

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE
REGULAR SESSION, 2022
FIFTY-SECOND DAY

Charleston, West Virginia, Friday, March 4, 2022

The Senate met at 9:02 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by the Honorable Hannah N. Geffert, a senator from the sixteenth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Glenn D. Jeffries, a senator from the eighth district.

Pending the reading of the Journal of Thursday, March 3, 2022,

At the request of Senator Martin, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Clerk presented the following communications from various state agencies as required by the provisions of law:

Natural Resources, Division of (§20-1-7)

Tourism, Department of (§5B-2I-4)

The Senate proceeded to the fourth order of business.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 2096, Reinstating the film investment tax credit.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Eric J. Tarr,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2838, Authorize the ordering of restitution to the state for reimbursement of costs incurred for misuse of public funds, and to create the State Auditor's Public Integrity and Fraud Fund for use of said funds.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Eng. Com. Sub. for House Bill 4113, Public Health definitions and powers of secretary and commissioner.

And has amended same.

And,

Eng. Com. Sub. for House Bill 4257, Require visitation immediately following a procedure in a health care facility.

And has amended same.

And reports the same back with the recommendation that they each do pass, as amended.

Respectfully submitted,

Michael J. Maroney,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 4297, To facilitate the sharing of information between the Department of Health and Human Resources and the State Auditor's office in order to investigate reports of financial abuse and neglect of a vulnerable adult.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Eng. Com. Sub. for House Bill 4344, Relating to foster care.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Michael J. Maroney,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance, with amendments from the Committee on Health and Human Resources pending.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. House Bill 4396, Reducing federal adjusted gross income relating to tolls for travel on West Virginia toll roads paid electronically.

Eng. House Bill 4410, Specifying allocation, apportionment and treatment of income of flow-through entities.

Eng. Com. Sub. for House Bill 4451, Eliminating the requirement that otherwise qualified investment assets be located or installed at or within 2 miles of a preexisting manufacturing facility.

Eng. Com. Sub. for House Bill 4461, Relating to the consolidation of all administrative fees collected by the agency into the existing "Tax Administration Services Fund" .

And,

Eng. Com. Sub. for House Bill 4484, Declaring certain claims against agencies of the state to be moral obligations of the state.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Eric J. Tarr,
Chair.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 4567, Relating to business and occupation or privilege tax.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Eric J. Tarr,
Chair.

The Senate proceeded to the sixth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills were considered introduced, read by their titles, and referred to the appropriate committees:

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 731—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Department of Tourism – Tourism Workforce Development Fund, fund 8903, fiscal year 2022, organization 0304, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

Referred to the Committee on Finance.

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 732—A Bill making a supplementary appropriation of public moneys out of the State Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2022, to the Hospital Finance Authority – Hospital Finance Authority Fund, fund 5475, fiscal year 2022, organization 0509, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

Referred to the Committee on Finance.

By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):

Senate Bill 733—A Bill supplementing and amending appropriations of public moneys out of the Treasury in the State Fund, General Revenue, by decreasing an existing item of appropriation

and adding a new item of appropriation to the Executive, Governor's Office, fund 0101, fiscal year 2022, organization 0100, by supplementing and amending appropriations for the fiscal year ending June 30, 2022.

Referred to the Committee on Finance.

Senator Lindsay offered the following resolution:

Senate Resolution 50—Designating March 7, 2022, as West Virginia Library Day at the Legislature.

Whereas, West Virginia libraries are dedicated to assisting each citizen and building community connections by being accessible and inclusive to all; and

Whereas, West Virginia libraries provide resources to over one million registered borrowers throughout the state, who on the average, checkout two items per person annually; and

Whereas, West Virginia libraries work tirelessly to meet the changing needs of their communities, providing materials from a variety of viewpoints in a wide range of formats that enables the sharing of materials among libraries. West Virginia libraries work to deliver technology through internet access to nearly 450,000 West Virginians, and Wi-Fi access to another 160,000; and

Whereas, During the pandemic West Virginia libraries and library professionals played an invaluable role in support to their communities in-person and virtually; and

Whereas, West Virginia libraries have nearly 11.5 million pieces of material available for citizens to borrow; and

Whereas, West Virginia libraries offer opportunities for everyone to connect with new ideas and become their best selves with access to multimedia content, programs, and classes in addition to books; and

Whereas, West Virginia libraries have long served as trusted and treasured institutions for all members of the communities regardless of race, ethnicity, creed, ability, sexual or gender identity, or socio-economic status; therefore, be it

Resolved by the Senate:

That the Senate hereby designates March 7, 2022, as West Virginia Library Day at the Legislature; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives for West Virginia Library Day.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Resolution 48, Congratulating George Washington High School Patriots girls' swim team for winning 2022 State Championship.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Nelson, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

Senate Resolution 49, Memorializing Honorable Naomi "Sue" Cline, wife, mother, realtor, former member of WV Senate, and dedicated public servant.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Roberts, unanimous consent being granted, the resolution was taken up for immediate consideration and reference to a committee dispensed with.

The question being on the adoption of the resolution, and on this question, Senator Phillips demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Romano and Stover—2.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 49) adopted.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Roberts, Maynard, Boley, Weld, and Smith regarding the adoption of Senate Resolution 49 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 250, Budget Bill.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Romano and Stover—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 250) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Romano and Stover—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 250) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

The Senate proceeded to the ninth order of business.

Eng. House Bill 2817, Donated Drug Repository Program.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Health and Human Resources, was reported by the Clerk and adopted:

On page nine, section six, after line fifty-one, by adding thereto two new subsections, designated subsections (p) and (q), to read as follows:

(p) When complying with the provisions of this article and the rules and regulations adopted pursuant to this article, unless an action or omission constitutes willful or wanton misconduct, the following persons or entities shall not be subject to criminal or civil prosecution, criminal or civil liability for injury, death, or loss to person or property, other criminal or civil action, or disciplinary actions by licensing, professional, or regulatory agencies:

(1) A person that donates or gives drugs to an eligible recipient, including a drug wholesaler, reverse distributor pharmacy, third-party logistics provider, government entity, hospital, or health care facility;

(2) An eligible recipient;

(3) A health care professional who prescribes or dispenses a donated drug;

(4) The Board of Pharmacy;

(5) An intermediary that helps administer the program by facilitating the donation or transfer of drugs to eligible recipients;

(6) A manufacturer or repackager of a donated drug; and

(7) Any employee, volunteer, trainee, or other staff of individuals and entities listed in subdivisions (1) through (6).

(g) An entity participating in a drug donation or repository program operated by another state may participate in this program, and in the case of a pharmacy, may dispense donated drugs to residents of this state. This entity is required to comply with all laws and rules in this state unless such laws or rules differ or conflict with the laws or rules of the state in which the entity is located.

The bill (Eng. H. B. 2817), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 4065, Allowing the Division of Natural Resources to teach hunter's safety courses in school.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Education, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-8a. Hunter safety orientation program.

