WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1992

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ENROLLED

Com. Sub. for

HOUSE BILL No. H 23

— • —

Passed ____________________________ 1992

In Effect ____________________________

(Also

(BY DELEGATES Roop and Reed)

Passed March 7, 1992

In Effect From Passage
ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 4123
(By Delegates Roop and Reed)
[Passed March 7, 1992; in effect from passage.]

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 the authority of the secretary of the department of health and human resources to promulgate rules regulating the health and sanitary conditions of bed and breakfast inns and exempting certain bed and breakfast inns from certain food service requirements.

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 BUREAU OF PUBLIC HEALTH.

§16-1-7. Promulgation of rules and regulations; references to board to mean secretary of department of health and human resources.

1 The secretary of the department of health and human resources shall have the power to promulgate such rules and regulations, in accordance with the provisions of chapter twenty-nine-a of the code, as are necessary and proper to effectuate the purposes of this chapter and
prevent the circumvention and evasion thereof: *Provided*, That no rules or regulations shall be promulgated or enforced restricting the subdivision or development of any parcel of land within which the individual tracts, lots or parcels exceed two acres each in total surface area and which individual tracts, lots or parcels have an average frontage of not less than one hundred fifty feet even though the total surface area of said tract, lot or parcel equals or exceeds two acres in total surface area, and which tracts are sold, leased or utilized only as single family dwelling units. The provisions next above notwithstanding, nothing in this section shall be construed to abate the authority of the department of health and human resources to: (1) Restrict the subdivision or development of such tract for any more intense or higher density occupancy than such single family dwelling unit; (2) promulgate and enforce rules and regulations applicable to single family dwelling units for single family dwelling unit sanitary sewerage disposal systems; or (3) restrict any subdivision or development which might endanger the public health, the sanitary condition of streams, or sources of water supply. The secretary shall have the power to appoint or designate advisory councils of professionals in the areas of hospitals, nursing homes, barbers and beauticians, postmortem examinations, mental health and mental retardation centers and such other areas as it deems necessary to advise the secretary on rules and regulations. Such rules and regulations shall include, but not be limited to, the regulation of:

(1) The sanitary condition of all institutions and schools, whether public or private, public conveyances, dairies, slaughterhouses, workshops, factories, labor camps, all other places open to the general public and inviting public patronage or public assembly, or tendering to the public any item for human consumption, and places where trades or industries are conducted;

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

(3) Food and drug standards, including cleanliness, proscription of additives, proscription of sale, and other requirements in accordance with article seven of this chapter, as are necessary to protect the health of the citizens of this state;

(4) The training and examination requirements for emergency medical service attendants and mobile intensive care paramedics; the designation of the health care facilities, health care services, and the industries and occupations in the state which must have emergency medical service attendants and mobile intensive care paramedics employed, and the availability, communications, and equipment requirements with respect thereto;

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

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

(7) The health and sanitary conditions of establishments commonly referred to as bed and breakfast inns. For purposes of this section, “bed and breakfast inn” means an establishment providing sleeping accommodations and, at a minimum, a breakfast for a fee: Provided, That the secretary may not require an owner of a bed and breakfast providing sleeping accommodations of six or fewer rooms to install a restaurant style or commercial food service facility: Provided, however, That the secretary may not require an owner of a bed and breakfast providing sleeping accommodations of more than six rooms to install a restaurant-type or commercial food service facility if the entire bed and breakfast inn or those rooms numbering above six are used on an
aggregate of two weeks or less per year.

Notwithstanding any other provision of this code to the contrary, whenever in this code there is a reference to the state board of health, it shall be construed to mean and shall be a reference to the secretary of the state department of health and human resources.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originating in the House.

Takes effect from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker of the House of Delegates

The within is approved this the 30th day of [Month], 1992.

[Signature]
Governor