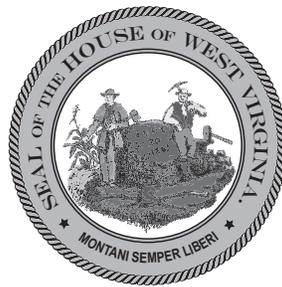


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February 16, 2024  
THIRTY-EIGHTH DAY



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Friday, February 16, 2024

**THIRTY-EIGHTH DAY**

[DELEGATE HANSHAW, MR. SPEAKER, IN THE CHAIR]

The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

Prayer was offered and the House was led in recitation of the Pledge of Allegiance.

The Clerk proceeded to read the Journal of Thursday, February 15, 2024, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Reordering of the Calendar**

Pursuant to the action of the Committee on Rules, Delegate Hott announced that Com. Sub. for H. B. 4809, on Third Reading, Special Calendar, had been transferred to the House Calendar; and Com. Sub. for H. B. 5137, Com. Sub. for H. B. 5345 and Com. Sub. for H. B. 5354, on Second Reading, Special Calendar, had been transferred to the House Calendar; and H. B. 5022, Com. Sub. for H. B. 5067, Com. Sub. for H. B. 5441 and H. B. 5590.

**Committee Reports**

Delegate Anderson, Chair of the Committee on Energy and Manufacturing, submitted the following report, which was received:

Your Committee on Energy and Manufacturing has had under consideration:

**H. B. 4784**, Establish setback from residential properties for new windmills being constructed throughout the state,

And,

**H. B. 5624**, Relating to Surface Use Notice,

And reports the same back, with amendment, with the recommendation that they each do pass, as amended, but that they first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bills (H. B. 4784 and H. B. 5624) were each referred to the Committee on the Judiciary.

Delegate Clark, Vice-Chair of the Committee on Economic Development and Tourism, submitted the following report, which was received:

Your Committee on Economic Development and Tourism has had under consideration:

**S. B. 461**, Relating to county economic opportunity development districts,

And reports the same back, with amendment, with the recommendation that it do pass, as amended.

Delegate Kelly, Chair of the Committee on Jails and Prisons, submitted the following report, which was received:

Your Committee on Jails and Prisons has had under consideration:

**H. B. 5358**, Creating an ombudsman program within the Division of Corrections and Rehabilitation to review complaints against a state agency or correctional facility,

And,

**H. B. 5368**, Relating to the creation of Regional Jail Commissions,

And reports the same back, with amendment, with the recommendation that they each do pass, as amended, but that they first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bills (H. B. 5358 and H. B. 5368) were each referred to the Committee on the Judiciary.

Delegate Kelly, Chair of the Committee on Jails and Prisons, submitted the following report, which was received:

Your Committee on Jails and Prisons has had under consideration:

**H. B. 5363**, Requiring the Commissioner of Corrections and Rehabilitation to continue the GOALS Programs in regional jails,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 5363) was referred to the Committee on the Judiciary.

Delegate Kelly, Chair of the Committee on Jails and Prisons, submitted the following report, which was received:

Your Committee on Jails and Prisons has had under consideration:

**H. B. 4668**, Adding Division of Corrections and Rehabilitation employees who work at institutions managed by the Commissioner to the Survivor Benefits Act,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 4668) was referred to the Committee on Finance.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 4890**, To eliminate additional fee from the WVDMV for honorably discharged veterans for "Veteran" vehicle registration plate,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 4890) was referred to the Committee on Finance.

On motion for leave, a bill was introduced (Originating in the Committee on Health and Human Resources and reported with the recommendation that it do pass), which was read by its title, as follows:

**By Delegates Hite, Summers, Tully, Winzenreid and Worrell:**

**H. B. 5691** - "A Bill to amend the code of West Virginia, 1931, as amended, by adding thereto a new section designated 9-5-34; and to repeal §16B-12-3 of said code; all relating to a biennial capitation rate review to be conducted by the Bureau of Medical Services."

Delegate Summers, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

**H. B. 5670**, Relating to, except emergency medical treatment, requiring a parent who has been allocated custodial responsibility to provide the other parent with notice prior to medical expenses being incurred,

And,

**Com. Sub. for S. B. 475**, Relating to recovery residences,

And reports the same back, with amendment, with the recommendation that they each do pass, as amended, but that they first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bills (H. B. 5670 and Com. Sub. for S. B. 475) were each referred to the Committee on the Judiciary.

Delegate Summers, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

**H. B. 5347**, Creating the Pathway for a Career in Medicine Program,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 5347** - "A Bill to amend and reenact §16-4C-6 and §16-4C-24 of the Code of West Virginia, 1931, as amended; all relating to establishing a program for emergency medical services personnel to become certified paramedics; and providing for its funding,"

**H. B. 5361**, Relating to allowing influenza immunizations to be offered to patients and residents of specified facilities on a voluntary basis based upon recommendations of the Center for Disease Control,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 5361** - "A Bill to repeal §16-3-4a of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new section designated, §16B-3-21 relating to allowing influenza immunizations to be offered to hospital patients,"

And,

**H. B. 5635**, To allow patients or subscribers of medications to direct pharmacists to list the illness or condition for which a prescription is being issued be listed on the label of the prescription,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 5635** - "A Bill amend and reenact §60A-3-308 of the Code of West Virginia, 1931, as amended, relating to allowing patients to direct prescribers to list the illness or condition for which a prescription is being issued on the label of the prescription,"

With the recommendation that the committee substitutes each do pass.