(a) The Legislature finds that:

- (1) Firearms and hunting are important parts of West Virginia's history, culture, and economy;
- (2) Unfortunately, the use of firearms while hunting or at any other time can be dangerous when the firearms are not handled in a careful and safe manner; and
- (3) Therefore, the opportunity of participating in a hunter safety orientation program should be offered to students in certain grades.

(b) The State Board of Education shall establish and implement a program of instruction of hunter safety orientation with appropriate classes and hands-on training. The hunter safety orientation program may be scheduled for the regular hours of the school day, so as to work in conjunction with the regular course schedule, or may be scheduled outside of the regular hours of instruction for the school day, if the resources and student interest allow. To the extent possible, the hunter safety orientation program shall be conducted at school facilities and scheduled so that students attending the program class may also make use of regularly provided student transportation.

~~(b)~~ (c) The State Board of Education shall, with the advice of the state Superintendent of Schools and the Director of the Division of Natural Resources, promulgate a rule in accordance with the provisions of §29A-3B-1 *et seq.* of this code for the implementation of a hunter safety orientation program for use in the public schools of this state. The rule shall, at a minimum, include at least the following provisions:

~~(1) The hunter safety orientation program may be offered to students in any of the grade levels sixth through twelfth grades over a two-week period during the school year as part of physical education classes, or as part of the general curriculum offered to students in any of these grade levels, or at the end of the school day~~ The hunter safety orientation program shall be offered at least once every spring semester in every middle school of the state. At the option of each county

board of education, the hunter safety orientation program may also be offered during the fall semester in any middle school in the state or may be offered in any high school in the state: *Provided*, That the demand to take the hunter safety orientation program is sufficient and that certified instructors are available. If there is an insufficient number of students at a middle school requesting or registering for the class in a given semester, the school shall not be required to conduct the class that semester. The county board of education shall have the discretion to establish the minimum number of students requesting the safety orientation program class in a semester necessary to provide the class that semester.

(2) The hunter safety orientation program is voluntary to students and ~~any student may choose not to participate in the program. If a student chooses not to participate in the program, he or she shall participate in another education activity;~~

(3) The hunter safety orientation program shall include instruction relating to:

(A) The protection of lives and property against loss or damage as a result of the improper use of firearms; and

(B) The proper use of firearms in hunting, sport competition, and the care and safety of firearms in the home;

(4) The hunter safety orientation program may use materials prepared by any national nonprofit membership organization which has as one of its purposes the training of people in marksmanship and the safe handling and use of firearms; and

(5) The hunter safety orientation program shall be conducted by an instructor employed or certified by the Division of Natural Resources or who has other training necessary to conduct the program as determined by the state board.

~~(c) The county superintendent may implement the hunter safety orientation program in accordance with the rule required by this section in each school in the county that includes any of grades 6 through twelve at which, in the sole judgement of the superintendent, sufficient student interest in program enrollment justifies the program offering and an appropriately certified instructor is available~~

(d) The Division of Natural Resources shall issue a certificate of training, required by §20-2-30a of this code, to any student who completes the hunter safety orientation program.

The bill (Eng. Com. Sub. for H. B. 4065), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 4282, Relating to establishing next generation 911 services in this state.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill 4286, Relating to exempting persons employed as attorneys from the civil service system.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill 4291, Relating to authorizing legislative rules regarding higher education.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill 4324, To update collaborative pharmacy practice agreements.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Health and Human Resources, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 5. PHARMACISTS, PHARMACY TECHNICIANS, PHARMACY INTERNS AND PHARMACIES.

§30-5-4. Definitions.

As used in this article:

(1) "Ambulatory health care facility" includes any facility defined in ~~section one, article five b, chapter sixteen~~ §16-5B-1 *et seq.* of this code, that also has a pharmacy, offers pharmacist care, or is otherwise engaged in the practice of pharmacist care.

(2) "Active Ingredients" means chemicals, substances, or other components of articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of diseases in humans or animals or for use as nutritional supplements.

(3) "Administer" means the direct application of a drug to the body of a patient or research subject by injection, inhalation, ingestion, or any other means.

(4) "Board" means the West Virginia Board of Pharmacy.

(5) "Board authorization" means a license, registration, or permit issued under this article.

(6) "Chain Pharmacy Warehouse" means a permanent physical location for drugs and/or devices that acts as a central warehouse and performs intracompany sales and transfers of prescription drugs or devices to chain pharmacies, which are members of the same affiliated group, under common ownership and control.

(7) "Charitable clinic pharmacy" means a clinic or facility organized as a not-for-profit corporation that has a pharmacy, offers pharmacist care, or is otherwise engaged in the practice of pharmacist care and dispenses its prescriptions free of charge to appropriately screened and qualified indigent patients.

(8) "Collaborative pharmacy practice" is that practice of pharmacist care where one or more pharmacists have jointly agreed, on a voluntary basis, to work in conjunction with one or more physicians under written protocol where the pharmacist or pharmacists may perform certain patient care functions authorized by the physician or physicians under certain specified conditions and limitations.

~~(9)~~ "Collaborative pharmacy practice agreement" is a written and signed agreement, which is a physician directed approach, that is entered into between an individual physician or physician group, or for a medical provider in training where the agreement is signed by the supervising physician or chairperson of the medical department where the medical provider in training is practicing, and an individual pharmacist or pharmacists ~~and an individual patient or the patient's authorized representative who has given informed consent~~ that provides for collaborative pharmacy practice for the purpose of drug therapy management of a patient; ~~which has been approved by the board, the Board of Medicine in the case of an allopathic physician or the West Virginia Board of Osteopathic Medicine in the case of an osteopathic physician.~~

~~(10)~~ "Common Carrier" means any person or entity who undertakes, whether directly or by any other arrangement, to transport property including prescription drugs for compensation.

~~(11)~~ "Component" means any active ingredient or added substance intended for use in the compounding of a drug product, including those that may not appear in such product.

~~(12)~~ "Compounding" means:

(A) The preparation, mixing, assembling, packaging, or labeling of a drug or device:

(i) As the result of a practitioner's prescription drug order or initiative based on the practitioner/patient/pharmacist relationship in the course of professional practice for sale or dispensing; or

(ii) For the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale or dispensing; and

(B) The preparation of drugs or devices in anticipation of prescription drug orders based on routine, regularly observed prescribing patterns.

~~(13)~~ "Deliver" or "delivery" means the actual, constructive, or attempted transfer of a drug or device from one person to another, whether or not for a consideration.

~~(14)~~ "Device" means an instrument, apparatus, implement or machine, contrivance, implant or other similar or related article, including any component part or accessory, which is required under federal law to bear the label, "Caution: Federal or state law requires dispensing by or on the order of a physician."

~~(15)~~ "Digital Signature" means an electronic signature based upon cryptographic methods of originator authentication, and computed by using a set of rules and a set of parameters so that the identity of the signer and the integrity of the data can be verified.

~~(16)~~ "Dispense" or "dispensing" means the interpretation, evaluation, and implementation of a prescription drug order, including the preparation, verification, and delivery of a drug or device to a patient or patient's agent in a suitable container appropriately labeled for subsequent administration to, or use by, a patient.

