

Legislative Rule-Making Review Committee

Senate Judiciary Committee Room

Minutes for Tuesday, November 13, 2024

9:00 a.m. to 9:00 p.m.

Senate

Woodrum, Chair	Present
Caputo	
Jeffries	
Queen	Present
Roberts	Present
Weld	
Blair, Nonvoting	

House

Smith, Chair	Present
Fehrenbacher	Present
Hornby	Present
Jeffries	Present
Kelly	Present
Rowe	Present
Hanshaw, Nonvoting	

The Legislative Rule-Making Review Committee met in the Senate Judiciary Committee Room at 9:00 a.m. on Wednesday, November 13, 2024. The meeting was called to order by the Chair, Senator Woodrum. A silent roll call was taken by the Clerk to establish a quorum, as reflected above. Staff present included: Phillip Childs, Joint Committee Counsel; Charlie Roskovensky, House Counsel; Will Valentino, House Counsel; Joe Altizer, House Counsel; Robert Akers, House Counsel; Liz Schindzielorz, Senator Counsel; Carl Fletcher, Senate Counsel; Cindy Dellinger, Senate Counsel; Adair Burgess, Director of Legislative Rule-Making Review Committee; and Felisha Sutherland, Committee Clerk.

Chairman Woodrum recognized Delegate Smith for the purpose of a motion to approve the minutes from October 1, 2024. The motion was adopted.

1. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the **State Treasurer, Hope Scholarship, [112 CSR 18](#)**.

On motion of Delegate Smith, the agency agreed to modifications were adopted.

On motion of Delegate Smith, the rule was approved as modified.

2. Charlie Roskovensky, House Counsel, explained his abstract on the proposed rule by the **Department of Agriculture, *Raw Milk*, [61 CSR 41](#)**.

On motion of Delegate Smith, the agency agreed to modifications were adopted.

On motion of Delegate Smith, the rule was approved as modified.

3. Charlie Roskovensky, House Counsel, explained his abstract on the proposed rule by the **Governor's Committee on Crime, Delinquency, and Corrections, *Sexual Assault Forensic Examinations*, [149 CSR 11](#)**.

On motion of Delegate Smith, the agency agreed to modifications were adopted.

On motion of Delegate Smith, the rule was approved as modified.

4. Charlie Roskovensky, House Counsel, explained his abstract on the proposed rule by the **Bureau of Public Health, *Vital Statistics*, [64 CSR 32](#)**.

On motion of Delegate Smith, the agency agreed to modifications were adopted.

On motion of Delegate Smith, the rule was approved as modified.

5. Charlie Roskovensky, House Counsel, explained his abstract on the proposed rule by the **Department of Health, *Emergency Medical Services*, [64 CSR 48](#)**.

On motion of Delegate Smith, the rule was approved as filed.

6. Charlie Roskovensky, House Counsel, explained his abstract on the proposed rule by the **Department of Health, Bureau for Public Health, *Primary Care Support Program*, [64 CSR 70](#)**.

On motion of Delegate Smith, the rule was approved as filed.

7. Charlie Roskovensky, House Counsel, explained his abstract on the proposed rule by the **Department of Health, Bureau for Public Health, *Medical Cannabis Program - General Provisions*, [64 CSR 109](#)**.

On motion of Delegate Smith, the agency agreed to modifications were adopted.

On motion of Delegate Smith, the rule was approved as modified.

8. Charlie Roskovensky, House Counsel, explained his abstract on the proposed rule by the **Department of Health, Bureau for Public Health, *Medical Cannabis Program - Grower/Processors*, [64 CSR 110](#)**, and responded to questions from the Committee.

On motion of Delegate Smith, the rule was approved as filed.

9. Charlie Roskovensky, House Counsel, explained his abstract on the proposed rule by the **Department of Health, Bureau for Public Health, *Medical Cannabis Program – Laboratories*, [64 CSR 111](#)**.

On motion of Delegate Smith, the rule was approved as filed.

10. Charlie Roskovensky, House Counsel, explained his abstract on the proposed rule by the **Department of Health, Bureau for Public Health, *Medical Cannabis Program – Dispensaries*, [64 CSR 112](#)**.

On motion of Delegate Smith, the rule was approved as filed.

11. Charlie Roskovensky, House Counsel, explained his abstract on the proposed rule by the **Department of Health, Bureau for Public Health, *Medical Cannabis Program - Safe Harbor Letter*, [64 CSR 113](#)**.

On motion of Delegate Smith, the rule was approved as filed.

12. Charlie Roskovensky, House Counsel, explained his abstract on the proposed rule by the **Office of the Inspector General, *Behavioral Health Centers Licensure*, [71 CSR 25](#)**, and responded to questions from the Committee.

On motion of Delegate Smith, the agency agreed to modifications were adopted.

On motion of Delegate Smith, the rule was approved as modified.

13. Charlie Roskovensky, House Counsel, explained his abstract on the proposed rule by the **Department of Human Services, *Pilot Program for Drug Screening of Applicants for Cash Assistance*, [78 CSR 26](#)**.

