Legislative Rule-Making Review Committee and
4 refiled in the State Register on October 3, 2018, relating to the Real Estate Appraiser Licensing
5 and Certification Board (requirements for licensure and certification, 190 CSR 2), is authorized
6 with the following amendments:

7 On page 3, subdivision 4.1.d. after the word “misdemeanor” by striking out the words
8 “involving moral turpitude” and inserting in lieu thereof the following: “that bears a rational nexus
9 to the occupation requiring licensure”;

10 On page 29, subdivision 8.2.c. after the word “misdemeanor by striking out the words
11 “involving moral turpitude” and inserting in lieu thereof the following: “that bears a rational nexus
12 to the occupation requiring licensure;

13 And,

14 On page 30, subdivision 9.2.f. after the word “misdemeanor” by striking out the words
15 “involving moral turpitude” and inserting in lieu thereof the following: “that bears a rational nexus
16 to the occupation requiring licensure.

§64-9-8. Registered Professional Nurses.

1 (a) The legislative rule filed in the State Register on July 26, 2018, authorized under the
2 authority of §30-7-4 of this code, modified by the Registered Professional Nurses to meet the
3 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on
4 November 29, 2018, relating to the Registered Professional Nurses (policies, standards, and
5 criteria for the evaluation, approval and national nursing accreditation of prelicensure nursing
6 education programs, 19 CSR 1), is authorized.

7 (b) The legislative rule filed in the State Register on July 25, 2018, authorized under the
8 authority of §30-5-7 of this code, modified by the Board of Examiners for Registered Professional
9 Nurses to meet the objections of the Legislative Rule-Making Review Committee and refiled in
10 the State Register on November 28, 2018, relating to the Board of Examiners for Registered
11 Professional Nurses (requirements for registration and licensure and conduct constituting
12 professional misconduct, 19 CSR 3), is authorized.

13 (c) The legislative rule filed in the State Register on July 25, 2018, authorized under the
14 authority of §30-7-4 of this code, relating to the Board of Registered Professional Nurses
15 (advanced practice registered nurse licensure requirements, 19 CSR 7), is authorized.

16 (d) The legislative rule filed in the State Register on July 26, 2018, authorized under the
17 authority of §30-7-4 of this code, modified by the Board of Examiners for Registered Professional
18 Nurses to meet the objections of the Legislative Rule-Making Review Committee and refiled in

19 the State Register on November 20, 2018, relating to the Board of Examiners for Registered
20 Professional Nurses (scope of professional nursing practice, 19 CSR 10), is authorized.

21 (e) The legislative rule filed in the State Register on July 26, 2018, authorized under the
22 authority of §30-7-4 of this code, modified by the Board of Registered Professional Nurses to meet
23 the objections of the Legislative Rule-Making Review Committee and refiled in the State Register
24 on November 28, 2018, relating to the Board of Registered Professional Nurses (fees for services
25 rendered by the board and supplemental renewal fee for the center for nursing, 19 CSR 12), is
26 authorized.

27 (f) The legislative rule filed in the State Register on July 25, 2018, authorized under the
28 authority of §30-7C-7 of this code, modified by the Board of Examiners for Registered
29 Professional Nurses to meet the objections of the Legislative Rule-Making Review Committee
30 and refiled in the State Register on November 28, 2018, relating to the Board of Examiners for
31 Registered Professional Nurses (dialysis technicians, 19 CSR 13), is authorized.

§64-9-9. Secretary of State.

1 (a) The legislative rule filed in the State Register on July 6, 2018, authorized under the
2 authority of §29A-2-6 of this code, relating to the Secretary of State (filing and formatting rules
3 and related documents and other documents for publication in the State Register, 153 CSR 6), is
4 authorized with the following amendment:

5 On page 4, subdivision 5.1, after the words “New series rules” by striking out the word
6 “may” and inserting in lieu thereof the word “shall”.

7 (b) The legislative rule filed in the State Register on July 10, 2018, authorized under the
8 authority of §3-1-48 of this code, relating to the Secretary of State (loan and grant programs under
9 the Help America Vote Act (HAVA) for the purchase of voting equipment, election systems,
10 software, services, and upgrades, 153 CSR 10), is authorized.

11 (c) The legislative rule filed in the State Register on July 10, 2018, authorized under the
12 authority of §3-3-2a of this code, relating to the Secretary of State (early voting in-person satellite
13 precincts, 153 CSR 13), is authorized with the following amendment:

14 On page 3, subsection 5.5, after the words “If more than one satellite precinct” by striking
15 the words “locations are” and inserting in lieu thereof the words “location is”.

16 (d) The legislative rule filed in the State Register on July 30, 2018, authorized under the
17 authority of §39-4-25 of this code, relating to the Secretary of State (notaries public, 153 CSR 46),
18 is authorized.

§64-9-10. Board of Social Work Examiners.

1 (a) The legislative rule filed in the State Register on July 25, 2018, authorized under the
2 authority of §30-30-6 of this code, modified by the Board of Social Work Examiners to meet the
3 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on
4 November 16, 2018, relating to the Board of Social Work Examiners (qualifications for the
5 profession of social work, 25 CSR 1), is authorized.

6 (b) The legislative rule filed in the State Register on July 23, 2018, authorized under the
7 authority of §30-30-6 of this code, relating to the Board of Social Work (code of ethics, 25 CSR
8 7), is authorized.

§64-9-11. Treasurer’s Office.

1 The legislative rule filed in the State Register on July 27, 2018, authorized under the
2 authority of §37B-2-7 of this code, modified by the Treasurer’s Office to meet the objections of
3 the Legislative Rule-Making Review Committee and refiled in the State Register on December
4 13, 2018, relating to the Treasurer’s Office (reporting and claiming unknown and unlocatable
5 interest owners reserved interests, 112 CSR 16), is authorized.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

In effect from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

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Day of, 2019.

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Governor