~~(17)~~ "Distribute" or "Distribution" means to sell, offer to sell, deliver, offer to deliver, broker, give away, or transfer a drug, whether by passage of title, physical movement, or both. The term does not include:

(A) To dispense or administer;

(B) (i) Delivering or offering to deliver a drug by a common carrier in the usual course of business as a common carrier; or providing a drug sample to a patient by a practitioner licensed to prescribe such drug;

(ii) A health care professional acting at the direction and under the supervision of a practitioner; or the pharmacy of a hospital or of another health care entity that is acting at the direction of such a practitioner and that received such sample in accordance with the Prescription Drug Marketing Act and regulations to administer or dispense;

(iii) Intracompany sales.

~~(18)~~ "Drop shipment" means the sale of a prescription drug to a wholesale distributor by the manufacturer of the prescription drug or by that manufacturer's colicensed product partner, that manufacturer's third-party logistics provider, that manufacturer's exclusive distributor, or by an authorized distributor of record that purchased the product directly from the manufacturer or from one of these entities whereby:

(A) The wholesale distributor takes title to but not physical possession of such prescription drug;

(B) The wholesale distributor invoices the pharmacy, pharmacy warehouse, or other person authorized by law to dispense or administer such drug; and

(C) The pharmacy, pharmacy warehouse, or other person authorized by law to dispense or administer such drug receives delivery of the prescription drug directly from the manufacturer or from that manufacturer's colicensed product partner, that manufacturer's third-party logistics provider, that manufacturer's exclusive distributor, or from an authorized distributor of record that purchased the product directly from the manufacturer or from one of these entities.

~~(19)~~ "Drug" means:

(A) Articles recognized as drugs by the United States Food and Drug Administration, or in any official compendium, or supplement;

(B) An article, designated by the board, for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or other animals;

(C) Articles, other than food, intended to affect the structure or any function of the body of human or other animals; and

(D) Articles intended for use as a component of any articles specified in paragraph (A), (B), or (C) of this subdivision.

~~(20)~~ "Drug regimen review" includes, but is not limited to, the following activities:

(A) Evaluation of the prescription drug orders and if available, patient records for:

(i) Known allergies;

(ii) Rational therapy-contraindications;

(iii) Reasonable dose and route of administration; and

(iv) Reasonable directions for use.

(B) Evaluation of the prescription drug orders and patient records for duplication of therapy.

(C) Evaluation of the prescription drug for interactions ~~and/or~~ adverse effects which may include, but are not limited to, any of the following:

(i) Drug-drug;

(ii) Drug-food;

(iii) Drug-disease; and

(iv) Adverse drug reactions.

(D) Evaluation of the prescription drug orders and if available, patient records for proper use, including overuse and underuse and optimum therapeutic outcomes.

~~(24)~~ "Drug therapy management" means the review of drug therapy regimens of patients by a pharmacist for the purpose of evaluating and rendering advice to a physician regarding adjustment of the regimen in accordance with the collaborative pharmacy practice agreement. Decisions involving drug therapy management shall be made in the best interest of the patient. Drug therapy management is limited to:

(A) Implementing, modifying, and managing drug therapy according to the terms of the collaborative pharmacy practice agreement;

(B) Collecting and reviewing patient histories;

~~(C) Obtaining and checking vital signs, including pulse, temperature, blood pressure and respiration~~ Performing patient evaluations that are mutually agreed upon in the collaborative agreement;

(D) Ordering screening laboratory tests that are dose related and specific to the patient's medication or are protocol driven and are also specifically set out in the collaborative pharmacy practice agreement between the pharmacist and physician.

~~(22)~~ "Electronic data intermediary" means an entity that provides the infrastructure to connect a computer system, hand-held electronic device, or other electronic device used by a prescribing practitioner with a computer system or other electronic device used by a pharmacy to facilitate the secure transmission of:

(A) An electronic prescription order;

(B) A refill authorization request;

(C) A communication; or

(D) Other patient care information.

~~(23)~~ "E-prescribing" means the transmission, using electronic media, of prescription or prescription-related information between a practitioner, pharmacist, pharmacy benefit manager, or health plan as defined in 45 CFR §160.103, either directly or through an electronic data intermediary. E-prescribing includes, but is not limited to, two-way transmissions between the point of care and the pharmacist. E-prescribing may also be referenced by the terms "electronic prescription" or "electronic order".

~~(24)~~ "Electronic Signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

~~(25)~~ "Electronic transmission" means transmission of information in electronic form or the transmission of the exact visual image of a document by way of electronic equipment.

~~(26)~~ "Emergency medical reasons" include, but are not limited to, transfers of a prescription drug by one pharmacy to another pharmacy to alleviate a temporary shortage of a prescription drug; sales to nearby emergency medical services, i.e., ambulance companies and firefighting organizations in the same state or same marketing or service area, or nearby licensed practitioners of prescription drugs for use in the treatment of acutely ill or injured persons; and provision of minimal emergency supplies of prescription drugs to nearby nursing homes for use in emergencies or during hours of the day when necessary prescription drugs cannot be obtained.

~~(27)~~ "Exclusive distributor" means an entity that:

(A) Contracts with a manufacturer to provide or coordinate warehousing, wholesale distribution, or other services on behalf of a manufacturer and who takes title to that manufacturer's prescription drug, but who does not have general responsibility to direct the sale or disposition of the manufacturer's prescription drug; and

(B) Is licensed as a wholesale distributor under this article.

~~(28)~~ "FDA" means the Food and Drug Administration, a federal agency within the United States Department of Health and Human Services.

~~(29)~~ "Health care entity" means a person that provides diagnostic, medical, pharmacist care, surgical, dental treatment, or rehabilitative care but does not include a wholesale distributor.

~~(30)~~ "Health information" means any information, whether oral or recorded in a form or medium, that:

(A) Is created or received by a health care provider, health plan, public health authority, employer, life insurer, school or university, or health care clearinghouse, and

(B) Relates to the past, present, or future physical or mental health or condition of an individual; or the past, present, or future payment for the provision of health care to an individual.

"Health care system" means an organization of people, institutions, and resources that deliver health care services to meet the health needs of a target population.

~~(31)~~ "HIPAA" is the federal Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191).

(32) "Immediate container" means a container and does not include package liners.

(33) "Individually identifiable health information" is information that is a subset of health information, including demographic information collected from an individual and is created or received by a health care provider, health plan, employer, or health care clearinghouse; and relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual; and that identifies the individual; or with respect to which there is a reasonable basis to believe the information can be used to identify the individual.

(34) "Intracompany sales" means any transaction between a division, subsidiary, parent, and/or affiliated or related company under the common ownership and control of a corporate or other legal business entity.

(35) "Label" means a display of written, printed, or graphic matter upon the immediate container of any drug or device.

(36) "Labeling" means the process of preparing and affixing a label to a drug container exclusive, however, of a labeling by a manufacturer, packer, or distributor of a nonprescription drug or commercially packaged prescription drug or device.

