

# WEST VIRGINIA LEGISLATURE

## SENATE COMMITTEE ON THE JUDICIARY

### 2025 BILL SUMMARIES



COMMITTEE ON THE JUDICIARY  
WEST VIRGINIA SENATE

EIGHTY-SEVENTH LEGISLATURE  
FIRST REGULAR SESSION



MAY 2025



# SENATE COMMITTEE ON THE JUDICIARY

## 2025 Regular Legislative Session

### Staff Members

The seal of the West Virginia Senate Committee on the Judiciary is a large, circular emblem in the background. It features a central image of the West Virginia State Capitol building, surrounded by a wreath of olive and oak branches. The words "SENIOR SENATE OF WEST VIRGINIA" are inscribed around the top half of the circle, and "MONTANI SEMPER LIBERI" is at the bottom. A rope-like border encircles the entire design.

<u>Name</u>	<u>Title</u>	<u>Employment Status</u>
J. A. Curia	Counsel	Full Time
Beverly Douglas	Committee Clerk	Full Time
Adair Burgess	Analyst/LRMRC	Full Time
<hr/>		
Dustin Moore	Administrative Assistant	Per Diem
Debra A. Graham	Counsel	Per Diem
Chris Etheridge	Counsel	Per Diem
Joni Nichols	Counsel	Per Diem
Kyler Carlisle	Law Clerk Extern	Per Diem
Luke Bechtel	Committee Assistant	Per Diem
Jahzeiah Wade	Herndon Fellow	Per Diem

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(R – Kanawha, 08)



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(R – Wood, 03)



**Craig A.  
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(R – Mingo, 06)



**Chris  
Rose**  
(R – Monongalia, 02)



**Laura  
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(R – Ohio, 01)



**Anne B.  
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(R – Kanawha, 17)



**Jay  
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(R – Taylor, 14)



**Tom  
Willis**  
Vice Chair  
(R – Berkeley, 15)

87<sup>th</sup> Legislature  
West Virginia Senate

# COMMITTEE ON THE JUDICIARY



## 2025 COMMITTEE MEMBERS



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(R – Wayne, 05)



**Joey  
Garcia**  
(D – Marion, 13)



**WEST VIRGINIA LEGISLATURE**  
**SENATE COMMITTEE ON THE JUDICIARY**  
**STATISTICS 2025**

**TOTAL NUMBER OF BILLS AND RESOLUTIONS INTRODUCED  
DURING THE 1<sup>st</sup> SESSION OF THE 87<sup>th</sup> LEGISLATURE:**

BILLS:	2,460
RESOLUTIONS:	64
CONCURRENT RESOLUTIONS:	130
<u>JOINT RESOLUTIONS:</u>	<u>56</u>
<b>TOTAL:</b>	<b>2,710</b>

**TOTAL NUMBER OF BILLS AND RESOLUTIONS  
INTRODUCED IN THE SENATE:**

SENATE BILLS:	944
SENATE RESOLUTIONS:	50
SENATE CONCURRENT RESOLUTIONS:	27
<u>SENATE JOINT RESOLUTIONS:</u>	<u>16</u>
<b>TOTAL:</b>	<b>1,037</b>

**TOTAL NUMBER OF BILLS AND RESOLUTIONS  
INTRODUCED IN THE HOUSE:**

HOUSE BILLS:	1,516
HOUSE RESOLUTIONS:	14
HOUSE CONCURRENT RESOLUTIONS:	103
<u>HOUSE JOINT RESOLUTIONS:</u>	<u>40</u>
<b>TOTAL:</b>	<b>1,673</b>

**TOTAL NUMBER OF BILLS AND RESOLUTIONS  
ORIGINATING IN SENATE JUDICIARY:**

BILLS:	2
JOINT RESOLUTIONS	0
<u>CONCURRENT RESOLUTIONS:</u>	<u>2</u>
<b>TOTAL:</b>	<b>4</b>

**TOTAL NUMBER OF BILLS AND RESOLUTIONS  
REFERRED TO SENATE JUDICIARY:**

SENATE BILLS:	387
HOUSE BILLS:	74
SENATE CONCURRENT RESOLUTIONS:	3
SENATE JOINT RESOLUTIONS:	15
HOUSE CONCURRENT RESOLUTIONS:	1
<u>HOUSE JOINT RESOLUTIONS:</u>	<u>0</u>
<b>TOTAL:</b>	<b>480</b>

**TOTAL NUMBER OF BILLS AND RESOLUTIONS  
REPORTED FROM SENATE JUDICIARY:**

SENATE BILLS:	54
HOUSE BILLS:	37
RULES BILLS:	121
JOINT RESOLUTIONS:	4
<u>CONCURRENT RESOLUTIONS:</u>	<u>2</u>
<b>TOTAL:</b>	<b>218</b>

**TOTAL NUMBER OF BILLS  
THAT COMPLETED LEGISLATIVE ACTION:**

SENATE BILLS:	97
<u>HOUSE BILLS:</u>	<u>152</u>
<b>TOTAL:</b>	<b>249*</b>

**TOTAL NUMBER OF RESOLUTIONS  
THAT COMPLETED LEGISLATIVE ACTION:**

SENATE CONCURRENT RESOLUTIONS:	14
<u>HOUSE CONCURRENT RESOLUTIONS:</u>	<u>39</u>
<b>TOTAL:</b>	<b>53</b>

**TOTAL NUMBER OF BILLS REPORTED FROM SENATE  
JUDICIARY THAT COMPLETED LEGISLATIVE ACTION:**

SENATE BILLS:	37
<u>HOUSE BILLS:</u>	<u>25</u>
<b>TOTAL:</b>	<b>62</b>

**TOTAL NUMBER OF RESOLUTIONS REPORTED FROM SENATE  
JUDICIARY THAT COMPLETED LEGISLATIVE ACTION:**

SENATE JOINT RESOLUTION:	0
<u>HOUSE JOINT RESOLUTION:</u>	<u>0</u>
<b>TOTAL:</b>	<b>0</b>

**TOTAL NUMBER OF BILLS REPORTED FROM  
SENATE JUDICIARY THAT BECAME LAW:**

SENATE BILLS:	30
<u>HOUSE BILLS:</u>	<u>34</u>
<b>TOTAL:</b>	<b>64**</b>

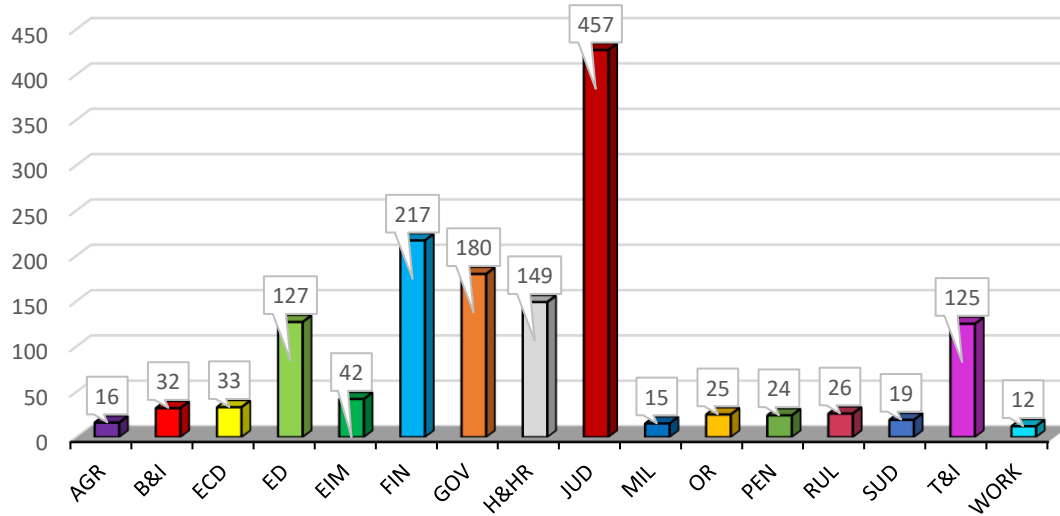
(Senate Judiciary Totals include Rules Bundles as single bills.)

(\*Of the 249 Bills that Completed Legislative Action, there were six vetoes.)

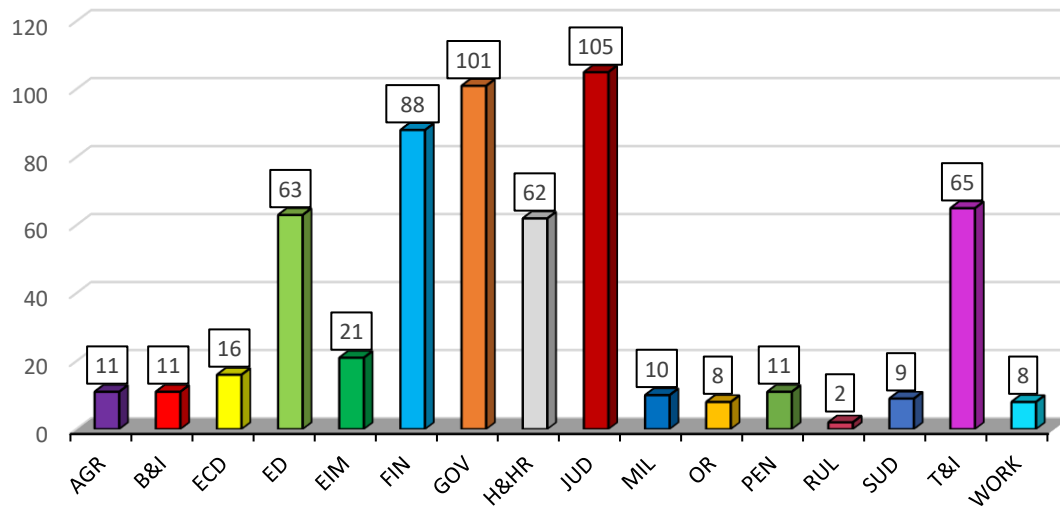
(\*\*Of the 62 Bills reported that Completed Legislative Action, there were two vetoes:  
Senate Bill 158 and Senate Bill 531.)

# STATISTICS 2025

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# Senate Bill 50

## **STRIKE AND INSERT AMENDMENT FOR COMMITTEE SUBSTITUTE**

---

**SHORT TITLE:** Requiring municipal elections to be held on same day as statewide elections

**CODE REFERENCE:** §3-1-29, §3-1-31, and §8-5-5

### **SUMMARY:**

This bill requires municipal elections to be held on statewide election days. Any city, town, or village whose charter requires elections to be held on a day and in a manner that conflicts with this bill, must amend the charter to abide by the law by July 1, 2028.

**DATE OF PASSAGE:** April 12, 2025

**EFFECTIVE DATE:** July 11, 2025

**ACTION BY GOVERNOR:** Signed April 24, 2025



# Senate Bill 102

## STRIKE AND INSERT AMENDMENT FOR COMMITTEE SUBSTITUTE

---

**SHORT TITLE:** Modifying form of certain deeds

**CODE REFERENCE:** §39-1-2 (Amends and Reenacts)

**SUMMARY:**

This bill modifies existing language by adding language effectuating that any quitclaim deed without consideration or any deed effecting the transfer of real property where the value of the property transferred is \$100 or less for which no excise tax is paid is signed by the grantee or proved by two witnesses as to the grantee before a clerk of the county commission, with certain exceptions for transfers on death and between family members which are for less than \$2,000.

**DATE OF PASSAGE:** April 12, 2025

**EFFECTIVE DATE:** July 11, 2025

**ACTION BY GOVERNOR:** Signed April 24, 2025

# Senate Bill 128

## COMMITTEE SUBSTITUTE

---

**SHORT TITLE:** Preventing courts from ordering services at higher rate than Medicaid

**CODE REFERENCE:** §49-4-108 (Amends and Reenacts)

### **SUMMARY:**

Under existing law, in a Chapter 49 proceeding, the court can order the Department of Human Services to pay: (1) the Medicaid rates for services of healthcare professionals provided to a child or other party or (2) to pay the rate set by the Department of Human Services. Those services would include, but not be limited to, treatment, therapy, counseling, and evaluation (Medicaid rates) and socially necessary services (Department-set rates).

This bill adds new language to give the court the ability to potentially issue payment in excess of the Medicaid rate or DHS negotiated rate when the service is being rendered to a child. Accordingly, services rendered to adults could not be made in excess of the Medicaid or DHS negotiated rates.

**DATE OF PASSAGE:** April 12, 2025

**EFFECTIVE DATE:** July 11, 2025

**ACTION BY GOVERNOR:** Signed April 25, 2025

# Senate Bill 138

## STRIKE AND INSERT AMENDMENT FOR COMMITTEE SUBSTITUTE

**SHORT TITLE:** Enhancing penalties for fleeing officer

**CODE REFERENCE:** §17C-5-2, §61-5-17, and §61-11-18

### SUMMARY:

The purpose of this bill is to create enhanced criminal penalties for persons convicted of fleeing an officer for a second and third or subsequent time, and to specify that second, third, and subsequent offenses are qualifying offenses for purposes of recidivist sentencing. The bill also treats a conviction for fleeing while under the influence as a DUI for penalty enhancement and DMV purposes. The period of time for which prior convictions for the fleeing offenses may be considered is extended from 10 years to 15 years. The enhanced penalties are listed in the grid below.

<b>Subsection</b>	<b><i>Current/First Offense Penalty</i></b>	<b><i>New: Second Offense Penalty</i></b>	<b><i>New: Third or Sub. Offense Penalty</i></b>
<b>(d) Fleeing by means other than vehicle</b>	10 days jail and \$50-500	30 days jail and \$250-1,000	60 days jail and \$1,000-2,000
<b>(e) Fleeing by vehicle</b>	Up to 1 year \$500-1,000	1-3 years \$1,000-2,000	2-5 years \$2,000-5,000
<b>(f) Reckless fleeing in vehicle</b>	1-5 years \$1,000-2,000	2-10 years \$1,000-2,000	3-15 years \$2,000-5,000
<b>(g) Fleeing in vehicle causing property damage</b>	6-12 months \$1,000-3,000	1-3 years \$3,000-5,000	2-5 years \$5,000-8,000
<b>(h) Fleeing in vehicle causing bodily injury</b>	3-10 years	5-10 years	5-15 years
<b>(i) Fleeing in vehicle causing death</b>	5-15 years	15 years to life	Life

<b>(j) Fleeing in vehicle while DUI</b>	3-10 years	5-15 years	10-20 years
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**DATE OF PASSAGE:** March 14, 2025

**EFFECTIVE DATE:** June 12, 2025

**ACTION BY GOVERNOR:** Signed March 24, 2025



# Senate Bill 154

## STRIKE AND INSERT AMENDMENT FOR COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE

---

**SHORT TITLE:** Prohibiting sexual orientation instruction in public schools

**CODE REFERENCE:** §18-5-29 (new)

### **SUMMARY:**

This act prohibits a public school student from being required to participate in instruction relating to sexual orientation and gender identity with exemptions to this rule being:

- A teacher is responding to a student question during class regarding sexual orientation or gender identity as it relates to any topic of instruction
- Referring to the sexual orientation or gender identity of any historic person, group, or public figure when such information provides necessary context in relation to any topic of instruction
- Referring to sexual orientation and gender identity if necessary to address a disciplinary matter, such as bullying
- Referring to sexual orientation and gender identity as part of curriculum established in a dual enrollment or advanced placement course.

This act prohibits a public school and county board employees from knowingly give false or misleading information to a parent, custodian, or guardian of a student regarding the student's gender identity or intention to transition to a gender that is different than the student's biological sex.

It requires a public school employee to report a student's request for an accommodation that is intended to affirm the student's gender identity, including requests that the student be addressed using a name or pronoun that is different than the name or pronoun listed in the school's registration forms or records to an administrator employed by the county board and assigned to the school; and the administrator will be required to report the student's request to the student's parent, custodian, or guardian.

It also provides that a parent, custodian, or guardian who is impacted, or whose child is impacted by a violation of this section may file a complaint pursuant to West Virginia Board of Education Policy 7211 (§126-188-1).

This act further provides that school personnel found in violation may be subject to discipline or dismissal pursuant to the state code regarding school personnel suspension or dismissal (§18A-2-8).

It requires that the West Virginia Board of Education in consultation with the High Education Policy Commission promulgate rules for ways of implementation.

Finally, this act allows for the Attorney General to bring action to enforce compliance.

**DATE OF PASSAGE:** April 12, 2025

**EFFECTIVE DATE:** July 11, 2025

**ACTION BY GOVERNOR:** Signed April 30, 2025

# Senate Bill 158

## COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE

---

**SHORT TITLE:** Modifying eligibility requirements for serving as member of State Board of Education

**CODE REFERENCE:** §18-2-1 (Amends and Reenacts)

### **SUMMARY:**

This bill provides that a person who is an appointed member of the state board cannot engage in the following political activities:

- Become a candidate for or hold any other public office. However, the term “public office” does not include service on any other board if the person does not receive compensation and the primary scope of the board is not related to public schools.
- Become a candidate for, or serve as, an elected member of any political party executive committee.
- Become a candidate for, or serve as, a delegate, alternate, or proxy to a national political party convention.
- Solicit or receive political contributions to support the election of, or to retire the campaign debt of, any candidate for partisan office.

The bill further provides that a person who is an appointed member of the state board can engage in any of the following political activities:

- Make campaign contributions to partisan or bipartisan candidates.
- Attend political fundraisers for partisan or bipartisan candidates.
- Serve as an unpaid volunteer on a partisan campaign.
- Politically endorse any candidate in a partisan or bipartisan election.
- Attend a county, state, or national political party convention.

**DATE OF PASSAGE:** April 11, 2025

**EFFECTIVE DATE:** None

**ACTION BY GOVERNOR:** Vetoed April 30, 2025

# Senate Bill 196

## STRIKE AND INSERT AMENDMENT FOR COMMITTEE SUBSTITUTE

---

**SHORT TITLE:** Lauren's Law

**CODE REFERENCE:** §60A-4-401, §60A-4-409, §60A-4-414, §60A-4-416, §61-11-18, and §62-12-2 (Amends and Reenacts); §60A-4-419 (New)

### **SUMMARY:**

This bill is named after Lauren Renee Cole, who died July 9, 2020, at the age of 26 years old because of fentanyl poisoning. The bill specifically does the following:

- Removes the knowledge requirement for the fentanyl enhancement for PWID certain drugs.
- Increases the penalties and amends the weight requirements for the offense of transportation of controlled substances into the state.
- Increases the penalties and amends the weight requirements for the offense of conspiracy
- Clarifies the crime of drug delivery resulting in death and increases the penalty if the death was the result of an unlawful sale of controlled substances.
- Increases the penalty for failure to render aid.
- Creates definitions for the crime of failure to render aid.
- Creates a new section of code relating to drug kingpins
- Creates enhanced penalties for drug kingpins who engage in certain conspiracies.
- Amends the recidivist section to reflect new offenses.
- Clarifies the crimes for which probation is not permissible.

**DATE OF PASSAGE:** April 12, 2025

**EFFECTIVE DATE:** July 11, 2025

**ACTION BY GOVERNOR:** Signed April 24, 2025

# Senate Bill 198

## STRIKE AND INSERT AMENDMENT FOR COMMITTEE SUBSTITUTE

---

**SHORT TITLE:** Prohibiting creation, production, distribution, or possession of artificially generated child pornography

**CODE REFERENCE:** §61-8-28a, §61-8C-1, §61-8C-2, §61-8C-3, §61-8C-3a, and §61-8C-3b (Amends and Reenacts); §61-8C-3c (New)

### **SUMMARY:**

This bill does the following:

- Clarifies that disclosure of certain fabricated intimate images can create criminal liability.
- Amends and standardizes the definitions for purposes of child exploitation laws.
- Creates a new crime of distribution of computer-generated child pornography.
- Enhances penalties for distribution of unlawful material and reduces the number of images required for enhancements.
- Clarifies the act of delinquency regarding computer-generated child pornography.
- Clarifies what does not constitute defenses for crimes of child exploitation.
- Creates confidentiality provisions, and exemptions for LEO and others required to possess child exploitation materials for official purposes.
- Creates a reporting requirement and affirmative defense for persons coming into contact with suspected visual portrayals of child exploitation.

**DATE OF PASSAGE:** April 10, 2025

**EFFECTIVE DATE:** July 9, 2025

**ACTION BY GOVERNOR:** Signed April 24, 2025

# Senate Bill 225

## STRIKE AND INSERT AMENDMENT FOR COMMITTEE SUBSTITUTE

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**SHORT TITLE:** Expanding powers of National Park Service law-enforcement officers

**CODE REFERENCE:** §15-10-5 (Amends and Reenacts)

### **SUMMARY:**

This bill defines and limits the authority of federal law-enforcement officers operating within the state. It grants these officers limited authority, equivalent to that of state or local law enforcement officers, but only under specified conditions.

Federal law enforcement officers may enforce West Virginia laws (excluding traffic and parking laws) only if one of the following applies:

1. They are formally requested to provide temporary assistance by a state or local agency head (or designee), in writing. The request does not need to be in writing if exigent life-threatening circumstances exist;
2. They are requested to provide temporary assistance by a local or state officer who is acting within the scope of the officer's lawful authority and exigent circumstances exist; or
3. A felony is committed in their presence or under circumstances indicating a felony has just occurred.

The list of eligible federal officers is specifically enumerated in **§15-10-5(b)** and includes full-time officers who are authorized to carry firearms from agencies such as the FBI, DEA, U.S. Marshals, Secret Service, ATF, CBP, ICE, and others. This bill strikes National Park Service rangers from the limited law enforcement allowance contained in this subsection. This bill expands the list of qualifying federal officers to include agencies previously not covered, specifically, as follows:

1. United States Fish and Wildlife Service special agents and law enforcement.
2. Diplomatic Security Service special agents;
3. Coast Guard special agents;
4. Customs and Border Protection law-enforcement agents and officers;
5. Department of Defense special agents;
6. Federal Protective Service officers;
7. Federal Bureau of Prisons officers; and
8. Immigration and Customs Enforcement special agents and law-enforcement.

The bill adds new subsections, **§15-10-5(c) and (d)**, expanding authority of National Park Service rangers and U.S. Forest Service law enforcement officers to enforce West Virginia laws within federally managed lands. These officers are given arrest, search, and seizure powers when acting within their official duties and geographic jurisdiction.

