

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-24-79

Time 1:00 p.m.

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1979



# ENROLLED

HOUSE BILL No. 1036

(By Mr. Teets)



Passed March 10, 1979

In Effect Ninety Days From Passage



No. 1036

ENROLLED

# H. B. 1036

(By MR. TEETS)

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[Passed March 10, 1979; in effect ninety days from passage.]

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AN ACT to amend and reenact section seven, article one, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to power of the state board of health to promulgate rules and regulations; and providing that the board has no authority to promulgate rules and regulations restricting the subdivision or development of land used as single family dwelling units when total surface area of the land exceeds two acres.

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

That section seven, article one, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 1. STATE DEPARTMENT OF HEALTH.**

**§16-1-7. Promulgation of rules and regulations; references to board to mean director of health.**

1 The state board of health shall have the power to  
2 promulgate such rules and regulations, in accordance with  
3 the provisions of chapter twenty-nine-a of the code, as are  
4 necessary and proper to effectuate the purposes of this chap-  
5 ter and prevent the circumvention and evasion thereof:  
6 *Provided*, That no rules or regulations shall be promulgated  
7 or enforced restricting the subdivision or development of  
8 any parcel of land within which the individual tracts, lots

9 or parcels exceed two acres each in total surface area and  
10 which individual tracts, lots or parcels have an average  
11 frontage of not less than one hundred fifty feet even though  
12 the total surface area of said tract, lot or parcel equals  
13 or exceeds two acres in total surface area, and which tracts  
14 are sold, leased or utilized only as single family dwelling  
15 units. The provisions next above notwithstanding, nothing  
16 in this section shall be construed to abate the authority of  
17 the state health department to: (1) restrict the subdivision or  
18 development of such tract for any more intense or higher  
19 density occupancy than such single family dwelling unit; (2)  
20 promulgate and enforce rules and regulations applicable to  
21 single family dwelling units for single family dwelling unit  
22 sanitary sewerage disposal systems; <sup>or</sup> (3) restrict any subdivision  
23 or development which might endanger the public health, the  
24 sanitary condition of streams, or sources of water supply. The  
25 board shall have the power to appoint or designate advisory  
26 councils of professionals in the areas of hospitals, nursing  
27 homes, barbers and beauticians, postmortem examinations,  
28 mental health and mental retardation centers and such other  
29 areas as it deems necessary to advise the board on rules and  
30 regulations. Such rules and regulations shall include, but not  
31 be limited to, the regulation of:

32 (1) The sanitary condition of all institutions and schools,  
33 whether public or private, public conveyances, dairies, slaugh-  
34 terhouses, workshops, factories, labor camps, all other places  
35 open to the general public and inviting public patronage or pub-  
36 lic assembly, or tendering to the public any item for human con-  
37 sumption, and places where trades or industries are conducted;

38 (2) Occupational and industrial health hazards, the sanitary  
39 conditions of streams, sources of water supply, sewerage facili-  
40 ties and plumbing systems, and the qualifications of personnel  
41 connected with any of such facilities, without regard to whether  
42 such supplies or systems, are publicly or privately owned; and  
43 the design of all water systems, plumbing systems, sewerage  
44 systems, sewage treatment plants, excreta disposal methods,  
45 swimming pools in this state, whether publicly or privately  
46 owned;

47 (3) Food and drug standards, including cleanliness, pro-

48 description of additives, proscription of sale, and other require-  
49 ments in accordance with article seven of this chapter, as are  
50 necessary to protect the health of the citizens of this state;

51 (4) The training and examination requirements for emer-  
52 gency medical service attendants and mobile intensive care  
53 paramedics; the designation of the health care facilities, health  
54 care services, and the industries and occupations in the state  
55 which must have emergency medical service attendants and  
56 mobile intensive care paramedics employed, and the avail-  
57 ability, communications, and equipment requirements with  
58 respect thereto;

59 (5) The collection of data on health status, the health sys-  
60 tem and the costs of health care;

61 (6) Other health-related matters which the department of  
62 health is authorized to supervise, and for which the rule-  
63 making authority has not been otherwise assigned.

64 Notwithstanding any other provision of this code to the  
65 contrary, whenever in this code there is a reference to the  
66 state board of health and such reference does not relate to the  
67 making or promulgation of rules and regulations, it shall be  
68 construed to mean and shall be a reference to the director of  
69 the state department of health.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*James L. Davis*  
Chairman Senate Committee

*Chaunce C. Chuston Jr*  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

*J. C. Sullivan Jr*  
Clerk of the Senate

*C. G. Blankenship*  
Clerk of the House of Delegates

*A. C. Brantley Jr*  
President of the Senate

*Chas. M. Lee Jr*  
Speaker House of Delegates

The within is approved this the 24  
day of March, 1979.

*Don R. Royce*  
Governor



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FOR THE STATE

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