(37) "Long-Term care facility" means a nursing home, retirement care, mental care, or other facility or institution that provides extended health care to resident patients.

(38) "Mail-order pharmacy" means a pharmacy, regardless of its location, which dispenses greater than ~~twenty-five~~ 25 percent of its prescription drugs via the mail or other delivery services.

(39) "Manufacturer" means any person who is engaged in manufacturing, preparing, propagating, processing, packaging, repackaging, or labeling of a prescription drug, whether within or outside this state.

(40) "Manufacturing" means the production, preparation, propagation, or processing of a drug or device, either directly or indirectly, by extraction from substances of natural origin or independently by means of chemical or biological synthesis and includes any packaging or repackaging of the substance or substances or labeling or relabeling of its contents and the promotion and marketing of the drugs or devices. Manufacturing also includes the preparation and promotion of commercially available products from bulk compounds for resale by pharmacies, practitioners, or other persons.

(41) "Medical order" means a lawful order of a practitioner that may or may not include a prescription drug order.

(42) "Medication therapy management" is a distinct service or group of services that optimize medication therapeutic outcomes for individual patients. Medication therapy management services are independent of, but can occur in conjunction with, the provision of a medication or a medical device. Medication therapy management encompasses a broad range of professional activities and responsibilities within the licensed pharmacist's scope of practice.

These services may include the following, according to the individual needs of the patient:

(A) Performing or obtaining necessary assessments of the patient's health status pertinent to medication therapy management;

(B) Optimize medication use, performing medication therapy, and formulating recommendations for patient medication care plans;

(C) Developing therapeutic recommendations, to resolve medication related problems;

(D) Monitoring and evaluating the patient's response to medication therapy, including safety and effectiveness;

(E) Performing a comprehensive medication review to identify, resolve, and prevent medication-related problems, including adverse drug events;

(F) Documenting the care delivered and communicating essential information to the patient's primary care providers;

(G) Providing verbal education and training designed to enhance patient understanding and appropriate use of his or her medications;

(H) Providing information, support services, and resources designed to enhance patient adherence with his or her medication therapeutic regimens;

(I) Coordinating and integrating medication therapy management services within the broader health care management services being provided to the patient; and

(J) Such other patient care services as may be allowed by law.

~~(43)~~ "Misbranded" means a drug or device that has a label that is false or misleading in any particular manner; or the label does not bear the name and address of the manufacturer, packer, or distributor and does not have an accurate statement of the quantities of the active ingredients in the case of a drug; or the label does not show an accurate monograph for prescription drugs.

~~(44)~~ "Nonprescription drug" means a drug which may be sold without a prescription and which is labeled for use by the consumer in accordance with the requirements of the laws and rules of this state and the federal government.

~~(45)~~ "Normal distribution channel" means a chain of custody for a prescription drug that goes directly or by drop shipment, from a manufacturer of the prescription drug, the manufacturer's third-party logistics provider, or the manufacturer's exclusive distributor to:

(A) A wholesale distributor to a pharmacy to a patient or other designated persons authorized by law to dispense or administer such prescription drug to a patient;

(B) A wholesale distributor to a chain pharmacy warehouse to that chain pharmacy warehouse's intracompany pharmacy to a patient or other designated persons authorized by law to dispense or administer such prescription drug to a patient;

(C) A chain pharmacy warehouse to that chain pharmacy warehouse's intracompany pharmacy to a patient or other designated persons authorized by law to dispense or administer such prescription drug to a patient;

(D) A pharmacy or to other designated persons authorized by law to dispense or administer such prescription drug to a patient; or

(E) As prescribed by the board's legislative rules.

(46) "Patient counseling" means the communication by the pharmacist of information, as prescribed further in the rules of the board, to the patient to improve therapy by aiding in the proper use of drugs and devices.

(47) "Pedigree" means a statement or record in a written form or electronic form, approved by the board, that records each wholesale distribution of any given prescription drug (excluding veterinary prescription drugs), which leaves the normal distribution channel.

(48) "Person" means an individual, corporation, partnership, association, or any other legal entity, including government.

(49) "Pharmacist" means an individual currently licensed by this state to engage in the practice of pharmacist care.

(50) "Pharmacist Care" means the provision by a pharmacist of patient care activities, with or without the dispensing of drugs or devices, intended to achieve outcomes related to the cure or prevention of a disease, elimination, or reduction of a patient's symptoms, or arresting or slowing of a disease process and as provided for in section ten.

(51) "Pharmacist-in-charge" means a pharmacist currently licensed in this state who accepts responsibility for the operation of a pharmacy in conformance with all laws and legislative rules pertinent to the practice of pharmacist care and the distribution of drugs and who is personally in full charge of the pharmacy and pharmacy personnel.

(52) "Pharmacist's scope of practice pursuant to the collaborative pharmacy practice agreement" means those duties and limitations of duties placed upon the pharmacist by the collaborating physician, ~~as jointly approved by the board and the Board of Medicine or the West Virginia Board of Osteopathic Medicine.~~

(53) "Pharmacy" means any place within this state where drugs are dispensed and pharmacist care is provided and any place outside of this state where drugs are dispensed and pharmacist care is provided to residents of this state.

(54) "Pharmacy Intern" or "Intern" means an individual who is currently licensed to engage in the practice of pharmacist care while under the supervision of a pharmacist.

(55) "Pharmacy related primary care" means the pharmacist's activities in patient education, health promotion, selection and use of over the counter drugs and appliances and referral or assistance with the prevention and treatment of health related issues and diseases.

(56) "Pharmacy Technician" means a person registered with the board to practice certain tasks related to the practice of pharmacist care as permitted by the board.

(57) "Physician" means an individual currently licensed, in good standing and without restrictions, as an allopathic physician by the West Virginia Board of Medicine or an osteopathic physician by the West Virginia Board of Osteopathic Medicine.

"Practice notification" means a written notice to the appropriate licensing board that an individual physician or physician group or a medical provider in training where the agreement is signed by the supervising physician or chairperson of the medical department where the medical provider in training is practicing, and an individual pharmacist or pharmacists will practice in collaboration.

~~(58)~~ "Practice of telepharmacy" means the provision of pharmacist care by properly licensed pharmacists located within United States jurisdictions through the use of telecommunications or other technologies to patients or their agents at a different location that are located within United States jurisdictions.

~~(59)~~ "Practitioner" means an individual authorized by a jurisdiction of the United States to prescribe drugs in the course of professional practices, as allowed by law.

~~(60)~~ "Prescription drug" means any human drug required by federal law or regulation to be dispensed only by prescription, including finished dosage forms and active ingredients subject to section 503(b) of the federal Food, Drug and Cosmetic Act.

~~(64)~~ "Prescription or prescription drug order" means a lawful order from a practitioner for a drug or device for a specific patient, including orders derived from collaborative pharmacy practice, where a valid patient-practitioner relationship exists, that is communicated to a pharmacist in a pharmacy.

~~(62)~~ "Product Labeling" means all labels and other written, printed, or graphic matter upon any article or any of its containers or wrappers, or accompanying such article.