Delegate Summers, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

**H. B. 4797**, Relating to reimbursement for child-care based upon enrollment,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 4797) was referred to the Committee on Finance.

Delegate Summers, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

**H. B. 4698**, Relating to who may diagnose post-traumatic stress disorder as a compensable injury or disease under workers compensation,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 4698) was referred to the Committee on Finance.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

- H. C. R. 2, U.S. Army SPC Steven W. Herron Memorial Bridge,
- H. C. R. 5, George M. Hall Memorial Bridge,
- H. C. R. 11, VFD Gregory Linn Haught Memorial Bridge,
- H. C. R. 14, Assistant Chief David Timothy "Tim" Wilson Memorial Road,
- H. C. R. 15, USMC Private Timith Daley Nunn Memorial Bridge,
- H. C. R. 16, Thomas Leo Starsick Memorial Bridge,
- H. C. R. 17, Ab and Laura Baisden Bridge,
- H. C. R. 18, Caldwell Brothers Memorial Bridge,
- H. C. R. 20, SP4 Donnie Lee Hackney Memorial Bridge,
- H. C. R. 23, Cody J. Mullens Memorial Bridge,
- H. C. R. 25, William "Bill" Harris Memorial Bridge,
- H. C. R. 27, US Army Sergeant Jerry Lee Harris Memorial Bridge,
- H. C. R. 28, Karantonis' Brother's Armed Forces Memorial Bridge,
- H. C. R. 29, U.S. Army Sgt Thomas Lawson Memorial Bridge,
- H. C. R. 30, Jack L. Hart Memorial Bridge,
- H. C. R. 31, Stanley and Evelyn See Memorial Bridge,
- H. C. R. 35, Gulf War Veteran's Memorial Bridge,
- H. C. R. 38, US Army PFC William Gorman Memorial Bridge,
- H. C. R. 41, Thurman W. Whisner Memorial Bridge,
- H. C. R. 44, Frank Walker Mosley Memorial Bridge,
- H. C. R. 45, Alexander Arbuckle "Abe" McLaughlin Memorial Bridge,
- H. C. R. 46, Jacob "Jack" Taylor Rudolph, Sr. Memorial Bridge,
- H. C. R. 50, Jack A. Hatfield Memorial Bridge,
- H. C. R. 51, U. S. Army Colonel Merlin C. Kerns Memorial Bridge,
- H. C. R. 53, Navy Quartermaster Third Class Lawrence Earl Boggs Memorial Bridge,

**H. C. R. 59**, Asa H. Kisamore, Jr. Memorial Bridge,

**H. C. R. 60**, Terra Dawn Lewis Memorial Road and Bridge,

**H. C. R. 61**, Mollohan Brothers Memorial Bridge,

And,

**H. C. R. 68**, U. S. Army Air Force, Major (Ret.) Willis "Scottie" Adams Memorial Bridge,

And reports the same back with the recommendation that they each be adopted, but that they first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolutions (H. C. R. 2, H. C. R. 5, H. C. R. 11, H. C. R. 14, H. C. R. 15, H. C. R. 16, H. C. R. 17, H. C. R. 18, H. C. R. 20, H. C. R. 23, H. C. R. 25, H. C. R. 27, H. C. R. 28, H. C. R. 29, H. C. R. 30, H. C. R. 31, H. C. R. 35, H. C. R. 38, H. C. R. 41, H. C. R. 44, H. C. R. 45, H. C. R. 46, H. C. R. 50, H. C. R. 51, H. C. R. 53, H. C. R. 59, H. C. R. 60, H. C. R. 61 and H. C. R. 68) were each referred to the Committee on Rules.

Delegate Mazzocchi, Chair of the Committee on Senior, Children, and Family Issues, submitted the following report, which was received:

Your Committee on Senior, Children, and Family Issues has had under consideration:

**H. B. 4002**, Providing any employee working 20 hours or more per week in a licensed child care center or certified family child care (FCC) home is eligible for a child care subsidy, regardless of their household income,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 4002) was referred to the Committee on Finance.

Delegate Mallow, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

**H. B. 5255**, To require insurance companies to reimburse ambulance agencies for providing treatment in place or transportation to alternative destinations,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 5255) was referred to the Committee on the Judiciary.

Delegate Mallow, Chair of the Committee on Fire Departments and Emergency Medical Services, submitted the following report, which was received:

Your Committee on Fire Departments and Emergency Medical Services has had under consideration:

**H. B. 5103**, Relating to payment for EMS treatment without transport,

And,

**H. B. 5147**, To quantify fair workman compensation rates and more equitable method of tracking/billing for various classifications within volunteer fire departments and emergency rescue personnel,

And reports the same back, with amendment, with the recommendation that they each do pass, as amended, but that they first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bills (H. B. 5103 and H. B. 5147) were each referred to the Committee on Finance.

Delegate Mazzocchi, Chair of the Committee on Senior, Children, and Family Issues, submitted the following report, which was received:

Your Committee on Senior, Children, and Family Issues has had under consideration:

**H. B. 5609**, Relating to confidentiality of child care records and the Foster Care Ombudsman,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 5609) was referred to the Committee on the Judiciary.

Mr. Speaker (Mr. Hanshaw), Chair of the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration:

**Com. Sub. for H. C. R. 6**, Staff Sgt. J.J. "Junior" Spurrier Memorial Bridge,

And reports the same back with the recommendation that it be adopted.

