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OFFICE OF THE SECRETARY OF STATE  
WEST VIRGINIA

# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2002



# ENROLLED

COMMITTEE SUBSTITUTE  
FOR

**House Bill No. 4205**

(By Delegates Mahan, Wills, Cann, Kominar,  
Faircloth and Riggs)



Passed March 9, 2002

In Effect from Passage

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FOR

## H. B. 4205

(BY DELEGATES MAHAN, WILLS, CANN, KOMINAR,  
FAIRCLOTH AND RIGGS)

[Passed March 9, 2002; in effect from passage.]

AN ACT to amend and reenact article five, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating generally to the promulgation of administrative rules by the various executive or administrative agencies and the procedures relating thereto; continuing rules previously promulgated by state agencies and boards; legislative mandate or authorization for the promulgation of certain legislative rules; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the state register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the legislative rule-making review committee; authorizing certain of the agencies to promulgate certain legislative rules as amended by the Legislature; authorizing certain of the agencies to promulgate certain legislative rules with various

modifications presented to and recommended by the legislative rule-making review committee and as amended by the Legislature; authorizing bureau for public health to promulgate legislative rule relating to design standards for swimming pools; authorizing bureau for public health to promulgate legislative rule relating to public water systems; authorizing bureau for public health to promulgate legislative rule relating to public water systems operators; authorizing bureau for public health to promulgate legislative rule relating to reportable diseases, events and conditions; authorizing bureau for public health to promulgate legislative rule relating to recreational water facilities; authorizing bureau for public health to promulgate legislative rule relating to emergency medical services; authorizing bureau for public health to promulgate legislative rule relating to birth score program; and authorizing bureau for public health to promulgate legislative rule relating to Alzheimer/dementia special care units and programs.

*Be it enacted by the Legislature of West Virginia:*

That article five, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

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

**§64-5-1. Bureau of health.**

1 (a) The legislative rule authorized under the authority of  
2 section four, article one, chapter sixteen, of this code, relating  
3 to the bureau for public health (design standards for swimming  
4 pools, 64 CSR 25), is hereby repealed.

5 (b) The legislative rule filed in the state register on the  
6 twenty-fifth day of July, two thousand one, authorized under the

7 authority of section nine-a, article one, chapter sixteen, of this  
8 code, modified by the bureau for public health to meet the  
9 objections of the legislative rule-making review committee and  
10 refiled in the state register on the twenty-sixth day of Novem-  
11 ber, two thousand one, relating to the bureau for public health  
12 (public water systems, 64 CSR 3), is authorized.

13 (c) The legislative rule filed in the state register on the  
14 twenty-seventh day of July, two thousand one, authorized under  
15 the authority of section four, article one, chapter sixteen of this  
16 code, modified by the bureau for public health to meet the  
17 objections of the legislative rule-making review committee and  
18 refiled in the state register on the twenty-sixth day of Novem-  
19 ber, two thousand one, relating to the bureau for public health  
20 (public water systems operators, 64 CSR 4), is authorized.

21 (d) The legislative rule filed in the state register on the  
22 twenty-seventh day of July, two thousand one, authorized under  
23 the authority of section twelve, article three, chapter sixteen, of  
24 this code, modified by the bureau for public health to meet the  
25 objections of the legislative rule-making review committee and  
26 refiled in the state register on the twenty-first day of November,  
27 two thousand one, relating to the bureau for public health  
28 (reportable diseases, events and conditions, 64 CSR 7), is  
29 authorized with the following amendments:

30 On page seven, paragraph 3.5.b.2. after the words “Autism  
31 Spectrum Disorder” by inserting the words “not reported to the  
32 Bureau according to the protocol in the West Virginia Report-  
33 able Diseases Protocol Manual.”;

34 And,

35 On page seven, paragraph 3.5.b.4. after the word “malign-  
36 ant” by striking out the word “brain” and inserting in lieu  
37 thereof the words “intracranial and central nervous system”.

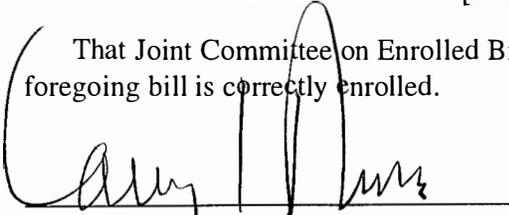
38 (e) The legislative rule filed in the state register on the  
39 twenty-fifth day of July, two thousand one, authorized under the  
40 authority of section four, article one, chapter sixteen, of this  
41 code, modified by the bureau for public health to meet the  
42 objections of the legislative rule-making review committee and  
43 refiled in the state register on the twenty-first day of November,  
44 two thousand one, relating to the bureau for public health  
45 (recreational water facilities, 64 CSR 16), is authorized.

46 (f) The legislative rule filed in the state register on the  
47 thirty-first day of July, two thousand one, authorized under the  
48 authority of section twenty-three, article four-c, chapter sixteen,  
49 of this code, modified by the bureau for public health to meet  
50 the objections of the legislative rule-making review committee  
51 and refiled in the state register on the eleventh day of January,  
52 two thousand two, relating to the bureau for public health  
53 (emergency medical services, 64 CSR 48), is authorized.

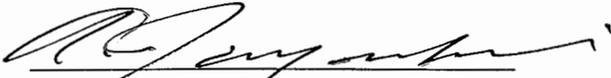
54 (g) The legislative rule filed in the state register on the  
55 twentieth day of July, two thousand one, authorized under the  
56 authority of section four, article twenty-two-b, chapter sixteen,  
57 of this code, modified by the bureau for public health to meet  
58 the objections of the legislative rule-making review committee  
59 and refiled in the state register on the sixteenth day of August,  
60 two thousand one, relating to the bureau for public health (birth  
61 score program, 64 CSR 83), is authorized.

62 (h) The legislative rule filed in the state register on the  
63 twenty-fourth day of July, two thousand one, authorized under  
64 the authority of section five, article five-r, chapter sixteen, of  
65 this code, modified by the bureau for public health to meet the  
66 objections of the legislative rule-making review committee and  
67 refiled in the state register on the twenty-first day of November,  
68 two thousand one, relating to the bureau for public health  
69 (Alzheimer/dementia special care units and programs, 64 CSR  
70 85), is authorized.

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

  
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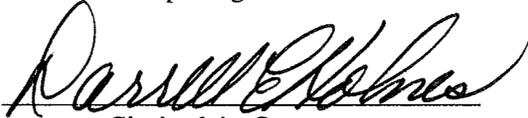
Chairman Senate Committee

  
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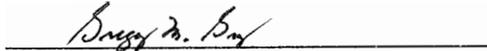
Chairman House Committee

Originating in the House.

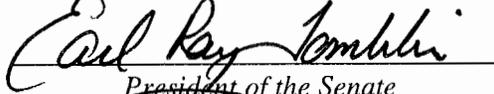
In effect from passage.

  
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Clerk of the Senate

  
\_\_\_\_\_

Clerk of the House of Delegates

  
\_\_\_\_\_

President of the Senate

  
\_\_\_\_\_

Speaker of the House of Delegates

The within is approved this the 3rd  
day of April, 2002.

  
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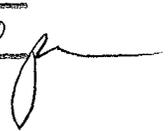
Governor

PRESENTED TO THE

GOVERNOR

Date 3/20/02

Time 4:00

A handwritten signature in black ink, appearing to be a stylized 'J' or similar character, written over the 'Time' line.