~~(63)~~ "Repackage" means changing the container, wrapper, quantity, or product labeling of a drug or device to further the distribution of the drug or device.

~~(64)~~ "Repackager" means a person who repackages.

~~(65)~~ "Therapeutic equivalence" mean drug products classified as therapeutically equivalent can be substituted with the full expectation that the substituted product will produce the same clinical effect and safety profile as the prescribed product which contain the same active ingredient(s); dosage form and route of administration; and strength.

~~(66)~~ "Third-party logistics provider" means a person who contracts with a prescription drug manufacturer to provide or coordinate warehousing, distribution, or other services on behalf of a manufacturer, but does not take title to the prescription drug or have general responsibility to direct the prescription drug's sale or disposition. A third-party logistics provider shall be licensed as a wholesale distributor under this article and, in order to be considered part of the normal distribution channel, shall also be an authorized distributor of record.

~~(67)~~ "Valid patient-practitioner relationship" means the following have been established:

(A) A patient has a medical complaint;

(B) A medical history has been taken;

(C) A face-to-face physical examination adequate to establish the medical complaint has been performed by the prescribing practitioner or in the instances of telemedicine through telemedicine practice approved by the appropriate practitioner board; and

(D) Some logical connection exists between the medical complaint, the medical history, and the physical examination and the drug prescribed.

~~(68)~~ "Wholesale distribution" and "wholesale distributions" mean distribution of prescription drugs, including directly or through the use of a third-party logistics provider or any other situation in which title, ownership, or control over the prescription drug remains with one person or entity but the prescription drug is brought into this state by another person or entity on his, her, or its behalf, to persons other than a consumer or patient, but does not include:

(A) Intracompany sales, as defined in ~~subdivision thirty-four~~ of this subsection;

(B) The purchase or other acquisition by a hospital or other health care entity that is a member of a group purchasing organization of a drug for its own use from the group purchasing organization or from other hospitals or health care entities that are members of such organizations;

(C) The sale, purchase, or trade of a drug or an offer to sell, purchase or trade a drug by a charitable organization described in section 501(c)(3) of the United States Internal Revenue Code of 1986 to a nonprofit affiliate of the organization to the extent otherwise permitted by law;

(D) The sale, purchase, or trade of a drug or an offer to sell, purchase, or trade a drug among hospitals or other health care entities that are under common control. For purposes of this article, "common control" means the power to direct or cause the direction of the management and policies of a person or an organization, whether by ownership of stock, voting rights, by contract, or otherwise;

(E) The sale, purchase, or trade of a drug or an offer to sell, purchase or trade a drug for "emergency medical reasons" for purposes of this article includes transfers of prescription drugs by a retail pharmacy to another retail pharmacy to alleviate a temporary shortage, except that the gross dollar value of such transfers shall not exceed five percent of the total prescription drug sales revenue of either the transferor or transferee pharmacy during any ~~twelve~~ 12 consecutive month period;

(F) The sale, purchase, or trade of a drug, an offer to sell, purchase, or trade a drug or the dispensing of a drug pursuant to a prescription;

(G) The distribution of drug samples by manufacturers' representatives or distributors' representatives, if the distribution is permitted under federal law [21 U. S. C. 353(d)];

(H) Drug returns by a pharmacy or chain drug warehouse to wholesale drug distributor or the drug's manufacturer; or

(J) The sale, purchase, or trade of blood and blood components intended for transfusion.

~~(69)~~ "Wholesale drug distributor" or "wholesale distributor" means any person or entity engaged in wholesale distribution of prescription drugs, including, but not limited to, manufacturers, repackers, own-label distributors, jobbers, private-label distributors, brokers,

warehouses, including manufacturers' and distributors' warehouses, chain drug warehouses and wholesale drug warehouses, independent wholesale drug traders, prescription drug repackagers, physicians, dentists, veterinarians, birth control and other clinics, individuals, hospitals, nursing homes and/or their providers, health maintenance organizations and other health care providers, and retail and hospital pharmacies that conduct wholesale distributions, including, but not limited to, any pharmacy distributor as defined in this section. A wholesale drug distributor shall not include any for hire carrier or person or entity hired solely to transport prescription drugs.

§30-5-19. Collaborative pharmacy practice agreement and practice notification.

(a) A pharmacist engaging in collaborative pharmacy practice shall have on file at his or her place of practice the collaborative pharmacy practice agreement. The existence and subsequent termination of the agreement and any additional information the rules may require concerning the agreement, including the agreement itself, shall be made available to the appropriate licensing board for review upon request. The agreement may allow the pharmacist, within the pharmacist's scope of practice pursuant to the collaborative pharmacy practice agreement, to conduct drug therapy management activities approved by the collaborating physician. The collaborative pharmacy practice agreement shall be a voluntary process, which is a physician directed approach after informed consent of the patient and noted in the patient's medical record, that is entered into between an individual physician or physician group and an individual pharmacist or pharmacists. ~~A pharmacist may not diagnose, and an individual patient or the patient's authorized representative who has given informed consent as per subsection (c).~~

(b) A collaborative pharmacy practice agreement may authorize a pharmacist to provide drug therapy management. In instances where drug therapy is discontinued, the pharmacist shall notify the treating physician of the discontinuance in the time frame and in the manner established by joint legislative rules. Each protocol developed, pursuant to the collaborative pharmacy practice agreement, shall contain detailed direction concerning the services that the pharmacists may perform for that patient. The protocol shall include, but need not be limited to:

- (1) The specific drug or drugs to be managed by the pharmacist;
- (2) The terms and conditions under which drug therapy may be implemented, modified, or discontinued;
- (3) The conditions and events upon which the pharmacist is required to notify the physician;
and
- (4) The laboratory tests that may be ordered in accordance with drug therapy management;
and
- (5) The mutually agreed upon patient evaluations the pharmacist may conduct.

(c) All activities performed by the pharmacist in conjunction with the protocol shall be documented in the patient's medical record. The pharmacists shall report at least every ~~thirty~~ 30 days to the physician regarding the patient's drug therapy management. The collaborative pharmacy practice agreement and protocols shall be available for inspection by the board, the West Virginia Board of Medicine, or the West Virginia Board of Osteopathic Medicine, depending on the licensing board of the participating physician. A copy of the protocol shall be filed in the patient's medical record.

(d) Collaborative pharmacy agreements may not include the management of controlled substances.

(e) A collaborative pharmacy practice agreement, meeting the requirements herein established and in accordance with joint rules, shall be allowed in the hospital setting, the nursing home setting, the medical school setting and the hospital, community-based pharmacy setting and ambulatory care clinics. The pharmacist shall be employed by or under contract to provide services to the hospital, community pharmacy, nursing home, ambulatory care clinic, or medical school, or hold a faculty appointment with one of the schools of pharmacy or medicine in this state.

