WEST VIRGINIA LEGISLATURE
2020 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 339

SENATOR MAYNARD, original sponsor

[Passed March 5, 2020; in effect from passage]
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[Passed March 5, 2020; in effect from passage]
AN ACT to amend and reenact §64-5-1 et seq. of the Code of West Virginia, 1931, as amended, relating generally to authorizing certain agencies of the Department of Health and Human Resources to promulgate legislative rules; authorizing the rules as filed, as modified by the Legislative Rule-Making Review Committee, and as amended by the Legislature; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to public water systems; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to fees for permits; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to vital statistics; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to emergency medical services; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to primary care support program; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to primary care seed money grants; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medical cannabis program—general provisions; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medical cannabis program—grower/processors; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medical cannabis program—laboratories; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medical cannabis program—dispensaries; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medical cannabis program—safe harbor letter; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to the collection and exchange of data related to overdoses; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to minimum licensing requirements for residential child care and treatment facilities for children and transitioning adults in West Virginia; authorizing the
Department of Health and Human Resources to promulgate a legislative rule relating to qualifications for a provisional license to practice as a social worker within the Department of Health and Human Resources; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to pilot program for drug screening of applicants for cash assistance; and authorizing the Health Care Authority to promulgate a legislative rule relating to critical access hospitals.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. AUTHORIZATION FOR DEPARTMENT OF HEALTH AND HUMAN RESOURCES TO PROMULGATE LEGISLATIVE RULES.

§64-5-1. Department of Health and Human Resources.

(a) The legislative rule filed in the State Register on July 16, 2019, authorized under the authority of §16-1-4 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 4, 2019, relating to the Department of Health and Human Resources (public water systems, 64 CSR 03), is authorized.

(b) The legislative rule filed in the State Register on July 16, 2019, authorized under the authority of §16-1-11(d) of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 19, 2019, relating to the Department of Health and Human Resources (fees for permits, 64 CSR 30), is authorized.

(c) The legislative rule filed in the State Register on July 16, 2019, authorized under the authority of §16-5-3 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 4, 2019, relating to the Department of Health and Human Resources (vital statistics, 64 CSR 32), is authorized.
(d) The legislative rule filed in the State Register on July 16, 2019, authorized under the authority of §16-4C-23 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 4, 2019, relating to the Department of Health and Human Resources (emergency medical services, 64 CSR 48), is authorized.

(e) The legislative rule filed in the State Register on July 25, 2019, authorized under the authority of §16-2H-2(d) of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 19, 2019, relating to the Department of Health and Human Resources (primary care support program, 64 CSR 70), is authorized, with the following amendment:

On page 4, by striking subsection 4.2.

(f) The legislative rule filed in the State Register on July 26, 2019, authorized under the authority of §16-2H-2(d) of this code, relating to the Department of Health and Human Resources (primary care seed money grants, 64 CSR 71), is authorized.

(g) The legislative rule filed in the State Register on July 25, 2019, authorized under the authority of §16A-3-1(b) of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 4, 2019, relating to the Department of Health and Human Resources (medical cannabis program—general provisions, 64 CSR 109), is authorized, with the following amendment:

On page 5, by striking subsection 2.36 and inserting a new subsection 2.36 to read as follows: 2.36 "Medical cannabis" means cannabis that is grown and sold pursuant to the provisions for certified medical use as set forth in the Act and in a form set forth in the provisions of §64-110-10.
(h) The legislative rule filed in the State Register on July 25, 2019, authorized under the authority of §16A-3-1(b) of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 4, 2019, relating to the Department of Health and Human Resources (medical cannabis program—grower/processors, 64 CSR 110), is authorized, with the following amendments:

On page 4, by striking subsection 2.29 and inserting a new subsection 2.29 to read as follows: 2.29 “Medical cannabis" means cannabis that is grown and sold pursuant to the provisions for certified medical use as set forth in the Act and in a form set forth in the provisions of §64-110-10.;

On page 12, subdivision 8.1.d., after the words “minimum of", by deleting the words “four years” and inserting in lieu thereof the words “two years”; and

On page 13, subparagraph 8.2.f.2., after the words “recording for”, by deleting the words “four years” and inserting in lieu thereof the words “two years”.