On motion of Delegate Smith, the rule was approved as filed.

14. Will Valentino, House Counsel, explained his abstract on the proposed rule by the **Governor's Committee on Crime, Delinquency, and Correction, Protocol for Law Enforcement Response to Child Abuse and Neglect, [149 CSR 08](#)**.

On motion of Delegate Smith, the agency agreed to modifications were adopted.

On motion of Delegate Smith, the rule was approved as modified.

15. Joe Altizer, House Counsel, explained his abstract on the proposed rule by the **Board of Dentistry, Continuing Education Requirements, [5 CSR 11](#)**.

On motion of Delegate Smith, the agency agreed to modifications were adopted.

On motion of Delegate Smith, the rule was approved as modified.

16. Joe Altizer, House Counsel, explained his abstract on the proposed rule by the **Board of Dentistry, Mobile Dental Facilities & Portable Dental Units, [5 CSR 14](#)**.

On motion of Delegate Smith, the agency agreed to modifications were adopted.

On motion of Delegate Smith, the rule was approved as modified.

17. Robert Akers, House Counsel, explained his abstract on the proposed rule by the **Department of Environmental Protection, Waste Management, Hazardous Waste Management System, [33 CSR 20](#)**.

On motion of Delegate Smith, the rule was approved as filed.

18. Robert Akers, House Counsel, explained his abstract on the proposed rule by the **Department of Environmental Protection, Division of Air Quality, Ambient Air Quality Standards, [45 CSR 08](#)**.

On motion of Delegate Smith, the rule was approved as filed.

19. Robert Akers, House Counsel, explained his abstract on the proposed rule by the **Department of Environmental Protection, Division of Air Quality, Standards of Performance for New Stationary Sources, [45 CSR 16](#)**.

On motion of Delegate Smith, the rule was approved as filed.

20. Robert Akers, House Counsel, explained his abstract on the proposed rule by the **Department of Environmental Protection, Division of Air Quality, Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities, [45 CSR 25](#)**.

On motion of Delegate Smith, the agency agreed to modifications were adopted.

On motion of Delegate Smith, the rule was approved as modified.

21. Robert Akers, House Counsel, explained his abstract on the proposed rule by the **Department of Environmental Protection, Division of Air Quality, Emission Standards for Hazardous Air Pollutants, [45 CSR 34](#)**.

On motion of Delegate Smith, the agency agreed to modifications were adopted.

On motion of Delegate Smith, the rule was approved as modified.

22. Robert Akers, House Counsel, explained his abstract on the proposed rule by **Department of Environmental Protection, Requirements Governing Water Quality Standards, [47 CSR 02](#)**.

On motion of Delegate Smith, the agency agreed to modifications were adopted.

On motion of Delegate Smith, the rule was approved as modified.

23. Robert Akers, House Counsel, explained his abstract on the proposed rule **Department of Environmental Protection, Division of Water Resources, Water Pollution Control Permit Fee Schedules, [47 CSR 26](#)**.

On motion of Delegate Smith, the agency agreed to modifications were adopted.

On motion of Delegate Smith, the rule was approved as modified.

24. Robert Akers, House Counsel, explained his abstract on the proposed rule by the **Department of Environmental Protection, Division of Water Resources, Underground Injection Control, [47 CSR 13](#)**.

Delegate Fehrenbacher moved to amend the rule as follows:

On page 82, by striking out the entirety of 14.13. and inserting in lieu thereof, a new subsection 14.13. to read as follows:

14.13. Duration of Permits. UIC permits for Class 1 and 5 wells shall be effective for a fixed term not to exceed 10 years. UIC permits for Class 2 and 3 wells shall be issued for a period up to the operating life of the facility. UIC permits for Class 6 wells shall be issued for the operating life of the facility and the post-injection site care period. The Director shall review each issued Class 2, 3, and 6 well UIC permit at least once every 5 years to determine whether it should be modified, revoked, and reissued, terminated or a minor modification made.

On motion of Delegate Smith, the rule was approved as amended.

25. Liz Schindzielorz, Senate Counsel, explained his abstract on the proposed rule by the **State Election Commission, Regulation of Campaign Finance, [146 CSR 03](#)**.

On motion of Delegate Smith, the agency agreed to modifications were adopted.

On motion of Delegate Smith, the rule was approved as modified.

26. Carl Fletcher, Senate Counsel, explained his abstract on the proposed rule by the **Funeral Service Examiners, Funeral Director, Embalmer, Apprentice, Courtesy Card Holders, and Funeral Establishment Requirements, [6 CSR 01](#)**.

On motion of Delegate Smith, the agency agreed to modifications were adopted.

On motion of Delegate Smith, the rule was approved as modified.

27. Carl Fletcher, Senate Counsel, explained his abstract on the proposed rule by the **Massage Therapy Licensure Board, General Provisions, [194 CSR 01](#)**.

On motion of Delegate Smith, the rule was approved as filed.

28. Cindy Dellinger, Senate Counsel, explained her abstract on the proposed rule by the **State Board of Sanitarians, The Practice of Public Health Sanitation, [20 CSR 04](#)**.