Finally, **§15-10-5(e)** contains a proviso that law enforcement commissioned rangers of the National Park Service and law enforcement officers and special agents commissioned by the United States Forest Service may undertake an independent investigation pursuant to the authority described in subsections (c) and (d) described in the preceding paragraph. There is a second proviso that states that nothing in this section should be construed to allow law enforcement officers of the National Park Service, or the United States Forest Service, to initiate or conduct investigations that are unrelated to alleged criminal activities that may have occurred on federal lands managed or overseen by the National Park Service or the United States Forest Service.

**DATE OF PASSAGE:** April 12, 2025

**EFFECTIVE DATE:** April 12, 2025

**ACTION BY GOVERNOR:** Signed April 29, 2025

# Senate Bill 240

## COMMITTEE SUBSTITUTE

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**SHORT TITLE:** Updating crime of sexual extortion

**CODE REFERENCE:** §61-2-13 (Amends and Reenacts); §61-8B-6 (New)

### **SUMMARY:**

This bill addresses both the extortion of sexual conduct (sometimes called “sexploitation”) and further criminalizes a practice known as sextortion. Sextortion is broadly defined as blackmail under the threat of the nonconsensual disclosure of private images.

The perpetrators of these crimes broadly fall into one of three categories: (1) cybercriminals using “catfishing” or other techniques to pose as a paramour, secure intimate pictures of an individual, and then threaten disclosure of the images unless money is paid by the individual; (2) former paramours using the threat of disclosure of an ex-boyfriend/girlfriend’s intimate images to influence the victim’s conduct; and (3) individuals in positions of power seeking to abuse their power to coerce sexual conduct (i.e. college professor and student).

The first portion of the bill addresses the extortion of sexual contact and amends the long-standing extortion statute, found in §61-2-13. It expands the definition to of an extortion-related injury to include “any other thing of value” the victim, their spouse, child, or household member may possess. It further clarifies (1) that the threat of extortion may be made directly, indirectly, or by innuendo; (2) that extortion may involve trying to compel behavior from the victim; and (3) that sexual behavior identified in Article 8B of Chapter 61 could be the consideration contemplated to support an extortion/attempted extortion charge.

The bill further increases the extortion penalties. The penalty for the offense of extortion goes from one to five years (existing law) to one to ten years (new law). Attempted extortion goes from a misdemeanor to a felony and the punishment is increased from two to 12 months (existing law) to one to three years (new law). The fine is further increased from the existing range of \$50 to \$500 to the range of \$1,000 to \$5,000.

The second part of this bill addresses sextortion, and is modeled on South Carolina’s sexual extortion statute. It creates two new offenses: sexual extortion and aggravated sexual extortion.



Sexual extortion would occur when an individual knowingly threatens to disclose a private image of another person in order to compel or attempt to compel the threatened person, any member of their family, or household to do any act or refrain from doing any act against his or her will, with the intent to obtain additional private images, anything of value, or other consideration. This offense is a felony with the following sentences: (1) 1<sup>st</sup> offense – one to five years; (2) 2<sup>nd</sup> offense – five to ten years; (3) 3<sup>rd</sup>/subsequent offense – ten to twenty years.

Minors are afforded more lenient treatment. If they engage in sexual extortion, it is treated they may be adjudicated by the circuit court accordingly and could be ordered to participate in counseling.

As for aggravated sexual extortion, it requires the same conduct as the underlying sexual extortion offense. The offense becomes aggravated when the victim is either (1) a minor or vulnerable adult and the perpetrator is an adult or (2) the victim suffers death or serious bodily injury as a result of the sexual extortion. In that instance, the penalty is imprisonment for ten to twenty years.

**DATE OF PASSAGE:** March 14, 2025

**EFFECTIVE DATE:** June 12, 2025

**ACTION BY GOVERNOR:** Signed March 24, 2025

# Senate Bill 257

## STRIKE AND INSERT AMENDMENT

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**SHORT TITLE:** Providing protection for property owner when someone visiting private cemetery causes damage to property

**CODE REFERENCE:** §37-13A-1 (Amends and Reenacts)

### **SUMMARY:**

This bill seeks to shield private property owners who have a cemetery on their property from liability if a visitor to the property damages the cemetery property. The bill provides clarifying language and provides an exception for the hypothetical situation in which a private property owner's agent causes damage to the cemetery, in which case the private property owner could be found liable for the damage in accordance with applicable agency law.

**DATE OF PASSAGE:** April 9, 2025

**EFFECTIVE DATE:** July 8, 2025

**ACTION BY GOVERNOR:** Signed April 24, 2025

# Senate Bill 270

## STRIKE AND INSERT AMENDMENT FOR COMMITTEE SUBSTITUTE

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**SHORT TITLE:** Declaring sale and manufacture of firearms essential business during declared emergency

**CODE REFERENCE:** §15-5-19a (Amends and Reenacts)

### **SUMMARY:**

This bill declares the sale, repair, maintenance, and manufacture of firearms, ammunition, and related accessories and components, etc. to be "essential" businesses and services for the purposes of safety and security in times of declared emergency or any other statutorily authorized responses to disaster, war, acts of terrorism, riot or civil disorder, or other emergencies.

The bill prohibits certain specific governmental regulation of firearms, ammunition, components or accessories of any kind, or their use or possession. The list of governmental acts that are prohibited under this bill include, but are not limited to:

- (1) placing restrictions on the lawful possession, carrying, display, sale, transportation, transfer, defensive use, or any other lawful use of a firearm, ammunition, ammunition re-loading equipment, or any other personal weapon;
- (2) requiring registration of any firearm or accessory for which registration is not otherwise required by state law;
- (3) seizing, commandeering, or confiscating any firearm, ammunition, related accessories and equipment, or any other personal weapon;
- (4) suspending or revoking a concealed carry license;
- (5) refusing to process concealed carry license applications;
- (6) closing or limiting the operation of any business in the firearms industry, including retailers, servicers, shooting ranges, firearms safety providers; and
- (7) placing limits on the amount of firearms or ammunition available for purchase;
- (8) suspending, restricting, or prohibiting otherwise lawful hunting or fishing activities.

The bill would provide an automatic extension for any lawfully issued concealed carry licenses that expire during a state of emergency.

The bill contains exceptions that would permit limited government action to:

- (1) restrict sales and transportation of firearms and weapons in any cordoned areas during an active or impending riot;

- (2) remove firearms or ammunition from a person by law enforcement pursuant to their lawful authority;
- (3) enact zoning ordinances limiting the hours of operation and geographic areas where firearms and accessories sales may occur, provided that such ordinances are consistent with those placed upon other retail establishments.

The bill also creates an action for damages, injunctive relief, declaratory relief, or other appropriate redress for the unlawful seizure or confiscation of firearms or related accessories and components, and it provides for civil damages.

**DATE OF PASSAGE:** April 9, 2025

**EFFECTIVE DATE:** July 8, 2025

**ACTION BY GOVERNOR:** Signed April 25, 2025

# Senate Bill 299

## COMMITTEE SUBSTITUTE

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**SHORT TITLE:** Modifying WV regulations on pubertal modulation, hormonal therapy, and gender reassignment

**CODE REFERENCE:** §30-1-26, §30-3-20, and §30-14-17 (Amends and Reenacts); §30-3E-20 and §30-7-15f (New)

### **SUMMARY:**

This bill eliminates the ability of healthcare providers to provide gender altering treatment (surgery and medication) to a minor, which is permissible under current West Virginia law if certain conditions are met.

It changes existing definitions in the board regulations applying to allopathic (MDs) and osteopathic physicians (DOs). Additional language is added to these sections clarifying that violations of the prohibitions on gender altering treatment amount to unprofessional conduct and shall be subject to discipline by their respective boards. Language is added in both sections permitting a civil claim and permitting Attorney General enforcement. The effective date of the modifications is August 1, 2025.

In addition to the changes in the pre-existing sections, two new sections are added and they cover physician assistants (PA) and advance practice registered nurses (APRN). These sections prohibit a PA and an APRN from assisting in providing gender reassignment surgery or providing gender altering medication. The same exceptions that apply to physicians apply to a PA and an APRN. The new sections also have the provisions added to the MD and DO board language concerning unprofessional conduct, Attorney General involvement and the August 1, 2025 effective date.

The bill also aligns the definition of “sex” to comport with the definition set forth in Senate Bill 456 (Defining Men and Women). The section of code addressing telehealth was also added to the bill in order to prohibit the dispensing of gender altering medication through the telehealth process.

**DATE OF PASSAGE:** April 12, 2025

**EFFECTIVE DATE:** July 11, 2025

**ACTION BY GOVERNOR:** Signed April 30, 2025

# Senate Bill 325

## COMMITTEE SUBSTITUTE

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**SHORT TITLE:** Authorizing Department of Health to promulgate legislative rules

**CODE REFERENCE:** §64-5-1 *et seq.* and §64-5A-1 *et seq.* (Amends and Reenacts); §64-5B-1 *et seq.* (New)

### **SUMMARY:**

This bill is the Department of Health Bundle, the Department of Human Services Bundle, and the Office of Inspector General known as Bundle 5. It contains 12 rules from the Department of Health, 2 rules from the Department of Human Resources and 2 from the Office of Inspector General.

#### **Senate Bill No 319. Department of Health, Public Water Systems, 64 CSR 03**

The rule amends a current legislative rule. The purpose of the rule is to establish standards for public water systems and public water utilities. It establishes standards for the production and distribution of bottled drinking water and adopts federal standards for the certification of laboratories performing analysis of drinking water. The rule extends the sunset date to August 1, 2030, and makes other technical changes.

#### **Senate Bill No 320. Department of Health, Statewide Trauma and Emergency Care System, 64 CSR 27**

The rule amends a current legislative rule. The purpose of the rule is to establish the standards, criteria, and methods for designating various health care facilities in the state as trauma and emergency care centers or facilities to identify those facilities best equipped and staffed to care for patients experiencing emergency injuries or illness. The rule extends the sunset date to August 1, 2030, and makes other technical changes.

#### **Senate Bill No. 321. Department of Health, Fatality and Mortality Review Team, 64 CSR 29**

This rule repeals a current legislative rule. The purpose of the rule is to establish the procedures for the formation and conduct of the Fatality and Morality Review Team. The Fatality and Mortality Review Team is a multidisciplinary team created to oversee and coordinate the examination, review, and assessment of special cases of death where other than natural cases are suspected. The amendments were made to the rule due to the passage of Enrolled Committee Substitute for House Bill 4874 that passed during the 2024 Regular Session of the Legislature.

**Senate Bill No. 322. Department of Health, Vital Statistics: 64 CSR 32**

The rule amends a current legislative rule that governs the installation, maintenance, and operation of the single system of vital statistics operated throughout the state. The rule removes the provisions regarding designation of local registration and is updated to provide for the digital filing process.

**Senate Bill No. 323. Department of Health, Emergency Medical Services: 64 CSR 48**

The rule amends a current legislative rule. The purpose of the rule is to ensure adequate provision of medical services to the residents of West Virginia and to provide clear direction to emergency medical service personnel and agencies in West Virginia. This rule applies to emergency medical service personnel and agencies and to all other persons engaging in the provision of emergency medical services in West Virginia.

The sunset date has been amended to August 1, 2030. The rule reflects the change from the former Department of Health and Human Resources to the Department of Health. The rule also contains changes in terminology to align with national standards, current state law, and abbreviations. It also removes language relating to expired pilot programs.

**Senate Bill No. 324. Department of Health, Primary Care Support Program: 64 CSR 70**

The rule amends a current legislative rule. The purpose of the rule is to set forth the process for the administration of the primary care support program created in the Bureau for Public Health.

The rule extends the sunset date to August 1, 2030, and makes changes that reflect the reorganization of the former Department of Health and Human Resources.

**Senate Bill No. 325. Department of Health, Medical Cannabis Program General Provisions 64 CSR 109**

The rule amends a current legislative rule. It extends the sunset date to August 1, 2030, and adds a new section on administrative due process.

**Senate Bill No. 326. Department of Health, Medical Cannabis Program-Growers/Processors 64CSR110**

The rule amends a current legislative rule, which includes the general provisions and the requirements for the certification and operation of medical cannabis growers and processors.

The rule extends the sunset date to August 1, 2030, adds a section on administrative procedures, and permits the importation of seeds with express written approval of the Department.

**Senate Bill No. 327. Department of Health, Medical Cannabis Program - Laboratories 64 CSR 111**

The rule amends a current legislative rule, which establishes the requirements for the certification and operation of laboratories that provide testing services to medical cannabis organizations.

The rule extends the sunset date to August 1, 2030, and adds a section on administrative due process.

**Senate Bill No. 328. Department of Health, Medical Cannabis Program - Dispensaries, 64 CSR 112**

The rule establishes the requirements for the certification and operation of medical cannabis dispensaries. It extends the sunset date to August 1, 2030, and adds a section on administrative due process.

**Senate Bill No. 329. Department of Health, Department of Health, Medical Cannabis Program –Safe Harbor Letter, 64 CSR 113**

The rule repeals a current legislative rule which establishes the requirements for obtaining a safe harbor letter for a terminally ill cancer patient to use medical cannabis purchased in another state that has entered into a reciprocity agreement with the Bureau.

The rule was meant as a transition piece to implement the legislation allowing patients to go out of state to obtain medical marijuana. WV's program is now operational making this rule no longer necessary.

**Senate Bill No. 330. Health Care Authority, Critical Access Hospitals, 65 CSR 09**

The rule amends a current legislative rule by extending the sunset date to August 1, 2030.

**Department of Health, Sewage Treatment and Collection System Design Standards, 64 CSR 47**

This current legislative rule is not a rule and did not go through the legislative rule-making process. However, some members of the committee have expressed concern about the rule as it relates to breweries, cideries, distilleries, and wineries which are regulated as taverns under the rule. There is an amendment in the rule separating them out from taverns under Table 64-47-B. Minimum Design Loadings for Sewage Treatment Facilities. It provides units for each facility and provides that the units are to be calculated



based on an average of winter and summer usage. This would allow these facilities to continue using porta-pottys instead of constructing additional restrooms.

**Senate Bill No. 331. Department of Human Services, Recovery Residence Certification and Accreditation Program, 69 CSR 15**

The rule amends a current legislative rule. The purpose of the rule is to establish criteria for recovery residence certification, revocation, and reinstatement, contracting with the certifying agency, monitoring of the certifying agency, and evaluation of the accreditation program, and a grievance procedure for recovery residents. The amendments were made to the rule due to the passage of Senate Bill 475 that passed during the 2024 Regular Session of the Legislature.

The rule extends the sunset date to August 1, 2030. It allows a certifying agency to require a certified recovery residence to apply for recertification more frequently than every two years, allows a certifying agency to revoke a recovery residence certificate of compliance if it has a deficiency that creates an immediate jeopardy, allows notice of the immediate jeopardy to be served in person, requires the certifying agency to provide the recovery residence operator with a notice of deficiency at the time of the certification visit, and requires the recovery residence to immediately take actions to correct the listed deficiencies before the certifying agency departs the premises. If the operator is unable to correct all of the listed deficiencies prior to the certifying agency departing the premises, then the certifying agency may revoke any applicable certification immediately and give the operator of the recovery residence up to five calendar days to transfer existing residents to another certified recovery residence.

The rule requires recovery residences to obtain a registration, requires each location to be registered separately, sets forth requirements for the registration application, requires notice of a change in owner changes, allows entry into any residence which is suspected of not being registered, 6.13.4. details initial registration, allows the Director to conduct unannounced inspection of residences for specified reasons, provides for the filing, investigation of complaints, and resolution of complaints, provides for the denial and revocation of registrations for specified reasons, sets forth penalties which may include a civil penalty of up to \$20,000 a day, provides for notice and due process and provides for administrative appeals and judicial review.

Under the rule, all recovery residences are required to submit specified data to OHFLAC quarterly, resident's rights are enumerated, and a written grievance procedure is required.

At the request of the Office of Inspector General, an amendment was adopted which would protect personal protected information.

### **Senate Bill No 332. Department of Human Services, Pilot Program for Drug Screening of Applicants for Cash Assistance, 78 CSR 26**

The rule amends a current legislative rule. Because of an oversight in the original rule, the sunset date was set to run out this year, despite the program being slated to sunset on December 31, 2026, in statute (W. Va. Code §9-3-6(b)). The rule was filed as an emergency rule to keep it from sunseting this year, but otherwise it is only a sunset extension to match code.

### **Senate Bill No. 333. Office of the Inspector General, Hospital Licensure, 71 CSR 12**

The rule amends a current legislative rule. Its purpose is to establish the standards and procedures for the licensing of hospitals and extended care facilities operated in connection with a hospital. The rule is amended throughout to reflect that the authority for the rule has been moved from the Department of Health to the Office of Inspector General. The sunset date has been extended to August 1, 2030.

The rule also requires that a hospital have in place a surgical smoke evacuation system consistent with the standards established in the 2024 edition of the N.F.P.A. 99, Standard for Health Care Facilities adopted by the Centers for Medicaid Services.

### **Senate Bill No. 334. Office of the Inspector General, Behavioral Health Centers Licensure 71 CSR 25**

The rule amends a current legislative rule. It provides minimum requirements to be licensed as a Behavioral Health Center. The standards apply to both public and private centers and mandate that services be individualized and person-centered. The rule is amended throughout to reflect that the authority for the rule has been moved from the Department of Health to the Office of Inspector General.

The rule adds a new section requiring residential substance use disorder facilities to be accredited by recognized organizations such as the Commission on Accreditation of Rehabilitation Facilities International, the Joint Commission, or Det Norske Veritas to provide behavioral health services. Facilities licensed as of May 20, 2024, are required to obtain this accreditation by January 1, 2026, and submit proof to the Office of Health Facility Licensure and Certification. New facilities or those undergoing ownership changes after May 20, 2024, must achieve accreditation within one year of receiving their initial license. If the statute expires, the accreditation requirements will also end. Additionally, these facilities must adhere to Certificate of Need requirements. Changes incorporated from House Bill No. 113, which passed during the 2024 First Extraordinary Session added the appeal of consumer grievances to the Mental Health Ombudsmen.

**DATE OF PASSAGE:** April 11, 2025

**EFFECTIVE DATE:** April 11, 2025

**ACTION BY GOVERNOR:** Signed April 28, 2025

# Senate Bill 336

## COMMITTEE SUBSTITUTE

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**SHORT TITLE:** Authorizing Department of Homeland Security to promulgate legislative rules

**CODE REFERENCE:** §15-9B-4 *et seq.*

### **SUMMARY:**

This Committee Substitute is the Department of Homeland Security Bundle, known as Bundle 6. It contains 6 rules from agencies of the Department. They are the Governor's Committee on Crime, Delinquency, and Corrections; Division of Protective Services; the State Emergency Response Commission; and the State Police.

**Senate Bill No. 335. Governor's Committee on Crime, Delinquency and Corrections. Protocol for Law Enforcement Response to Child Abuse and Neglect, 149 CSR 08.**

The rule amends a current legislative rule that establishes law-enforcement response to child abuse and neglect by establishing uniform standards. The rule: updates the sunset date to August 1, 2030; clarifies that children to be protected include persons with pervasive mental health disabilities, autism, and disabled and noncommunicative children; requires a dispatcher/telecommunicator with access to the Child Abuse and Neglect Registry to relay the information to law enforcement; adds body camera footage as one of the preferred methods for documenting at scene interviews; sets forth the general duties of law enforcement officers regarding child abuse and neglect; requires law enforcement officers to make a report to Child Protective Services through the Centralized Intake hotline in the event of imminent danger to a child; sets forth duties relating to protective caregivers of a child in the event of arrest of a parent by law enforcement; and removes a requirement that CPS accompany law enforcement officers when possible.

The rule also contains provisions regarding forensic interviews with a child; mandatory reporting of abuse or neglect in an initial investigation; unattended child deaths; the use of interpreters; emergency custody of the child; duties of multidisciplinary investigative teams and removes requirements that referrals for forensic interviews and interviews with the alleged perpetrator be made within 72 hours.

**Senate Bill No. 336. Governor’s Committee on Crime, Delinquency, and Corrections, Sexual Assault Forensic Examinations, 149 CSR 11.**

The rule amends a current legislative rule. It establishes guidelines for the treatment of sexual assault victims within hospitals in West Virginia that provide sexual assault forensic exams. The rule emphasizes the timely provision of medical forensic services, preservation of forensic evidence, patient consent, privacy, and access to support services, all to facilitate proper care and the potential use of forensic evidence in criminal proceedings.

The rule requires: hospitals to ensure 24/7 availability of a qualified healthcare provider to perform exams on adult and pediatric sexual assault victims; medical forensic services be provided in a private, age-appropriate setting, with access to evidence collection through Sexual Assault Evidence Collection Kits (SAECK), testing for drug/alcohol-facilitated offenses, and information on sexually transmitted infections and emergency contraception; that consent for services and the collection of forensic evidence be prioritized, with options for victims to designate a kit as “nonreported” if they do not wish to engage in the criminal justice process: protections for victim privacy and requires facilities to take steps, such as using coded identifiers and ensuring private spaces for victims; and that victims be offered the support of a rape crisis center advocate during the exam and provided with referrals for counseling and other services.

**Senate Bill No. 337. Division of Protective Services, Ranks and Duties of Officers within the Membership of the Division, 99 CSR 02.**

The rule amends a current legislative rule which establishes the ranks and duties of officers of the Division. The rule updates the sunset date to August 1, 2030; adds the rank of “Capitol Police Officer, Corporal” to the list of ranks; and references the duties of a Capitol Police Officer, Corporal, in compliance with the Division of Personnel’s class specifications.

**Senate Bill No. 338. State Emergency Response Commission, Emergency Planning Grant Program, 55 CSR 02.**

The rule amends a current legislative rule regarding the emergency planning grant program. The amendments streamline the language of the rule regarding costs that are eligible for a grant and re-orders the provisions of the rule. The rule also allows grant applications from local emergency planning committees that are not timely filed to be considered if there are available funds; previously, late-filed applications could not be considered at all.

**Senate Bill No. 339. State Police, Cadet Selection, 81 CSR 02.**

The rule amends a current legislative rule in response to the passage of Senate Bill No. 712, which passed during the 2024 Regular Session, and which reduced the minimum age for an eligible cadet from 21 to 18 years of age. The rule updates the sunset date;

changes the age for applicants from 21 to 18 years of age; and establishes the age range for cadets at not less than 18 years of age and not more than 39 years of age.

