

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Committee Substitute

for

Senate Bill 339

SENATOR MAYNARD, *original sponsor*

[Originating in the Committee on the Judiciary;

reported on January 27, 2020]

1 A BILL to amend and reenact §64-5-1 *et seq.* of the Code of West Virginia, 1931, as amended,
2 relating generally to authorizing certain agencies of the Department of Health and Human
3 Resources to promulgate legislative rules; authorizing the rules as filed and as modified
4 by the Legislative Rule-Making Review Committee; authorizing the Department of Health
5 and Human Resources to promulgate a legislative rule relating to public water systems;
6 authorizing the Department of Health and Human Resources to promulgate a legislative
7 rule relating to fees for permits; authorizing the Department of Health and Human
8 Resources to promulgate a legislative rule relating to vital statistics; authorizing the
9 Department of Health and Human Resources to promulgate a legislative rule relating to
10 emergency medical services; authorizing the Department of Health and Human
11 Resources to promulgate a legislative rule relating to primary care support program;
12 authorizing the Department of Health and Human Resources to promulgate a legislative
13 rule relating to primary care seed money grants; authorizing the Department of Health and
14 Human Resources to promulgate a legislative rule relating to medical cannabis program—
15 general provisions; authorizing the Department of Health and Human Resources to
16 promulgate a legislative rule relating to medical cannabis program—grower/processors;
17 authorizing the Department of Health and Human Resources to promulgate a legislative
18 rule relating to medical cannabis program—laboratories; authorizing the Department of
19 Health and Human Resources to promulgate a legislative rule relating to medical cannabis
20 program—program dispensaries; authorizing the Department of Health and Human
21 Resources to promulgate a legislative rule relating to medical cannabis program—safe
22 harbor letter; authorizing the Department of Health and Human Resources to promulgate
23 a legislative rule relating to the collection and exchange of data related to overdoses;
24 authorizing the Department of Health and Human Resources to promulgate a legislative
25 rule relating to minimum licensing requirements for residential child care and treatment
26 facilities for children and transitioning adults in West Virginia; authorizing the Department

27 of Health and Human Resources to promulgate a legislative rule relating to qualifications
28 for a provisional license to practice as a social worker within the Department of Health and
29 Human Resources; authorizing the Department of Health and Human Resources to
30 promulgate a legislative rule relating to pilot program for drug screening of applicants for
31 cash assistance; and authorizing the Health Care Authority to promulgate a legislative rule
32 relating to critical access hospitals.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 5. AUTHORIZATION FOR DEPARTMENT OF HEALTH AND HUMAN
RESOURCES TO PROMULGATE LEGISLATIVE RULES.**

§64-5-1. Department of Health and Human Resources.

1 (a) The legislative rule filed in the State Register on July 16, 2019, authorized under the
2 authority of §16-1-4 of this code, modified by the Department of Health and Human Resources to
3 meet the objections of the Legislative Rule-Making Review Committee and refiled in the State
4 Register on November 4, 2019, relating to the Department of Health and Human Resources
5 (public water systems, 64 CSR 03), is authorized.

6 (b) The legislative rule filed in the State Register on July 16, 2019, authorized under the
7 authority of §16-1-11(d) of this code, modified by the Department of Health and Human Resources
8 to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State
9 Register on December 19, 2019, relating to the Department of Health and Human Resources
10 (fees for permits, 64 CSR 30), is authorized.

11 (c) The legislative rule filed in the State Register on July 16, 2019, authorized under the
12 authority of §16-5-3 of this code, modified by the Department of Health and Human Resources to
13 meet the objections of the Legislative Rule-Making Review Committee and refiled in the State
14 Register on November 4, 2019, relating to the Department of Health and Human Resources (vital
15 statistics, 64 CSR 32), is authorized.

16 (d) The legislative rule filed in the State Register on July 16, 2019, authorized under the
17 authority of §16-4C-23 of this code, modified by the Department of Health and Human Resources
18 to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State
19 Register on November 4, 2019, relating to the Department of Health and Human Resources
20 (emergency medical services, 64 CSR 48), is authorized.