(f) Notwithstanding any other provision to the contrary, a pharmacist or group of pharmacists may practice in collaboration with physicians in any practice setting, including but not limited to a health care system, pursuant to a practice notification which has been filed with the appropriate board: *Provided*, That a pharmacist who is currently in collaboration with physicians pursuant to a practice agreement which was approved prior to June 1, 2023, may continue to practice under that agreement until the practice agreement terminates or until June 1, 2024.

(g) The practice notification shall be filed with the appropriate licensing board and becomes effective immediately upon filing. The board retains jurisdiction to investigate any complaints filed regarding a practice notification with respect to their respective license holders.

~~(f)~~ (h) Nothing pertaining to collaborative pharmacy practice shall be interpreted to permit a pharmacist to accept delegation of a physician's authority outside the limits included in the appropriate board's statute and rules.

The bill (Eng. Com. Sub. for H. B. 4324), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 4345, Relating to motor vehicle registration cards by establishing electronic or mobile registration cards.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill 4380, Relating to transportation of athletic teams.

On second reading, coming up in regular order, was read a second time.

The following amendments to the bill, from the Committee on Education, were reported by the Clerk and considered simultaneously:

On page three, section thirteen, lines fifty-five through sixty, by striking out all of subdivision (4) and inserting in lieu thereof a new subdivision (4), to read as follows:

"(4) ~~Pursuant~~ Notwithstanding any other provision of this code to the contrary and pursuant to rules established by the state board, the county board may provide for professional or service employees to be certified to drive county board-owned and insured vehicles that have a seating capacity of fewer than ten passengers including the driver. These employees may use the vehicles to transport students for school-sponsored activities, but may not use the vehicles to transport students between school and home. Not more than ~~one~~ two of these vehicles may be used for any school-sponsored activity;";

And,

On page three, section thirteen, lines sixty-one through sixty-three, by striking out all of subdivision (5) and inserting in lieu thereof a new subdivision (5), to read as follows:

(5) Students Notwithstanding any other provision of this code to the contrary, students may not be transported to a school-sponsored activity in any a county-owned or leased vehicle that does not meet school bus or public transit ratings if the seating capacity of the vehicle is less than 10 passengers including the driver. This section does not prohibit a parent, guardian, or other adult approved in writing by the parent or guardian from transporting ~~ten or fewer~~ students in a privately-owned vehicle;.

Following discussion,

The question being on the adoption of the Education committee amendments to the bill, the same was put and prevailed.

The bill (Eng. Com. Sub. for H. B. 4380), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 4426, Repeal article 33-25G-1 *et seq.* creating provider sponsored networks.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill 4462, Relating to Deferred Retirement Option Plan evaluations.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill 4489, Require counties to post open positions on statewide job bank.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Education, was reported by the Clerk and adopted:

On page one, section seven-a, line four, after the word "professional" by inserting a comma and the words "service, and extracurricular".

The bill (Eng. Com. Sub. for H. B. 4489), as amended, was then ordered to third reading.

Eng. House Bill 4517, Relating to the repealing requirements to display video ratings.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill 4535, Repeal section relating to school attendance and satisfactory academic progress as conditions of licensing for privilege of operation of motor vehicle.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Takubo, and by unanimous consent, the bill was advanced to third reading with the unreported Education committee amendments pending and the right for further amendments to be considered on that reading.

Eng. Com. Sub. for House Bill 4631, Establishing a bone marrow and peripheral blood stem donation awareness program.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill 4649, Transferring the operations of the West Virginia Children's Health Insurance Program to the Bureau for Medical Services.

On second reading, coming up in regular order, was read a second time.

The following amendments to the bill, from the Committee on Health and Human Resources, were reported by the Clerk, considered simultaneously, and adopted:

On page ten, section six-a, by striking out the section caption and inserting in lieu thereof a new section caption to read as follows:

§5-16B-6a. Required coverage for patient cost of clinical trials and autism spectrum disorder treatment.

On page twelve, section six-a, lines fifty-one through fifty-four, by striking out all of subsection (a);

And,

On page twelve, section six-a, line fifty-five, by striking out "(b)".

The bill (Eng. H. B. 4649), as amended, was then ordered to third reading.

The Senate proceeded to the tenth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills on first reading were considered read a first time and ordered to second reading:

Eng. Com. Sub. for House Bill 2177, Permitting the issuance of a state issued identification card without a photo on the card under certain conditions.

Eng. Com. Sub. for House Bill 3223, Prohibit state, county, and municipal governments from dedicating or naming any public structure for a public official who is holding office at the time.

Eng. Com. Sub. for House Bill 4003, Relating generally to commercial benefit of substances removed from waters of the state by the treatment of mine drainage.

Eng. House Bill 4019, Relating to deadlines for public charter schools.

Eng. Com. Sub. for House Bill 4141, Authorizing the Governor's Committee on Crime, Delinquency and Corrections to promulgate a legislative rule relating to Law Enforcement Training and Certification Standards.

Eng. Com. Sub. for House Bill 4242, Authorizing the Division of Labor to promulgate a legislative rule relating to Child Labor.

Eng. Com. Sub. for House Bill 4295, To transfer the State Office of the National Flood Insurance Program from the Offices of the Insurance Commissioner to the Division of Emergency Management.

Eng. Com. Sub. for House Bill 4406, To establish the West Virginia Military Hall of Fame.

Eng. Com. Sub. for House Bill 4418, Relating to the Small Business Supplier Certification Assistance Program.

Eng. Com. Sub. for House Bill 4420, To modify definitions of school bus operators.

Eng. Com. Sub. for House Bill 4430, Relating to definitions of base salary and overtime for police and firemen pensions.

Eng. House Bill 4438, Applying current requirements for certain voting systems to be independent and non-networked to all voting systems that seek certification in West Virginia.

Eng. Com. Sub. for House Bill 4479, Establishing the Coalfield Communities Grant Facilitation Commission .

Eng. Com. Sub. for House Bill 4499, Relating to making the procurement process more efficient by modifying and updating outdated processes and requirements.

Eng. Com. Sub. for House Bill 4562, Relating generally to the suspension and dismissal of school personnel by board and the appeals process.

Eng. House Bill 4578, Relating to authorizing the Superintendent of the State Police to administer the Handle with Care program.

Eng. Com. Sub. for House Bill 4583, Clarifying the definition of incapacity so that incarceration in the penal system or detention outside of the United States may not be inferred as resulting in a lack of capacity to execute a power of attorney.

Eng. Com. Sub. for House Bill 4596, Relating generally to additional persons qualifying for the provisions of the Law-Enforcement Officers Safety Act.

Eng. House Bill 4604, Relating to abolishing the Workforce Development Initiative Program Advisory Council.

Eng. House Bill 4647, Relating to the Board of Funeral Service Examiners.

Eng. Com. Sub. for House Bill 4675, Relating to autonomous delivery vehicles.

Eng. House Bill 4758, Relating to developing and maintaining a database to track reclamation liabilities in the West Virginia Department of Environmental Protection Special Reclamation Program.

Eng. House Bill 4769, Eliminate the requirement to send recommended decisions by certified mail.

Eng. Com. Sub. for House Bill 4785, Relating to judicial vacancies.