**Senate Bill No. 340. State Police, West Virginia State Police Career Progression System, 81 CSR 03.**

The rule amends a current legislative rule which governs the process for all permanent promotions, all non-supervisory reclassifications, all administrative support specialist reclassifications, and all WVSP Forensic Laboratory reclassifications within the State Police. The rule updates the sunset date. It allows members who have been off work due to medical leave or members who have been working in alternate duty status during semi-annual tests to be given the physical fitness test within 30 days following release to return to full duty status without any medical restrictions. If the member misses more than 1 physical fitness test while off work, the score for the physical fitness test taken within the 30-day time period following being released to return to full duty status without any medical restrictions will be used for all physical fitness tests missed.

**DATE OF PASSAGE:** March 20, 2025

**EFFECTIVE DATE:** March 20, 2025

**ACTION BY GOVERNOR:** Signed April 1, 2025

# Senate Bill 358

## COMMITTEE SUBSTITUTE

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**SHORT TITLE:** DMV rule relating to disclosure of information from division files

**CODE REFERENCE:** §17A-2A-12 *et seq.* (Amends and Reenacts)

### **SUMMARY:**

This Committee Substitute is the Department of Transportation Bundle, known as Bundle 8. It contains 10 rules from agencies of the Department. They are the Division of Highways, the Division of Motor Vehicles, and the Parkways Authority.

### **Senate Bill No. 353. WV Department of Transportation, Division of Highways, Construction and Reconstruction of State Roads, 157 CSR 03**

The rule amends a current legislative rule. Currently successful bidders have the option to submit a bond in an amount equal to either 102% or 100% of the contract price. The rule requires submission of a bond in the amount indicated by that bidder's published Performance Rating. The Ratings and their corresponding bond amounts are available in the Contractor Prequalification Application.

The rule provides that specifications, supplemental specifications, and special provisions will be primarily in English Units. Currently metric units are also provided.

The section on prosecution and progress has been rewritten to remove all references to currently existing schedules and to require any project containing an Incentive/Disincentive clause, and all Design Build, Alternative Project Delivery, and Public Private Partnership projects have a schedule. It also provides that the Division is not liable for the contractor's failure to complete the project prior to the specified contract completion date.

The rule requires e-tickets for asphalt, precast concrete products, pipe, reinforcing steel, aggregate, and concrete.

Language regarding minimum wage determinations has been deleted, with reference to the Davis-Bacon Act for all Federal-Aid construction projects. Language regarding state funded projects has been deleted, with reference to the West Virginia Jobs Act for all state funded projects.

**Senate Bill No. 354. Highways, Use of State Road Rights of Way and Adjacent Areas, 157 CSR 06**

The rule amends a current legislative rule. The rule extends the sunset date to August 1, 2030.

**Senate Bill No. 356. Division of Highways, Small Wireless Facilities on Division of Highways Rights-of-Way, 157 CSR 13**

The rule amends a current legislative rule. The rule extends the sunset date to August 1, 2030.

**Senate Bill No. 357. Division of Motor Vehicles, Denial, suspension, revocation, disqualification, restriction, non-renewal, cancellation, administrative appeals, and reinstatement of driving privileges, 91 CSR 05**

The rule amends a current legislative rule relating to motor vehicle operator licensing. The primary purpose of the rule is to update the provision of the rule concerning driver improvement courses. The rule allows vendors to offer those courses, if the organization, the instructors, and the curriculum are certified by the National Safety Council to conduct driver improvement courses.

In response to public comment, the rule also added a subsection, §6.5, that authorizes West Virginia to give credit for the period of time served under suspension or revocation of a West Virginia driver's license in another jurisdiction in instances where the other jurisdiction fails to report the conviction giving rise to the revocation or suspension to West Virginia in time for West Virginia to make its suspension or revocation period run concurrently with that of the other jurisdiction.

**Senate Bill No. 358. Division of Motor Vehicles, Disclosure of Information from the files of the Division of Motor Vehicles, 91 CSR 08**

The rule amends a current legislative rule. It updates the type of ID that may be used to request information from DMV to include a passport or other government-issued photo identification card.

The rule also updates the way fees are listed and increases the fee for obtaining a certified abstract of an operating record, and for requesting message forwarding using a driver's license or ID card, from \$5 to \$7.50.

**Senate Bill No. 359. Division of Motor Vehicles, Handicapped Parking Permits, 91 CSR 10**



The rule amends a current legislative rule. relating to issuance of handicapped parking permits. It provides that a physician’s certification that an applicant is permanently disabled is valid for a period of 10 years following the initial application or renewal. It also states that an applicant may not be issued more than two special license plates unless he or she has already been issued mobility-impaired windshield placards.

**Senate Bill No. 360. Motor Vehicles, Safety and Treatment Program, 91 CSR 15**

The rule amends a current legislative rule. The rule extends the sunset date to August 1, 2030.

**Senate Bill No. 361. Division of Motor Vehicles, State Vehicle Title, Registration, and Relicensing Project of 2018, 91 CSR 24**

The rule amends a current legislative rule. The rule extends the sunset date to August 1, 2030.

**Senate Bill No. 361. Parkways Authority, Rules Supporting Electronic Toll Collection and Enforcement, 184 CSR 05**

The rule is new. It codifies the administrative fee that W. Va. Code §17-16D-5 requires the West Virginia Parkways Authority to assess on vehicle owners for each notification of each separate violation of the Electronic Toll Collection Act (“ETCA”). The rule also sets forth administrative hearing procedures and requires the Authority to publish interior transponder mounting guidelines on its agency website.

**DATE OF PASSAGE:** March 12, 2025

**EFFECTIVE DATE:** March 12, 2025

**ACTION BY GOVERNOR:** Signed March 20, 2025

# Senate Bill 369

## COMMITTEE SUBSTITUTE

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**SHORT TITLE:** Authorizing miscellaneous boards and agencies to promulgate legislative rules

**CODE REFERENCE:** §19-12E-12 *et seq.* (Amends and Reenacts)

### **SUMMARY:**

This is the Miscellaneous Bundle, known as Bundle 9. It contains 48 rules from numerous agencies and boards. They are: Department of Agriculture; Barbers and Cosmetologists; Counseling; Dentistry; Dieticians; Election Commission; Massage Therapy; Medical Imaging and Radiation Therapy Board of Examiners; Board of Medicine; Nursing Home Administrators Licensing Board; Board of Optometry; Board of Osteopathic Medicine; Board of Pharmacy; Board of Professional Surveyors; Board of Psychologists; Board of Registered Professional Nurses; Board of Respiratory Care; Secretary of State, Soil Conservation Committee; and Treasurer.

### **Senate Bill No. 363. Department of Agriculture, State Aid for Fairs and Festivals, 61 CSR 03**

The rule repeals a current legislative rule. It is unnecessary because the procedures outlined in the rule are no longer used by the Department, which has other mechanisms and processes for coordinating state aid for fairs and festivals.

### **Senate Bill No. 364. Department of Agriculture, Inspection of Meat and Poultry, 61 CSR 16**

The rule amends a current legislative rule. It merely changes a reference to a Federal Register publication date for the Code of Federal Regulations implementing the Federal Meat Inspection Act.

### **Senate Bill No. 365. Department of Agriculture, Licensing and Other Fees, 61 CSR 18**

The rule repeals a current legislative rule.

### **Senate Bill No. 366. Department of Agriculture, West Virginia Manufacture Grade Milk, 61 CSR 19**

The rule amends a current legislative which establishes operating rules and procedures for West Virginia dairy farms and milk facilities that produce, process,

transport, store, or distribute manufacture-grade milk or milk products for human consumption that are not subject to Grade A requirements. It extends the sunset date to August 1, 2034.

The rule adds exemptions for raw milk from “manufacture-grade milk” and “manufacture-grade milk products”, defines PMO (pasteurized milk ordinance), sets forth facility requirements for milk processing plants, provides for inspections of milk processing plants, sets forth requirements for pasteurization records and equipment tests, and adds a Table 4 that specifies equipment tests, batch pasteurizers and HTST and HHST pasteurized systems.

#### **Senate Bill No. 367. Department of Agriculture, Employment Reference and Inquiries and Background Checks, 61 CSR 20**

The rule amends a current legislative rule. This rule amendment changes the sunset date to August 1, 2034.

The rule clarifies that staff responsibilities apply to classified and unclassified positions, requires staff to maintain records and reports, requires drug screens and fingerprint checks for all lateral employment changes, and allows for criminal background checks of current employees applying for promotion or an alternate position.

#### **Senate Bill No. 368. Department of Agriculture, West Virginia Fish Processing Rule, 61 CSR 23A**

The rule amends a current legislative rule. It extends the sunset date to August 1, 2034, updates cross-references to controlling federal regulations. It deletes requirements for product management and transportation that are contained in the federal rule. Currently, the rule requires fish processors that have a grade “A” during an inspection to be inspected at least every three months. The rule requires inspection based on FDA risk guidance. This amendment allows Agriculture inspectors to enter these fish processors’ warehouses and inspect as needed.

The Legislature amended the rule which exempts 20,000 pounds of fish from antemortem, postmortem, and processing inspection when the fish are slaughtered and processed at a licensed establishment.

#### **Senate Bill No. 369. Department of Agriculture, Select Plant-Based Derivatives and Select Plant-Based Derivative Products, 61 CSR 30**

The rule amends a current legislative rule regarding hemp regulation by the Department of Agriculture to also include kratom products which were made legal to sell in this state by Senate Bill No. 679 which passed in the 2024 regular session.

The definition section of the rule is amended to include definitions for kratom and kratom products. Other new definitions are for confiscation, certain permits, embargoes,

final products, manufacturing, permittees, retail facilities, and summary suspensions. Throughout the definitional section, the words “or kratom” are added where appropriate after the word hemp.

Section 3 (pg. 4) dictates the Department’s regulatory authority. The only change merely states that the Department has the authority to regulate hemp and kratom products for the purposes of consumer protection, and that it may deny registration of any product considered to be dangerous.

Section 4 (pg. 5) regards permitting and registering hemp and kratom products. Most changes throughout beyond technical changes is the addition of kratom to existing hemp regulations. A fee cap is increased to \$2,000 for hemp and kratom products sold in the state and containing state grown product, with a caveat that white-labeled products, even if white-labeled in West Virginia, are subject to all regulations related to white-labeled products. Minimum time limits for maintenance of documentation of registered product by the registrants (two years) are established. A caveat is added that no kratom product requires registration until January 1, 2025.

Section 5 (pg. 7) deals with registration to sell hemp products in the state as a retailer. It is established that a list must be maintained by the Department of all permitted sellers on the Department’s website. A separate list is to be maintained by the Department of all bad actors, and yet another of all products approved for sale or distribution, available on the Department’s website. Physical certification of registration is renewed annually by the Department and the current certificate must be displayed at all times in the retail facility.

Section 6 (pg. 8) does the same thing as Section 5, but for kratom products. It is nearly identical language, except for the fee schedule, which is set in code.

Section 7 (pg. 9) is all new language dealing with advertising. It requires hemp and kratom products to be in direct line-of-sight of store staff, and that any products sold at stores, fairs, or festivals be in a controlled environment and not accessible to children. Advertising on television, online, by radio, or in print is prohibited if 30% of the receivers are under 21 years of age. And free samples are allowed, but only at “adult-only facilities.”

Section 8 (pg. 9) is the labeling section. It mostly just adds “and kratom” to existing labeling regulation for hemp. In addition to imitating a candy label, the imitation of any food label is now prohibited. Minimum thresholds for mislabeling are established (20% of alkaloid amount in either direction). In addition to the “not intended for children” labeling required, now all cannabanoids or kratom derivatives must include the following: “NOT INTENDED FOR SALE TO PERSONS UNDER THE AGE OF 21”; “Keep out of reach of children”; “Consult your physician before use if you are pregnant or taking any medication”; and “Use of this product may impact drug testing results.” The rule also makes it unlawful to manufacture, package, import, distribute or sell any product without the required label, which must be in English using legible type in a conspicuous place on the package. Until January 1, 2025, sellers with products not meeting these labeling requirements are allowed to display a prominent sign with such warnings.

Section 10 (pg. 12) involves inspection and testing. A new subsection is added requiring all unofficial samples (those not taken by the Department, directly), including those taken by law enforcement, to be sent to the Department's lab, and subject to fees as set by the Commissioner. The list/chart of pesticide/chemical/microbial limits is removed from the rule and made available in its entirety on the Department's website.

Section 11 (pg. 16) deals with enforcement and product violations which are split into three tiers. The violations themselves are unchanged (except to add kratom) but new subsections are added for each violation level, however, laying out the notice/remedy/suspension or embargo/consequences process. If a seller voluntarily removes its offending products in a mitigating effort, exemptions to normal enforcement may be applied, but this is reviewed by the Commissioner case-by-case. The Commissioner is also empowered to suspend its standard enforcement policy in the interest of health and safety. Law enforcement and the ABCA are also empowered to assist the Department in enforcement.

Section 12 (pg. 18) deals with violations by unregistered sellers, distributors, and manufacturers of hemp products, specifically, and section 13 (pg. 20) with violations of kratom products and other plant-based derivatives, specifically.

Section 14 deals with embargoes. Two substantive changes are made. The first is that the Department now has the authority to destroy adulterated products after 60 days. The second regards any aggrieved parties' right to a hearing, which will be conducted in accordance with our Administrative Procedures Act.

### **Senate Bill No. 370. Department of Agriculture, Rural Rehabilitation Loan Program, §61 CSR 33**

The rule amends a current legislative rule. The current rule states that a loan is considered delinquent when a borrower misses 2 consecutive monthly payments or 1 quarterly, semi-annual or annual payment. The rule provides that, for loans closed after July 1, 2025, a loan will be considered delinquent when the borrower misses one monthly, quarterly, semi-annual or annual payment. The requirements that the Commissioner send out delinquency notices has been deleted. Instead, the rule requires the Commissioner to send a notice of default and right to cure to a monthly borrower who owes four payments. The borrower has 30 days to bring the loan current or make other arrangements. The Commissioner may issue a notice of default and right to cure for loans on a quarterly or annual basis. The Commissioner may also take further remedial action against any loan holder who is delinquent after initial attempts at resolution are unsuccessful.

### **Senate Bill No. 371. Department of Agriculture, Raw Milk, 61 CSR 41**

The rule is new. It governs the sale of raw milk. It requires that raw milk containers be clearly labeled as "unpasteurized raw milk" and include warnings about the health risks. Labels must also include the seller's name, address, production date, and content

details. Raw milk must be stored at 35-40°F and may be legally transported and sold within the state. Raw milk is considered adulterated if it contains harmful substances or additives beyond safe levels. Flavored raw milk is permitted if food-grade flavoring is used.

**Senate Bill No. 372. Architects, Registration of Architects, 2 CSR 01**

The rule amends a current legislative rule by extending the sunset date to August 1, 2030.

**Senate Bill No. 373. Architects, Fees for Registration of Architects, 2 CSR 03**

The rule amends a current legislative rule by extending the sunset date to August 1, 2030.

**Senate Bill No. 374. State Auditor, Local Government Purchasing Card Program, 155 CSR 06**

The rule amends a current legislative rule by extending the sunset date to August 1, 2030.

**Senate Bill No. 375. State Auditor, Rules for Private Trust Companies, 155 CSR 12**

This legislative rule is new. It governs the creation, registration, and regulation of private trust companies. For a licensed private trust company, it requires an application containing specified information and accompanied by a nonrefundable fee of \$10,000. The fee is deposited into the Private Trust Company Application Fund in the State Treasury.

For an unlicensed private trust company, it requires an application containing specified information and accompanied by a nonrefundable fee of \$5,000. The annual renewal fee is \$750. The fees are deposited into the Private Trust Company Application Fund in the State Treasury.

For a foreign licensed private trust company, it requires an application containing specified information and accompanied by a nonrefundable fee of \$5,000. The annual renewal fee is \$1,500. The fees are deposited into the Private Trust Company Application Fund in the State Treasury.

Licensed and unlicensed private trust companies are required to maintain an office physically located in West Virginia, so the records are easily assessable and available for inspection and review by the Auditor. The rule specifies the information which must be contained in the records.

The rule allows the Auditor to examine trust companies for compliance and charge the companies for the examination, requires a company to notify the Auditor 60 days

before appointments to key positions and allows the Auditor to reject appointments that violate compliance rules, requires a company to notify the Auditor with a discontinuation plan before ceasing operations, requires a progress report every 90 days until the company has ceased operations, requires reports on capital accounts, fidelity bonds, and insurance within 30 days after each quarter, and requires a foreign licensed company to register with the Auditor before beginning operations in the state and sets forth information which must be contained on the application. The rule also contains provisions regarding organizational documents, investments, prohibitions, requirements for and duties of private trust companies, segregation of books, records and assets, and investigation of applicants for licensure.

**Senate Bill No. 376. Barbers and Cosmetologists, Operation of Barber, Cosmetology, Nail Technology, Aesthetic, Hair Styling, and Waxing Salons and Schools, 3 CSR 05**

The rule amends a current legislative rule. The rule updates sanitation and operation requirements of salons and schools, sets forth detailed guidelines for disinfecting different types of instruments and equipment and requires that all disinfection be accomplished via the use of EPA-registered bactericidal, virucidal, and fungicidal sprays, foams, or wipes, prohibits various substances, equipment, and actions, contains guidelines specific to pedicure services focusing primarily on the cleansing and disinfection of pedicure tubs, sets forth requirements for the classification, discarding, and storage of single-use items and requires them to be discarded in a closed container after each use, specifies requirements for the cleansing and care of equipment and substances used for waxing, and provides requirements for reporting violations and complaints.

**Senate Bill No. 377, Barbers and Cosmetologists, Schedule of Fees, 3 CSR 06**

The rule amends a current legislative rule. The rule strikes certain fees that are no longer collected because of legislation that rendered the fees moot. (Specifically, House Bill No. 4099, passed in 2020, eliminated the regulation of shampooing and the related permit requirements for shampoo assistants.) Additionally, House Bill No. 2325, which was passed in 2022, struck requirements that the Board require continuing-education credits as a prerequisite for obtaining licensure and certificate renewals, and it also struck provisions allowing the Board to approve continuing-education courses.) The board estimates that the loss of those fees cost the board \$6,695 in annual revenue.

**Senate Bill No. 378. Barbers and Cosmetologists, Schedule of Fines, 3 CSR 07**

The rule amends a current legislative rule. The rule amends the board's schedule of fines. The number of fines was reduced from 68 to 42, and much of this reduction was accomplished via consolidating various fines together.

**Senate Bill No. 379. Chiropractic Examiners, Consideration of Prior Criminal Convictions in Initial Licensure Determinations, 4 CSR 08**

The rule amends a current legislative rule by extending the sunset date to August 1, 2030.

**Senate Bill No. 380. Board of Dentistry, Continuing Education Requirements  
5 CSR 11**

The rule amends a current legislative rule by extending the sunset date to August 1, 2035. The rule establishes the continuing education requirements for Dentists and Dental Hygienists. It adds the Association of Dental Boards to the list of approved providers, reduces the number of hours of drug diversion training from three to two every two years and requires dentists and dental hygienists to have two hours of infection control training every two years. Volunteer licensees are exempted from drug diversion training.

The Legislature amended subdivision 3.9.2. of the rule. The Board made amendments throughout the rule regarding infection control training. It inadvertently missed making the change in this subdivision. The amendment was requested by the board.

**Senate Bill No. 381. Board of Dentistry, Mobile Dental Facilities & Portable Dental Units, 5 CSR 14**

The rule amends a current legislative rule by extending the sunset date to August 1, 2035. It also removes the requirement of wearing a lead apron during radiographs, requires an external defibrillator in all units as well as any emergency drug or equipment required by the Board, and requires operators of mobile units to provide dental records to any other subsequent treating dentists upon request.

**Senate Bill No. 382. Election Commission, Regulation of Campaign Finance,  
146 CSR 03**

The rule amends a current legislative rule which governs campaign finance under the state Election Code. Generally, the rule clarifies when an independent expenditure is made or contracted to be made, clarifies that purchasing or leasing a vehicle used primarily for political purposes is considered a “necessary traveling and hotel expense”, authorizes leadership political action committees and delineates their authority, and requires candidates who are not placed on general election ballot to return contributions by September 1.

The rule extends the prohibition against a candidate receiving any payment of money or other thing of value for personal use from funds solicited or received for political purposes on the candidate’s behalf except as reimbursement for election expenses a candidate’s L-PAC, defines “records of receipts and expenditures”, specifies when a liability is incurred for the purpose of reporting unpaid bills and when an expenditure is made for the purpose of reporting expenditures, clarifies which records of receipts and



expenditures must be kept, and clarifies when reports of independent expenditures must be made.

It also authorizes L-PACs to participate in joint fundraising activities along with political parties, caucus campaign committees, candidate committees, and political action committees and sets forth authorized and prohibited activities for a candidate seeking or individual holding statewide legislative office with respect to a L-PAC.

**Senate Bill No. 383. Funeral Service Examiners, Funeral Director, Embalmer, Apprentice, Courtesy Card Holders, and Funeral Establishment Requirements, 6 CSR 01**

The rule amends a current legislative rule. It modifies the definitions of “apprentice funeral director” and “apprentice funeral service licensee” regarding supervision, removes obsolete language concerning the examination for licensure, increases the biennial continuing education requirement, from three to four, and reduces the requirement for safety or health-related education from four to two, and allows two hours of continuing education to be obtained through audio or video media.

The most significant change the rule makes is to require the licensee in charge of every funeral establishment have a crematory operator’s certificate in addition to the funeral services and pre-need license already required. That change conforms the rule to the provisions of §30-6-19 of code.

**Senate Bill No. 384. Massage Therapy Licensure Board, General Provisions, 194 CSR 01**

The rule amends a current legislative rule. It clarifies the scope of practice for massage therapy by prohibiting pelvic floor therapy and any touching of a client’s genitalia.

**Senate Bill No. 385. Medicine, Waiver of Initial Licensing Fees for Certain Initial Licensure Applicants, 11 CSR 13**

The rule amends a current legislative rule by extending the sunset date to August 1, 2030.

**Senate Bill No. 386. Occupational Therapy, Fees for Services Rendered by the Board, 13 CSR 03**

The rule amends a current legislative rule. A new fee, an Occupational Therapy Compact Privilege to Practice fee of \$50 is added and the following four fees are reduced.

Initial licensure fees:

Licensed Occupational Therapist: From \$150 to \$75

Licensed Occupational Therapist Assistant: From \$100 to \$50

Limited Permit fees (to be applied to permanent license fee):

Occupational Therapist: From \$120 to \$45

Occupational Therapist Assistant: From \$70 to \$20

**Senate Bill No. 387. Occupational Therapy, Competency Standards for Advanced Practice by Occupational Therapists and Occupational Therapy Assistants, 13 CSR 05**

The rule amends a current legislative rule. It adds a new section on competency requirements for Occupational Therapists and Occupational Therapist Assistants using Advanced Practice treatment techniques.