### **Messages from the Executive**

#### **and Other Communications**

A communication from the Clerk of the Senate to His Excellency, the Governor, advised that Com. Sub. for S. B. 318, S. B. 428 and S. B. 543 were presented to the Governor on February 14, 2024.

A communication from His Excellency, the Governor, advised that on February 15, 2024, he approved Com. Sub. for S. B. 31.

### Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates, as follows:

**H. B. 5019**, Relating to surrender and return of license not required for disqualifying or downgrading a driver's license.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

**Com. Sub. for S. B. 354**, Relating to the WV Advanced Energy and Economic Corridor Authority.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 613** - "A Bill to amend and reenact §31-17-1, §31-17-3, §31-17-4, §31-17-6, §31-17-7, and §31-17-11 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §31-17-4a; and to amend said code by adding thereto a new section, designated §31-17A-9a, all relating to the licensure and regulation of mortgage brokers, lenders, and loan originators; updating definitions; eliminating outdated provisions; authorizing emergency rulemaking; permitting the Commissioner of Financial Institutions to participate in the multistate licensing and examination process; updating net worth requirements to use generally accepted accounting principles; providing information requirements for a change in control and updating the change in control process; specifying requirements for individuals in control of a licensee or applicant; confirming confidentiality of examination and licensee information but allowing release of aggregate data; permitting loan originators to conduct work at their residence if certain requirements are met; and making technical corrections"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 622** - "A Bill to amend and reenact §3-2-25 of the Code of West Virginia, 1931, as amended, relating to systemic purging program and additional systematic confirmation procedure for the removal of ineligible voters from active voter rolls; removing obsolete reference to combined voter registration and licensing fund; decreasing the period of voting inactivity from four to two years; and providing an internal effective date"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 623** - "A Bill to amend and reenact §3-2-11 of the Code of West Virginia, 1931, as amended, relating to requiring Division of Motor Vehicles to provide images of persons

issued any identification or license to the Secretary of State for voter identification purposes"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 624** - "A Bill to amend and reenact §3-2-27 of the Code of West Virginia, 1931, as amended, relating to authorizing cancellation of voter registration records for individuals who are no longer West Virginia citizens and who have obtained a driver's license in another state"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules as follows:

**S. C. R. 29** – "Expressing concerns regarding regulatory overreach impacting the chemical industry and urging the Biden Administration and Congress to reevaluate proposed restrictions."

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 544** - "A Bill to amend and reenact §5-22-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §8-16-1 and §8-16-5 of said code; all relating to raising the threshold from \$25,000 to \$50,000 for requirement of bids for government construction projects; clarifying definition of "Municipal public works" or "works"; and raising the threshold from \$25,000 to \$50,000 for requirement of bids for municipal public works projects."

At the respective requests of Delegate Hott, and by unanimous consent, reference of the bill (Com. Sub. for S. B. 544) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

### **Special Calendar**

#### **Third Reading**

**S. B. 605**, Requiring electronic funds transfer of retirement contributions by participating employers; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 198**), and there were--yeas 94, nays 2, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Butler and Dillon.

Absent and Not Voting: Ellington, Foggin, Ross and Street.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 605) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

**S. B. 606**, Relating to Natural Resources Police Officers Retirement System; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 199**), and there were--yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Ellington, Foggin and Ross.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 606) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

**S. B. 607**, Clarifying Municipal Police Officers and Firefighters Retirement System surviving spouse benefits; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 200**), and there were--yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Ellington, Foggin and Ross.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 607) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates.

**H. B. 4654**, Removing bona fide schools, public libraries, and museums from the list of exemptions from criminal liability relating to distribution and display to minor of obscene matter; on third reading, coming up in regular order, with the right to amend was reported by the Clerk.

Delegate Pushkin moved to amend the bill on page 1, Section 3, line 14 by striking out the word "or" and, on line 16, by striking out the period, inserting a semi-colon, and the following: "or

(e) A professional person as defined in §18A-1-1 of this code, in the presentation of local or state approved curriculum."

The question then being on the adoption of the amendment, the same was put and did not prevail.

Having been engrossed, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 201**), and there were--yeas 85, nays 12, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Fluharty, Garcia, Griffith, Hamilton, Hansen, Hornbuckle, Lewis, Pushkin, Rowe, Statler, Williams and Young.

Absent and Not Voting: Ellington, Foggin and Ross.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4654) passed.

On motion of Delegate Fast, the title of the bill was amended to read as follows:

**H. B. 4654** - "A Bill to amend and reenact §61-8A-3 of the Code of West Virginia, 1931, as amended, relating to removing bona fide schools, public libraries, and museums from the list of exemptions from criminal liability relating to distribution and display to minor of obscene matter; and creating criminal penalties."

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 4807**, Establishing limitations on billing practices of Internet or telecommunications providers that fail to provide subscribed customers service for five or more days; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 202**), and there were--yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Ellington, Foggin and Ross.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4807) passed.

On motion of Delegate Fast, the title of the bill was amended to read as follows:

**Com. Sub. for H. B. 4807** – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §46A-6-111, relating to establishing limitations on billing practices of Internet or telecommunications providers that fail to provide subscribed customers service for five or more days (120 hours); requiring providers to automatically credit the customer's account for the lack of service proportional to the number of days disrupted services providers relating to customer outages; requiring credits to accounts; Attorney General to enforce; establishing civil penalties; and providing for a private right of action in limited circumstances."

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 4850**, Removing the sunset clause from Oil and Gas Personal Property Tax; on third reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Hott, and by unanimous consent, the bill was postponed one day.

