

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 5625**

By Delegates Worrell, Hite, and Heckert

(By Request of the West Virginia Department of  
Health)

[Introduced February 16, 2026; referred to the  
Committee on Health and Human Resources]

1 A BILL to amend and reenact §16-34-2, §16-34-3, and §16-34-5 of the Code of West Virginia,  
 2 1931, as amended, relating to the licensure of radon mitigators, testers, contractors, and  
 3 laboratories; adding a definition of "Radon Resistant New Construction" ("RRNC") ;  
 4 providing when a licensed radon mitigation specialist or radon mitigation contractor is  
 5 required; and requiring the Commissioner of the Bureau for Health to conduct inspections  
 6 of radon mitigation systems `

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

**ARTICLE 34. LICENSURE OF RADON MITIGATORS, TESTERS, CONTRACTORS  
 AND LABORATORIES..**

**§16-34-2. Definitions.**

1 (a) "Building" means a publicly or privately owned structure consisting of any combination  
 2 of foundations, walls, columns, girders, beams, floors and roofs, with or without other elements of  
 3 appurtenances.

4 (b) "Business entity" means a corporation, partnership, association, firm, sole  
 5 proprietorship or other entity engaged in business.

6 (c) "Director" means the Commissioner of the Bureau for Health.

7 (d) "Mitigate" means to repair or alter an existing building or design for the purpose, in  
 8 whole or in part, of reducing the concentration of radon in the indoor atmosphere.

9 (e) "Radon" means the radioactive noble gas radon-222 and the short-lived radionuclides  
 10 which are products of radon-222 decay, including polonium-218, lead-214, bismuth-214 and  
 11 polonium-214.

12 (f) "Radon laboratory" means a business entity that offers its laboratory services for the  
 13 purpose of studying air, soil samples or passive radon detection devices to determine the  
 14 concentration of radon.

15 (g) "Radon mitigation contractor" means a business entity having at least one person

16 licensed as a radon mitigation specialist.

17       ~~(h)~~ "Radon mitigation specialist" means a person holding a license to install or apply  
18 methods or materials to reduce airborne radon concentrations in a building or to prevent the entry  
19 of radon into the indoor atmosphere.

20       ~~(i)~~ "Radon testers" means a business entity or person licensed to examine a building, air,  
21 soil or water for the presence of radon, including taking air, soil or water samples, or the act of  
22 diagnosing the cause of radon contamination in a building.

23       "RRNC" means Radon Resistant New Construction, a passive radon mitigation technique  
24 that is used during the construction of a new home.

25       ~~(j)~~ "Secretary" means the secretary of the Department of Health.

26       ~~(k)~~ "Test" means the act of examining a building, soil or air for the presence of radon,  
27 including taking air or soil samples, or the act of diagnosing the cause of radon contamination in a  
28 building.

**§16-34-3. License required and exemptions.**

1       (a) Except as otherwise provided in subsection (b) of this section:

2       (1) No individual may perform radon testing or hold himself or herself out as performing  
3 radon testing without a valid radon tester or mitigation specialist license;

4       (2) No individual may provide professional or expert advice on radon testing, radon  
5 exposure or the health risks related to radon exposure or hold himself or herself out as providing  
6 such advice without a valid radon tester or mitigation specialist license;

7       (3) No individual may provide on-site supervision of radon mitigation or hold himself or  
8 herself out as providing such supervision without a valid radon mitigation specialist license;

9       (4) No individual may provide professional or expert advice on radon mitigation or radon  
10 entry routes or hold himself or herself out as providing such advice without a valid radon mitigation  
11 specialist license;

12       (5) No business or government entity may perform or authorize any individual employed by

13 it to perform radon mitigation or hold itself out as performing radon mitigation without a valid radon  
14 mitigation contractor license; and

15 (6) No laboratory shall may perform analyses of radon air and soil samples or radon  
16 detection devices for the purpose of assessing radon content without a valid radon laboratory  
17 license; and

18 (7) No building contractor may build a RRNC home without using a licensed radon  
19 mitigation specialist or radon mitigation contractor.

20 (b) Subsection (a) of this section does not apply to any of the following:

21 (1) An individual, business entity or government entity performing its own radon tests or  
22 mitigation on a building or real property that the individual, business entity or government entity  
23 owns or leases;

24 (2) An individual, business entity or government entity conducting research regarding  
25 radon testing or mitigation in accordance with §16-34-4 of this code; or

26 (3) Employees of the radiological health program. (a) "Building" means a publicly or  
27 privately owned structure consisting of any combination of foundations, walls, columns, girders,  
28 beams, floors and roofs, with or without other elements of appurtenances.