And,

Eng. Com. Sub. for House Bill 4797, To create an EV Infrastructure Deployment Plan for West Virginia that describes how our state intends to use its share of NEVI Formula Program funds.

Pending announcement of a meeting of a standing committee of the Senate,

On motion of Senator Takubo, 9:48 a.m., the Senate recessed until 12 Noon.

The Senate reconvened at 12:04 p.m.

Pending announcement of a meeting of a standing committee of the Senate,

On motion of Senator Takubo, at 12:04 p.m., the Senate recessed until 1 p.m.

The Senate reconvened at 1:13 p.m. and, at the request of Senator Maynard, unanimous consent being granted, returned to the second order of business and the introduction of guests.

The Senate proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Senate Bill 499, Authorizing legislative rules for School Building Authority.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Senate Bill 713, Removing statutory limit for Environmental Laboratory Certification Fund.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution 1, US Army PFC Billy Keith Ford Memorial Bridge.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution 3, USMC CAPT Dempsey Stowers Memorial Bridge.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Com. Sub. for Senate Concurrent Resolution 5, US Marine Corps CPL James "Bud" Cox Memorial Bridge.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution 9, Haynie Family Veterans Memorial Bridge.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Com. Sub. for Senate Concurrent Resolution 28, US Army PVT Garland Lee Loudermilk Memorial Bridge.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, of

Eng. Com. Sub. for House Bill 4084, Relating to advanced recycling.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, to take effect from passage, of

Eng. Com. Sub. for House Bill 4126, Authorizing certain agencies of the Department of Health and Human Resources to promulgate legislative rules.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the adoption as amended, of

Eng. House Joint Resolution 102, Clarifying that the policy-making and rule-making authority of the State Board of Education is subject to legislative review, approval, amendment, or rejection.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution 31—Applying to the Congress of the United States to call a convention for proposing amendments that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress: and adopting certain reservations, understandings and declarations limiting the application.

At the request of Senator Takubo, unanimous consent being granted, the resolution was taken up for immediate consideration and reference to a committee dispensed with.

The question being on the adoption of the resolution, the same was put and prevailed.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of the following resolutions:

House Concurrent Resolution 5—Requesting the Division of Highways name a bridge bearing the Bridge Number: 42-219/00-030.96 () (42A136), (38.80906, -79.88206) locally known as Burnt Bridge, carrying US 219 over Tygart Valley River in Randolph County, West Virginia, as the "James 'Big Jim' Shaffer Memorial Bridge".

House Concurrent Resolution 39—Requesting the Division of Highways name the bridge bearing Identification Number 42-219/86-003.18 (42A228), located in Randolph County, West

Virginia, carrying County Route 219 over Stalnaker Run, Latitude 38.988821, Longitude -79.83132, locally known as Stalnaker Run Bridge, the "PFC Donald L. Stuckey Memorial Bridge".

House Concurrent Resolution 56—Requesting the Division of Highways name a bridge bearing the bridge number: 08-036/01-000.04 () (08A063), (38.55377,-81.12988) locally known as Laurel Fork Bridge, carrying CR 36/1 over Laurel Fork of Camp Run in Clay County, West Virginia as the "Roy Lee Shamblin Memorial Bridge".

The preceding resolutions (H. C. R. 5, 39, and 56) were referred to the Committee on Transportation and Infrastructure.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution 92—Requesting the Joint Committee on Government and Finance to conduct a study to assess and address the mental health needs of students at West Virginia higher education institutions.

Referred to the Committee on Education.

The Senate again proceeded to the fourth order of business.

Senator Smith, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

Senate Concurrent Resolution 55 (originating in the Committee on Energy, Industry, and Mining)—Respectfully urging the current presidential administration to open federal lease sales onshore and offshore; supporting critical energy infrastructure to safely deliver energy produced in West Virginia; and ensuring American energy companies can access the capital they need to hire American workers.

Whereas, All West Virginia residents deserve access to affordable and reliable energy, whether electricity, natural gas, or transportation fuels, and

Whereas, West Virginians are currently dealing with the highest inflation in over 40 years, with energy costs rising 29 percent, and gasoline surging 50 percent, according to the U.S. Bureau of Labor Statistics; and

Whereas, The current administration is pursuing a policy placing the United States at the mercy of the Organization of Petroleum Exporting Countries and Russia to meet our domestic needs, harming our national and economic security; and

Whereas, Foreign oil imports from Russia surged more than 20 percent providing over \$16 billion to Russia in 2021, according to the U.S. Energy Information Agency; and

Whereas, The current administration has frozen federal lease sales for American energy resources onshore and offshore while cancelling critical energy infrastructure projects like the KeystoneXL pipeline which would have reduced our dependence on Russian oil imports; and

Whereas, The current administration is actively litigating against its obligations to issue lease sales on federal lands and waters required under federal law; and

Whereas, The Federal Energy Regulatory Commission has continually delayed important decisions on permits for pipelines across the country and has recently issued new harmful policy statements that could further delay and impede critical domestic energy infrastructure from being developed, depriving West Virginia access to energy markets outside of our state; and

Whereas, The Securities and Exchange Commission is designing rules to discourage investment in domestic oil and natural gas companies which may further impede production and opportunities for West Virginians; and

Whereas, The Environmental Protection Agency has not issued a decision on West Virginia's application for Class VI primacy that would allow West Virginia to safely utilize long-term storage in conjunction with state energy development; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby respectfully urges the current Presidential Administration to open federal lease sales onshore and offshore, supporting critical energy infrastructure to safely deliver energy produced in West Virginia, and ensuring American energy companies can access the capital they need to hire American workers; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the President of the United States, the Secretary of the Interior, the Secretary of the Department of Energy, the Federal Energy Regulatory Commission, the White House National Climate Advisor, the Speaker and Clerk of the United States House of Representatives, the President Pro Tempore and Secretary of the United States Senate, the members of the West Virginia Congressional Delegation, and the news media of West Virginia.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Randy E. Smith,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. House Bill 2300, Including Family Court Judges in the Judges' Retirement System.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance, with an amendment from the Committee on the Judiciary pending.

Senator Smith, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

Eng. Com. Sub. for House Bill 4098, Relating to Geothermal Energy Development.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Randy E. Smith,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary, with an amendment from the Committee on Energy, Industry, and Mining pending.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Karnes, Weld, and Brown.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Weld were ordered printed in the Appendix to the Journal.

At the request of Senator Caputo, unanimous consent being granted, the remarks by Senator Brown were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following resolution on March 3, 2022:

Senate Concurrent Resolution 53: Senator Nelson.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following resolution on March 3, 2022:

Senate Resolution 48: Senators Stollings, Lindsay, and Jeffries.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 1:35 p.m., the Senate adjourned until Monday, March 7, 2022, at 11 a.m.

