

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 773

BY SENATORS M. MAYNARD AND RUCKER

[Introduced February 5, 2026; referred
to the Committee on Health and Human Resources]

1 A BILL to amend and reenact §16-1-4 of the Code of West Virginia, 1931, as amended, relating
2 to the state public health system; and requiring the Secretary of the Department of Health
3 to propose legislative rules to include alpha-gal syndrome on the list of diseases that shall
4 be required to be reported to the Center for Disease Control and Prevention.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. STATE PUBLIC HEALTH SYSTEM.

§16-1-4. Proposal of rules by the secretary.

1 (a) The secretary may propose legislative rules in accordance with the provisions of §29A-
2 3-1 *et seq.* of this code that include:

3 (1) Land usage endangering the public health: *Provided*, That no rules may be
4 promulgated or enforced restricting the subdivision or development of any parcel of land within
5 which the individual tracts, lots, or parcels exceed two acres each in total surface area and which
6 individual tracts, lots, or parcels have an average frontage of not less than 150 feet even though
7 the total surface area of the tract, lot, or parcel equals or exceeds two acres in total surface area,
8 and which tracts are sold, leased, or utilized only as single-family dwelling units. Notwithstanding
9 the provisions of this subsection, nothing in this section may be construed to abate the authority
10 of the department to:

11 (A) Restrict the subdivision or development of a tract for any more intense or higher density
12 occupancy than a single-family dwelling unit;

13 (B) Propose or enforce rules applicable to single-family dwelling units for single-family
14 dwelling unit sanitary sewerage disposal systems; or

15 (C) Restrict any subdivision or development which might endanger the public health, the
16 sanitary condition of streams, or sources of water supply;

17 (2) The sanitary condition of all institutions and schools, whether public or private, public
18 conveyances, dairies, slaughterhouses, workshops, factories, labor camps, all other places open

19 to the general public and inviting public patronage or public assembly, or tendering to the public
20 any item for human consumption and places where trades or industries are conducted;

21 (3) Occupational and industrial health hazards, the sanitary conditions of streams, sources
22 of water supply, sewerage facilities, and plumbing systems and the qualifications of personnel
23 connected with any of those facilities, without regard to whether the supplies or systems are
24 publicly or privately owned; and the design of all water systems, plumbing systems, sewerage
25 systems, sewage treatment plants, excreta disposal methods, and swimming pools in this state,
26 whether publicly or privately owned;

27 (4) Safe drinking water, including:

28 (A) The maximum contaminant levels to which all public water systems must conform in
29 order to prevent adverse effects on the health of individuals and, if appropriate, treatment
30 techniques that reduce the contaminant or contaminants to a level which will not adversely affect
31 the health of the consumer. The rule shall contain provisions to protect and prevent contamination
32 of wellheads and well fields used by public water supplies so that contaminants do not reach a
33 level that would adversely affect the health of the consumer;

34 (B) The minimum requirements for: Sampling and testing; system operation; public
35 notification by a public water system on being granted a variance or exemption, or upon failure to
36 comply with specific requirements of this section and rules promulgated under this section;
37 recordkeeping; laboratory certification; as well as procedures and conditions for granting
38 variances and exemptions to public water systems from state public water systems rules; and

39 (C) The requirements covering the production and distribution of bottled drinking water
40 and may establish requirements governing the taste, odor, appearance, and other consumer
41 acceptability parameters of drinking water;

42 (5) Food and drug standards, including cleanliness, proscription of additives, proscription
43 of sale, and other requirements in accordance with §16-7-1 *et seq.* of this code as are necessary
44 to protect the health of the citizens of this state;

45 (6) The training and examination requirements for emergency medical service attendants
46 and emergency medical care technician-paramedics; the designation of the health care facilities,
47 health care services, and the industries and occupations in the state that must have emergency
48 medical service attendants and emergency medical care technician-paramedics employed, and
49 the availability, communications and equipment requirements with respect to emergency medical
50 service attendants and to emergency medical care technician-paramedics. Any regulation of
51 emergency medical service attendants and emergency medical care technician- paramedics may
52 not exceed the provisions of §16-4C-1 *et seq.* of this code;

53 (7) The health and sanitary conditions of establishments commonly referred to as bed and
54 breakfast inns. For purposes of this article, "bed and breakfast inn" means an establishment
55 providing sleeping accommodations and, at a minimum, a breakfast for a fee. The secretary may
56 not require an owner of a bed and breakfast providing sleeping accommodations of six or fewer
57 rooms to install a restaurant-style or commercial food service facility. The secretary may not
58 require an owner of a bed and breakfast providing sleeping accommodations of more than six
59 rooms to install a restaurant-type or commercial food service facility if the entire bed and breakfast
60 inn or those rooms numbering above six are used on an aggregate of two weeks or less per year;

61 (8) Fees for services provided by the Bureau for Public Health including, but not limited to,
62 laboratory service fees, environmental health service fees, health facility fees, and permit fees;

63 (9) The collection of data on health status, the health system, and the costs of health care;

64 (10) The distribution of state aid to local health departments and basic public health
65 services funds in accordance with:

66 (A) Base allocation amount for each county;

67 (B) Establishment and administration of an emergency fund of no more than two percent
68 of the total annual funds of which unused amounts are to be distributed back to local boards of
69 health at the end of each fiscal year;

70 (C) A calculation of funds utilized for state support of local health departments;

71 (D) Distribution of remaining funds on a per capita weighted population approach which
72 factors coefficients for poverty, health status, population density, and health department
73 interventions for each county and a coefficient which encourages counties to merge in the
74 provision of public health services; and

75 (E) The provisions of this subdivision are in effect until the performance standard funding
76 formula is created and established by legislative rule.

77 (b) The secretary shall propose legislative rules in accordance with the provisions of §29A-
78 3-1 et seq. to include alpha-gal syndrome on the list of diseases that shall be required to be
79 reported to the Center for Disease Control and Prevention (CDC).

80 ~~(b)(c)~~ The secretary ~~shall~~ may not review any repair or modernization of equipment at a
81 public pool facility as long as such activity does not change the scope of the facility or its current
82 use and such activity does not exceed \$25,000 in planned cost.