

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

House Bill 5625

By Delegates Worrell, Hite, and Heckert

(By Request of the West Virginia Department of
Health)

[Originating in the Committee on Health and Human
Resources; Reported on February 24, 2026]

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 radon licensure; defining terms; providing when a
3 licensee is required; and requiring inspections.

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 (†) "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 (‡) "Secretary" means the Secretary of the Department of Health.

26 (⌘) "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~~ An 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.