21 (e) The legislative rule filed in the State Register on July 25, 2019, authorized under the
22 authority of §16-2H-2(d) of this code, modified by the Department of Health and Human
23 Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled
24 in the State Register on December 19, 2019, relating to the Department of Health and Human
25 Resources (primary care center support program, 64 CSR 70), is authorized.

26 (f) The legislative rule filed in the State Register on July 26, 2019, authorized under the
27 authority of §16-2H-2(d) of this code, relating to the Department of Health and Human Resources
28 (primary care seed money grants, 64 CSR 71), is authorized.

29 (g) The legislative rule filed in the State Register on July 25, 2019, authorized under the
30 authority of §16A-3-1(b) of this code, modified by the Department of Health and Human
31 Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled
32 in the State Register on October 4, 2019, relating to the Department of Health and Human
33 Resources (medical cannabis program—general provisions, 64 CSR 109), is authorized.

34 (h) The legislative rule filed in the State Register on July 25, 2019, authorized under the
35 authority of §16A-3-1(b) of this code, modified by the Department of Health and Human
36 Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled
37 in the State Register on October 4, 2019, relating to the Department of Health and Human
38 Resources (medical cannabis program—grower/processors, 64 CSR 110), is authorized.

39 (i) The legislative rule filed in the State Register on July 25, 2019, authorized under the
40 authority of §16A-3-1(b) of this code, modified by the Department of Health and Human
41 Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled

42 in the State Register on October 4, 2019, relating to the Department of Health and Human
43 Resources (medical cannabis program—laboratories, 64 CSR 111), is authorized.

44 (j) The legislative rule filed in the State Register on July 25, 2019, authorized under the
45 authority of §16A-3-1(b) of this code, modified by the Department of Health and Human
46 Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled
47 in the State Register on October 4, 2019, relating to the Department of Health and Human
48 Resources (medical cannabis program—dispensaries, 64 CSR 112), is authorized.

49 (k) The legislative rule filed in the State Register on July 24, 2019, authorized under the
50 authority of §16A-3-1(b) of this code, modified by the Department of Health and Human
51 Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled
52 in the State Register on December 19, 2019, relating to the Department of Health and Human
53 Resources (medical cannabis program—safe harbor letter, 64 CSR 113), is authorized.

54 (l) The legislative rule filed in the State Register on July 22, 2019, authorized under the
55 authority of §16-5T-5 of this code, modified by the Department of Health and Human Resources
56 to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State
57 Register on November 21, 2019, relating to the Department of Health and Human Resources
58 (collection and exchange of data related to overdoses, 69 CSR 14), is authorized.

59 (m) The legislative rule filed in the State Register on July 26, 2019, authorized under the
60 authority of §49-2-121 of this code, modified by the Department of Health and Human Resources
61 to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State
62 Register on January 7, 2020, relating to the Department of Health and Human Resources
63 (minimum licensing requirements for residential child care and treatment facilities for children and
64 transitioning adults in West Virginia, 78 CSR 03), is authorized.

65 (n) The legislative rule filed in the State Register on July 24, 2019, authorized under the
66 authority of §30-30-16(c)(2) of this code, modified by the Department of Health and Human
67 Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled

68 in the State Register on November 25, 2019, relating to the Department of Health and Human
69 Resources (qualifications for a provisional license to practice as a social worker within the
70 Department of Health and Human Resources, 78 CSR 24), is authorized.

71 (o) The legislative rule filed in the State Register on September 4, 2019, authorized under
72 the authority of §9-3-6 of this code, relating to the Department of Health and Human Resources
73 (pilot program for drug screening of applicants for cash assistance, 78 CSR 26), is authorized.

§64-5-2. Health Care Authority.

1 The legislative rule filed in the State Register on July 16, 2019, authorized under the
2 authority of §16-5B-14(d) of this code, modified by the Health Care Authority to meet the
3 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on
4 November 22, 2019, relating to the Health Care Authority (critical access hospitals, 65 CSR 09),
5 is authorized.