

# WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

**Enrolled**  
**Committee Substitute**  
**for**  
**Senate Bill 199**

SENATOR MAYNARD, *original sponsor*

[Passed March 8, 2019; in effect from passage]

FILED

2019 MAR 22 P 3:31

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

SB 199

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1 AN ACT to amend and reenact §64-9-1, §64-9-2, §64-9-3, §64-9-4, §64-9-5, §64-9-6, §64-9-7,  
2 §64-9-8, §64-9-9, §64-9-10, and §64-9-11 of the Code of West Virginia, 1931, as  
3 amended, all relating generally to authorizing certain miscellaneous agencies and boards  
4 to promulgate legislative rules; authorizing the rules as filed, as modified by the Legislative  
5 Rule-Making Review Committee and as amended by the Legislature; authorizing the  
6 Athletic Commission to promulgate a legislative rule relating to administrative rules of the  
7 West Virginia State Athletic Commission; authorizing the Commissioner of Agriculture to  
8 promulgate a legislative rule relating to animal disease control; authorizing the  
9 Commissioner of Agriculture to promulgate a legislative rule relating to industrial hemp;  
10 authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to  
11 rural rehabilitation loan program; authorizing the Commissioner of Agriculture to  
12 promulgate a legislative rule relating to captive cervid farming; authorizing the  
13 Commissioner of Agriculture to promulgate a legislative rule relating to farm-to-food bank  
14 tax credit; authorizing the Commissioner of Agriculture to promulgate a legislative rule  
15 relating to agritourism; authorizing the Commissioner of Agriculture to promulgate a  
16 legislative rule relating to farmers markets; authorizing the Commissioner of Agriculture to  
17 promulgate a legislative rule relating to seed certification program; authorizing the Board  
18 of Licensed Dietitians to promulgate a legislative rule relating to licensure and renewal  
19 requirements; authorizing the Board of Medicine to promulgate a legislative rule relating  
20 to licensing and disciplinary procedures: physicians; podiatric physicians and surgeons;  
21 authorizing the Board of Medicine to promulgate a legislative rule relating to permitting  
22 and disciplinary procedures: educational permits for graduate medical interns, residents,  
23 and fellows; authorizing the Board of Osteopathic Medicine to promulgate a legislative rule  
24 relating to licensing procedures for osteopathic physicians; authorizing the Board of  
25 Pharmacy to promulgate a legislative rule relating to licensure and practice of pharmacy;  
26 authorizing the Board of Pharmacy to promulgate a legislative rule relating to Board of

27 Pharmacy rules for registration of pharmacy technicians; authorizing the Board of  
28 Pharmacy to promulgate a legislative rule relating to regulations governing pharmacy  
29 permits; authorizing the Board of Pharmacy to promulgate a legislative rule relating to  
30 regulations governing pharmacists; authorizing the Board of Pharmacy to promulgate a  
31 legislative rule relating to rules for the substitution of biological pharmaceuticals;  
32 authorizing the Real Estate Appraiser Licensing and Certification Board to promulgate a  
33 legislative rule relating to requirements for licensure and certification; authorizing the  
34 Board of Examiners for Registered Professional Nurses to promulgate a legislative rule  
35 relating to policies, standards, and criteria for the evaluation, approval, and national  
36 nursing accreditation of prelicensure nursing education programs; authorizing the Board  
37 of Examiners for Registered Professional Nurses to promulgate a legislative rule relating  
38 to requirements for registration and licensure, and conduct constituting professional  
39 misconduct; authorizing the Board of Examiners for Registered Professional Nurses to  
40 promulgate a legislative rule relating to advanced practice registered nurse licensure  
41 requirements; authorizing the Board of Examiners for Registered Professional Nurses to  
42 promulgate a legislative rule relating to scope of professional nursing practice; authorizing  
43 the Board of Examiners for Registered Professional Nurses to promulgate a legislative  
44 rule relating to fees for services rendered by the board and supplemental renewal fee for  
45 the Center for Nursing; authorizing the Board of Examiners for Registered Professional  
46 Nurses to promulgate a legislative rule relating to dialysis technicians; authorizing the  
47 Secretary of State to promulgate a legislative rule relating to filing and formatting rules and  
48 related documents and other documents for publication in the State Register; authorizing  
49 the Secretary of State to promulgate a legislative rule relating to loan and grant programs  
50 under the Help America Vote Act for the purchase of voting equipment, election systems,  
51 software, services, and upgrades; authorizing the Secretary of State to promulgate a  
52 legislative rule relating to early voting in-person satellite precincts; authorizing the