**Senate Bill No. 388. Occupational Therapy, Request for Waiver of Initial Licensing Fees for Certain Individuals, 13 CSR 07**

The rule amends a current legislative rule by extending the sunset date to August 1, 2035.

**Senate Bill No. 389. Occupational Therapy, Consideration of Prior Criminal Convictions in Initial Licensure Determinations, 13 CSR 08**

The rule amends a current legislative rule by extending the sunset date to August 1, 2035.

**Senate Bill No. 390. Occupational Therapy, Telehealth Practice; Requirements; Definitions, 13 CSR 09**

The rule amends a current legislative rule. It adds occupational therapists and occupational therapist assistants who hold a compact privilege to practice in West Virginia to the definition of “occupational therapists and occupational therapist assistants” and allows them to practice telehealth in this state.

**Senate Bill No. 391. Osteopathic Medicine, Waiver of Initial Licensing Fees for Certain Initial Licensure Applicants, 24 CSR 08**

The rule amends a current legislative rule by extending the sunset date to August 1, 2030.

**Senate Bill No. 392. West Virginia Board of Pharmacy, Licensure and Practice of Pharmacy, 15 CSR 01**

The rule amends a current legislative rule. The rule updates language to current DEA standards, removes the exception for a nuclear pharmacy from providing pharmacists care, including the compounding and dispensing of all prescription orders, eliminates the now archaic requirement that a pharmacist maintain a list of drugs a physician assistant may prescribe, adds dental practices to the list of locations that are not required to have a consulting pharmacist, requires a consulting pharmacist to register

with the Board of Pharmacy annually rather than every two years, and makes the beyond-use-date in the rule consistent with the United States Pharmacopeia Convention USP.

**Senate Bill No. 393. West Virginia Board of Pharmacy, Uniform Controlled Substances Act, 15 CSR 02**

The rule amends a current legislative rule. The rule addresses medication that a hospital patient brings with them into the hospital and then leaves behind upon discharge. This medication is to be destroyed in the presence of a pharmacist. If it is a controlled substance the medication must be destroyed in the presence of two pharmacists or a pharmacist and a registered nurse. Certain information is to be noted in the patient's medical record regarding the destruction.

The rule also contains updated requirements provide for reporting to the Board of Pharmacy of any theft or significant loss within one business day of discovery and the theft or loss of any controlled substance within 45 days of discovery. There is also a reporting requirement to the Board when there is a separation of employment for any drug-related reason.

**Senate Bill No. 394. West Virginia Board of Pharmacy, Regulations Governing Pharmacy Permits, 15 CSR 15**

The rule amends a current legislative rule. The rule adds a definition section. It also adds a new section that sets the standards for installation, operation, and maintenance of Direct-to patient (DTP) systems. These are direct-to-patient lockers that allow direct access by patients to medication other than through dispensing by pharmacy personnel to the patient, delivery to a patient in their residence, or shipping through a common carrier.

The rule requires a permit to operate a DTP locker system and requires that the locker be located at the physical address of the pharmacy. A pharmacy is required to notify the Board when it ceases to operate a DTP system.

The rule sets forth safety requirements and requires a written manual of specified policies and procedures, including security requirements, appropriate placement of a DTP locker, medications which may be placed in the device, proper conditions for medication storage in the locker, training, and inspection.

The rule also limits personnel who may place medicine or medical devices in the DTP locker and requires consent from the patient before usage. A pharmacist is required to conduct a drug utilization review of any medication or medical device before placing it in the DTP locker to ascertain if the drug or device may be safely picked up by the patients.

Finally, the rule requires record keeping and a system that only permits the patient or his or her authorized agent to access the medication or devices. There are provisions in the rule for consultation with the patient by a licensed pharmacist.

**Senate Bill No. 395. Pharmacy, Application for Waiver of Initial Licensing Fees for Certain Individuals, 15 CSR 18**

The rule amends a current legislative rule by extending the sunset date to August 1, 2035.

**Senate Bill No. 396. Psychologists, Consideration of Prior Criminal Convictions in Initial Licensure Determinations and Application for Waiver of Initial Licensing Fees for Certain Individuals, 17 CSR 07**

The rule amends a current legislative rule by extending the sunset date to August 1, 2029.

**Senate Bill No. 397. West Virginia Real Estate Appraiser Licensing and Certification Board, Requirements for Licensure and Certification, 190 CSR 02**

The rule amends a current legislative rule containing the procedures and requirements to become a licensed or certified real estate appraiser in West Virginia.

West Virginia Code §30-38-9(b) addresses rule making and states that rules governing appraiser qualifications must include requirements which meet or exceed the education, experience and examination requirements issued or endorsed by the Appraisal Qualifications Board (AQB) of the Appraisal Foundation.

The Appraiser Qualifications Board is a governing body established by the Appraisal Foundation to set minimum qualification standards for real estate appraisers in the United States. The AQB is responsible for developing and maintaining the “Real Property Appraiser Qualification Criteria”, which outlines the education, experience, and examination requirements for individuals seeking to become licensed or certified real estate appraisers.

The rule requires that beginning January 1, 2025, each applicant shall complete an additional eight hours of education meeting the content requirements of the Valuation Bias and Fair Housing Laws and Regulations Outline as determined by the AQB. The course must include seven hours of instruction plus a one-hour proctored exam.

The requirements for the core curriculum for the licensed residential classification, the certified general classification, the certified residential classification have all been deleted with reference made to criteria established by the Appraisal Foundation.

The rule allows, in addition to an affidavit, submission of a certificate of completion for any approved PAREA or practicum course for each year experience claimed, provides method for applicant to prove his or her ability to complete all three approaches to value, adds provisions regarding reporting of hours for calculation of experience by the Board or completion of alternative paths to gaining the required experience, requires the Board to review at least one demonstration report prepared by an applicant completing an

approved PAREA or practicum program to validate the experience gained in the program, specifies additional requirements an applicant must demonstrate to meet the requirements of reciprocal licensure, eliminates the \$120.00 fee for an Exemption from Supervisory Accompaniment Application, and makes changes to the apprentice program requirements, including eliminating the 500-hour experience requirement.

### **Senate Bill No. 398. West Virginia Real Estate Appraiser Licensing and Certification Board, Renewal of Licensure or Certification, 190 CSR 03**

The rule amends a current legislative rule. It establishes the procedures and requirements for the renewal of real estate appraiser licenses and certifications in West Virginia. It mandates continuing education for licensees, including a seven-hour Uniform Standards of Professional Appraisal Practice (USPAP) and if approved, beginning in 2025, a course on valuation bias and fair housing laws.

The rule outlines the process for approving course providers and instructors, sets standards for license renewal, and grants the West Virginia Real Estate Appraiser Licensing & Certification Board the authority to deny renewals for non-compliance.

The rule provides that effective January 1, 2025, appraisers must successfully complete a seven-hour course which meets the content requirements of the Valuation Bias and Fair Housing Laws and Regulations Outline by December 31, 2025. It eliminates the requirement that licensees applying for a renewal shall successfully complete a three-hour West Virginia law course with exam every four years.

The current rule requires a continuing education course to be three hours in length. The rule would shorten that to two hours.

Finally, the rule allows the Board to approve an instructor for a Continuing Education Course based upon the experience of that instructor in the subject matter being taught.

### **Senate Bill No. 399. West Virginia Real Estate Appraiser Licensing and Certification Board Requirements for Registration and Renewal of Appraisal Management Companies, 190 CSR 05**

The rule amends a current legislative rule. The legislative rule detailed in 190 CSR 5 generally sets forth the requirements for the registration and renewal of Appraisal Management Companies (AMCs) in West Virginia. It mandates AMCs to register with the West Virginia Real Estate Appraiser Licensing & Certification Board to operate in the state.

The rule requires an AMC to notify the Board when it decides to cease operations. WV Code §30-38A-9 requires appraisal management companies to post and maintain a surety bond with the West Virginia Real Estate Appraiser Licensing & Certification Board, with a liability cap not exceeding \$100,000. The current rule requires the surety bond to remain in place for at least a year after the expiration of the company's license. The rule

requires the surety bond remain in place either for a year after the expiration of the license or 12 months after the company ceases operations, whichever occurs last. The time during which claimants may make claims is the same.

The rule allows the Board to make a determination related to the reason a renewal registration has become delinquent. If the Board determines the delinquency was *due to circumstances that were beyond the applicant's reasonable control*, the Board may grant up to a three-month extension.

**Senate Bill No. 400. West Virginia Real Estate Commission, Licensing Real Estate Brokers, Associate Brokers, and Salespersons and the Conduct of Brokerage Business, 174 CSR 01**

The rule amends a current legislative rule. It amends the section on advertising relating to the fonts in advertising and information on team members which must be included in advertising. It also specifies the information required to be included on yard signs. The requirements that information on the broker be included in advertising has been deleted.

The current rule allows a licensee may offer, directly or indirectly, to clients or customers rebates, inducements, or other discounts, if the licensee offers the rebates, inducements, or other discounts under direct supervision and in the name of the responsible broker. The rule requires the licensee to obtain written permission from the responsible broker prior to the offering and requires written approval by of any advertisement.

Finally, the rule strikes language which requires the odds of winning or receiving each prize, certificate, gift or lot offered.

**Senate Bill No. 401. Real Estate Commission, Application for Waiver of Initial Licensing Fees for Certain Individuals, 174 CSR 06**

The rule amends a current legislative rule by extending the sunset date to August 1, 2035.

**Senate Bill No. 402. Real Estate Commission, Consideration of Prior Criminal Convictions in Initial Licensure Determinations, 174 CSR 07**

The rule amends a current legislative rule by extending the sunset date to August 1, 2035.

**Senate Bill No. 403. West Virginia Board of Registered Nurses, Requirements for Registration and Licensure and Conduct Constituting Professional Misconduct, 19 CSR 03**

The rule amends a current legislative rule. Under the current rule, an applicant for licensure by examination who fails to attain a passing score on the examination will have

his or her temporary permit to practice registered professional nursing placed in an inactive status by the office of the board. The rule deletes this language allowing the applicant to retake the test later while still having the full benefit of the 180-day temporary permit.

#### **Senate Bill No. 404. Respiratory Care, Criteria for Licensure, 30 CSR 01**

The rule amends a current legislative rule. It adds a definition “Temporary Respiratory License,” which is a nonrenewable 12-month license. It provides that an individual who has completed a Board-approved respiratory care educational program on or after July 1, 2022, or who is credentialed by the National Board of Respiratory Care as a certified Respiratory Therapist. Under the current rule, the board may issue a license (without time restriction) to practice by endorsement to any individual holding valid credentials from the National Board of Respiratory Care (NBRC).

The Legislative Rule-making Review Committee adopted an amendment to the rule which basically strips the new language on temporary permits and reverts it back to the old rule.

#### **Senate Bill No. 405. Respiratory Care, Consideration of Prior Criminal Convictions in Initial Licensure Determinations, 30 CSR 10**

The rule amends a current legislative rule by extending the sunset date to August 1, 2035.

#### **Senate Bill No. 406. Respiratory Care, Telehealth Practice; Requirements; Definitions, 30 CSR 11**

This is a new rule regarding telehealth delivery of respiratory care, as mandated by W. Va. Code §30-1-26 for all Chapter 30 boards related to medicine. The rule is very similar to other boards’ existing telehealth rules. Definitions are provided, those permitted to practice telehealth are specified, practitioner-patient relationship requirements are established, telehealth delivery requirements, including standard of care, are outlined, and specific procedures are listed.

#### **Senate Bill No. 407. Board of Sanitarians, The Practice of Public Health Sanitation, 20 CSR 04**

The rule amends a current legislative rule and is in effect as an emergency rule. All reference to “Be of good moral character” have been replaced with “Be free of a conviction for a crime that bears a rational nexus to the practice of public health sanitation”.

The current rule exempts persons seeking to be licensed through reciprocity from taking the examination required in the rule for in-state residents. The rule removes this exemption.

The rule increases the fee for issuance or renewal of a permit, certificate, or license from \$50.00 to \$100.00 and increases the fee for late renewal from \$15.00 to \$25.00 for a renewal that is not received within 30 days of expiration.

Finally, the rule removes all language regarding an examination administered by the state and instead requires applicants for licensure to take National Environmental Health Association Credential/State Exam.

### **Senate Bill No. 408. Speech Pathology and Audiology, Rule Governing Speech-Language Pathology and Audiology Assistants, 29 CSR 02**

This amends an existing legislative rule. The rule adds audiology assistant under the purview of the rule, requires a speech language pathology assistant supervisor to complete at least two hours of professional development in clinical instruction/supervision prior to accepting an assistant for supervision, requires that when a supervisor is supervising an assistant in the schools, the supervisor be able to communicate with the student and assistant in real time via communication software platforms, webcam, camera enabled cell phone or similar devised and services, allows further remote supervision if the supervisor determines the assistant can perform the duties without a licensed speech language pathologist physically present, deletes a requirement that the treatment plan be reviewed at least weekly, allows an assistant to follow treatment plans developed onsite and via telepractice, sets forth the responsibilities of the audiology assistant supervisor which are similar to those of a speech language pathology assistant supervisor, and sets forth the role of an audiology assistant.

### **Senate Bill No. 410. Soil Conservation Committee, State Conservation Grant Program, 61 CSR 03.**

The rule amends a current legislative rule by extending the sunset date to August 1, 2030.

### **Senate Bill No. 409. Treasurer, Hope Scholarship, 112 CSR 18**

The rule amends a current legislative rule in response House Bill No. 4945 which passed during the 2024 Regular Session. It gives the board power to withhold or delay funding a student's account if his or her parent fails to file a notice of intent to participate in the program, allows applications to be accepted year-round allows the board to request additional documentation if it necessary, amended the list of acceptable documents to allow for a valid and current WV driver's license or ID if presented with another acceptable document verifying residency, allows the board to put an application with missing, inaccurate, or incomplete information on hold, allows year-to-year continued participation rather than filing annual renewal applications if specified conditions are met, and requires a new application if participation lapses.

Under the rule the allocation and distribution of funds, dates are provided dependent on whether the student is entitled to the full scholarship or less than the full scholarship, disallows pre-K expenses as qualifying expenses under the program, requires



students who fail academic or attendance reporting requirements to sit out the program the subsequent year before submitting a new application, requires any person, not just employees, of providers having contact with students must submit to a background check and that it must be certified by the provider that the person has no violent felonies or sex crime convictions, requires all communication between the Board and account holders and providers to be via email, prohibits the unlawful sharing of funds and details and specifies what unlawful sharing does and does not entail, and provides that the program ends upon high school graduation unless there is documentation that the student needs additional time to meet all graduation requirements.

**DATE OF PASSAGE:** March 25, 2025

**EFFECTIVE DATE:** None

**ACTION BY GOVERNOR:** Vetoed April 1, 2025

**DATE OF SECOND PASSAGE:** April 4, 2025

**EFFECTIVE DATE:** April 4, 2025

**ACTION BY GOVERNOR:** Signed April 29, 2025

# Senate Bill 456

## COMMITTEE SUBSTITUTE

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**SHORT TITLE:** Defining "men" and "women"

**CODE REFERENCE:** §5-32-1 through §5-32-9 (New)

**SUMMARY:**

West Virginia Code has no current law specifically defining male or female sex. This bill provides the following:

- Provides purposes and general application;
- Makes legislative findings;
- Creates definitions of terms as used in the Code and CSR;
- Provides for sex-based protections and creates a standard of review,
- States that the article does not authorize examination of minor to determine biological sex and that biological sex at birth is used to determine sex
- Provides for safety and privacy in domestic violence shelters, restrooms of public schools and institutions of higher education, and correctional institutions;
- Clarifies sex-based data collection in schools and institutions of higher education; and,
- Provides for severability.

**DATE OF PASSAGE:** March 11, 2025

**EFFECTIVE DATE:** June 9, 2025

**ACTION BY GOVERNOR:** Signed March 12, 2025

# Senate Bill 474

## COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE

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**SHORT TITLE:** Ending diversity, equity, and inclusion programs

**CODE REFERENCE:** §5-33-1, §5-33-2, §5-33-3, §18-2-9B, §18-5-29, §18B-1G-1, §18B-1G-2, §18B-1G-3, §18B-1G-4, §18B-1G-5, §18B-14-5, and §18B-14-6 (New)

### **SUMMARY:**

This bill eliminates divisions, officers, programs, training, and policies related to diversity, equity, and inclusion from all departments, divisions, agencies, boards, public primary and secondary schools, and institutions of higher learning.

The bill defines "Diversity, Equity, and Inclusion," or "DEI," and prohibits departments, divisions, agencies, and boards of the state from:

- (1) Establishing or maintaining any office or division whose purpose is promoting DEI;
- (2) Hiring or assigning employees or contracting with third parties to promote DEI;
- (3) Compelling, inducing, soliciting, or requiring any person to provide a diversity statement;
- (4) Giving preferential treatment to any applicant or employee on the basis of DEI; and
- (5) Requiring that employees participate in DEI training.

The bill prohibits primary, secondary, and higher education instruction on any of the following concepts:

- (1) That one race, ethnic group, or sex is morally or intellectually superior to another race, ethnic group, or sex for any inherent or innate reason;
- (2) An individual, by virtue of the individual's race, ethnicity, or sex, is racist, sexist, or oppressive, whether consciously or unconsciously for any inherent or innate reason;
- (3) An individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race, ethnicity, or sex;
- (4) An individual's moral character is strongly influenced by the individual's race, ethnicity, or sex;
- (5) An individual, by virtue of the individual's race, ethnicity, or sex, bears responsibility for actions committed by other members of the same race, ethnic group, or sex;

- (6) An individual should feel discomfort, guilt, anguish, or any other form of psychological distress because of the individual's race, ethnicity, or sex; and
- (7) Academic achievement, meritocracy, or traits such as a hard work ethic are racist or sexist or were created by members of a particular race, ethnic group, or sex to oppress members of another race, ethnic group, or sex.

The bill does *not* prohibit the following:

- (1) The discussion of DEI concepts in theory as part of an academic course if discussion of alternative theories is also included in the course;
- (2) The discussion, examination and debate that race, ethnicity, or sex has impacted historical or current events, including the causes of those current or historical events; and
- (3) The right to freedom of speech protected by the First Amendment of the United States Constitution and the West Virginia Constitution outside the context of employment with any school district or public charter school.

The bill provides for a complaint and appeal mechanism for parents and guardians of a student aggrieved under the Act.

The bill provides that county board and public charter school employees may not be:

- (1) Required to use a student's preferred pronoun when referring to the student if the preferred pronoun is not consistent with the student's sex;
- (2) Civilly liable for using a pronoun that is consistent with the sex of the student to whom the teacher or employee is referring, even if the pronoun is not the student's preferred pronoun; and
- (3) Subject to an adverse employment action for not using a student's preferred pronoun if the student's preferred pronoun is inconsistent with the student's sex.

The bill does not prohibit institutions of higher learning from supporting:

- (1) Academic course instruction;
- (2) Research or creative works by the state institution of higher education's students, faculty, or other research personnel, and the dissemination of such research or creative works;
- (3) Activities of registered student organizations;
- (4) Arrangements for guest speakers and performers with short-term engagements;
- (5) Mental or physical health services provided by licensed professionals;
- (6) Services or support provided to individuals with learning, physical or neurological developmental disabilities;
- (7) Policies, programing, training, practices, activities, or procedures designed to prevent sexual harassment;
- (8) Data collection;

- (9) Sex-based educational opportunities such as science, technology, engineering, and mathematics (STEM) opportunities for women;
- (10) Donor-designated scholarships;
- (11) Single-sex athletic programs, events, or teams;
- (12) Single-sex spaces including restrooms, changing rooms, locker rooms, showers, sleeping quarters, and dorms;
- (13) Compliance with the state institution of higher education's obligations under state and federal law or court orders.

The bill defines DEI offices for the purpose of institutions of higher education, and it specifically excludes the following from that definition:

- (1) An office or position operating with the sole and exclusive mission of ensuring legal compliance under state and federal law or court order;
- (2) An academic department within a state institution of higher education that exists primarily for the purpose of offering courses for degree credit and that does not establish a policy or procedures to which other departments of the public institutions of higher education are subject;
- (3) A registered student organization;
- (4) An office or position engaged in providing services or support to individuals with learning, physical or neurological developmental disabilities; or
- (5) A unit which may provide resources to certain individuals as long as the resources are equally available to all employees or students regardless of race, color, or ethnicity.

The bill defines DEI officer, and it specifically excludes the following from that definition:

- (1) Any employee whose sole job duties are to ensure compliance with state and federal law and court orders;
- (2) Any faculty member while engaged in teaching, research, or the production of creative works, the dissemination of the faculty member's research or creative works, or advising a registered student organization; or
- (3) A guest speaker or performer with a short-term engagement.

**DATE OF PASSAGE:** April 12, 2025

**EFFECTIVE DATE:** July 11, 2025

**ACTION BY GOVERNOR:** Signed April 30, 2025

# Senate Bill 486

## STRIKE AND INSERT AMENDMENT FOR COMMITTEE SUBSTITUTE

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**SHORT TITLE:** Clarifying eligibility requirements to vote in WV elections

**CODE REFERENCE:** §3-1-3 (Amends and Reenacts)

### **SUMMARY:**

This bill clarifies voting requirements in our state. The first issue the legislation addresses is assuring that a voter is a U.S. and state citizen to vote in municipal elections and it does so by requiring state and federal citizenship for voting rights.

The second issue this legislation addresses is elderly voters, particularly those in nursing homes, not being permitted to vote because staff or an administrator arbitrarily deems the individual incompetent to vote. It clarifies that you are only disqualified upon a formal court judgment of total incompetency and provides for restoration of voting rights if there is a court order/official determination that the person is no longer incompetent.

The bill incorporates our felony conviction voting laws and clarifies that the person is deemed to have been convicted of a disqualifying offense at the adjudication stage (courts acceptance of plea/entry of jury verdict), and the disqualification does not occur at some later point in the criminal proceeding. It also clarifies that a deferred adjudication agreement, standing alone, does not disqualify an individual from voting – actual adjudication of guilt of disqualifying offense is required.

**DATE OF PASSAGE:** March 19, 2025

**EFFECTIVE DATE:** June 17, 2025

**ACTION BY GOVERNOR:** Signed March 26, 2025

# Senate Bill 490

## ORIGINATING

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**SHORT TITLE:** Prohibiting ranked-choice voting in elections in West Virginia

**CODE REFERENCE:** §3-1-52 (New)

**SUMMARY:**

This bill prohibits ranked-choice voting in elections in West Virginia.