**Com. Sub. for H. B. 4867**, Require pornography websites to utilize age verification methods to prevent minors from accessing content; on third reading, coming up in regular order, with amendment pending and the right to amend, was reported by the Clerk.

An amendment was recommended by the Committee on Technology and Infrastructure, and adopted, by striking everything after the enacting clause and inserting the following:

**“CHAPTER 49A. CHILD ONLINE PROTECTION AND LIABILITY.**

**ARTICLE 1. LIABILITY FOR PUBLISHERS AND DISTRIBUTORS OF SEXUAL MATERIAL HARMFUL TO MINORS.**

**§49A-1-101. Definitions.**

As used in this chapter:

(1) ‘Application’ means, as used in this section, a computer software program designed to run on a smartphone, computer tablet, mobile device, smart television, desktop, or other application enabled devices.

(2) ‘Child pornography’ is defined as any material visually portraying a minor engaged in any sexually explicit conduct as those terms are used in West Virginia Code §61-8C-1.

(3) ‘Commercial entity’ includes a corporation, limited liability company, partnership, limited partnership, sole proprietorship, or other legally recognized entity.

(4) ‘Digital identification’ means information stored on a digital network that may be accessed by a commercial entity and that serves as proof of the identity of an individual. ‘Digital identification’ shall include but not be limited to the West Virginia Mobile ID.

(5) ‘Distribute’ means to issue, sell, give, provide, deliver, transfer, transmute, circulate, or disseminate by any means.

(6) ‘Intentionally’ means conduct that is willfully engaged and the consequences of such conduct results in a violation of this article.

(7) ‘Internet’ means the international computer network of both federal and non-federal interoperable packet switched data networks.

(8) ‘Knowingly’ means, with respect to conduct or to a circumstance described by a statute defining an offense, that a person is aware by documentation or action that the person’s conduct is of that nature or that the circumstance exists.

(9) ‘Minor’ means any person under 18 years old.

(10) ‘News-gathering organization’ means any of the following:

(A) an employee of a newspaper, news publication, or news source, printed or on an online or mobile platform, of current news and public interest, while operating as an employee as provided in this subsection, who can provide documentation of such employment with the newspaper, news publication, or news source; or

(B) an employee of a radio broadcast station, television broadcast station, cable television operator, or wire service while operating as an employee as provided in this subsection, who can provide documentation of such employment.

(11) 'Personally identifiable information' means any information about an individual maintained by an agency, including:

(A) any information that can be used to distinguish or trace an individual's identity, such as name, social security number, date and place of birth, mother's maiden name, or biometric records; and

(B) any other information that is linked or linkable to an individual, such as medical, educational, financial, and employment information.

(12) 'Obscene material' is defined as all of the following:

(a) Any material that the average person, applying contemporary community standards, would find, taking the material as a whole, is designed to appeal to, or is designed to pander to, the prurient interest;

(b) Material that exploits, is devoted to, or principally consists of descriptions of actual, simulated, or animated display or depiction of any of the following, in a manner that is patently and sexually offensive:

(i) Pubic hair, anus, vulva, genitals, or nipple of the female breast;

(ii) Touching, caressing, or fondling of nipples, breasts, buttocks, anuses, or genitals; or

(iii) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, excretory functions, exhibitions, or any other sexual act; and

(c) The material taken as a whole lacks serious literary, artistic, political, medical, therapeutic or scientific value.

(13) 'Publish' means to communicate or make information available to another person or entity on a publicly available Internet website or application.

(14) 'Sexual material harmful to minors' includes any material that:

(A) the average person, applying contemporary community standards, would find, taking the material as a whole and with respect to minors, is designed to appeal to, or is designed to pander to, the prurient interest;

(B) in a manner that is patently and sexually offensive in respect to minors, exploits, is devoted to, or principally consists of descriptions of actual, simulated, or animated display or depiction of:

(i) pubic hair, anus, vulva, genitals, or nipple of the female breast;

(ii) touching, caressing, or fondling of nipples, breasts, buttocks, anuses, or genitals; or

(iii) sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, excretory functions, exhibitions, or any other sexual act; and

(C) taken as a whole lacks serious literary, artistic, political, medical, therapeutic, or scientific value for minors.

(15) 'Substantial portion' means more than 33-1/3% of total material on a website or application, which meets the definition of 'sexual material harmful to minors' as defined in this section.

(16) 'Transactional data' means a sequence of information that documents an exchange, agreement, or transfer between an individual, commercial entity, or third party used for the purpose of satisfying a request or event. Transactional data includes records from mortgage, education, and employment entities.

#### **§49A-1-102. Reasonable age verification methods.**

(a) A commercial entity that knowingly and intentionally publishes or distributes sexual material harmful to minors on an Internet website, or application, or a third party that performs age verification under this article, shall in order to prove that an individual is 18 years of age or older require an individual to:

(1) provide digital identification; or

(2) comply with a commercial or governmental age verification system that verifies age using:

(A) government-issued identification which may be digital identification; or

(B) a commercially reasonable method that relies on public or private transactional data to verify the age of an individual.

(b) A commercial entity, or third party, that performs the required age verification shall not retain any identifying information of the individual after access has been granted to the material: *Provided*, That nothing in this subsection shall be interpreted to require the deletion of data that was otherwise held or obtained by a commercial entity, or third party, which the commercial entity, or third party, held prior to the age verification or which is, or was, otherwise held by a commercial entity, or third party, and was not gained or compiled as a part of the age verification process.

