

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4218

BY Delegate D. Smith

[Introduced; referred
to the Committee on.]

1 A BILL to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to
 2 authorizing the Department of Health to promulgate a legislative rule relating to fees for
 3 services.

Be it enacted by the Legislature of West Virginia:

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

§64-5-1. Department of Health.

1 The legislative rule filed in the State Register on July 25, 2025, authorized under the
 2 authority of §16-1-4 of this code, modified by the Department of Health to meet the objections of
 3 the Legislative Rule-Making Review Committee and refiled in the State Register on December 5,
 4 2025, relating to the Department of Health (fees for services, [64 CSR 51](#)), is authorized with the
 5 amendments set forth below:

6 On pages 9 through 12, by striking out the entirety of Appendix A and inserting in lieu
 7 thereof a new Appendix A to read as follows:

8 Appendix A 64CSR51. Laboratory Service Fees.

1. Fees for Environmental Chemistry Laboratory Services		
A. Inorganic Chemicals/Miscellaneous Tests		
1. Metals		
a. Analyses for each metal: 1. Analyses may include but are not limited to, arsenic, barium, beryllium, cadmium, thallium, chromium, nickel, lead, antimony, manganese, selenium, silver, sodium, aluminum, zinc, and copper.		\$20
b. Metals Regulatory Package - (Parameters divided into EPA regulated groups) 1. Analyses may include, but are not limited to, antimony, arsenic, barium, beryllium, cadmium, chromium, mercury, nickel, thallium, selenium, and sodium.		\$60
c. Metals Secondary Package - (Parameters divided into EPA regulated groups) Analyses may include, but are not limited to, aluminum, iron, magnesium, manganese, silver, and zinc		\$45
d. Metals Lead and Copper - (20% discount when ordered together as a package)		\$32
2. Mercury by cold vapor		\$25
3. Analytes by ion chromatography (IC)		\$20

a. Analyses for each anion: Analyses may include, but are not limited to, fluoride, chloride, chlorite, chlorate, sulfate, nitrate, nitrite, ortho-phosphate, bromide, and bromate.	
b. Anions Package (a) (Instrument is capable of performing all tests within a single run) Analyses may include, but are not limited to, fluoride, chloride, nitrate, nitrite, ortho-phosphate, and sulfate.	\$30
4. Analytes by ion selective electrode	\$20
a. Analyses may include, but are not limited to, fluoride and pH.	
5. Miscellaneous Individual Tests	
a. Alkalinity (Total) As CaC03	\$12
b. Calcium by Titration	\$15
c. Calcium Hardness	\$15
d. Chloramines	\$20
e. Chlorine, Free	\$12
f. Chlorine, Total	\$12
g. Conductivity	\$12
h. Dissolved Solids, Total	\$13
i. Hardness, Total	\$10
j. Hydrogen Sulfide	\$10
k. Magnesium by Titration	\$15
l. Foaming Agents	\$15
m. Nitrate	\$15
n. Nitrate + Nitrite	\$15
o. Orthophosphate	\$20
p. Phosphate, Total	\$16
q. Silica	\$15
r. Turbidity (NTU)	\$12
s. Cyanide	\$25
t. Nitrite	\$15
u. Wet Chemistry Package Analyses may include, but are not limited to, alkalinity, calcium, calcium hardness, pH, total dissolved solids, and total hardness.	\$30
v. Inorganic non-Routine Analysis	\$30
B. Organic Compounds (Fees Include Sample Preparation)	
1. EPA Regulated Volatile Compounds (VOCs)	\$125
2. EPA Unregulated Contaminants per Method Group (Description is applicable to the EPA unregulated contaminant monitoring rule which is categorized by contaminants in a method group - http://water.epa.gov/lawsregs/rulesregs/sdwa/ucmr3/methods.cfm)	
3. EPA Regulated Synthetic Organic Compounds (SOCs):	
a. Organohalide and Polychlorinated Biphenyl Packages	\$185
Pesticides Package (a) Analyses may include, but are not limited to, Endrin, Lindane, Heptachlor, Heptachlor epoxide, Methoxychlor, Hexachlorobenzene, and Hexachlorocyclopentadiene	\$70