53 Secretary of State to promulgate a legislative rule relating to notaries public; authorizing  
54 the Board of Social Work Examiners to promulgate a legislative rule relating to  
55 qualifications for the profession of social work; authorizing the Board of Social Work  
56 Examiners to promulgate a legislative rule relating to code of ethics; and authorizing the  
57 Treasurer's Office to promulgate a legislative rule relating to reporting and claiming  
58 unknown and unlocatable interest owners' reserved interests.

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

**ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENCIES AND BOARDS  
TO PROMULGATE LEGISLATIVE RULES.**

**§64-9-1. Athletic Commission.**

1 The legislative rule filed in the State Register on July 24, 2018, authorized under the  
2 authority of §29-5A-24 of this code, modified by the Athletic Commission to meet the objections  
3 of the Legislative Rule-Making Review Committee and refiled in the State Register on December  
4 4, 2018, relating to the Athletic Commission (administrative rules of the West Virginia State  
5 Athletic Commission, 177 CSR 1), is authorized.

**§64-9-2. Commissioner of Agriculture.**

1 (a) The legislative rule filed in the State Register on July 27, 2018, authorized under the  
2 authority of §19-9-2 of this code, modified by the Commissioner of Agriculture to meet the  
3 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on  
4 December 10, 2018, relating to the Commissioner of Agriculture (animal disease control, 61 CSR  
5 1), is authorized.

6 (b) The legislative rule filed in the State Register on July 27, 2018, authorized under the  
7 authority of §19-12E-7 of this code, modified by the Commissioner of Agriculture to meet the  
8 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on

9 December 11, 2018, relating to the Commissioner of Agriculture (industrial hemp, 61 CSR 29), is  
10 authorized with the following amendments:

11 On page 4, section 4, by inserting a new subsection 4.1 to read as follows:

12 4.1. Within 60 days of being issued a license, the licensee shall certify to the  
13 Commissioner that he or she has provided a copy of that license to both the sheriff of the county  
14 in which the hemp is being grown and the local detachment of the West Virginia State Police.

15 And,

16 By renumbering the remaining subsections.

17 (c) The legislative rule filed in the State Register on July 26, 2018, authorized under the  
18 authority of §19-1-11 of this code, modified by the Commissioner of Agriculture to meet the  
19 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on  
20 December 4, 2018, relating to the Commissioner of Agriculture (rural rehabilitation loan program,  
21 61 CSR 33), is authorized.

22 (d) The legislative rule filed in the State Register on July 27, 2018, authorized under the  
23 authority of §19-2H-12 of this code, modified by the Commissioner of Agriculture to meet the  
24 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on  
25 December 4, 2018, relating to the Commissioner of Agriculture (captive cervid farming, 61 CSR  
26 34), is authorized with the following amendment:

27 On page 1, subsection 1.6, after the word “Standards” by inserting the words “effective  
28 June 13, 2012,”.

29 (e) The legislative rule filed in the State Register on January 9, 2018, authorized under  
30 the authority of §11-13DD-5 of this code, relating to the Commissioner of Agriculture (farm-to-  
31 food bank tax credit, 61 CSR 36), is authorized with the following amendment:

32 On page 4, after subdivision 5.6.b. by inserting a new subsection 5.7. to read as follows:

33 5.7. All applications for tax credits must be received by the Department of Agriculture no  
34 later than January 31 of the year following the year in which the donation was made.