**DATE OF PASSAGE:** March 7, 2025

**EFFECTIVE DATE:** June 5, 2025

**ACTION BY GOVERNOR:** Signed March 18, 2025

# Senate Bill 531

## STRIKE AND INSERT AMENDMENT FOR COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE

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**SHORT TITLE:** Relating to offenses of assault and battery on athletic officials

**CODE REFERENCE:** §61-2-15A (Amends and Reenacts)

### **SUMMARY:**

This bill modifies the penalty for assault and battery on an athletic official at an organized sporting event, as well as clarifying the terms “athletic officials” and “participants”. The bill adjusts the penalty of assault to a fine not less than \$250, nor more than \$500, and confined not less than five days nor more than six months. The bill adjusts the penalty of battery to a fine not less than \$500, nor more than \$1,000, and confined not less than 10 days nor more than twelve months.

**DATE OF PASSAGE:** April 12, 2025

**EFFECTIVE DATE:** None

**ACTION BY GOVERNOR:** Vetoed April 30, 2025



# Senate Bill 586

## STRIKE AND INSERT AMENDMENT FOR COMMITTEE SUBSTITUTE

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**SHORT TITLE:** Relating to requirements for filling vacancies in certain elected federal, state, and county offices

**CODE REFERENCE:** §3-10-3, §3-10-4, §3-10-5, §3-10-6, §3-10-7, §3-10-8, §8-5-10, and §5-1-6 (Amends and Reenacts)

### **SUMMARY:**

This bill clarifies that a vacancy in a statewide and local elected office shall be filled by a person affiliated with the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time of the previous election for that office for at least one year prior to the appointment. In the case of vacancy for membership in the House or Senate, the list of nominees to fill the vacancy shall be provided by the senatorial or delegate district party committee or, in the case of a single-county district, the county executive party for the appropriate political party.

**DATE OF PASSAGE:** April 12, 2025

**EFFECTIVE DATE:** April 12, 2025

**ACTION BY GOVERNOR:** Signed April 29, 2025

# Senate Bill 617

## STRIKE AND INSERT AMENDMENT FOR COMMITTEE SUBSTITUTE

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**SHORT TITLE:** Discouraging gang activity

**CODE REFERENCE:** §61-13-1, §61-13-2, and §61-13-3 (Amends and Reenacts)

**SUMMARY:**

Current code criminalizes participation in organized criminal enterprises. This bill amends current code to include “gangs” and “gang activity” as an organized criminal enterprise. It amends the definitions to include gangs and updates the qualifying offenses for criminal liability as a criminal enterprise. The bill also clarifies that the offense in the section related to recruiting is separate and distinct from the qualifying offenses and subject to separate punishment.

**DATE OF PASSAGE:** April 10, 2025

**EFFECTIVE DATE:** July 9, 2025

**ACTION BY GOVERNOR:** Signed April 24, 2025

# Senate Bill 621

## INTRODUCED

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**SHORT TITLE:** Authorizing digital court records

**CODE REFERENCE:** §51-1-12 and §51-3-4 (Amends and Reenacts)

**SUMMARY:**

This bill authorizes digital court records. It also provides duties of the clerk of the Supreme Court of Appeals or designated staff to include preserving digital and physical court records. It requires orders to be entered in a book or kept digitally by the clerk of court and removes the requirement that order books be signed by a judge or presiding officer.

**DATE OF PASSAGE:** February 24, 2025

**EFFECTIVE DATE:** June 22, 2025

**ACTION BY GOVERNOR:** Signed April 1, 2025

# Senate Bill 828

## INTRODUCED

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**SHORT TITLE:** Clarifying requirements for persons employed by Division of Corrections and Rehabilitation include contracted vendor staff

**CODE REFERENCE:** §61-8B-10 (Amends and Reenacts)

### **SUMMARY:**

This bill adds the words “such as a vendor” to language subjecting people who work within a correctional or juvenile Division of Corrections and Rehabilitation managed facility pursuant to a contract to the offense of Imposition of Sexual Acts on Incarcerated or Detained Persons.

**DATE OF PASSAGE:** April 4, 2025

**EFFECTIVE DATE:** July 3, 2025

**ACTION BY GOVERNOR:** Signed April 25, 2025

# House Bill 2042

## STRIKE AND INSERT AMENDMENT FOR COMMITTEE SUBSTITUTE

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**SHORT TITLE:** Relating to allowing a guardian ad litem to request the appointment of a court appointed special advocate

**CODE REFERENCE:** §49-4-601 (Amends and Reenacts)

### **SUMMARY:**

This bill allows the Department of Human Services, guardians ad litem, and parents that are a party in a child abuse and neglect proceeding, the ability to request the circuit court judge utilize a court appointed special advocate (CASA). The circuit court may then appoint a CASA representative, at the request of the specified parties, assuming a CASA representative provides services to the circuit court with jurisdiction over the abuse and neglect proceedings.

**DATE OF PASSAGE:** April 7, 2025

**EFFECTIVE DATE:** July 6, 2025

**ACTION BY GOVERNOR:** Signed April 25, 2025

# House Bill 2054

## STRIKE AND INSERT AMENDMENT FOR COMMITTEE SUBSTITUTE

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**SHORT TITLE:** Relating to liability of vendors in private farmers markets

**CODE REFERENCE:** §60-4-3a, §60-7-2, §60-7-3, §60-7-8c, §60-7-8d, §60-7-8e, §60-7-8g, §60-8-2, and §60-8-32a (Amends and Reenacts)

### **SUMMARY:**

This bill amends portions of code relating to the licensing, sale, and service of alcoholic beverages. Specifically, the bill makes the following changes:

- Eliminates a cap on the number of liquor samples that can be provided to a nonintoxicated person at private fairs and festivals
- Eliminates a requirement that two separate unrelated vendors sign an agreement that all vendors have agreed to be jointly and severally liable for any liability arising from a license to serve alcohol at a private farmers markets and private food courts
- Adds a new subsection to §60-7-3 to authorize the use of self-pour automated systems for nonintoxicating beer, cider, and wine
- Permits persons who have dined in an establishment to order and carry out a sealed craft cocktail or wine growler whether or not the person consumed alcohol on the premises
- Exempts certain licensees from duplicative fees
- Permits a purchaser of a beverage in an approved container of one Class S4 permit to carry such beverage to and consume in the establishment of any other holder of a Class S4 permit within the applicable private outdoor designated area.
- Adds a new special permit, designated S4N, which permits qualified non-profits to serve alcohol with PODAs
- Authorizes S1, S2, and S3 licensees to participate in PODAs upon written invitation of a Class S4 permit holder
- Clarifies that the ABCA Commissioner has enforcement authority over all current ABCA licenses
- Removes a limitation that canned or packages foods in a minibar be valued at least \$100
- Technical corrections

**DATE OF PASSAGE:** April 12, 2025

**EFFECTIVE DATE:** April 12, 2025

**ACTION BY GOVERNOR:** Signed April 28, 2025

# House Bill 2066

## STRIKE AND INSERT AMENDMENT FOR COMMITTEE SUBSTITUTE

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**SHORT TITLE:** Creating a crime for the destruction of first responder equipment

**CODE REFERENCE:** §61-3-60 (New)

### **SUMMARY:**

This bill creates a felony offense of damaging, destroying, or stealing equipment used by first responders in their duties.

The bill adds a new felony offense that if a person knowingly and willfully damages, destroys, or steals any equipment or personal property that is used by emergency responders in the performance of emergency response duties and that is owned or operated by the state, a county or a municipality of the state, or a volunteer fire department of the state. Specifically, if the action creates a substantial risk of bodily injury to another person, results in actual bodily injury to another person, results in property loss to any person served by the emergency responder, or results in the interruption of service by emergency responders to the public.

The felony is punishable by a fine of up to \$5,000, 1–3 years imprisonment, or both fined and imprisoned.

The bill also defines "emergency responder" and "emergency response duties" for the purposes of this section.

**DATE OF PASSAGE:** April 12, 2025

**EFFECTIVE DATE:** July 11, 2025

**ACTION BY GOVERNOR:** Signed April 29, 2025



# House Bill 2123

## STRIKE AND INSERT AMENDMENT FOR COMMITTEE SUBSTITUTE

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**SHORT TITLE:** Modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse

**CODE REFERENCE:** §61-8D-3 and §61-8D-4 (Amends and Reenacts)

**SUMMARY:**

This bill increases the potential incarceration for certain child abuse and neglect offenses.

	Current Law	House Version	Strike and insert
3(a) Abuse resulting in bodily injury	1-5 years and \$100 – 1,000 fine*	2-10 years and \$100 – 1,000 fine*	2-10 years*
3(b) Abuse resulting in serious bodily injury	2-10 years and \$1,000 – 5,000 fine	5-15 years and \$1,000 – 5,000 fine	5-15 years
3(c) Abuse creating substantial risk of death or serious bodily injury	1-5 years and up to \$3,000 fine	1-10 years and up to \$3,000 fine	1-10 years
3(d) Abuse creating substantial risk of bodily injury 1 <sup>st</sup> offense	Up to 6 months and/or \$100 – 1,000 fine	No change	No change
3(d) Abuse creating substantial risk of bodily injury 2 <sup>nd</sup> offense**	30 days – 1 year and/or up to \$1,500 fine	1-5 years and/or up to \$3,000 fine	1-5 years

	Current Law	House Version	Strike and insert
4(a) Neglect resulting in bodily injury	1-3 years and/or \$100 – 1,000 fine*	No change	2-10 years*
4(b) Neglect resulting in serious bodily injury	1-10 years and/or \$300 - 3,000 fine	No change	5-15 years
4(c) Neglect creating substantial risk of death or serious bodily injury	1-5 years and/or \$1,000 – 3,000 fine	1-10 years and/or \$1,000 – 3,000 fine	1-10 years
4(d) Neglect creating substantial risk of bodily injury 1 <sup>st</sup> offense	Up to 6 months and/or \$100 – 1,000 fine	No change	No change
4(d) Neglect creating substantial risk of bodily injury 2 <sup>nd</sup> offense**	30 days – 1 year and/or up to \$1,000 fine	1-5 years and/or up to \$2,000 fine	1-5 years

**DATE OF PASSAGE:** April 10, 2025

**EFFECTIVE DATE:** July 9, 2025

**ACTION BY GOVERNOR:** Signed April 25, 2025

# House Bill 2129

## STRIKE AND INSERT AMENDMENT FOR COMMITTEE SUBSTITUTE

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**SHORT TITLE:** Creating the Parents Bill of Rights

**CODE REFERENCE:** §49-12-1 through §49-12-5 (New)

### **SUMMARY:**

This bill, known as the Parents' Bill of Rights, first makes a legislative finding regarding the fundamental rights of parents to control the upbringing, education, care and medical care of their children. It further sets forth a finding relating to the importance of parents' access to information relating to their children. As for how "parent" is defined, it is set forth as a person who has legal custody of a minor child as a natural parent, adoptive parent, or legal guardian.

The crux of the legislation is found in section three which prohibits the state and state entities from "infringing on the fundamental rights of a parent to direct the upbringing, education, health care, and mental health of his or her minor child without demonstrating that such action is reasonable and necessary to achieve a compelling state interest and that such action is narrowly tailored and is not otherwise served by a less restrictive means."

A non-exhaustive list of parental rights is set forth -- the majority of which relate to a child's education but some also further encompass medical care and religious training.

A parent can raise the rights afforded in the article as a defense in a court or administrative proceeding. Under this legislation, an aggrieved parent could also bring a civil action seeking injunctive relief in circuit court.

There are some limitations recognized in the bill that clarify that a parent could not engage in unlawful conduct or child abuse or make a decision that would end life. There are also provisions that relate to child welfare workers and law enforcement officers acting within the scope of their employment as well as preserving the ability of a court to issue otherwise permissible orders.

**DATE OF PASSAGE:** April 3, 2025

**EFFECTIVE DATE:** July 2, 2025

**ACTION BY GOVERNOR:** Signed April 12, 2025

# House Bill 2217

## STRIKE AND INSERT AMENDMENT FOR COMMITTEE SUBSTITUTE

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**SHORT TITLE:** Relating to penalties for conspiracy to commit murder

**CODE REFERENCE:** §61-10-31

### **SUMMARY:**

This bill amends the general conspiracy statute to require increase penalties for those convicted of conspiracy to commit felony crimes of violence and felony crimes where the victim is a minor child. The penalty for these will be 3-15 years imprisonment. The punishment for those convicted of conspiracy to commit kidnapping, arson in the first degree, and sexual assault in the first degree will be 5-25 years imprisonment.

**DATE OF PASSAGE:** April 8, 2025

**EFFECTIVE DATE:** July 7, 2025

**ACTION BY GOVERNOR:** Signed April 25, 2025

# House Bill 2222

## COMMITTEE SUBSTITUTE

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**SHORT TITLE:** Relating to authorizing certain agencies of the Department of Administration to promulgate legislative rules

**CODE REFERENCE:** §6-2-1 et seq. (Amends and Reenacts)

### **SUMMARY:**

This Committee Substitute is the Department of Administration Bundle, known as Bundle 2. It contains 10 rules from the Department, Information Services, the Office of Technology, and Public Defender Services.

#### **House Bill No. 2221. General Administration of Records Management and Preservation, 148 CSR 12**

The rule amends a current legislative rule by extending the sunset date to August 1, 2035.

#### **House Bill No. 2222. Department of Administration, Department of Administration, 148-13, Retention and Disposal Scheduling, 148 CSR 13**

The rule amends a current legislative rule by extending the sunset date to August 1, 2035.

#### **House Bill No. 2223. Department of Administration, Management of Records Maintained by the Records Center, 148 CSR 14**

The rule amends a current legislative rule by extending the sunset date to August 1, 2035.

#### **House Bill No. 2224. Department of Administration, Exemptions from Management Services Provided by Fleet Management Division, 148 CSR 23**

The rule amends a current legislative rule. The Department of Administration's Fleet Management Division tracks and manages all state-owned vehicles, with certain exceptions. Previously, the Division of Natural Resources/Parks and Recreation was exempted from being required to use the Fleet Management Division for both fuel and maintenance. This rule narrows the exemption to just fuel services.

**House Bill No. 2225. Department of Administration, Financial Services Reporting, 148 CSR 24**

The rule amends a current legislative rule by extending the sunset date to August 1, 2035.

**House Bill No. 2226. Information Services and Communications Division, Plan of Operation, 161 CSR 01**

The rule repeals a current legislative rule to reflect that agency's merger into the state Office of Technology, also under the Dept of Administration. This repeal signifies a matching repeal of statute and is an effort to remove all Information Services and Communications Division rules from the series. The Office of Technology promulgated rules this year with an updated version of the same content.

**House Bill No. 2227. Information Services and Communications Division, Telecommunication Payments by Spending Units, 161 CSR 02**

The rule repeals a current legislative rule to reflect that agency's merger into the state Office of Technology, also under the Dept of Administration. This repeal signifies a matching repeal of statute and is an effort to remove all Information Services and Communications Division rules from the series. The Office of Technology promulgated rules this year with an updated version of the same content.

**House Bill No. 2228. Office of Technology, Plan of Operation, 163 CSR 04**

This rule is new. Enrolled House Bill No. 5432, which was passed during the 2024 Regular Session, merged the Information Services and Communication Division into the West Virginia Office of Technology. The rule merely transfers, with only minor updates and changes, the current Information Services and Communication Division rule 161 CSR 01 ("Plan of Operation") into the rule.

**House Bill No. 2229. Office of Technology, 163-05, Telecommunications Payments Made By State Spending Units, 163 CSR 05**

This rule is new. Enrolled House Bill No. 5432, which was passed during the 2024 Regular Session, merged the Information Services and Communication Division into the West Virginia Office of Technology. The rule merely transfers, with only minor updates and changes, the current Information Services and Communication Division rule 161 CSR 02 ("Telecommunications Payments Made By State Spending Units") into the rule.

**House Bill No. 2230. Public Defender Services, Payment of Fees and Reimbursement of Expenses of Court-Appointed Attorneys, 89 CSR 01**

The rule amends a current legislative rule which sets forth the process for the submission of vouchers by court appointed attorneys representing indigent criminal defendants and indigent parents in child abuse and neglect proceedings. It is in response

to Enrolled House Bill No. 3156 which passed during the 2023 Session. It increased the caps on compensation and expenses of court appointed attorneys.

The rule clarifies the definitions of “Capital case” and “investigative services and adds a definition for “specialized counsel”. It provides that paralegal and Investigative services are considered fees and are included in calculation of statutory limit on payment of compensation.

The rule increases the paralegal services cap from \$1,000 to \$2,000, clarifies that guardian ad litem services for juvenile competency and the services of specialized counsel are paid at governing rates, increases the cap for anything other than a capital case from \$3,000 to \$4,500, increases the cap for reimbursement of actual and necessary expenses for anything other than a capital case from \$1,500 to \$2,500 and allows panel attorneys to receive compensation in expungement matters (capped at \$1,000 in fees and \$500 in expenses absent good cause) where charges were dismissed or a not guilty verdict entered. It also states that File and Serve Xpress fees for filing with the Supreme Court are reimbursable to the attorney, requires that vouchers be submitted 90 days after ‘last date of service for a “concluded matter” and clarifies that vouchers can be rejected for inclusion of personal identification information.

**DATE OF PASSAGE:** March 19, 2025

**EFFECTIVE DATE:** March 19, 2025

**ACTION BY GOVERNOR:** Signed March 26, 2025

# House Bill 2233

## COMMITTEE SUBSTITUTE

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**SHORT TITLE:** Authorizing the Department of Environmental Protection to promulgate legislative rules

**CODE REFERENCE:** §64-3-1 *et seq.* (Amends and Reenacts)

### SUMMARY:

This bill is the result of the Hazardous Waste Management Act found in W.Va. Code §22-18-1, *et seq.* The Act protects West Virginia from the effects of inadequate management of hazardous waste. This rule regulates hazardous waste to protect public health, safety and the environment.

West Virginia currently has primary enforcement authority. The adoption of the rule is necessary to maintain state enforcement authority. The rule adopts and incorporates by reference the federal regulations set forth in 40 CFR Parts 260 through 279 in effect as of December 7, 2023. The Federal amendment adopted by this rule change is:

Test Method for Standards to Control Organic Emissions.  
Federal Register Reference: 88 FR 16732-16774

Technical Corrections for the Hazardous Waste Generator Improvements Rule, the Hazardous Waste Pharmaceuticals Rule, and the Definition of Solid Waste Rule.  
Federal Register Reference: 88 FR 54086-54115

DEP is proposing this to adopt the most current federal regulations to maintain consistency with the federal program.

**AUTHORITY:** W.Va. Code §22-18-6.

**PUBLIC COMMENTS:** No comments were received.

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**House Bill No. 2232. Ambient Air Quality Standards, 45 CSR 08**

### PERTINENT DATES:

Filed for public comment: July 3, 2024.

Public comment period ended: August 6, 2024.

Public hearing: Yes, on August 6, 2024.



Agency approved filing: August 23, 2024.

Filed as emergency: No.

Sunset provision: Environmental rules are excepted from requirements.

Fiscal Impact: None expected.

## **SUMMARY:**

This rule modifies a rule to incorporate by reference the ambient air quality standards for carbon monoxide, lead, nitrogen dioxide, ozone, particulate matter, and sulfur dioxide to the national ambient air quality standards established under the Clean Air Act. The rule also incorporates by reference ambient air monitoring reference methods promulgated by the EPA.

The modifications adopt and incorporate by reference annual updates promulgated by EPA as of June 1, 2024. These modifications are necessary to maintain consistency with the federal counterpart and allow West Virginia to continue having primary enforcement authority. Also, a new section is added, §45-8-5 titled “Severability”, which reads:

### **§45-8-5. Severability.**

5.1. Each of the national primary and secondary ambient air quality standards promulgated by the United States Environmental Protection Agency under 40 C.F.R. part 50 and adopted and incorporated by reference under subsection 3.1 are severable.

5.2. Each of the ambient air monitoring reference methods and equivalent methods promulgated by the United States Environmental Protection Agency under 40 C.F.R. part 53 and adopted and incorporated by reference under subsection 3.2 are severable.

5.3. In the event any national primary and secondary ambient air quality standards promulgated by the United States Environmental Protection Agency under 40 C.F.R. part 50 and adopted and incorporated by reference under subsection 3.1 is withdrawn by the U.S. EPA, is invalidated by a court of competent jurisdiction in a final action after the last appeal deadline, and/or is invalidated by an act of the United States Congress, such provision is severed from 45CSR8 after the effective date of the withdrawal or invalidation and is no longer adopted and incorporated by reference under subsection 3.1.

5.4. In the event any ambient air monitoring reference methods and equivalent methods promulgated by the United States Environmental Protection Agency under 40 C.F.R. part 53 and adopted and incorporated by reference under subsection 3.2 is withdrawn by the U.S. EPA, is invalidated by a court of competent jurisdiction in a final action after the last appeal deadline, and/or is invalidated by an act of the United States Congress, such provision is severed from 45CSR8 after the effective date of the withdrawal or invalidation and is no longer adopted and incorporated by reference under subsection 3.2.

5.5. In the event any provision is severed in accordance with subsection 5.3, the Secretary shall publicly identify the severed provisions which are no longer adopted and incorporated by reference.

This means that if any EPA standard under subsections 3.1 and 3.2 is invalidated or repealed it will no longer be adopted or incorporated by reference in the state.

**AUTHORITY:** W.Va. Code §22-5-4.

**PUBLIC COMMENTS:** Numerous written comments were received from the EPA, Ohio Valley Environmental Advocates and Jefferson County Foundation. DEP responded to each comment. Sections §45-8-5.3 and 5.4 were reworded and section §45-8-5.5 was added because of the comments.

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## **House Bill No. 2233. Standards of Performance for New Stationary Sources, 45 CSR 16**

### **PERTINENT DATES:**

Filed for public comment: July 3, 2024.

Public comment period ended: August 6, 2024.

Public Hearing: Yes.

Agency approved filed following public comment period: August 23, 2024.

Sunset provision: Not applicable to environmental rules.

Filed as emergency: No.

Fiscal Impact: None expected.

### **SUMMARY:**

This rule modifies a rule which establishes national standards of performance and requirements for new stationary sources of air pollution as promulgated by the EPA under the Clean Air Act.