**§16-34-5. Powers and duties of the director.**

1 (a) The director shall license radon testers, mitigation specialists, mitigation contractors  
2 and radon laboratories located within the state. Each applicant for a license shall submit a  
3 completed application to the director on a form prescribed and furnished by the director.

4 (b) The director shall issue the appropriate license to each applicant who pays the license  
5 fee, meets the licensing criteria and complies with any other licensing and training requirements  
6 established by the director. An individual business entity or government entity may hold more than  
7 one license issued under this section, but a separate application is required for each license.

8 (c) Notwithstanding §16-34-3 (a) (1) of this code, the director shall issue a radon mitigation  
9 contractor license on request to the holder of a radon mitigation specialist license if the license

10 holder is the owner or chief stockholder of a business entity for which he or she is the only  
11 individual who will work as a radon mitigation specialist. The licensing criteria and any other  
12 licensing and training requirements that the individual was required to meet to qualify for the radon  
13 mitigation specialist license are hereby considered to satisfy any and all criteria and requirements  
14 for a radon mitigation contractor license. A license issued under this section expires at the same  
15 time as the individual's radon mitigation specialist license.

16 (d) A license issued under this section expires annually and may be renewed by the  
17 director in accordance with criteria and procedures established by the director under §16-34-6 of  
18 this code and upon payment of the prescribed license renewal fee.

19 (e) The director may:

20 (1) Refuse to issue a license to an individual, business entity or government entity that  
21 does not meet the requirements of this article or the rules adopted under this article or that has  
22 violated the provisions of this article or of any rules promulgated under this article; ~~or~~

23 (2) Suspend, revoke or refuse to renew the license of an individual, business entity or  
24 government entity that is or has been in violation of the requirements of this article or the rules  
25 adopted under this article- ; or

26 (3) Conduct inspections of radon mitigation systems.

27 (f) The director shall approve and assess fees for all of the following:

28 (1) Licenses for radon testers, mitigation specialists, mitigation contractors and radon  
29 laboratories;

30 (2) Accredited training courses for radon testers and mitigation specialists; and

31 (3) Training courses for employees of mitigation contractors.

32 (g) Each applicant for approval shall submit a completed application to the director on a  
33 form the director shall prescribe and furnish.

34 (h) In accordance with rules adopted under §16-34-6 of this code, the director shall issue  
35 the appropriate approval to each applicant that pays the approval fee and meets the criteria for

36 approval.

37 (i) The director may refuse to issue an approval and may revoke or suspend an approval  
38 issued under this section if the operator of the course or laboratory fails to meet the established  
39 criteria.

40 (j) The director shall do all of the following:

41 (1) Administer the radon licensing program established by this article and enforce the  
42 requirements of this article and the rules adopted under this article;

43 (2) Examine the records of radon testers, mitigation specialists, mitigation contractors and  
44 radon laboratories and training courses approved under §16-34-7 of this code as he or she  
45 considers necessary to determine whether they are in compliance with the requirements of this  
46 article and the rules adopted under this article;

47 (3) Coordinate the radon licensing program with any radon programs in schools;

48 (4) Collect and disseminate information relating to radon in this state; and

49 (5) Conduct research on indoor radon contamination, which may include a statewide  
50 survey on radon contamination.

51 (k) The director may do any of the following:

52 (1) Conduct inspections as he or she considers necessary to determine whether the  
53 requirements of this article and the rules adopted under this article have been met;

54 (2) Conduct training programs and establish and collect fees to cover the cost of  
55 conducting them;

56 (3) Advise, consult, cooperate with and, with the consent of the secretary, enter into  
57 contracts or grant agreements with any individual business entity, government entity, interstate  
58 agency or the federal government as he or she considers appropriate to fulfill the requirements of  
59 this article and the rules adopted under this article; and

60 (4) Collect the information required to be reported to him or her under any rules adopted  
61 under §16-34-6 of this code.

- 62 (l) Nothing in this article ~~shall~~ may be construed to allow the director to:
- 63 (1) Require the performance of a test for radon;
- 64 ~~(2) Regulate construction practices; or~~
- 65 ~~(3)~~ (2) Regulate the retail sales of radon test kits for use by individuals to do their own
- 66 radon testing in buildings owned by them.

NOTE: The purpose of this bill is to modify the requirements for the licensure of radon mitigators, testers, contractors, and laboratories.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.