(c) A commercial entity, or third party, shall implement best practices to comply with the current standards of the National Institute of Standards and Technology to limit the amount of personally identifiable information transferred between entities while effectively accomplishing the age verification requirements of this section.

(d) A commercial entity shall not publish or distribute obscene material, or material that depicts, describes or promotes child pornography, on the Internet or via an application.

#### **§49A-1-103. Applicability of Article**

(a) This article does not apply to a website, video, report, or event of a bona fide news gathering organization or public interest broadcast. This article may not be construed to affect the rights of a news-gathering organization.

(b) An Internet service provider, or its affiliates or subsidiaries, a search engine, or a cloud service provider may not be held to have violated this article for providing access or connection

to or from a website or other information or content on the Internet or on a facility, system, or network, including transmission, downloading, intermediate storage, access software, or other services to the extent the provider or search engine is not responsible for the creation of the content that constitutes sexual material harmful to minors.

**§49A-1-104. Liability for failing to perform reasonable age verification for sexual material harmful to minors; damages; liability for retention of data; damages; creation of cause of action; and statute of limitations.**

(a) A commercial entity that knowingly and intentionally publishes or distributes sexual material harmful to minors on the internet from a website, or through an application, that contains a substantial portion of such sexual material harmful to minors shall be held liable if the entity fails to perform reasonable age verification methods to verify the age of an individual attempting to access the material. A commercial entity that is found to have violated this section shall be liable to an individual, as defined in subsection (d) of this section, for damages resulting from a minor child's accessing the material, and the individual who brings an action under this subsection is entitled to:

(1) an award of reasonable attorney fees and court costs;

(2) \$10,000 per each incident of violation; and

(3) actual damages for financial, physical, and emotional harm incurred by the person bringing the action, if the court determines that the harm is a direct consequence of the violation or violations.

(b) A commercial entity that knowingly and intentionally publishes or distributes obscene material, or material that depicts, describes or promotes child pornography, on the Internet may be held liable to an individual for nominal damages, actual damages, court costs and reasonable attorney fees as ordered by the court.

(c) A commercial entity that is found to have violated this section shall be liable to an individual for damages resulting from retaining, using, sharing, or selling any identifying information, or other data, of the individual after access has been granted to the individual. An individual who brings an action under this subsection is entitled to:

(1) an award of reasonable attorney fees and court costs;

(2) \$10,000 per each incident of violation; and

(3) actual damages for financial, physical, and emotional harm incurred by the person bringing the action, if the court determines that the harm is a direct consequence of the violation or violations.

(d) The Legislature hereby expressly creates the cause of action described in subsection (a) for a minor child, parent, guardian, or other person legally permitted to act on the minor child's behalf, that are harmed by a violation of the requirements of §49A-1-102(a) of the code. The Legislature hereby expressly creates the cause of action described in subsection (b) of this section for any person harmed by a violation of the requirements of §49A-1-102(d) of the code. The statute of limitation for the filing of any civil action under this section shall be within five years after the discovery of the violation, or in the exercise of reasonable diligence should have known

of the violation of this section. No award of damages pursuant to this section may be imposed for violations occurring more than five years before the action is brought and no award of damages may be imposed for any violation that occurred prior to the enactment of this section during the 2024 Regular Session of the West Virginia Legislature.

**§49A-1-105. Injunction by action of attorney general; civil penalties; basis of civil penalties; and statute of limitations.**

(a) If the attorney general believes that a commercial entity is knowingly and intentionally violating or has knowingly violated this article, and the action is in the public interest, the attorney general may bring an action in the circuit court located where a minor child, or individual, has accessed the obscene material, or sexual material harmful to minors, or in the circuit court located where an individual resides who has had any identifiable information improperly retained, used, shared, or sold, against a commercial entity or other person to enjoin the violation, recover a civil penalty for violating this article. If a court of competent jurisdiction finds that the commercial entity has engaged in a violation of this article, it may assess a civil penalty for each violation of this article in addition to any other damages that may have been incurred, as follows:

(1) \$10,000 per day that the entity operates an Internet website in violation of the age verification requirements of this article;

(2) \$10,000 per instance when the entity retains identifying information in violation of subsection (b) of this section; and

(3) if, because of the entity's violation of the age verification requirements of this chapter, one or more minors accesses sexual material harmful to minors, an additional amount of not more than \$250,000.

(h) The amount of a civil penalty under this section shall be based on:

(1) the seriousness of the violation, including the nature, circumstances, extent, and gravity of the violation;

(2) the history of previous violations;

(3) the amount necessary to deter a future violation;

(4) the economic effect of a penalty on the entity on whom the penalty will be imposed;

(5) the entity's knowledge that the act constituted a violation of this chapter; and

(6) any other matter that justice may require.

(i) The Legislature hereby creates a statute of limitation for the filing of any civil action under this section and an action shall be filed within five years after the discovery of the violation of the provisions of this section, or in the exercise of reasonable diligence should have known of the violation of the provisions of this section. No civil penalty pursuant to this section may be imposed for violations occurring more than five years before the action is brought and no civil penalty may be imposed for any violation that occurred prior to the enactment of this section during the 2024 Regular Session of the West Virginia Legislature. The attorney general may recover reasonable and necessary attorney's fees and costs incurred in a civil action under this article.

**§49A-1-106. Rule-making authority.**

(a) The Office of Technology, under the Department of Administration, is authorized to propose rules for legislative approval necessary to implement this article in accordance with §29A-3-1 et seq. of this code.