The modifications adopt and incorporate by reference annual updates to the federal counterpart as of June 1, 2024. These modifications are necessary to maintain consistency with the federal counterpart and allow West Virginia to continue as the primary enforcement authority of new source performance standards. Also, a new section, §45-8-5 titled “Severability”, is added:

### **§45-16-8. Severability.**

8.1. Each of the provisions of 40 C.F.R. parts 60 and 65, to the extent referenced in 40 C.F.R. part 60, including any reference methods, performance specifications and other test methods which are appended to these standards and contained in 40 C.F.R. parts 60 and 65 and adopted and incorporated by reference under subsection 4.1 are severable.

8.2. In the event any provisions of 40 C.F.R. parts 60 and 65, to the extent referenced in 40 C.F.R. part 60, including any reference methods, performance specifications and other test methods which are appended to these standards and contained in 40 C.F.R. parts 60 and 65 and adopted and incorporated by reference under subsection 4.1 is withdrawn by the U.S. EPA, is invalidated by a court of competent jurisdiction in a final action after the last appeal deadline, and/or is invalidated by an act of the United States Congress, such provision is severed from 45CSR16 after the effective date of the withdrawal or invalidation and is no longer adopted and incorporated by reference under subsection 4.1.

8.3. In the event any provisions are severed pursuant to subsection 8.2, the Secretary may terminate any permit or section of an existing permit issued pursuant to 45CSR13, 45CSR14, 45CSR19, and 45CSR30 to address, and limited to, the affected severed provisions.

8.4. In the event any provision is severed in accordance with subsection 8.2, the Secretary shall publicly identify the severed provisions which are no longer adopted and incorporated by reference.

This means that if any EPA standard under subsections 4.1 is invalidated or repealed it will no longer be adopted or incorporated by reference in the state.

**AUTHORITY:** W.Va. Code §22-5-4.

**PUBLIC COMMENTS:** Numerous written comments were received from EPA, Ohio Valley Environmental Advocates and Jefferson County Foundation. DEP responded to each. Sections §45-16-8.2 and 8.3 were reworded and section §45-16-8.4 was added due to comments.

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## **House Bill No. 2234. Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities, 45 CSR 25**

### **PERTINENT DATES:**

Filed for public comment: July 3, 2024.

Public comment period ended: August 6, 2024.

Public Hearing: Yes.

Agency approved filed following public comment period: August 23, 2024.

Sunset provision: Not applicable to environmental rules.

Filed as emergency: No.

Fiscal Impact: None expected beyond current applicable federal requirements.

### **SUMMARY:**

This rule modifies a rule which adopts emission standards for controlling air pollution from Hazardous Waste Treatment, Storage, and Disposal Facilities, as

promulgated by EPA in under the federal Resource Conservation and Recovery Act. The rule also incorporates by reference some provisions of 33 CSR 20.

The modifications adopt annual updates to the federal counterpart promulgated as of June 1, 2024. These modifications are necessary to maintain consistency and allow the state to continue as the primary enforcement for the Hazardous Waste Management System.

Revisions to the rule include subdivision 1.6.1 and subsections 3.1 and 3.1. The rule numbers and text formats were revised to comport with standards. Obsolete language was removed, typographical corrections were made, and numerical references were updated throughout. Severability clauses were added under a new section 9 which read as follows:

**§45-25-9. Severability.**

9.1. Each of the federal provisions contained in 40 C.F.R. parts 260, 261, 262, 264, 265, 266, 270, and 279 as listed in Table 45-25, including any reference methods, performance specifications and other test methods appended to these parts and contained in parts 60, 61, 63, 260, 261, 262, 264, 265, 266, 270, and 279 and adopted and incorporated by reference under subsection 3.2 are severable.

9.2. In the event any provisions contained in 40 C.F.R. parts 260, 261, 262, 264, 265, 266, 270, and 279 as listed in Table 45-25, including any reference methods, performance specifications and other test methods appended to these parts and contained in parts 60, 61, 63, 260, 261, 262, 264, 265, 266, 270, and 279 and adopted and incorporated by reference under subsection 3.2 is withdrawn by the U.S. EPA, is invalidated by a court of competent jurisdiction in a final action after the last appeal deadline, and/or is invalidated by an act of the United States Congress, such provision is severed from 45CSR25 after the effective date of the withdrawal or invalidation and is no longer adopted and incorporated by reference under subsection 3.2.

9.3. In the event any provisions are severed pursuant to subsection 9.2, the Secretary may terminate any permit or section of an existing permit issued pursuant to 45CSR13, 45CSR14, 45CSR19, and 45CSR30 to address, and limited to, the affected severed provisions.

9.4. In the event any provision is severed in accordance with subsections 9.2, the Secretary shall publicly identify the severed provisions which are no longer adopted and incorporated by reference.

This means that if any USEPA standard under section 3.2 is invalidated or repealed it will no longer be adopted or incorporated by reference in the state.

The updates include Hazardous Waste Generator Improvement Rule, the Hazardous Waste Pharmaceuticals Rules, the Definition of Solid Waste Rule, and Standards to control organic emissions.

**AUTHORITY:** W.Va. Code §22-5-4 and §22-18-6.

**PUBLIC COMMENTS:** Numerous written comments were received from EPA, Ohio Valley Environmental Advocates and Jefferson County Foundation. DEP responded to each. Sections §45-25-9.2 and 9.3 were reworded and section §45-25-9.4 was added due to comments.

**AGENCY MODIFICATIONS:** During review by the Legislative Rule Making Review Committee the agency agreed to modifications which were updated in a filing dated November 18, 2024.

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## **House Bill No. 2231. Emission Standards for Hazardous Air Pollutants, 45 CSR 34**

### **PERTINENT DATES:**

Filed for public comment: July 3, 2024.

Public comment period ended: August 6, 2024.

Public Hearing: Yes.

Agency approved filed following public comment period: August 23, 2024.

Sunset provision: Not applicable to environmental rules.

Filed as emergency: No.

Fiscal Impact: None expected beyond currently applicable federal requirements.

### **SUMMARY:**

This rule modifies a rule which establishes a program of national emission standards for hazardous air pollutants promulgated by EPA under the Clean Air Act. The modifications incorporate by reference annual updates to the federal counterpart as of June 1, 2024. These modifications are necessary for the state to continue to be the primary enforcement authority. Also, severability clauses were added:

#### **§45-34-8. Severability.**

8.1. Each of the federal provisions of 40 C.F.R. parts 61, 63, and 65, to the extent referenced in 40 C.F.R. parts 61 and 63, including any reference methods, performance specifications and other test methods which are appended to these standards and contained in 40 C.F.R. parts 61, 63, and 65 and adopted and incorporated by reference under subsection 4.1 are severable.

8.2. In the event any provisions of 40 C.F.R. parts 61, 63, and 65, to the extent referenced in 40 C.F.R. parts 61 and 63, including any reference methods, performance specifications and other test methods which are appended to these standards and contained in 40 C.F.R. parts 61, 63, and 65 and adopted and incorporated by reference under subsection 4.1 is withdrawn by the U.S. EPA, is invalidated by a court of competent jurisdiction in a final action after the last appeal deadline, and/or is invalidated by an act of the United States Congress, such provision is severed from 45CSR34 after the effective

date of the withdrawal or invalidation and is no longer adopted and incorporated by reference under subsection 4.1.

8.3. In the event any provisions are severed pursuant to subsection 8.2, the Secretary may terminate any permit or section of an existing permit issued pursuant to 45CSR13, 45CSR14, 45CSR19, and 45CSR30 to address, and limited to, the affected severed provisions.

8.4. In the event any provision is severed in accordance with subsections 8.2, the Secretary shall publicly identify the severed provisions which are no longer adopted and incorporated by reference.

This means if any EPA standard under subsection 4.1 is invalidated or repealed it will no longer be adopted or incorporated by reference in the state.

**AUTHORITY:** W.Va. Code §22-5-4 and §22-1-3.

**PUBLIC COMMENTS:** Numerous written comments were received from EPA, Ohio Valley Environmental Advocates and Jefferson County Foundation. DEP responded to each. Sections §45-34-8.2 and 8.3 were reworded and section §45-34-8.4 was added due to the comments.

**AGENCY MODIFICATIONS:** During review by the Legislative Rule Making Review Committee the agency agreed to modifications which were updated in a filing dated November 18, 2024.

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## **House Bill No. 2236. Requirements Governing Water Quality Standards, 47 CSR 02**

### **PERTINENT DATES:**

Filed for public comment: June 26, 2024.

Public comment period ended: August 17, 2024.

Public Hearing: Yes.

Agency approved filed following public comment period: August 29, 2024.

Sunset provision: Environmental rules are excepted from requirements.

Filed as emergency: No.

Fiscal Impact: None expected.

### **SUMMARY:**

This rule is the result of the Water Pollution Control Act found in W.Va. Code §22-11-1, *et seq.* The code compels DEP to review and possibly revise water quality standards on a triennial basis.

The rule governs the discharge of sewage and various wastes into the waters of the state and establishes water quality standards for the waters standing or flowing over the

surface. The state is to maintain reasonable standards of purity and quality of water consistent with (1) public health and public enjoyment; (2) the propagation and protection of animals and aquatic life; and (3) the expansion of industrial development and agriculture.

The rule changes begin by adding a definition of “Variance”. The term was not previously defined.

The changes add new subcategories “B3” for limited aquatic life and “C2” for limited water contact recreation. EPA assisted in drafting the language and is based on other states. The new subcategories classify waters that have not achieved, or are ever likely to achieve, full attainment. Many streams were polluted before the Clean Water Act went into effect. These waters will have standards below full attainment but will not be on the impaired list.

Generally, these waters may be polluted due to historical practices, and because of the size and location of the source of pollution, are impractical to treat to full attainment. These waters may have partial attainment regarding certain types of pollution. The water quality standards under these new categories may become more stringent over time if pollution levels in the designated streams improve over time. The highest level of attainment for a stream standard becomes the new standard which must be met.

Under the Cheat River and the Tygart River, existing variances are more specifically defined for the respective stream. Language is also added which requires that these variances be reevaluated and updated every 5 years. The variances will last 20 years before having to be reissued. These time periods account for possible improvement in pollution control technology through time.

Under the Guyandotte River, an existing variance is more specifically defined. The change acknowledges that the EPA criteria is based upon a sensitive fish species that does not exist in the waters. EPA has agreed to this new standard. Other criteria for these waters are met.

Regarding site-specific copper, changes are made to allow for quicker permit modifications on certain types of permits. A 45-day public comment period, public hearing, and approval by the USEPA will be required before a site-specific copper criterion is established in the permitting process.

The table in Appendix E is revised. The “fecal coliform” standard is replaced with “E. coli” language for water contact recreation. The specific virus is a better indicator of problems which might affect water and the people using it for recreation. The Ohio River fecal coliform provision is similarly changed.

New standards are added for Bis(2-Chloroethyl) Ether, DDE, Endosulfan Sulfate, Heptachlor Epoxide, Hexachlorobutadiene, Nitrobenzene, and 1,2-dichloropropane. Certain companies have these substances indicated as possible pollutants due to their EPA classification. As such, the substances will have standards inserted into the rule.

**AUTHORITY:** W.Va. Code §22-11-4 and W.Va. Code §22-11-7b

**PUBLIC COMMENTS:** There were numerous public comments received from the EPA, WV Rivers, Friends of the Cheat, WV Coal Association, Save the Tygart Watershed Association, WV Manufacturer's Association, GOWV, and others. DEP responded and made revisions based on the comments. The comment file is available for review from the Secretary of State.

**AGENCY MODIFICATIONS:** During review by the Legislative Rule Making Review Committee the agency agreed to modifications which were updated in a filing dated November 21, 2024.

**COMMITTEE SUBSTITUTE MODIFICATION:** The Committee Substitute authorizes the rule but subject to the following amendment:

On page 8, following subdivision 6.2.4. by adding a new subdivision designated 6.2.5. to read as follows:

6.2.5. Category A is a non-101(a)(2) use designation as defined by EPA Water Quality Standards 40 CFR 131.3(q) which can be considered for removal based on submitted documentation demonstrating surface waters are without the capacity or are of limited capacity to reliably and continually support the public water supply use.

6.2.5.a. A use and value demonstration to remove this use must supply sufficient information to support the conditions identified in sections 6.1.2.b or 6.1.2.c. Key additional information to be included is confirmation that the public water supply is not an existing use (e.g., there is no evidence that the water body is used for this purpose); the nearby population uses an alternative drinking water supply; and the current supply is sufficient to accommodate reasonably anticipated future growth.

6.2.5.b. Although a use and value demonstration does not require an evaluation of factors affecting attainability, a use attainability analysis (UAA) as required for federally protected uses may be submitted for consideration to determine Category A removal.

6.2.5.c. Removal of Category A must still be protective of downstream uses consistent with CWA Section 303(c)(2)(a).

6.2.5.d. Any Category A use removal in accordance with this subsection will be subject to a 45-day public comment period and a public hearing and submitted to EPA for approval. Upon U.S. EPA approval, the removal will become effective for permitting and compliance purposes and added to the Department's Water Quality Standards website under Modifications to Water Quality Standards – Site Specific Criteria, and will be added to 47 CSR 02 Section 7 at the next legislative rule-making review cycle.;

And, on page 43, by striking out all of subdivision 8.13.1. and inserting in lieu thereof a new subdivision 8.13.1. to read as follows:



8.13.1. Ohio River main stem (zone 1) – During the non-recreational season (November through April only) the maximum allowable level of fecal coliform for the Ohio River (either MPN or MF) shall not exceed 2000 /100 ml as a monthly geometric mean based on not less than 5 samples per month.

These amendments to the rule are an effort to allow streams with low and/or intermittent flow or bad water quality to be removed from Category A because the quality or quantity of the water is so poor the stream is not suited to be a public water source. The sampled data quality available from these streams is as inconsistent as the flowrate. Moreover, the volumes or quality of water flow are not suited to successful water impoundments.

The final committee substitute language in section 6.2.5.d. has been clarified to ensure that any stream removed from Category A is promulgated as an emergency rule and reviewed by the legislature at the next legislative rule-making review cycle. The prior language was vague saying “at the next rule revision.”

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## **House Bill No. 2237. Underground Injection Control, 47 CSR 13**

### **PERTINENT DATE:**

Rule Authorized by Legislature: April 5, 2024.

### **SUMMARY OF AMENDMENTS:**

This rule is promulgated under the Water Pollution Control Act governing the discharge and disposal of pollutants into the waters of the state to maintain reasonable standards of quality. Specifically, this rule governs the Underground Injection Control Program (UIC). The program regulates underground injections of waste into 6 classes of wells.

Class 1 wells are for disposal of hazardous wastes below the water table.

Class 2 wells are for injection fluids associated with oil and gas production such as brine water.

Class 3 wells are used to inject fluids to dissolve and extract minerals such as salt mining.

Class 4 wells cover radioactive materials that do not meet the Class 1 criteria. Class 4 wells are no longer allowed under the federal rule, but nationally some are grandfathered for closure.

Class 5 wells are shallow wells above the water table, which are not Class 1 through 4 or Class 6. These include wells such as commercial sewage leach fields.

Class 6 wells are for carbon capture and sequestration.

The introduced bill includes the following rule revision:

And, 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.

The committee substitute also includes two additional changes:

On page 41, by striking out all of subdivision 12.4.1. and inserting in lieu thereof a new subdivision 12.4.1. to read as follows:

12.4.1. Certain Class 5 wells may be authorized by rule pursuant to subsection 14.2. unless the Director requires an individual permit.;

On page 59, by striking out all of paragraph 14.2.1.b. and renumbering the remaining paragraph.

This language amends the rule, so WV's rule matches the current federal language. Moreover, this change help will harmonize West Virginia's UIC permitting to be like our neighboring states.

The USEPA requested a technical change the rule which has been incorporated in the committee substitute. Under subdivision 1.2, title "Authority", the rule lists only the Water Pollution Control Act, being §22-11-8(B)(7). The committee substitute will insert a citation into the rule to the Underground Carbon Dioxide Storage laws, being §22-11B-3.

**AUTHORITY:** W.Va. Code §22-11-7a.

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**House Bill No. 2238. Water Pollution Control Permit Fee Schedules, 47 CSR 26**

**PERTINENT DATES:**

Filed for public comment: July 3, 2024.

Public comment period ended: August 17, 2024.

Public Hearing: Yes.

Agency approved filed following public comment period: August 29, 2024.

Sunset provision: Environmental rules are excepted from requirements.

Filed as emergency: No.

Fiscal Impact: No additional costs are expected to burden the state government. However, the regulated community will be burdened by an approximate increase in fees of about \$2,613,275 per year once fully implemented. The last fee increase was more than 25 years ago.

**SUMMARY:**

This rule is the result of the Water Pollution Control Act found in W.Va. Code §22-11-1, *et seq.* The statute provides DEP authority to establish a Water Quality Management Fund, permit application fees, and annual permit fees.

DEP is proposing to update the permit fee schedules. This update will increase many permit applications fees and annual permit fees for water pollution control permits and national pollutant discharge elimination system permits. The increases will apply to those who are required to obtain a permit to conduct activity enumerated in W. Va. Code §22-11-8.

A multitude of fees are increased throughout the rule. This is the first fee increase in over 25 years. This program relies only on special revenues paid for permitting and enforcement penalties for funding. The widening gap between revenue and expenditure has become unsustainable. The fund is becoming depleted, and needs stabilized. Increased operational costs and reductions of other funding sources are adversely affecting the program.

**AUTHORITY:** W.Va. Code § 22-11-10.

**PUBLIC COMMENTS:** There were numerous public comments received during the rulemaking process. WV Rivers Coalition was generally supportive. The American Petroleum Institute asked for details concerning the need. WVDEP responded to the comments.

**AGENCY MODIFICATIONS:** During review by the Legislative Rule Making Review Committee the agency agreed to modifications which were updated in a filing dated November 21, 2024.

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**House Bill No. 2239. National Pollutant Discharge Elimination System, 47 CSR 10****PERTINENT DATE:**

Rule Authorized by Legislature: May 1, 2012.

**SUMMARY:**

The committee substitute directs DEP to amend the legislative rule filed in the State Register on May 1, 2012, governing the National Pollutant Discharge Elimination System (NPDES), being 47 CSR 10, with these amendments:

On page 9, after paragraph 3.6.f.2. by adding a new subsection designated 3.7. to read as follows:

3.7. It is the intention of the Director to re-issue permits before the termination of the existing permit. Accordingly, absent agreement of the permittee to an alternative schedule, notice of the draft permit and fact sheet shall be provided to the public in accordance with subdivision 10.1.d. and section 12 of this rule, no less than three months prior to the termination date, with final permit re-issuance a month prior to permit termination: *Provided*, That an administratively complete application is received 210 days prior to the expiration date of the permit.;

On page 30, after subdivision 7.9.c., by adding a new subsection designated 7.10. to read as follows:

7.10. At the request of the permittee, the Director shall develop alternative permit limits and conditions for alternative operating scenarios or conditions that are reasonably likely to occur and are identified by the permit applicant.;

On page 33, by striking out all of paragraph 9.2.b.1. and inserting in lieu thereof a new paragraph

9.2.b.1. to read as follows:

9.2.b.1. Alterations. There are material and substantial alterations or additions to the permitted facility or activity that justify the application of permit conditions that are different or absent in the existing permit, including the acceptance of wastes from an indirect discharger pursuant to section 14 of this rule. Alterations or additions to a facility's equipment or activities that do not result in the discharge of a new pollutant, or in concentrations or amounts that are greater than allowed in the permit, are not material or substantial and do not require modification.;

On page 36, after subdivision 9.5.k., by adding a new subsection designated 9.6. to read as follows:

9.6. Permits that have exceeded their stated term and have been extended pending re-issuance may be modified in accordance with this section.;

And, on page 37, after subdivision 10.1.d., by inserting a new subdivision designated 10.1.e. to read as follows:

10.1.e. All draft permits and fact sheets for individual NPDES permits shall be made available to the permittee at least 10 business days prior to being publicly noticed in accordance with subsection 3.7 of this rule, unless such opportunity for review is expressly waived by the permittee. The Director or the Director's designee shall meet with any permittee to discuss the draft permit at the request of the permittee before issuing the draft permit.

This amendment language is being changed to promote and improve the efficiency and timeliness of issuing NPDES permits by DEP.

**AUTHORITY:** W.Va. Code §22-11-4.

**DATE OF PASSAGE:** April 4, 2025

**EFFECTIVE DATE:** April 4, 2025

**ACTION BY GOVERNOR:** Signed April 25, 2025

# House 2267

## COMMITTEE SUBSTITUTE

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**SHORT TITLE:** Authorizing Department of Revenue to Promulgate Legislative Rules

**CODE REFERENCE:** §64-7-1 *et seq.* (Amends and Reenacts)

### **SUMMARY:**

This legislation contains legislative rules from the Alcohol Beverage Control Commission, the Insurance Commission, the Lottery Commission, and the Tax Division of the state.

### **House Bill No. 2261. Alcohol Beverage Control Commission – Private Club, 175 CSR 02**

This rule updates the existing rule regarding sales of wine and cider and makes the following changes.

Updates definitions – Beyond merely technical updates, changes the maximum alcohol content of wine which will still not be considered “alcoholic liquor.” The definition for “fortified wine” is also amended to change the maximum allowable alcohol content to 24% total (previously was any wine to which alcohol had been added). “Person” is also amended to disclose trusts, where all members of such trust are disclosed. A new definition is added for PODAs (private outdoor designated areas). New definitions and requirements to be considered a “private bakery,” “private cigar shop,” “private food court,” “private food truck,” “private coliseum or center,” and “private college sports stadium” are added. Throughout the rule, in sections dealing with applications, renewals, licensing, etc., these newly defined entities are added as appropriate. The requirement that the amount of food inventory exceed \$500 to be considered a “private club bar” is removed, as is the \$2,500 minimum under the definition of “private hotel.” The definitions of “private hotel” and “private resort hotel” are also amended to allow such entities to sell guests 21 and older beer and wine from a room mini-bar. Finally, a new definition for “qualified permit holder” is added.

Section 3 (pg. 22) deals with licensure and now requires background checks to include fingerprinting, and that any person managing the applicant’s business also undergo the same background check as the applicant. Regulations regarding PODAs are also detailed. Finally, dual licensing (private coliseum and center dual license as a private fair or festival) is contemplated and detailed.