35 (f) The legislative rule filed in the State Register on July 27, 2018, authorized under the  
36 authority of §19-36-1 of this code, modified by the Commissioner of Agriculture to meet the  
37 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on  
38 November 26, 2018, relating to the Commissioner of Agriculture (agritourism, 61 CSR 37), is  
39 authorized.

40 (g) The legislative rule filed in the State Register on July 27, 2018, authorized under the  
41 authority of §19-35-4 of this code, modified by the Commissioner of Agriculture to meet the  
42 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on  
43 November 26, 2018, relating to the Commissioner of Agriculture (farmers markets, 61 CSR 38),  
44 is authorized with the following amendment:

45 On page 8, by striking out paragraph “11.2.a.” in its entirety and renumbering the  
46 remaining paragraphs accordingly.

47 (h) The legislative rule filed in the State Register on July 27, 2018, authorized under the  
48 authority of §19-16-3a of this code, modified by the Commissioner of Agriculture to meet the  
49 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on  
50 December 11, 2018, relating to the Commissioner of Agriculture (seed certification program, 61  
51 CSR 39), is authorized.

**§64-9-3. Board of Licensed Dietitians.**

1 The legislative rule filed in the State Register on July 24, 2018, authorized under the  
2 authority of §30-35-4 of this code, modified by the Board of Licensed Dietitians to meet the  
3 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on  
4 September 20, 2018, relating to the Board of Licensed Dietitians (licensure and renewal  
5 requirements, 31 CSR 1), is authorized.

**§64-9-4. Board of Medicine.**

1 (a) The legislative rule filed in the State Register on July 25, 2018, authorized under the  
2 authority of §30-3-7 of this code, relating to the Board of Medicine (licensing and disciplinary  
3 procedures: physicians; podiatric physicians and surgeons, 11 CSR 1A), is authorized.

4 (b) The legislative rule filed in the State Register on July 25, 2018, authorized under the  
5 authority of §30-3-7 of this code, relating to the Board of Medicine (permitting and disciplinary  
6 procedures: educational permits for graduate medical interns, residents, and fellows, 11 CSR 12),  
7 is authorized.

**§64-9-5. Board of Osteopathic Medicine.**

1 The legislative rule filed in the State Register on July 26, 2018, authorized under the  
2 authority of §30-14-14 of this code, relating to the Board of Osteopathic Medicine (licensing  
3 procedures for osteopathic physicians, 24 CSR 1), is authorized with the following amendment:

4 On page 16, striking paragraph “18.1.hh.2” in its entirety and renumber the remaining  
5 paragraphs accordingly.

**§64-9-6. Board of Pharmacy.**

1 (a) The legislative rule filed in the State Register on July 27, 2018, authorized under the  
2 authority of §30-5-7 of this code, relating to the Board of Pharmacy (licensure and practice of  
3 pharmacy, 15 CSR 1), is authorized.

4 (b) The legislative rule filed in the State Register on July 27, 2018, authorized under the  
5 authority of §30-5-7 of this code, relating to the Board of Pharmacy (board of pharmacy rules for  
6 registration of pharmacy technicians, 15 CSR 7), is authorized with the following amendments:

7 On page 5, subsection 4.2 after the words, “minimum of” by striking out “960” and inserting  
8 in lieu thereof “500”;

9 On page 5, subsection 4.2 after the words, “within a” by striking out “15” and inserting in  
10 lieu thereof “12”;

11 On page 5, subsection 4.3 after the words, “a pharmacy in a” by striking out “960” and  
12 inserting in lieu thereof “500”;

13           On page 6, subdivision 4.4.c after the word, “Within” by striking out “15” and inserting in  
14 lieu thereof “12”;

15           And,

16           On page 6, subdivision 4.4.e after the words “within the” by striking out “15” and inserting  
17 in lieu thereof “12”.