(b) The rules:

(1) Shall establish processes or means by which a commercial entity may meet the age verification requirements of this article;

(2) Shall establish requirements for providing confirmation of the receipt of any information provided by a person seeking to verify age under this article;

(3) Shall establish requirements for retaining, protecting, and securely disposing of any information obtained by a commercial entity or its agent as a result of compliance with the requirements of this article;

(4) Shall require that information obtained by a commercial entity or its agent in order to comply with the requirements of this article are only retained for the purpose of compliance and may not be used for any other purpose;

(5) Shall require if the Office of Technology permits an agent to process verification requirements required by this article, that the agent have its principal place of business in the United States of America.

**§49A-1-107. Severability.**

If any provision or clause of this article or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are severable.”

Having been engrossed, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 203**), and there were--yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Ellington, Foggin and Ross.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4867) passed.

On motion of Delegate Linville, the title of the bill was amended to read as follows:

**Com. Sub. for H. B. 4867** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated chapter 49A. Child Online Protection and Liability, by adding thereto a new article, designated §49-A-1-101 Liability for Publishers and Distributors of Sexual Material Harmful to Minors, by adding thereto new sections designated §49-A-1-101, §49-A-1-102, §49-A-1-103, §49-A-1-104, §49-A-1-105, §49-A-1-106, and §49-A-1-107 all relating

to creating liability for publishers and distributors of sexual material harmful to minors; providing definitions; relating to what constitutes reasonable age verification; providing exceptions to applicability of this article; requiring a commercial entity that provides pornography and other materials defined as being harmful to minors as a substantial portion of the entity's content to verify the age of individuals accessing the material, relating to liability, and establishing a cause of action; establishing requirements, liability, and a establishing a cause of action, for the retention of data; imposing liability for publishers and distributors of material harmful to minors who fail to comply with verification requirements; imposing liability for publishers and distributors of material that is obscene or child pornography; and providing that an internet service provider or hosting entity is not liable for hosting or transmitting material harmful to minors to the extent that it is not the creator of the material; providing a five year statute of limitations to these civil actions; relating to certain civil actions allowable by the Attorney General, relating to remedy of civil penalties, relating to how amount of civil penalties are to be based; relating to a five year statute of limitations for civil actions relating for attorney general civil actions; relating to rule-making authority of the Office of Technology; relating to enforcement of the provisions of this article; and relating to a severability section."

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. B. 5128**, Directing transfer of moneys into fire protection funds at the end of each year; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 204**), and there were--yeas 95, nays 1, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Hardy.

Absent and Not Voting: Cooper, Ellington, Foggin and Ross.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 5128) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. B. 5170**, Increasing the size of matching grants for local economic development from \$30,000 to \$50,000; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 205**), and there were--yeas 85, nays 10, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Coop-Gonzalez, Dillon, Foster, Kimble, Kirby, Kump, Longanacre, C. Pritt, Ridenour and Rowe.

Absent and Not Voting: Cooper, Ellington, Foggin, E. Pritt and Ross.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 5170) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 5294**, Revising state law regulating farm wineries; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 206**), and there were--yeas 77, nays 18, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Barnhart, Brooks, Burkhammer, Butler, Coop-Gonzalez, Dillon, Fast, Jeffries, Jennings, Kirby, Kump, Mallow, Pinson, Street, Toney, Vance, Ward and Worrell.

Absent and Not Voting: Cooper, Ellington, Foggin, Ross and Willis.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5294) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**Com. Sub. for H. B. 5319**, Creating the offense of exposing a law-enforcement officer, probation officer, parole officer, courthouse security officer, correctional officer, the State Fire Marshal, a deputy or assistant fire marshal, firefighter, or emergency medical service personnel to fentanyl; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 207**), and there were--yeas 93, nays 3, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Hansen, Pushkin and Rowe.

Absent and Not Voting: Cooper, Ellington, Foggin and Ross.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5319) passed.

On motion of Delegate Kelly, the title of the bill was amended to read as follows:

**Com. Sub. for H. B. 5319** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-5-17b, all relating to creating the offense of exposing a person to fentanyl; creating the offense of exposing a person to fentanyl causing death; creating the offense of exposing a person to fentanyl causing bodily injury; requiring proof of a violation of this code; establishing criminal penalties; requiring proof of exposure; and providing definitions."

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

**H. B. 5337**, Establishing the legislative oversight committee of the Division of Corrections and Rehabilitation; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 208**), and there were--yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, Ellington, Foggin, Householder, Kimble and Ross.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 5337) passed.

*Ordered*, That the Clerk of the House communicate to the Senate the action of the House of Delegates and request concurrence therein.

### Second Reading

**S. B. 790**, Changing reference to Curator of Department of Arts, Culture, and History to Cabinet Secretary; on second reading, coming up in regular order, was read a second time and ordered to third reading.

**Com. Sub. for H. B. 4640**, Relating to the transfer of certain revenues derived from lottery activities; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 4911**, Relating to the sale of raw milk; on second reading, coming up in regular order, was read a second time.

Delegate Pushkin moved to amend the bill on page 3, Section 7, lines 53 to 56, by striking out subsection (b) in its entirety.

On the adoption of the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 209**), and there were--yeas 18, nays 71, absent and not voting 11, with the yeas and the absent and not voting being as follows:

Yeas: Akers, Dittman, Fast, Fluharty, Garcia, Griffith, Hamilton, Hansen, Hornbuckle, Kump, Lewis, Martin, Nestor, Pushkin, Rowe, Steele, Williams and Young.