Section 4 (pg. 38) deals with the operation of private clubs. Subsection 4.13.4 clarifies that retail liquor outlets may only sell to private club license types in their own market zones or a contiguous market zone without facing penalties. Subsection 4.14 regards private fairs and festivals and contemplates sales of nonintoxicating beer, nonintoxicating craft beer, wine, and hard cider for on-premises and off-premises consumption if they have an agreement with the festival. It also allows for promotional items to be handed out by authorized and approved brewers, resident brewers, wineries, or farm wineries, or licensed representatives of any. Liquor may be sold for on-premises or off-premises (sealed) consumption by authorized licensed distilleries, mini-distilleries, or micro-distilleries that have an agreement with the private fair or festival and who meet the requirements laid out in code. Any agreement with the festival must ensure that the festival, itself, doesn't get a percentage of the sales. The use of licensed representatives, in addition to employees, independent contractors, and volunteers, is now allowed.

Finally, the proper venue for any hearing or appeal is now the ICA.

Other technical changes are made throughout.

**AMENDMENT** – The House Finance Committee amended the rule to allow certain licensees who meet the qualifications to do so to set up to-go drink stands on the sidewalk of their business.

### **House Bill No. 2262. Alcohol Beverage Control Commission – Sales of Wine and Hard Cider, 175 CSR 04**

This rule updates the existing rule regarding sales of wine and cider and makes the following changes.

Updates definitions – Beyond merely technical updates, clarifies that, when in reference to a distributor, the term “person” means more than a human individual, but also includes a company, trust, etc. Other changes include a more detailed definition of “farm winery,” a more detailed definition of “food or meal,” an increase in the maximum upper limit of the alcohol content of “fortified wine,” a reduction in the maximum lower limit of sales necessary to qualify as a “grocery store,” new definitions for “hard cider” and “hard cider distributor,” a new definition for “manager” in regard to an applicant or licensee, a clarification of what “infusion” means in the definition of nonintoxicating beer, new definitions for “nonintoxicating craft beer,” nonfortified dessert wine,” “one day nonprofit wine license,” “Private outdoor designated area,” “private fair and festival,” and “private manufacturing club,” adds a restroom requirement (waivable) to the definition of a “private wine restaurant,” clarifies the definition of “public place,” adds new definitions for “qualified permit holder,” “sacramental wine,” “sampling,” “unlicensed winery,” “wine growler,” and “wine tasting club,” and updates the definitions of “wine” and “wine sampling.”

Section 3 (pg. 11) deals with suppliers and references the administration's website for forms for registration and licensing. This section also does away with the surety bond

which licensees were previously required to submit. A new fee is added, a \$150 reactivation fee for any licensee that fails to renew their license in the timeframe proscribed. Renumbering and other technical changes are made throughout.

Section 4 (pg. 16) deals with wine distributors. It again references the ABCA's website for application for licensure. It also clarifies throughout that the applicant's manager's information must also appear on the license application. This section also does away with the surety bond which licensees were previously required to submit. A new fee is added, a \$150 reactivation fee for any licensee that fails to renew their license in the timeframe proscribed. Regarding rotation of stock by a distributor in a grocery store or wine shop, clarification is added that shelf planning and diagramming must comply with federal law and be offered to all retailers. Renumbering and other technical changes are made throughout.

Section 5 (pg. 23) regards licensed retailers. It does the same as above, in addition to requiring an applicant's manager undergo the same background check as the applicant and cites failure to do so as a reason to deny a license. Specific regulations are now listed regarding a wine specialty shop's ability to deliver wine gift baskets. The sale of wine growlers is contemplated, and regulations set out therefore, including sanitation requirements, and private wine delivery licenses for Class B licensed retailers and third parties are listed. Finally, a requirement that licensed retailers prominently display the human trafficking notice from W. Va. Code § 15A-2-5 is added.

Section 6 (pg. 31) does the same as above and deals with requirements for private wine restaurants. Throughout the section, requirements for private wine bed and breakfasts, as well as private wine spas (mostly just moved from previous sections 7 and 8), are also added.

Section 7 (pg. 43) deals with special licenses for wine fairs and festivals, professional baseball stadiums, college or university stadiums, wine heritage fairs and festivals, special one day nonprofit wine, wine clubs, alternating wine proprietorships, unlicensed wineries, and sacramental wine licenses. The requirements to obtain each are laid out and regulations set. The section notes that all applications can be found on the administration's website.

Section 8 (pg. 47) now deals with hard cider and lays out the requirements for a winery or farm winery to produce and sell hard cider.

Section 14 (pg. 70) allows for individuals 16 and older to be employed by licensees (previously 18).

Section 16 (pg. 74) deals with the hearing and appeal process and changes the appeal venue to the ICA.

Other technical changes are made throughout.



### **House Bill No. 2263. Alcohol Beverage Control Commission – Tobacco Products in Vending Machines, 175 CSR 09**

This rule is in response to House Bill No. 5084 passed during the Regular Session 2024 which, among other things, updated the definition for tobacco products which in turn allows for tobacco products other than cigarettes to be sold in vending machines in this state.

This rule establishes that, in addition to cigarettes, other tobacco products and electronic smoking devices may be sold in vending machines by Class A Licensees in this state. Requirements are outlined and penalties for noncompliance stated.

### **House Bill No. 2264. Alcohol Beverage Control Commission – Distilleries, Mini-Distilleries, and Micro-Distilleries, 175 CSR 10**

This rule updates the existing rule regarding sales of wine and cider and makes the following changes.

Updates definitions – Beyond merely technical updates, changes the maximum alcohol content of wine which will still not be considered “alcoholic liquor.” The definition for “fortified wine” is also amended to change the maximum allowable alcohol content to 24% total (previously was any wine to which alcohol had been added). New definitions and requirements to be considered a “private fair and festival” and a “private manufacturer club” are added. Another new definition is added for “political subdivision.” The definition of wine is amended to include hard cider, table wine, nonfortified dessert wine, and similar wine-based beverages containing up to 15.5% alcohol content (up from 7%).

Section 3 (pg. 4) deals with bailment, both real and constructive, and the prices which must be charged by distilleries and private manufacturer clubs at their locations, as well as at private fairs and festivals.

Section 4 (pg. 5) regards on-premises sampling and retail sales for off-premises personal consumption, as well as, now, on-premises and off-premises sales at private fairs and festivals. It sets sample limits at 3 separate samples for a total limit of 6 ounces (this was modified to just account for the 6 oz limit without reference to a number of samples). A provision is added to clarify that, if licensed at a private manufacturer club, the distillery etc. may also offer on-site consumption sales in addition to samples. Another clarification is added to the subsection stating that any retail sale for offsite consumption from the distillery is for private consumption only and may not be resold. All liquor sold to private club types must be from the retail liquor outlet in their respective market zones or a contiguous one.

Section 5 (pg. 6) deals with market zone fee payments and taxes and accounts for distilleries, mini-distilleries, micro-distilleries, and sales at private fairs and festivals in the rule's payment submission language to the Commissioner.

Section 6 (pg. 7) is the licensing section. The first substantive change in the rule is that now a single person or entity may be granted more than one license and may be any combination of licenses for distilleries, mini-distilleries, or micro-distilleries (previously limited to one). A distillery etc. may also now be licensed as a private manufacturer club which allows it to sell its own liquor as well as liquor purchased from its market retail liquor outlet, and beer and wine. A subsection is added allowing the owner of the licensed distillery etc. to also operate a winery, farm winery, brewery, or as a resident brewer.

Section 8 (pg. 9) dictates what signage a distillery etc. must show (its license, the BAC chart, the fetal alcohol syndrome warning sign, and the human trafficking notice).

Section 9 (pg. 10) deals with hours of operation and states that, in addition to the sale of liquor for off-site consumption, no distillery may offer samples between midnight and 6 am. In addition, all distilleries etc. licensed as private manufacturer clubs must obey the same hours of operation regulations as private club license types.

Section 10 (pg. 10) states that a political subdivision of the state may not regulate the on-premises sale, sampling, or consumption of liquor during regular business hours, the storage, warehousing, or wholesaling of liquor, or the sale of liquor-related items by distilleries etc.

Section 14 (pg. 17) incorporates the changes listed above in the penalties section of the rule.

Finally, the proper venue for any hearing or appeal is now the ICA.

Other technical changes are made throughout.

**AMENDMENT** – House Finance amended the modified rule in the bailment section (3) to lower the amount of remittance to just 5% plus bailment rather than putting “in the interest of promoting tourism.”

### **House Bill No. 2265. Alcohol Beverage Control Commission – Retail Enforcement of Select Plant-Based Derivatives and Derivative Products: Hemp and Kratom, 175 CSR 11**

This is a new rule in response to Senate Bill No. 679 passed in the last regular session. The new rule largely mirrors code and relates to the ABCA's cooperation with the

Department of Agriculture and the Tax Division to enforce regulation over hemp and kratom products.

Section 1 relates to authority and sets the sunset date for August 1, 2030.

Section 2 is definitional and references specific code sections where such definitions may be found.

Section 3 relates to retail enforcement authority and describes the process by which the ABCA shall work with the Dept of Ag to ensure retailers are legally selling in the state.

Section 4 describes how the ABCA may issue citations to violators of WV laws surrounding the sale of kratom and hemp products, and the manner by which evidence shall be gathered and delivered to the Dept of Ag for hearings and sanctions.

Section 5 deals with hearings and sanctions, and explicitly states that, although such processes are solely the purview of the Dept of Ag, the ABCA will make reasonable efforts to assist for testimony.

Section 6 describes MOUs and cooperative enforcement agreements between the ABCA, the Dept of Ag, and the Tax Division, if necessary, and makes reference to code which explains the same.

## **House Bill No. 2266. Alcohol Beverage Control Commission – Nonintoxicating Beer Licensing and Operations Procedures, 175 CSR 01**

This rule is in response to Legislation passed over the last regular session.

The sunset date is updated to August 1, 2035.

The rule updates several definitions including:

- “Alcoholic Liquor” or “Liquor” now explicitly includes barley beer and wine including barley wine. The previous cap for wine of 14% is upped to 15.5% to still not be considered liquor and nonintoxicating craft beer is added to the exceptions of what constitutes liquor, as well.
- A new definition is added for “Alternating Proprietorship Agreements” which allows brewers in WV to share equipment to brew nonintoxicating beer or craft beer.
- The definition of “Brewer’s Products” is amended for technical clarity.

- The words “located in this state” are removed from the definition of “Distributor” in regard to the location of brewers from whom a distributor may receive nonintoxicating beer/craft beer at its warehouse.
- Several definitions which reference brewers or licensed brewers add the words “or [a] resident brewer”.
- “Nonintoxicating beer sampling day” is expanded to include Class B licensees.
- “Private Club” is expanded to include private bakeries, private cigar shops, private college sports stadiums, and private coliseums or centers.
- A new definition for private fair and festival is added, as well as one for a private manufacturer club.

Provisions regarding licensing are amended as follows:

- Timing, requirements, and procedures for licensing are updated. (3.1.b)
- It is established that certain brewers which have more than one manufacturing site will receive a single license for all sites but all sites must meet all licensing requirements individually. (3.2.d.4)
- The provision of samples by licensees is established (3.2.k.1 – 3.2..k.5); Similarly, all licensed brewers and resident brewers have a limited off-site retail privilege at private fairs and festivals to sell their beer (for on-site or off-site consumption) within applicable laws and rules. (3.2.k.6).
- Alternating Proprietorship Agreements are established and guidelines provided (3.2.m)
- A provision regarding license applicants meeting all the requirements in code, being in good standing wherever else they have a license, and never having had a license revoked is added. (3.2.n)
- The proximity limit to schools and churches for Class A and B licensees is changed from 300 ft to 200 ft. (3.6.e.3)
- A new license – Class S2 – is provided for private fairs and festivals (3.11.c)
- Another new license is provided for regarding private manufacturer clubs which is a limited privilege license (3.11.m)

Wherever necessary throughout any mention of nonintoxicating beer adds the words “or nonintoxicating craft beer” directly after.

A special provision regarding licensees convicted of an administrative citation by the Dept of Agriculture for the sale of hemp or kratom products to persons under 21 or for unregistered hemp and kratom products being subject to penalties by the ABCA is added. (14.3)

Appeals go to the ICA, not the Kanawha County Circuit Court. (15.4)

Other technical changes are made throughout.

### **House Bill No. 2267 Insurance Commission – Medicare Supplement Insurance, 175 CSR 01**

Sunset extension only. This rule establishes specific standards for policy provisions of Medicare supplement policies.

### **House Bill No. 2268. Lottery Commission – West Virginia Lottery Sports Wagering Rule, 179 CSR 09**

This rule amends the Lottery Commission’s existing rule regarding the West Virginia Lottery Sports Wagering Act found in W. Va. Code §29-22D-1 *et seq.*, which charges the commission with its implementation.

The changes, beyond the merely technical, are the addition of four (4) new sections which closely align or exactly match the rule with the West Virginia Table Games Act (W. Va. Code §29-22C-1 *et seq.*) and its attendant rule (179 CSR 08). The new sections deal with the exclusion list which the commission keeps disallowing certain individuals from participating in any wagering or lottery functions which the commission oversees.

The first new section specifies criteria for placement on the exclusion list. The second new section establishes the procedure by which a name is placed on the exclusion list if the criteria is met. The third new section requires the commission to maintain the list and lays out its distribution, availability, and accountability given its potentially sensitive nature. Finally, the fourth new section regards an individuals’ ability to protest their name’s placement on the exclusion list, and the procedure by which such they may do so.

**House Bill No. 2269. Tax Division – Payment of Taxes by Electronic Funds Transfer, 110 CSR 10F**

Sunset extension only. This rule guides the administration of W. Va. Code §11-10-5t, which requires the Commissioner to require certain taxpayers to make payments by EFT, unless prohibited by federal or state law, so that the funds will be readily available to the State Treasury on the due date of payment.

**House Bill No. 2270. Tax Division – Alternative Resolution of Tax Disputes, 110 CSR 10G**

This rule amends the Tax Division’s existing rule governing alternative dispute resolution of tax disputes between taxpayers and the Division. It adds a definition of “financial hardship claim” which was referenced but never defined in the previous version of the rule.

Throughout the rule, any reference to the Department is struck and replaced with Division.

References to third-party mediation are removed.

Sections 3.1 is clarified regarding timing issues. It would now explain that taxpayers may file for ADR after receipt of their statement of account and notice of assessment but before the issuance of the finalized notice of assessment.

Also, certain information which the Division previously asked the taxpayer on its form requesting information (legal authority and other questions relating to legal posture and timing) have been struck for ease and accessibility (there remains catch-all language in case this information is relevant and necessary for the Division to request from the taxpayer).

**AMENDMENT** – House Finance amended the rule by giving another step to the Tax Division for taxpayers wishing to participate in ADR (essentially giving taxpayers another chance to take advantage of it).

**House Bill No. 2271. Tax Division – Consumers Sales and Service Tax and Use Tax – Drugs, Durable Medical Goods, Mobility Enhancing Equipment and Prosthetic Devices Per Se Exemption; Motor Vehicles Per Se Exemption, 110 CSR 15C**

Sunset extension only. This rule explains and clarifies the exemption from consumers sales tax provided in W. Va. Code §11-15-9i, exempting the purchase by a

health provider of certain drugs, durable medical goods, mobility enhancing equipment, and prosthetic devices from the consumers sales and service tax. In addition, this legislative rule supersedes the rules for per se exemption from consumer sales tax for the lease or sale of motor vehicles.

**House Bill No. 2272. Tax Division – Exchange of Information Pursuant to Written Agreement, 110 CSR 50C**

Sunset extension only. This rule authorizes certain information to be exchanged pursuant to a written interagency agreement between the Commissioner of the Tax Division and the Secretary of the Department of Commerce, the Director of the Division of Forestry, the Commissioners of the Public Service Commission, the Secretary of the Department of Environmental Protection, the Commissioner of the Alcohol Beverage Control Administration, the Commissioner of the Division of Labor, the Commissioner of the Insurance Commission, the Commissioner of the Division of Motor Vehicles, the Executive Director of Workforce West Virginia, the Office of the Governor, the Director of the West Virginia Lottery, and, the State Fire Marshal, and the West Virginia Council for Community and Technical College Education.

**DATE OF PASSAGE:** April 12, 2025

**EFFECTIVE DATE:** April 12, 2025

**ACTION BY GOVERNOR:** Signed April 28, 2025

# House Bill 2331

## COMMITTEE SUBSTITUTE

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**SHORT TITLE:** Relating to authorizing certain agencies of the Department of Commerce to promulgate legislative rules

**CODE REFERENCE:** §64-10-1 *et seq.* (Amends and Reenacts)

### **SUMMARY:**

This bill is the Department of Commerce Bundle, known as Bundle 10. It contains 12 rules from the Department and Miners' Health, Safety, and Training.

**House Bill No. 2331. Miners' Health, Safety, and Training, Rules Governing the Certification, Recertification, and Training of EMT-Miners and the Certification of EMT-M Instructors, 56 CSR 22**

The rule amends a current legislative rule by extending the sunset date to August 1, 2030.

**House Bill No. 2332. Division of Natural Resources, Transporting and Selling Wildlife Pelts and Parts, 58 CSR 16**

The rule amends a current legislative rule that extends the sunset date to August 1, 2030, and adds the non-resident lifetime license to the list of valid base licenses in the definition of licensed hunter or trapper.

**House Bill No. 2333. Division of Natural Resources, Boating Rule, 58 CSR 25**

The rule amends a current legislative rule by extending the sunset date to August 1, 2030.

**House Bill No. 2334. Division of Natural Resources, Special Boating Rule, 58 CSR 26**

The rule amends a current legislative rule by extending the sunset date to August 1, 2030.



**House Bill No. 2335. Division of Natural Resources, Public Use of Campgrounds in West Virginia State Parks and State Forests and Campsites in State Rail Trails under the Division of Natural Resources, 58 CSR 32**

The rule amends a current legislative rule by extending the sunset date to August 1, 2030.

**House Bill No. 2336. Division of Natural Resources, Special Projects and Grants for West Virginia State Parks, State Forests, and State Rail Trails Under the Division of Natural Resources, 58 CSR 34**

The rule amends a current legislative rule by extending the sunset date to August 1, 2030.

**House Bill No. 2337. Division of Natural Resources, Prohibitions When Hunting and Trapping, 58 CSR 47**

The rule amends a current legislative rule by extending the sunset date to August 1, 2030. It also eliminates the caliber restrictions for hunting coyote during hours of darkness (between ½ hour after sunset and ½ hour before sunrise).

***The House adopted an amendment to the rule removed the caliber restrictions for all hunting during hours of darkness.***

**House Bill No. 2338. Division of Natural Resources, General Hunting, 58 CSR 49**

The rule amends a current legislative rule by extending the sunset date to August 1, 2030. In response to public request, it also clarifies that an adult may assist a youth hunter with the safe handling of a firearm during youth season. The adult may not hunt during the youth season.

**House Bill No. 2339. Division of Natural Resources, Special Waterfowl Hunting, 58 CSR 58**

The rule amends a current legislative rule by extending the sunset date to August 1, 2030. It adds wetlands to the locations where concurrent waterfowl hunting is permitted during deer season. It also raises the maximum age that youth may hunt waterfowl from 15 to 17 and requires them to comply with state and federal licensing requirements. Youth hunters under the age of 15 must be accompanied by an adult hunter 18 years of age or older.

**House Bill No. 2340. Division of Natural Resources, Special Fishing Rule, 58 CSR 61**

The rule amends a current legislative rule by extending the sunset date to August 1, 2030.

**House Bill No. 2341. Division of Natural Resources, Catching and Selling Baitfish, 58 CSR 62**

The rule amends a current legislative rule by extending the sunset date to August 1, 2030.

**House Bill No. 2342. Division of Natural Resources, Falconry, 58 CSR 65**

The rule amends a current legislative rule by extending the sunset date to August 1, 2030. It also makes several non-substantive changes to Code of Federal Regulations section numbers which are cross-referenced throughout for the implementation of the federal Migratory Bird Act.

**DATE OF PASSAGE:** April 7, 2025

**EFFECTIVE DATE:** April 7, 2025

**ACTION BY GOVERNOR:** Signed April 25, 2025

# House Bill 2347

## STRIKE AND INSERT AMENDMENT FOR COMMITTEE SUBSTITUTE

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**SHORT TITLE:** The Joel Archer Substance Abuse Intervention Act.

**CODE REFERENCE:** §27-5-2 and §27-5-4 (Amends and Reenacts)

### **SUMMARY:**

Under existing law, involuntary commitment proceedings are analyzed in the following framework: 1) does the individual have a mental illness or substance use disorder and 2) is the individual likely to cause harm to self or others.

This bill addresses substance use disorder and permits the involuntary commitment process to proceed even when there is no likelihood of harm to self or others where the individual:

- (1) has a substance use disorder;
- (2) has lost the power of self-control with respect to substance use;
- (3) is in need of substance abuse services; and
- (4) by reason of substance abuse impairment, his or her judgment has been so impaired that the individual is incapable of appreciating his or her need for such services and is further incapable of making rational decisions.

Of note, an individual's mere refusal to receive substance abuse services does not constitute evidence of lack of judgment with respect to his or her need for substance abuse services.

Additionally, under existing law an individual with substance use disorder may be released when detoxification has occurred. This legislation requires that in addition to detoxification, the individual agree to voluntary treatment for substance use disorder.

Finally, the legislation provides for providing for restoration of firearm possession rights and the removal of individual from mental health registry when substance use disorder rehabilitation is completed.

**DATE OF PASSAGE:** April 12, 2025

**EFFECTIVE DATE:** July 11, 2025

**ACTION BY GOVERNOR:** Became law without Governor's signature April 30, 2025

# House Bill 2360

## STRIKE AND INSERT AMENDMENT

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**SHORT TITLE:** Clarifying the victims of crimes against law-enforcement officers

**CODE REFERENCE:** §61-11-27 (New)

**SUMMARY:**

This bill provides clarity for crimes where the victims include law-enforcement officers. The new language is broader than previously defined to ensure that various subsets of law enforcement may properly be considered the victim of offenses against law enforcement officers.

**DATE OF PASSAGE:** April 8, 2025

**EFFECTIVE DATE:** July 7, 2025

**ACTION BY GOVERNOR:** Signed April 25, 2025

# House Bill 2434

## STRIKE AND INSERT AMENDMENT FOR COMMITTEE SUBSTITUTE

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**SHORT TITLE:** Relating to establishing the Stop Squatters Act

**CODE REFERENCE:** §55-3C-1 and §55-3C-2 (Amends and Reenacts); §55-3C-3, §55-3C-3, §55-3C-5, and §55-3C-6 (New)

**SUMMARY:**

This bill enacts the Stop Squatters Act which sets forth a process for having squatters removed from a residential or commercial property. The Act creates the new offense of criminal mischief, which has a misdemeanor and a felony level, for damage caused to property by a person while they are squatting on someone else's property. Criminal and civil penalties are set forth for a person who submits a false complaint that results in the removal of someone who has a right to be on the property.