18           (c) The legislative rule filed in the State Register on July 27, 2018, authorized under the  
19 authority of §30-5-7 of this code, relating to the Board of Pharmacy (regulations governing  
20 pharmacy permits, 15 CSR 15), is authorized.

21           (d) The legislative rule filed in the State Register on July 27, 2018, authorized under the  
22 authority of §30-5-7 of this code, relating to the Board of Pharmacy (regulations governing  
23 pharmacists, 15 CSR 16), is authorized.

24           (e) The legislative rule filed in the State Register on November 16, 2018, authorized under  
25 the authority of §30-5-12c of this code, modified by the Board of Pharmacy to meet the objections  
26 of the Legislative Rule-Making Review Committee and refiled in the State Register on November  
27 16, 2018, relating to the Board of Pharmacy (rules for the substitution of biological  
28 pharmaceuticals, 15 CSR 17), is authorized.

**§64-9-7. Real Estate Appraiser Licensing and Certification Board.**

1           The legislative rule filed in the State Register on July 27, 2018, authorized under the  
2 authority of §30-38-9 of this code, modified by the Real Estate Appraiser Licensing and  
3 Certification Board to meet the objections of the Legislative Rule-Making Review Committee and  
4 refiled in the State Register on October 3, 2018, relating to the Real Estate Appraiser Licensing  
5 and Certification Board (requirements for licensure and certification, 190 CSR 2), is authorized  
6 with the following amendments:

7           On page 3, subdivision 4.1.d. after the word “misdemeanor” by striking out the words  
8 “involving moral turpitude” and inserting in lieu thereof the following: “that bears a rational nexus  
9 to the occupation requiring licensure”;

10           On page 29, subdivision 8.2.c. after the word “misdemeanor by striking out the words  
11 “involving moral turpitude” and inserting in lieu thereof the following: “that bears a rational nexus  
12 to the occupation requiring licensure;

13           And,

14           On page 30, subdivision 9.2.f. after the word “misdemeanor” by striking out the words  
15 “involving moral turpitude” and inserting in lieu thereof the following: “that bears a rational nexus  
16 to the occupation requiring licensure.

**§64-9-8. Registered Professional Nurses.**

1           (a) The legislative rule filed in the State Register on July 26, 2018, authorized under the  
2 authority of §30-7-4 of this code, modified by the Registered Professional Nurses to meet the  
3 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on  
4 November 29, 2018, relating to the Registered Professional Nurses (policies, standards, and  
5 criteria for the evaluation, approval and national nursing accreditation of prelicensure nursing  
6 education programs, 19 CSR 1), is authorized.

7           (b) The legislative rule filed in the State Register on July 25, 2018, authorized under the  
8 authority of §30-5-7 of this code, modified by the Board of Examiners for Registered Professional  
9 Nurses to meet the objections of the Legislative Rule-Making Review Committee and refiled in  
10 the State Register on November 28, 2018, relating to the Board of Examiners for Registered  
11 Professional Nurses (requirements for registration and licensure and conduct constituting  
12 professional misconduct, 19 CSR 3), is authorized.

13           (c) The legislative rule filed in the State Register on July 25, 2018, authorized under the  
14 authority of §30-7-4 of this code, relating to the Board of Registered Professional Nurses  
15 (advanced practice registered nurse licensure requirements, 19 CSR 7), is authorized.

16           (d) The legislative rule filed in the State Register on July 26, 2018, authorized under the  
17 authority of §30-7-4 of this code, modified by the Board of Examiners for Registered Professional  
18 Nurses to meet the objections of the Legislative Rule-Making Review Committee and refiled in

19 the State Register on November 20, 2018, relating to the Board of Examiners for Registered  
20 Professional Nurses (scope of professional nursing practice, 19 CSR 10), is authorized.

21 (e) The legislative rule filed in the State Register on July 26, 2018, authorized under the  
22 authority of §30-7-4 of this code, modified by the Board of Registered Professional Nurses to meet  
23 the objections of the Legislative Rule-Making Review Committee and refiled in the State Register  
24 on November 28, 2018, relating to the Board of Registered Professional Nurses (fees for services  
25 rendered by the board and supplemental renewal fee for the center for nursing, 19 CSR 12), is  
26 authorized.