Absent and Not Voting: Cooper, Ellington, Foggin, Horst, Kimble, C. Pritt, Ross, Warner, Westfall, Winzenreid and Zatezalo.

So, a majority of the members present not having voted in the affirmative, the amendment was rejected.

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 4978**, Relating to clarifying the authority of appointed officials; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for H. B. 5013**, Relating to Timber Management; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 5528**, Relating to the renewable energy facilities program; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 5549**, Allowing license plates, road signs, or markers to be obtained from alternative sources when the Division of Corrections and Rehabilitation is unable to produce them; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Linville, the bill was amended on page 1, section 15, immediately following the enacting clause by striking everything after the enacting clause and inserting in lieu thereof the following:

**“ARTICLE 4. CORRECTIONS MANAGEMENT.**

**§15A-4-15. Manufacture of license plates, ~~road signs or markers~~; securing signs and markers when federal government reimburses state for cost thereof.**

For the purpose of obtaining license plates to be used upon motor vehicles licensed for operation in this state and road signs or markers of any description for state roads, the commissioner is hereby authorized and empowered on behalf of the state, to establish and operate a plant for the manufacture of the license plates and road signs or markers in his or her institution.

~~It shall be unlawful for any state official or employee to manufacture or obtain the license plates, road signs, or markers otherwise than as herein specified: *Provided*, That the Commissioner of Highways may originally secure road signs or markers from sources other than that provided herein. The Commissioner of Motor Vehicles may secure license plates from alternative sources when necessary to maintain a reasonable supply when the division is unable to produce an adequate supply based on a shortage of resources, labor, or other circumstance beyond the control of the division.”~~

The bill was then ordered to engrossment and third reading.

**First Reading**

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

**Com. Sub. for S. B. 400**, Creating limited waiver from certificate of public convenience and necessity requirement for certain water or sewer services projects,

**S. B. 507**, Relating to repeal of WV EDGE,

**H. B. 4299**, Permit teachers in K-12 schools be authorized to carry concealed firearms as a designated school protection officer,

**Com. Sub. for H. B. 4971**, Relating to Critical Materials Manufacturing Tax,

**Com. Sub. for H. B. 5017**, Relating to mobile food establishment reciprocity,

**Com. Sub. for H. B. 5021**, Relating to cardiac response plans,

**Com. Sub. for H. B. 5065**, Regarding continuing education requirements and compensation of Guardians Ad Litem,

**Com. Sub. for H. B. 5082**, Exempt those with 20 years holding an insurance license from attaining additional CEUs,

**Com. Sub. for H. B. 5159**, Relating generally to child labor,

**Com. Sub. for H. B. 5175**, Eliminate funding for the Center for Nursing and transfer its duties and authorities to the Higher Education Policy Commission,

**Com. Sub. for H. B. 5223**, To create the Southern Coalfield Resiliency and Revitalization Program,

**Com. Sub. for H. B. 5540**, Relating to fentanyl prevention and awareness Education (Laken's Law),

**Com. Sub. for H. B. 5553**, To provide and change graduation requirements and change duties relating to academic content standards,

And,

**Com. Sub. for H. B. 5650**, Allow suspended school personnel to enter school property functions open to the public.

#### **Leaves of Absence**

At the request of Delegate Hott, and by unanimous consent, leaves of absence for the day were granted Delegates Foggin, Ellington and Ross.

#### **Miscellaneous Business**

At the respective requests of Delegates Fast and Garcia, consent was obtained for the comments of the Delegates regarding H. B. 4654 to be printed in the Appendix to the Journal.

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

**H. B. 4002**: Delegate Young;

**H. B. 4640**: Delegate Akers;

**H. B. 4722**: Delegates Bridges, Dean and Vance;

**H. B. 4880**: Delegates Fehrenbacher and Howell;

**H. B. 4911**: Delegate Dillon;

**H. B. 5548**: Delegate Espinosa;

**H. B. 5553**: Delegate Hillenbrand;

**H. B. 5578:** Delegates Fluharty, Garcia, Griffith, Hamilton, Hansen, Hornbuckle, Lewis, Pushkin and Rowe;

And,

**H. B. 5627:** Delegate Hornbuckle.

At 1:29 p.m., the House of Delegates adjourned until 11:00 a.m., Monday, February 19, 2024.

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**HOUSE OF DELEGATES  
STEPHEN J. HARRISON, Clerk  
Building 1, Room M-212  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0470**



## **SPECIAL CALENDAR**

**Monday, February 19, 2024**

**41st Day**

**11:00 A.M.**

### **UNFINISHED BUSINESS**

Com. Sub. for H. C. R. 6 - U. S. Army Staff Sgt. James Ira “Junior” Spurrier Memorial Bridge

### **THIRD READING**

- S. B. 790 - Changing reference to Curator of Department of Arts, Culture, and History to Cabinet Secretary
- Com. Sub. for H. B. 4640 - Relating to the transfer of certain revenues derived from lottery activities
- Com. Sub. for H. B. 4850 - Removing the sunset clause from Oil and Gas Personal Property Tax
- Com. Sub. for H. B. 4911 - Relating to the sale of raw milk
- Com. Sub. for H. B. 4978 - Relating to clarifying the authority of appointed officials
- Com. Sub. for H. B. 5013 - Relating to Timber Management
- H. B. 5528 - Relating to the renewable energy facilities program
- H. B. 5549 - Allowing license plates, road signs, or markers to be obtained from alternative sources when the Division of Corrections and Rehabilitation is unable to produce them