On motion of Delegate Smith, the agency agreed to modifications were adopted.

On motion of Delegate Smith, the rule was approved as modified.

29. Cindy Dellinger, Senate Counsel, explained her abstract on the proposed rule by the **Bureau of Public Health, Statewide Trauma and Emergency Care System**, [64 CSR 27](#), and responded to questions from the Committee.

On motion of Delegate Smith, the agency agreed to modifications were adopted.

On motion of Delegate Smith, the rule was approved as modified.

30. Cindy Dellinger, Senate Counsel, explained her abstract on the proposed rule by the **Department of Health and Human Services, Recovery Residence Certification and Registration Program**, [69 CSR 15](#), and responded to questions from the Committee.

On motion of Delegate Smith, the agency agreed to modifications were adopted.

On motion of Delegate Smith, the rule was approved as modified.

31. Cindy Dellinger, Senate Counsel, explained her abstract on the proposed rule by the **Office of the Inspector General, Hospital Licensure**, [71 CSR 12](#), and responded to questions from the Committee.

On motion of Delegate Smith, the agency agreed to modifications were adopted.

On motion of Delegate Smith, the rule was approved as modified.

32. Cindy Dellinger, Senate Counsel, explained her abstract on the proposed rule by the **Health Care Authority, Rule Governing Speech-Language Pathology and Audiology Assistants**, [29 CSR 02](#).

On motion of Delegate Smith, the agency agreed to modifications were adopted.

On motion of Delegate Smith, the rule was approved as modified.

33. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the **Alcohol Beverage Control Administration, Private Club**, [175 CSR 02](#).

On motion of Delegate Smith, the rule was approved as filed.

34. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the **Alcohol Beverage Control Administration, Sale of Wine and Hard Cider**, [175 CSR 04](#), and responded to questions from the Committee.

On motion of Delegate Smith, the agency agreed to modifications were adopted.

On motion of Delegate Smith, the rule was approved as modified.

35. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the **Alcohol Beverage Control Administration, Distilleries, Mini-Distilleries, and Micro-Distilleries**, [175 CSR 10](#).

On motion of Delegate Smith, the agency agreed to modifications were adopted.

On motion of Delegate Smith, the rule was approved as modified.

36. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the **Alcohol Beverage Control Administration, Retail Enforcement of Select Plant-Based Derivatives and Derivative Products: Hemp and Kratom**, [175 CSR 11](#).

On motion of Delegate Smith, the rule was approved as filed.

37. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the **Department of Agriculture, Agriculture Select Plant-Based Derivatives and Select Plant-Based Derivative Products**, [61 CSR 30](#).

On motion of Delegate Smith, the agency agreed to modifications were adopted.

On motion of Delegate Smith, the rule was approved as modified.

38. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the **Lottery Commission, West Virginia Lottery Sports Wagering Rule**, [179 CSR 09](#).

On motion of Delegate Smith, the agency agreed to modifications were adopted.

On motion of Delegate Smith, the rule was approved as modified.

39. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the **Board of Chiropractic Examiners, Consideration of Prior Criminal Convictions in Initial Licensure Determinations**, [4 CSR 08](#).

On motion of Delegate Smith, the rule was approved as filed.

40. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the **Board of Respiratory Care, Criteria for Licensure**, [30 CSR 01](#), and responded to questions from the Committee.

Delegate Smith moved to amend the rule as follows:

The Legislative Rule-Making Review Committee moves to amend the rule on page 1, subsection 2.4 by deleting the subsection in its entirety.

And,

On page 1, paragraph 3.1.2., by striking out the words “On or after July 1, 2022, holds” and inserting in lieu thereof the word “Holds”.

And,

On page 1, paragraph 3.1.3., by striking out the words “Prior to July 1, 2022, holds” and inserting in lieu thereof the word “Holds”.

And,

On page 2, subsection 3.3, by deleting the subsection in its entirety.

And,

On page 2, subsection 4.1, after the words “Respiratory therapists” by striking out the words “licensed prior to July 1, 2022,”.

And,

On page 2, subsection 4.2, by striking out the subsection in its entirety.

On motion of Delegate Smith, the rule was approved as amended.

41. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the **Department of Administration, Information Services and Communications, Plan of Operation**, [161 CSR 01](#).

On motion of Delegate Smith, the rule was approved as filed.

42. Phillip Childs, Joint Committee Counsel, explained his abstract on the proposed rule by the **Department of Administration, Information Services and Communications, Telecommunications Payments by Spending Units**, [161 CSR 02](#).

On motion of Delegate Smith, the rule was approved as filed.

On motion, Delegate Smith moved that staff prepare the Committee's report and submit the report to the Clerk's office of each Chamber; draft a Bill of Authorization for each rule contained in the report; and cause the bills to be introduced in each Chamber with the Chairs of the Committee as sponsors in their respective houses. The motion was adopted.

With no further business to come before the Committee, Delegate Smith moved to adjourn. The motion was adopted.