SENATE CALENDAR

Monday, March 07, 2022
11:00 AM

UNFINISHED BUSINESS

S. C. R. 55 - Respectfully urging current presidential administration to open federal lease sales onshore and offshore

S. R. 50 - Designating March 7, 2022, as WV Library Day at Legislature

THIRD READING

Eng. H. B. 2817 - Donated Drug Repository Program

Eng. Com. Sub. for H. B. 4065 - Allowing the Division of Natural Resources to teach hunter's safety courses in school - (Com. title amend. pending)

Eng. Com. Sub. for H. B. 4282 - Relating to establishing next generation 911 services in this state

Eng. H. B. 4286 - Relating to exempting persons employed as attorneys from the civil service system

Eng. H. B. 4291 - Relating to authorizing legislative rules regarding higher education

Eng. Com. Sub. for H. B. 4324 - To update collaborative pharmacy practice agreements - (Com. title amend. pending)

Eng. Com. Sub. for H. B. 4345 - Relating to motor vehicle registration cards by establishing electronic or mobile registration cards

Eng. Com. Sub. for H. B. 4380 - Relating to transportation of athletic teams - (Com. title amend. pending)

Eng. Com. Sub. for H. B. 4426 - Repeal article 33-25G-1 *et seq.* creating provider sponsored networks.

Eng. H. B. 4462 - Relating to Deferred Retirement Option Plan evaluations (original similar to SB532)

Eng. Com. Sub. for H. B. 4489 - Require counties to post open positions on statewide job bank - (Com. title amend. pending)

Eng. H. B. 4517 - Relating to the repealing requirements to display video ratings

Eng. H. B. 4535 - Repeal section relating to school attendance and satisfactory academic progress as conditions of licensing for privilege of operation of motor vehicle - (Com. amends. and title amend. pending) - (With right to amend)

Eng. Com. Sub. for H. B. 4631 - Establishing a bone marrow and peripheral blood stem donation awareness program

Eng. H. B. 4649 - Transferring the operations of the West Virginia Children's Health Insurance Program to the Bureau for Medical Services

SECOND READING

- Eng. Com. Sub. for H. B. 2177 - Permitting the issuance of a state issued identification card without a photo on the card under certain conditions - (Com. amend. and title amend. pending)
- Eng. Com. Sub. for H. B. 3223 - Prohibit state, county, and municipal governments from dedicating or naming any public structure for a public official who is holding office at the time
- Eng. Com. Sub. for H. B. 4003 - Relating generally to commercial benefit of substances removed from waters of the state by the treatment of mine drainage - (Com. amend. pending) (original similar to SB458)
- Eng. H. B. 4019 - Relating to deadlines for public charter schools
- Eng. Com. Sub. for H. B. 4141 - Authorizing the Governor's Committee on Crime, Delinquency and Corrections to promulgate a legislative rule relating to Law Enforcement Training and Certification Standards - (Com. title amend. pending)
- Eng. Com. Sub. for H. B. 4242 - Authorizing the Division of Labor to promulgate a legislative rule relating to Child Labor
- Eng. Com. Sub. for H. B. 4295 - To transfer the State Office of the National Flood Insurance Program from the Offices of the Insurance Commissioner to the Division of Emergency Management - (Com. amend. and title amend. pending)
- Eng. Com. Sub. for H. B. 4406 - To establish the West Virginia Military Hall of Fame - (Com. amend. pending)
- Eng. Com. Sub. for H. B. 4418 - Relating to the Small Business Supplier Certification Assistance Program
- Eng. Com. Sub. for H. B. 4420 - To modify definitions of school bus operators.
- Eng. Com. Sub. for H. B. 4430 - Relating to definitions of base salary and overtime for police and firemen pensions
- Eng. H. B. 4438 - Applying current requirements for certain voting systems to be independent and non-networked to all voting systems that seek certification in West Virginia. - (Com. title amend. pending)
- Eng. Com. Sub. for H. B. 4479 - Establishing the Coalfield Communities Grant Facilitation Commission - (Com. amend. pending)
- Eng. Com. Sub. for H. B. 4499 - Relating to making the procurement process more efficient by modifying and updating outdated processes and requirements - (Com. title amend. pending)
- Eng. Com. Sub. for H. B. 4562 - Relating generally to the suspension and dismissal of school personnel by board and the appeals process - (Com. title amend. pending)
- Eng. H. B. 4578 - Relating to authorizing the Superintendent of the State Police to administer the Handle with Care program

- Eng. Com. Sub. for H. B. 4583 - Clarifying the definition of incapacity so that incarceration in the penal system or detention outside of the United States may not be inferred as resulting in a lack of capacity to execute a power of attorney - (Com. amend. and title amend. pending)
- Eng. Com. Sub. for H. B. 4596 - Relating generally to additional persons qualifying for the provisions of the Law-Enforcement Officers Safety Act - (Com. amend. and title amend. pending)
- Eng. H. B. 4604 - Relating to abolishing the Workforce Development Initiative Program Advisory Council - (Com. title amend. pending)
- Eng. H. B. 4647 - Relating to the Board of Funeral Service Examiners - (Com. amend. pending)
- Eng. Com. Sub. for H. B. 4675 - Relating to autonomous delivery vehicles
- Eng. H. B. 4758 - Relating to developing and maintaining a database to track reclamation liabilities in the West Virginia Department of Environmental Protection Special Reclamation Program
- Eng. H. B. 4769 - Eliminate the requirement to send recommended decisions by certified mail
- Eng. Com. Sub. for H. B. 4785 - Relating to judicial vacancies - (Com. title amend. pending)
- Eng. Com. Sub. for H. B. 4797 - To create an EV Infrastructure Deployment Plan for West Virginia that describes how our state intends to use its share of NEVI Formula Program funds.

FIRST READING

- Eng. Com. Sub. for H. B. 2096 - Reinstating the film investment tax credit - (Com. amend. pending).
- Eng. Com. Sub. for H. B. 4113 - Public Health definitions and powers of secretary and commissioner - (Com. amend. pending)
- Eng. Com. Sub. for H. B. 4257 - Require visitation immediately following a procedure in a health care facility - (Com. amend. and title amend. pending)
- Eng. Com. Sub. for H. B. 4297 - To facilitate the sharing of information between the Department of Health and Human Resources and the State Auditor's office in order to investigate reports of financial abuse and neglect of a vulnerable adult
- Eng. H. B. 4396 - Reducing federal adjusted gross income relating to tolls for travel on West Virginia toll roads paid electronically
- Eng. H. B. 4410 - Specifying allocation, apportionment and treatment of income of flow-through entities
- Eng. Com. Sub. for H. B. 4451 - Eliminating the requirement that otherwise qualified investment assets be located or installed at or within 2 miles of a preexisting manufacturing facility
- Eng. Com. Sub. for H. B. 4461 - Relating to the consolidation of all administrative fees collected by the agency into the existing "Tax Administration Services Fund"

Eng. Com. Sub. for H. B. 4484 - Declaring certain claims against agencies of the state to be moral obligations of the state

Eng. Com. Sub. for H. B. 4567 - Relating to business and occupation or privilege tax - (Com. amend. pending)

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2022

Monday, March 7, 2022

9 a.m.	Judiciary	(Room 208W)
10 a.m.	Pensions	(Room 451M)