### **SECOND READING**

- Com. Sub. for S. B. 400 - Creating limited waiver from certificate of public convenience and necessity requirement for certain water or sewer services projects
- S. B. 507 - Relating to repeal of WV EDGE
- Com. Sub. for S. B. 544 - Raising threshold for bid requirement of municipal public works projects
- H. B. 4299 - Permit teachers in K-12 schools be authorized to carry concealed firearms as a designated school protection officer
- Com. Sub. for H. B. 4971 - Relating to Critical Materials Manufacturing Tax

- Com. Sub. for H. B. 5017 - Relating to mobile food establishment reciprocity.
- Com. Sub. for H. B. 5021 - Relating to cardiac response plans
- Com. Sub. for H. B. 5065 - Regarding continuing education requirements and compensation of Guardians Ad Litem
- Com. Sub. for H. B. 5082 - Exempt those with 25 years holding an insurance license from attaining additional CEUs
- Com. Sub. for H. B. 5159 - Relating generally to child labor.
- Com. Sub. for H. B. 5175 - Eliminate funding for the Center for Nursing and transfer its duties and authorities to the Higher Education Policy Commission.
- Com. Sub. for H. B. 5223 - To create the Southern Coalfield Resiliency and Revitalization Program
- Com. Sub. for H. B. 5540 - Relating to fentanyl prevention and awareness Education (Laken's Law)
- Com. Sub. for H. B. 5553 - To provide and change graduation requirements and change duties relating to academic content standards
- Com. Sub. for H. B. 5650 - Allow suspended school personnel to enter school property functions open to the public

#### **FIRST READING**

- S. B. 461 - Relating to county economic opportunity development districts
- Com. Sub. for H. B. 5347 - Relating to establishing a program for emergency medical services personnel to become certified paramedics
- Com. Sub. for H. B. 5361 - Relating to allowing influenza immunizations to be offered to hospital patients
- Com. Sub. for H. B. 5635 - Relating to allowing patients to direct prescribers to list the illness or condition for which a prescription is being issued on the label of the prescription
- H. B. 5691 - Relating to a biennial capitation rate review to be conducted by the Bureau of Medical Services

## HOUSE CALENDAR

Monday, February 19, 2024

41st Day

11:00 A.M.

### THIRD READING

Com. Sub. for H. B. 4809 - Health Care Sharing Ministries Freedom to Share Act

### SECOND READING

- Com. Sub. for S. B. 17 - Authorizing Department of Health to promulgate legislative rules
- H. B. 4795 - Relating to permitting an academic medical center to operate an opioid treatment facility.
- H. B. 4855 - Require Division of Purchasing to write contracts in an unbiased manner
- H. B. 4878 - Updating the meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act
- H. B. 4881 - Relating to bringing terms not defined in that act into conformity with the meaning of those terms for federal income tax purposes
- H. B. 4957 - Relating generally to lobbying rules
- H. B. 5038 - Relating to research and economic development agreements for state institutions of higher education
- H. B. 5050 - Relating to authorizing legislative rules regarding higher education.
- Com. Sub. for H. B. 5137 - Relating to requiring the State Auditor to conduct audits of all county boards of education
- H. B. 5263 - Relating to the Consolidated Public Retirement Board and requiring participating public employers to remit retirement contributions and fees by electronic funds transfer
- H. B. 5269 - Relating to the Municipal Police Officers and Firefighters Retirement System
- H. B. 5270 - Relating to the Natural Resources Police Officers Retirement System
- Com. Sub. for H. B. 5345 - Relating to the registration requirements in the Sex Offender



Registration Act.

Com. Sub. for H. B. 5354 - Relating to the Grant Transparency and Accountability Act

### **FIRST READING**

- H. B. 4429 - Relating to excluding test strips from the definition of drug paraphernalia
- H. B. 4700 - Banning certain persons from sport wagering activities
- H. B. 4777 - Allow staff members in public schools to eat lunch for free if there is food left over after every student has been fed
- H. B. 5022 - Relating to increasing the amount of ephedrine, pseudoephedrine or phenylpropanolamine a person may purchase annually.
- Com. Sub. for H. B. 5067 - To remove the 2 year timeframe for medical malpractice suits to be filed ONLY for individuals who were minors when they had their procedures performed
- H. B. 5194 - Requiring purchases of certain commodities and services from state use program partners
- H. B. 5237 - Prohibiting driving slow in left lane except under certain circumstances
- Com. Sub. for H. B. 5441 - Relating to raising the threshold from \$25,000 to \$50,000 for the requirement of bids for municipal public works projects.
- H. B. 5590 - Changing reference to the "Curator" of the Department of Arts, Culture, and History to the "Secretary" of the Department



# **WEST VIRGINIA HOUSE OF DELEGATES**

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**MONDAY, FEBRUARY 19, 2024**

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**HOUSE CONVENES AT 11:00 A.M.**

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**COMMITTEE ON RULES  
10:45 A.M. - BEHIND THE CHAMBER**

**COMMITTEE ON FINANCE  
1:00 P.M. – FINANCE COMMITTEE ROOM**

**COMMITTEE ON THE JUDICIARY  
1:00 P.M. – JUDICIARY COMMITTEE ROOM**

**COMMITTEE ON EDUCATION  
2:30 P.M. – EDUCATION COMMITTEE ROOM**

**COMMITTEE ON GOVERNMENT ORGANIZATION  
3:00 P.M. – EAST WING COMMITTEE ROOM**

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HOUSE OF DELEGATES  
STEPHEN J. HARRISON, Clerk  
Building 1, Room M-212  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0470