Substantively, expands authority to enforce this act to any law enforcement officer having authority to act in the jurisdiction where the property is located, and specifies that a law enforcement officer acting in good faith under this act is entitled to assert any immunity already recognized.

**DATE OF PASSAGE:** April 11, 2025

**EFFECTIVE DATE:** July 10, 2025

**ACTION BY GOVERNOR:** Signed April 29, 2025

# House Bill 2451

## STRIKE AND INSERT AMENDMENT FOR COMMITTEE SUBSTITUTE

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**SHORT TITLE:** To facilitate the creation of home-based businesses

**CODE REFERENCE:** §8-40-1 *et seq.* (New)

### **SUMMARY:**

This bill creates a new article relating to home-based businesses. It defines a home-based business as a business that manufactures, provides or sells goods or services that is owned and operated by the owner or tenant of a residential dwelling. It further defines a “no-impact home-based business”.

The bill provides that the use of a residential dwelling for a home-based business is a permitted use except where there is a deed or other valid restriction on the use of the land.

Under this bill, a municipality may establish reasonable regulations for a home-based business for certain purposes and sets forth a non-exhaustive list of permissible regulations. It prohibits a municipality from requiring a person to (1) rezone property for commercial use, (2) install fire sprinklers in certain residential dwellings; or (3) obtain a license or permit that is not otherwise required for a similarly situated business.

Finally, this bill provides that when a regulation is challenged pursuant to the new article, the municipality has the burden of demonstrating that the regulation complies with the provisions of the article.

**DATE OF PASSAGE:** April 12, 2025

**EFFECTIVE DATE:** July 11, 2025

**ACTION BY GOVERNOR:** Signed April 28, 2025

# House Bill 2511

## STRIKE AND INSERT AMENDMENT

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**SHORT TITLE:** Relating to charitable bingo and alcohol sales and consumption while such bingo is taking place

**CODE REFERENCE:** §47-20-2 (Amends and Reenacts)

### **SUMMARY:**

This bill provides an exception to the ban on the sale or consumption of alcoholic or nonintoxicating beer in any area where charitable bingo is conducted for the following organizations:

- (1) Fraternal Beneficiary societies;
- (2) Domestic fraternal societies;
- (3) Veteran's organizations; and
- (4) Volunteer fire departments.

This bill would allow these exempted organizations to sell alcohol during charitable bingo, along with permitting the consumption of alcohol at these events.

**DATE OF PASSAGE:** April 12, 2025

**EFFECTIVE DATE:** July 11, 2025

**ACTION BY GOVERNOR:** Signed April 28, 2025

# House Bill 2711

## COMMITTEE SUBSTITUTE

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**SHORT TITLE:** Relating to the repeal of the common law rule against perpetuities by extending it to 1,000 years for all trusts

**CODE REFERENCE:** §36-1A-1, 36-1A-2, 36-1A-5, 36-1A-6, and 36-1A-7 (Amends and Reenacts)

### **SUMMARY:**

This bill further limits application of the rule against perpetuities by prospectively extending its application to all trusts and permits all trusts to last up to 1,000 years, which would modernize West Virginia trust law. Under existing law, the limitation only applies to trusts administered by private trust companies.

This bill also treats all future interests created through a chain of testamentary powers of appointment as if they were created at the time of the first such power.

Finally, it establishes a rule of construction for interests that are subject to the rule against perpetuities.

**DATE OF PASSAGE:** April 8, 2025

**EFFECTIVE DATE:** July 7, 2025

**ACTION BY GOVERNOR:** Signed April 25, 2025



# House Bill 2755

## STRIKE AND INSERT AMENDMENT FOR COMMITTEE SUBSTITUTE

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**SHORT TITLE:** To provide that the West Virginia Board of Education may promulgate rules or policies to be submitted to the Legislature for review

**CODE REFERENCE:** §29A-3B-1, §29A-3B-8, §29A-3B-9, §29A-3B-10, §29A-3B-11

### **SUMMARY:**

This bill requires the submission of proposed legislative rules as adopted by the board to the Legislative Rule-Making Committee in lieu of the previous Legislative Oversight Commission on Education Accountability, submitting those rules to the legislature in accordance with the procedures outline in §29A-3-1 *et seq.*, as well as recommendations and findings.

This bill changes the notice requirement for emergency rules made by the board from 180 days to 30 days, expiring after the 31st day if no notice is filed with the Legislative Rule-Making Review Committee. This bill also ensures that rules promulgated by the board shall become automatically effective as promulgated within 15 months if no action is taken by the legislature.

**DATE OF PASSAGE:** April 12, 2025

**EFFECTIVE DATE:** July 11, 2025

**ACTION BY GOVERNOR:** Became law without Governor's signature April 30, 2025

# House Bill 2761

## COMMITTEE SUBSTITUTE

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**SHORT TITLE:** Relating generally to magistrate courts

**CODE REFERENCE:** §50-2-1 (Amends and Reenacts)

**SUMMARY:**

Under existing law, magistrate courts have jurisdiction of all civil actions where the amount in controversy (not including interest and costs) is not more than \$10,000. This bill raises the civil jurisdictional limit for magistrate court actions to not more than \$20,000.

**DATE OF PASSAGE:** April 8, 2025

**EFFECTIVE DATE:** July 7, 2025

**ACTION BY GOVERNOR:** Signed April 25, 2025

# House Bill 2802

## INTRODUCED

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**SHORT TITLE:** Relating to in-service training credits for law-enforcement officers

**CODE REFERENCE:** §30-29-3 (Amends and Reenacts)

### **SUMMARY:**

This bill directs the subcommittee governing the continuing education of law enforcement officers to allow law enforcement to establish a provision for earning substitute credits by participating in certain school safety programs.

**DATE OF PASSAGE:** April 11, 2025

**EFFECTIVE DATE:** July 10, 2025

**ACTION BY GOVERNOR:** Signed April 25, 2025

# House Bill 2867

## STRIKE AND INSERT AMENDMENT

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**SHORT TITLE:** Relating to Small Estates

**CODE REFERENCE:** §44-1A-2 (Amends and Reenacts)

### **SUMMARY:**

In 2020 the West Virginia Small Estate Act became law with the goal of making it easier to administer and settle the estate of someone with limited assets by making it permissible to not go through the full probate process. The limitations on a small estate under the Act are currently \$50,000 in personal property and \$100,000 in real property.

This bill amends the code to exclude from the Act small estates where the decedent has probate real property, or an interest in probate real property. Accordingly, those estates will have to go through the full probate process.

This addresses issues relating to certification of a clean title. Specifically, title companies are uncomfortable certifying title, for closing purposes, because the streamlined Small Estate Act does not require any disclosure of claims against the real estate. Added language clarifies what is attempting to be excluded from the Act is probate real property – not non-probate real property and non-probate real property interests, such as a deed held as joint tenants with rights of survivorship or a transfer on death deed. Those changes appear in subsections (a) and (b).

**DATE OF PASSAGE:** April 10, 2025

**EFFECTIVE DATE:** July 9, 2025

**ACTION BY GOVERNOR:** Signed April 25, 2025

# House Bill 2871

## STRIKE AND INSERT AMENDMENT FOR COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE

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**SHORT TITLE:** Relating to the crime of negligent homicide

**CODE REFERENCE:** §14-2A-3; §17B-1A-1; §17B-3-5; §17C-5-1; §17C-5-3; §17C-14-15; §17C-19-3; §17E-1-13; §20-7-18a; §33-6A-; §33-6A-4; §49-1-207; and §61-2-30 (Amends and Reenacts)

### **SUMMARY:**

This bill amends the current negligent homicide statute by renaming it Vehicular Homicide and adding to it variations of the offense such as aggravated vehicular homicide and vehicular homicide occurring within a school zone. The new variations are felonies. The negligent motorboating offense is updated to mirror the changes to the vehicular homicide offenses. Other sections of code are amended to reflect changes to the criminal offenses discussed, such as considerations for the Department of Motor Vehicles. The bill also clarifies that the offense of distracted driving could also be prosecuted under any variation of the new vehicular homicide offenses.

**DATE OF PASSAGE:** April 11, 2025

**EFFECTIVE DATE:** July 10, 2025

**ACTION BY GOVERNOR:** Signed April 25, 2025

# House Bill 2961

## STRIKE AND INSERT AMENDMENT FOR COMMITTEE SUBSTITUTE

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**SHORT TITLE:** To amend the law concerning ownership and possession of real property

**CODE REFERENCE:** §37-3A-1, §37-3A-2, §37-3A-3, §37-3A-4, and §37-3A-5 (New)

### **SUMMARY:**

This bill prohibits designated foreign parties from acquiring, holding, or transferring real estate and mineral rights in West Virginia.

The bill defines "prohibited foreign party" to include the following:

- (A) A citizen or resident of the People's Republic of China who is not a resident alien or citizen of the United States;
- (B) The government of the People's Republic of China or any of its political subdivisions;
- (C) Any party other than an individual or government that was created or organized under the laws of any state or foreign country and in which a significant interest or substantial control is held directly or indirectly by:
  - (I) A citizen or resident of the People's Republic of China who is not a resident alien or citizen of the United States;
  - (II) The government of the People's Republic of China or any of its political subdivisions; or
  - (III) An agent, trustee, fiduciary, or other entity acting on behalf of the government of the People's Republic of China, any of its political subdivisions, or a citizen or resident of the People's Republic of China who is not a resident alien or citizen of the United States.
- (D) Any foreign government, entity, or individual identified annually by the West Virginia Secretary of Homeland Security, and also by consultation of the Governor of West Virginia, the West Virginia Secretary of State, and the Attorney General, as hostile to the interests of the United States or the State of West Virginia.

The bill provides that any prohibited foreign party that owns any interest in real estate as of the effective date shall divest of those interests within six months of the effective date.

The bill also provides that any prohibited foreign party-controlled business that acquires real estate in violation of the bill shall divest of that interest within six months of acquisition. If the business fails to divest, then the Attorney General shall file a civil action

in the circuit court where the real estate is located. If the circuit court determines by a preponderance of the evidence that a violation of this bill has occurred, the circuit court shall order the real estate to be sold through judicial sale.

And finally, the bill has a savings clause that title to real estate is not rendered invalid or subject to divestiture solely due to a prior violation of this bill by a prior owner, and persons who are not subject to the article are not required to investigate whether another person or entity is subject to the provisions of the bill.

**DATE OF PASSAGE:** April 12, 2025

**EFFECTIVE DATE:** July 11, 2025

**ACTION BY GOVERNOR:** Signed April 28, 2025

# House Bill 3014

## COMMITTEE SUBSTITUTE

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**SHORT TITLE:** Relating generally to liability of hospital police

**CODE REFERENCE:** §16B-3-19 (Amends and Reenacts)

**SUMMARY:**

This bill clarifies the circumstances in which a hospital is entitled to immunity arising from actions resulting from civil disobedience, riot, insurrection, rebellion, or failure or inadequacy of police protection.

The bill adds two subsections to existing code:

- A hospital with a police department is immune from liability if a loss or claim results from civil disobedience, riot, insurrection, rebellion or the failure to provide, or the method of providing, police protection.
- No hospital shall be liable to any person for failing to establish a police department or provide police protection.

**DATE OF PASSAGE:** April 11, 2025

**EFFECTIVE DATE:** July 10, 2025

**ACTION BY GOVERNOR:** Became law without Governor's signature April 30, 2025



# House Bill 3016

## STRIKE AND INSERT AMENDMENT FOR COMMITTEE SUBSTITUTE

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**SHORT TITLE:** Photo voter ID

**CODE REFERENCE:** §3-1-34 (Amends and Reenacts)

### **SUMMARY:**

This bill adds to the requirements of a “valid identifying document” for voting purposes a requirement that the identification contain a photograph of the person desiring to vote. There are a number of categories of acceptable documents, all of which contain a photo, that could be used including: driver’s licenses, passports, student ids, military cards, and certain employee identification cards.

Additionally, a new type of voter registration card is created that contains a photo. This card can be issued by the county clerk or the Secretary of State and must be provided free of charge.

A number of documents are no longer acceptable as proof of identification for voting including: (1) valid concealed carry permits; (2) Medicare card or Social Security card; (3) hunting or fishing licenses; (4) cards issues by West Virginia Supplemental Nutrition Assistance (SNAP) program; (5) cards issued by the West Virginia Temporary Assistance for Needy Families (TANF) program; (6) cards issued by West Virginia Medicaid; (7) bank/debit cards; (8) utility bills; (9) bank statements; and (10) a health insurance card.

There is a provision designed to assist the elderly that provides that an otherwise valid identification that is expired may be used so long as the identification was not expired on the voters 65<sup>th</sup> birthday.

**DATE OF PASSAGE:** April 12, 2025

**EFFECTIVE DATE:** July 11, 2025

**ACTION BY GOVERNOR:** Signed April 30, 2025

# House Bill 3162

## STRIKE AND INSERT AMENDMENT

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**SHORT TITLE:** Providing that causes of action under Chapter 46A of the Code of West Virginia survive the death of the party

**CODE REFERENCE:** §46A-2-122 and §55-7-8a (Amends and Reenacts)

### **SUMMARY:**

This bill amends the definition of “consumer” in the West Virginia Consumer Credit and Protection Act to include an administrator of an estate and any person obligated under a deed of trust or lien securing property primarily used for personal, family or household purposes where the property is subject to foreclosure or forfeiture for failure to pay money. This bill also provides that a cause of action for a violation of the Act survives the death of the person entitled to recover and the death of the person liable.

**DATE OF PASSAGE:** April 12, 2025

**EFFECTIVE DATE:** July 11, 2025

**ACTION BY GOVERNOR:** Signed April 29, 2025

# House Bill 3164

## COMMITTEE SUBSTITUTE

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**SHORT TITLE:** Requiring registered sex offenders pay annual fee

**CODE REFERENCE:** §15-2C-2 and §15-12-2 (Amends and Reenacts)

**SUMMARY:**

This bill implements a \$125 registry fee for sex offenders. The registrant is directed to make payment to the circuit clerk and provide proof of payment to the West Virginia State Police detachment covering the county in which the sex offender resides. Registrants who do not pay the fee are not subject to criminal penalties for nonpayment but are subject to having a civil judgment filed against them.

The payment is ultimately designated to be used by the State Police, first to advance the mental health of persons currently or formerly employed by the State Police, then for use on any other essential operation of the State Police.

**DATE OF PASSAGE:** April 12, 2025

**EFFECTIVE DATE:** July 11, 2025

**ACTION BY GOVERNOR:** Signed April 21, 2025

# House Bill 3272

## STRIKE AND INSERT AMENDMENT

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**SHORT TITLE:** Relating to eviction proceedings

**CODE REFERENCE:** §55-3A-1 (Amends and Reenacts)

**SUMMARY:**

This bill updates the timeframe for the scheduling of the hearing on a petition for eviction by requiring that the court set a hearing on the petition within 5 to 10 days following the filing of the petition. Under existing law, a petitioner is required to request a hearing prior to filing the petition.

**DATE OF PASSAGE:** April 12, 2025

**EFFECTIVE DATE:** July 11, 2025

**ACTION BY GOVERNOR:** Signed April 28, 2025

# House Bill 3274

## INTRODUCED

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**SHORT TITLE:** Relating to reports of circuit court proceedings

**CODE REFERENCE:** §51-7-1 (Amends and Reenacts)

### **SUMMARY:**

This bill strikes the “competent shorthand” language and further permits courts to utilize “electronic means approved by the Supreme Court of Appeals” to record the proceedings. Under existing law, only “competent shorthand” court reporters can be appointed by judges and courts.

**DATE OF PASSAGE:** April 10, 2025

**EFFECTIVE DATE:** July 9, 2025

**ACTION BY GOVERNOR:** Signed April 28, 2025

# House Bill 3275

## INTRODUCED

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**SHORT TITLE:** Update timing for appeals

**CODE REFERENCE:** §58-5-4 (Amends and Reenacts)

**SUMMARY:**

This bill amends the code to provide that rules promulgated by the West Virginia Supreme Court of Appeals would govern the timing of the filing of a notice of appeal, the perfecting of an appeal, and the filing of related documents with the Intermediate Court of Appeals and the Supreme Court of Appeals. This changes the existing process set forth in statute which contains specific timeframes.

**DATE OF PASSAGE:** April 10, 2025

**EFFECTIVE DATE:** July 9, 2025

**ACTION BY GOVERNOR:** Signed April 28, 2025

# House Bill 3336

## COMMITTEE SUBSTITUTE

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**SHORT TITLE:** Well Plugging Methods

**CODE REFERENCE:** §22-6-24 (Amends and Reenacts)

**SUMMARY:**

This bill acknowledges that well operators are required to plug all wells upon abandonment or cessation of operations. This bill codifies a new method of plugging wells which the Department of Environmental Protection successfully implemented as a pilot program. The pilot program provided a variance to test a more efficient plugging method for certain wells. The bill does not relieve responsible parties from their duty to correct any environmental issues caused by a plugged, but leaking, well. The efficiencies created by the new plugging method will allow more wells to be plugged faster, which has the potential to increase federal moneys available to West Virginia.

**DATE OF PASSAGE:** April 11, 2025

**EFFECTIVE DATE:** July 10, 2025

**ACTION BY GOVERNOR:** Signed April 25, 2025

# House Bill 3338

## COMMITTEE SUBSTITUTE

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**SHORT TITLE:** Allow child witness testify remotely in situations deemed traumatic by judge

**CODE REFERENCE:** §62-6B-2 and §62-6B-3 (Amends and Reenacts)

### **SUMMARY:**

This bill changes language relating to when a child witness may be allowed to testify remotely. The change will allow a judge to consider remote testimony if it involves alleged physical, sexual, or psychological abuse to the child witness.

**DATE OF PASSAGE:** April 11, 2025

**EFFECTIVE DATE:** July 10, 2025

**ACTION BY GOVERNOR:** Signed April 28, 2025



# House Bill 3434

## INTRODUCED

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**SHORT TITLE:** Relating to the controlled substance schedules and to clean-up errors identified in the code sections

**CODE REFERENCE:** §60A-2-204, 60A-2-206, 60A-2-208, 60A-2-210, 60A-2-212  
(Amends and Reenacts)

### **SUMMARY:**

This bill is an update of our controlled substance act, by making changes to mirror the schedules set by the federal government.

**DATE OF PASSAGE:** April 11, 2025

**EFFECTIVE DATE:** July 10, 2025

**ACTION BY GOVERNOR:** Signed April 25, 2025

# House Bill 3503

## COMMITTEE SUBSTITUTE

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**SHORT TITLE:** Relating to regulation by counties, municipalities, and political subdivisions of commercial horticulture under the Water Pollution Control Act.

**CODE REFERENCE:** §22-11-31 (New)

### **SUMMARY:**

This bill prohibits political subdivisions from regulating commercial horticulture by adopting any type of ordinance or regulation concerning commercial horticulture's size, placement, location, or operation within the subject matter of the Water Pollution Control Act. Any such ordinance or regulation would be invalid and unenforceable.

The bill further prohibits political subdivisions from suing a commercial horticulture operation – that is in compliance with the Water Pollution Control Act and federal law – for any activity related to the Water Pollution Control Act.

Finally, the bill prohibits political subdivisions from enacting any ordinance, within the subject matter of the Water Pollution Control Act, that is more stringent than any federal or state rule, regulation, program, or permitting regime.

**DATE OF PASSAGE:** April 12, 2025

**EFFECTIVE DATE:** July 11, 2025

**ACTION BY GOVERNOR:** Signed April 29, 2025

# House Bill 3504

## INTRODUCED

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**SHORT TITLE:** Relating to protecting critical infrastructure; and defining terms

**CODE REFERENCE:** §61-10-34 (Amends and Reenacts)

### **SUMMARY:**

This bill amends the definition of “critical infrastructure” to include assets, as well as systems. It also adds licensed livestock stockyard facilities, licensed livestock slaughter facilities, and commercial poultry production and processing facilities to the list of critical infrastructure facilities.

**DATE OF PASSAGE:** April 11, 2025

**EFFECTIVE DATE:** July 10, 2025

**ACTION BY GOVERNOR:** Signed April 28, 2025

# House Bill 3513

## STRIKE AND INSERT AMENDMENT

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**SHORT TITLE:** Relating to standards of liability and insurance requirements in certain civil actions

**CODE REFERENCE:** §60-7-12b and §60-7-12c (New)

### **SUMMARY:**

This bill sets forth the two circumstances, which if they apply, would make a person or licensee who sells, furnishes, or serves an alcoholic beverage to a person liable in a civil action for damages for injury, death, or damage caused by or resulting from the impairment or intoxication of the person who was furnished the alcoholic beverage. Those circumstances are the knowing sale, furnishing, or serving of an alcoholic beverage to a person who is not of legal drinking age or to a person who was visibly intoxicated at the time the alcoholic beverage was furnished. A rebuttable presumption exists that the alcoholic beverages were not knowingly sold, furnished, or served if a transaction scan was used to verify the age of the individual or that a written policy is in effect requiring age verification.

The bill states that an intoxicated person driving a motor vehicle, the administrator or executor of that person's estate or a passenger voluntarily riding in the vehicle of the intoxicated do not have a cause of action against any licensee or owner or lessor of any building of a licensee for injuries to their person or property arising from the actions of the intoxicated driver. The bill limits past medical expenses and compensatory damages. It defines terms and provides that the provisions of the bill apply to all cases filed on or after August 1, 2025.

Finally, this bill provides a person or the executor or administrator of the person's estate who suffers personal injury, death, or property damage as a result of the actions of the intoxicated person does not have a cause of action against an owner or lessor who rents their building or premises to the licensee against whom a cause of action is brought except in specified circumstances.

**DATE OF PASSAGE:** April 12, 2025

**EFFECTIVE DATE:** August 1, 2025

**ACTION BY GOVERNOR:** Signed April 25, 2025

# House Bill 3515

## INTRODUCED

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**SHORT TITLE:** Relating to appointment of officers of the West Virginia State Police

**CODE REFERENCE:** §15-2-4

### **SUMMARY:**

This bill increases the number of persons within the State Police who may appointed by the Superintendent to the rank of Captain or higher from 19 to 20.

**DATE OF PASSAGE:** April 10, 2025

**EFFECTIVE DATE:** July 9, 2025

**ACTION BY GOVERNOR:** Signed April 25, 2025