27 (f) The legislative rule filed in the State Register on July 25, 2018, authorized under the  
28 authority of §30-7C-7 of this code, modified by the Board of Examiners for Registered  
29 Professional Nurses to meet the objections of the Legislative Rule-Making Review Committee  
30 and refiled in the State Register on November 28, 2018, relating to the Board of Examiners for  
31 Registered Professional Nurses (dialysis technicians, 19 CSR 13), is authorized.

**§64-9-9. Secretary of State.**

1 (a) The legislative rule filed in the State Register on July 6, 2018, authorized under the  
2 authority of §29A-2-6 of this code, relating to the Secretary of State (filing and formatting rules  
3 and related documents and other documents for publication in the State Register, 153 CSR 6), is  
4 authorized with the following amendment:

5 On page 4, subdivision 5.1, after the words “New series rules” by striking out the word  
6 “may” and inserting in lieu thereof the word “shall”.

7 (b) The legislative rule filed in the State Register on July 10, 2018, authorized under the  
8 authority of §3-1-48 of this code, relating to the Secretary of State (loan and grant programs under  
9 the Help America Vote Act (HAVA) for the purchase of voting equipment, election systems,  
10 software, services, and upgrades, 153 CSR 10), is authorized.

11 (c) The legislative rule filed in the State Register on July 10, 2018, authorized under the  
12 authority of §3-3-2a of this code, relating to the Secretary of State (early voting in-person satellite  
13 precincts, 153 CSR 13), is authorized with the following amendment:

14 On page 3, subsection 5.5, after the words “If more than one satellite precinct” by striking  
15 the words “locations are” and inserting in lieu thereof the words “location is”.

16 (d) The legislative rule filed in the State Register on July 30, 2018, authorized under the  
17 authority of §39-4-25 of this code, relating to the Secretary of State (notaries public, 153 CSR 46),  
18 is authorized.

**§64-9-10. Board of Social Work Examiners.**

1 (a) The legislative rule filed in the State Register on July 25, 2018, authorized under the  
2 authority of §30-30-6 of this code, modified by the Board of Social Work Examiners to meet the  
3 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on  
4 November 16, 2018, relating to the Board of Social Work Examiners (qualifications for the  
5 profession of social work, 25 CSR 1), is authorized.

6 (b) The legislative rule filed in the State Register on July 23, 2018, authorized under the  
7 authority of §30-30-6 of this code, relating to the Board of Social Work (code of ethics, 25 CSR  
8 7), is authorized.

**§64-9-11. Treasurer’s Office.**

1 The legislative rule filed in the State Register on July 27, 2018, authorized under the  
2 authority of §37B-2-7 of this code, modified by the Treasurer’s Office to meet the objections of  
3 the Legislative Rule-Making Review Committee and refiled in the State Register on December  
4 13, 2018, relating to the Treasurer’s Office (reporting and claiming unknown and unlocatable  
5 interest owners reserved interests, 112 CSR 16), is authorized.

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

*Mark R. Spangol*  
.....  
Chairman, Senate Committee

*Steve Caputo*  
.....  
Chairman, House Committee

Originated in the Senate.

In effect from passage.

*Joe Corn*  
.....  
Clerk of the Senate

*Steve Harrison*  
.....  
Clerk of the House of Delegates

*Walter B. Combs*  
.....  
President of the Senate

*Sam Haskins*  
.....  
Speaker of the House of Delegates

FILED  
2019 MAR 22 P 3:31  
OFFICE WEST VIRGINIA  
SECRETARY OF STATE

The within *is approved* this the *22<sup>nd</sup>*  
Day of *March* ..... 2019.

*James O. Eastman*  
.....  
Governor

PRESENTED TO THE GOVERNOR

1911 2 23

Time 11:16 am