And,

On page 15, by striking section §64-110-10 and inserting in lieu thereof a new §64-110-10 to read as follows:

"§64-110-10. Forms of medical cannabis.

10.1. A grower/processor may only process medical cannabis for dispensing to a patient or caregiver in the following forms:

10.1.a. Pill;

10.1.b. Oil;

10.1.c. Topical forms, including gel, creams, and ointments;

10.1.d. A form medically appropriate for administration by vaporization or nebulization;

10.1.e. Liquid;

10.1.f. Dermal patch; or
10.1.g. Dry leaf or plant form.

10.2. A grower/processor may not manufacture, produce, or assemble any medical cannabis product, instrument, or device without prior written approval of the bureau.

(i) The legislative rule filed in the State Register on July 25, 2019, authorized under the authority of §16A-3-1(b) of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 4, 2019, relating to the Department of Health and Human Resources (medical cannabis program—laboratories, 64 CSR 111), is authorized, with the following amendment:

On page 3, by striking subsection 2.15 and inserting a new subsection 2.15 to read as follows: 2.15 “Medical cannabis” means cannabis that is grown and sold pursuant to the provisions for certified medical use as set forth in the Act and in a form set forth in the provisions of §64-110-10.

(j) The legislative rule filed in the State Register on July 25, 2019, authorized under the authority of §16A-3-1(b) of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 4, 2019, relating to the Department of Health and Human Resources (medical cannabis program—dispensaries, 64 CSR 112), is authorized, with the following amendments:

On page 3, by striking subsection 2.19 and inserting a new subsection 2.19 to read as follows: 2.19 “Medical cannabis” means cannabis that is grown and sold pursuant to the provisions for certified medical use as set forth in the Act and in a form set forth in the provisions of §64-110-10.; and

On page 12, subdivision 11.1.d., after the words “minimum of”, by deleting the words “four years” and inserting in lieu thereof the words “two years".
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(k) The legislative rule filed in the State Register on July 24, 2019, authorized under the authority of §16A-3-1(b) of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 19, 2019, relating to the Department of Health and Human Resources (medical cannabis program—safe harbor letter, 64 CSR 113), is authorized, with the following amendment:

On page 1, by striking subsection 2.7 and inserting a new subsection 2.7 to read as follows: 2.7 "Medical cannabis" means cannabis that is grown and sold pursuant to the provisions for certified medical use as set forth in the Act and in a form set forth in the provisions of §64-110-10.

(l) The legislative rule filed in the State Register on July 22, 2019, authorized under the authority of §16-5T-5 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 21, 2019, relating to the Department of Health and Human Resources (collection and exchange of data related to overdoses, 69 CSR 14), is authorized.

(m) The legislative rule filed in the State Register on July 26, 2019, authorized under the authority of §49-2-121 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on January 7, 2020, relating to the Department of Health and Human Resources (minimum licensing requirements for residential child care and treatment facilities for children and transitioning adults in West Virginia, 78 CSR 03), is authorized.

(n) The legislative rule filed in the State Register on July 24, 2019, authorized under the authority of §30-30-16(c)(2) of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 25, 2019, relating to the Department of Health and Human Resources...
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117 Resources (qualifications for a provisional license to practice as a social worker within the
118 Department of Health and Human Resources, 78 CSR 24), is authorized.
119
120 (o) The legislative rule filed in the State Register on September 4, 2019, authorized under
121 the authority of §9-3-6 of this code, relating to the Department of Health and Human Resources
122 (pilot program for drug screening of applicants for cash assistance, 78 CSR 26), is authorized.


1 The legislative rule filed in the State Register on July 16, 2019, authorized under the
2 authority of §16-5B-14(d) of this code, modified by the Health Care Authority to meet the
3 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on
4 November 22, 2019, relating to the Health Care Authority (critical access hospitals, 65 CSR 09),
5 is authorized.
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The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, Senate Committee

Chairman, House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 24th Day of March 2020.

Governor