Pesticides Package (b) Analyses may include, but are not limited to, Chlordane, Simazine, and Toxaphene	\$70
Pesticides Package (c) Analyses may include, but are not limited to, PCB (Aroclor) 1016, 1221, 1232, 1242, 1248, 1254, and 1260	\$70
b. Nitrogen-Phosphorous Pesticide Package Analyses may include, but are not limited to, Alachlor, Atrazine, and Simazine	\$150
c. Carbamate Pesticides Package Analyses may include, but are not limited to, Aldicarb, Aldicarb Sulfone, Aldicarb Sulfoxide, Carbofuran, and Oxamyl (Vydate)	\$150
d. Diquat	\$150
e. Endothall	\$150
f. Glyphosate	\$150
g. Esters Package Analyses may include, but are not limited to, Di (2-ethylhexyl) Adipate and Di (2-ethylhexyl) Phthalate	\$150
h. Benzo (a) pyrene	\$150
i. Herbicides Package Analyses may include, but are not limited to, 2,4-D, 2,4,5 - TP (Silvex), Pentachlorophenol, Dinoseb, Dalapon, and Picloram	\$175
j. 1,2-Dibromoethane (EDB) and 1,2-Dibromo-3-Chloropropane (DBCP)	\$100
4. Disinfection By Products	
a. Trihalomethanes (THMs) Package Analyses may include, but are not limited to, Bromoform, Chloroform, Bromodichloromethane, and Chlorodibromomethane	\$150
b. Haloacetic Acids (HAAs) Package Analyses may include, but are not limited to, Bromoacetic Acid, Chloroacetic Acid, Dibromoacetic Acid, Dichloroacetic Acid, and Trichloroacetic Acid	\$190
c. Trihalomethanes and Haloacetic Acids Package	\$184
d. DBP Anions Package Analyses may include, but are not limited to, bromate, bromide, chlorate, and chlorite.	\$30
5. EPA Regulated Organics Package, includes Pesticides, PCBs, Carbamates, Diquat, Endothall, and Glyphosate	\$845
6. Other Organic Tests: * Raw and/or Finished	
a. *Total Organic Carbon (TOC)	\$40
b. *Specific Ultraviolet Absorption (SUVA)	\$50
7. Organic non-Routine Analysis	\$30
8. Harmful Algae Bloom (HAB)	
a. Screening analyses for each individual toxin: Analyses may include, but are not limited to, Microcystin, Cylindrospermopsin, Anatoxin-a, Saxitoxin, and b-Methylamino-L-alanine.	\$65

b. Confirmation of each individual toxin: Analyses may include, but are not limited to, Microcystin, Cylindrospermopsin, Anatoxin-a, Saxitoxin, and b-Methylamino-L-alanine.	\$65
2. Fees for Environmental Microbiology Laboratory Service	
A. Coliform Test	\$18
B. Container Rinse Test	\$30
C. Heterotrophic Plate Count	\$18
D. Legionella	\$36
3. Sample Processing Fee	
A. Standard	\$5
B. Special handling and packaging	\$12
(A sample processing fee will be charged for each sample submitted to the OLS for testing with the exception of samples for Fluoride.)	
4. Fee for Chain of Custody	
5. Fees for Certification of Laboratories to Conduct Drinking Water Tests: Certification to perform laboratory testing on water to meet state and Environmental Protection Agency requirements under the Safe Drinking Water Act. *	
A. Chemical Testing:	
1. Inorganic Tests	\$1,000
3. Trihalomethanes and Volatile Organic Compounds and Haloacetic Acids	\$1,000
4. Herbicides Pesticides and Synthetic Organic Chemicals	\$1,000
5. All Other Organic Tests	\$1,000
B. Microbiological Testing	\$1,000
C. New lab application fee (nonrefundable)	\$150
D. Issuance of an updated certificate (for dropped, added, or change of status)	\$100
E. Fee for follow-up on-site audit	\$500
*Laboratories located outside the borders of West Virginia will be assessed the certification fee for the tests approved and shall pay all reasonable expenses required for an on-site inspection.	
6. Fees for Specimen Collection Kits:	
A. Blood Lead	\$15
7. The State Hygienic Laboratory may enter into contractual agreements for providing services at a negotiated rate for testing specimens in the conduct of Public Health Investigations, Public Health Interventions, and Public Health Risk Assessments.	
8. In order to maintain preparedness and assess threats the Lab may charge for testing related to terrorism.	
A. Bioterrorism A reasonable fee established by the Commissioner may be charged in the testing of specimens for the detection of the presence of agents of bioterrorism. Testing may include, but is not limited to, the detection of biological agents causing anthrax, plague, tularemia, botulism, brucellosis, Q fever, or any other suspected agent.	
B. Chemical Terrorism The Commissioner may charge a reasonable fee, based upon an itemization of costs, for the testing of specimens for detection of the presence of agents of chemical terrorism. Testing may include, but is not limited to, the detection of chemical agents such as ricin, cyanide, or any other suspected agent.	

9. Fees for Diagnostic Immunology	
A. Syphilis tests	\$21.91
B. Rubella antibody	\$14.39
C. HIV Screening – Serum (screening and confirmation if necessary)	\$46.49
D. Hepatitis A IgM Test	\$11.26
E. Hepatitis B Screen with reflex testing	\$44.89
F. Hepatitis SAB (Post Vaccine)	\$10.74
G. Hepatitis C Antibody Screen	\$29.76
H. Hepatitis C Confirmation NAA Test	\$15.49
I. Respiratory panel	\$567.18
J. Gastrointestinal panel	\$567.18
K. QuantiFERON	\$84.35
L. GeneXpert for TB	\$47.76
M. Whole Genome Sequencing	\$125
N. Chlamydia/Gonorrhea NAA Test	\$70.18
O. Rabies	\$50
P. SARS Covid-19 NAA Test	\$51.31
Q. M. genitalium NAA Test	\$35.09
R. Trichomoniasis NAA Test	\$35.09

NOTE: The purpose of this bill is to authorize the Department of Health to promulgate a legislative rule relating to fees for services.

This section is new; therefore, strike-throughs and underscoring have been omitted.