

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 17

BY SENATOR WOODRUM

[Passed March 9, 2024; in effect from passage]

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

2024 MAR 26 P 2: 21

FILED

SB17

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1 AN ACT to amend and reenact §64-5-1 *et seq.* of the Code of West Virginia, 1931, as amended
2 all relating generally to authorizing certain agencies of the Department of Health to
3 promulgate legislative rules; authorizing the rules as filed and as modified by the
4 Legislative Rule-Making Review Committee; authorizing the Department of Health to
5 promulgate a legislative rule relating to public water systems operators; authorizing the
6 Department of Health to promulgate a legislative rule relating to wastewater systems and
7 operators; authorizing the Department of Health to promulgate a legislative rule relating to
8 behavioral health centers licensure; authorizing the Department of Health to promulgate
9 a legislative rule relating to hospital licensure; authorizing the Department of Health to
10 promulgate a legislative rule relating to assisted living residences; authorizing the
11 Department of Health to promulgate a legislative rule relating to cross-connection control
12 and backflow prevention; authorizing the Department of Health to promulgate a legislative
13 rule relating to fees for permits; authorizing the Department of Health to promulgate a
14 legislative rule relating to fees for services; authorizing the Department of Health to
15 promulgate a legislative rule relating to medical examiner requirements for postmortem
16 inquiries; authorizing the Department of Health to promulgate a legislative rule relating to
17 newborn screening system; authorizing the Department of Health to promulgate a
18 legislative rule relating to distribution of funds from Emergency Medical Services Salary
19 Enhancement Fund; authorizing the Department of Health to promulgate a legislative rule
20 relating to West Virginia Clearance for Access, registry and employment screening;
21 authorizing the Department of Health to promulgate a legislative rule relating to
22 cooperative agreement approval and compliance; authorizing the Department of Health to
23 promulgate a legislative rule relating to certificate of need; authorizing the Department of
24 Health to promulgate a legislative rule relating to chronic pain management clinic
25 licensure; and authorizing the Department of Health to promulgate a legislative rule

26 relating to medication-assisted treatment and office-based, medication-assisted
27 treatment.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 5. AUTHORIZATION FOR DEPARTMENT OF HEALTH TO PROMULGATE
LEGISLATIVE RULES.**

§64-5-1. Department of Health.

1 (a) The legislative rule filed in the State Register on July 13, 2023, authorized under the
2 authority of §16-1-4 of this code, modified by the Department of Health to meet the objections of
3 the Legislative Rule-Making Review Committee and refiled in the State Register on November 7,
4 2023, relating to the Department of Health (public water systems operators, 64 CSR 04), is
5 authorized.

6 (b) The legislative rule filed in the State Register on July 13, 2023, authorized under the
7 authority of §16-1-4 of this code, modified by the Department of Health to meet the objections of
8 the Legislative Rule-Making Review Committee and refiled in the State Register on November 7,
9 2023, relating to the Department of Health (wastewater systems and operators, 64 CSR 05), is
10 authorized.

11 (c) The legislative rule filed in the State Register on July 13, 2023, authorized under the
12 authority of §27-9-1 of this code, modified by the Department of Health to meet the objections of
13 the Legislative Rule-Making Review Committee and refiled in the State Register on November 7,
14 2023, relating to the Department of Health (behavioral health centers licensure, 64 CSR 11), is
15 authorized.

16 (d) The legislative rule filed in the State Register on July 13, 2023, authorized under the
17 authority of §16-5B-8 of this code, modified by the Department of Health to meet the objections
18 of the Legislative Rule-Making Review Committee and refiled in the State Register on November
19 7, 2023, relating to the Department of Health (hospital licensure, 64 CSR 12), is authorized.

20 (e) The legislative rule filed in the State Register on February 16, 2023, authorized under
21 the authority of §16-5D-5 of this code, modified by the Department of Health to meet the objections
22 of the Legislative Rule-Making Review Committee and refiled in the State Register on August 21,
23 2023, relating to the Department of Health (assisted living residences, 64 CSR 14), is authorized.

24 (f) The legislative rule filed in the State Register on July 13, 2023, authorized under the
25 authority of §16-1-9a of this code, modified by the Department of Health to meet the objections of
26 the Legislative Rule-Making Review Committee and refiled in the State Register on November 7,
27 2023, relating to the Department of Health (cross-connection control and backflow prevention, 64
28 CSR 15), is authorized with the following amendment:

29 "On page 3, by striking section 5 in its entirety and inserting in lieu thereof a new section
30 5 to read as follows:

31 §64-15-5. When Protection Is Required.

32 5.1. The commissioner or his or her designee may determine, upon conducting a risk
33 assessment, that any water supply system must be equipped with a backflow prevention
34 assembly to protect the health and sanitation of water, whether publicly or privately
35 owned: *Provided*, That water supply systems shall not require a backflow prevention assembly
36 unless any of the following are met:

37 5.1.1. it cross-connects with a sprinkler or fire suppression system;

38 5.1.2. it cross-connects with an active auxiliary water source or water well;

39 5.1.3. it cross-connects with any fluid storage tank, tub, pool or cistern 85 gallons or larger
40 with a public water inlet that can be below the water level;

41 5.1.4. it cross-connects with a boiler system;

42 5.1.5. it cross-connects with any land irrigation system; or

43 5.1.6. The property serviced by the public water supply is a funeral home or mortuary,
44 restaurant, dry cleaner, medical facility, beauty and nail salon, car wash, multi-tenant retail space,
45 commercial building three stories or taller, or commercial space with a dedicated fire service

46 line/sprinkler system, industrial facility, salvage and/or wastewater facility, food processing facility,
47 recycling facility where cross-connected to the public water supply, correctional facility, or any
48 other customer using chemicals harmful to human health that are cross-connected to the public
49 water supply.”.

50 (g) The legislative rule filed in the State Register on July 21, 2023, authorized under the
51 authority of §16-1-4 of this code, modified by the Department of Health to meet the objections of
52 the Legislative Rule-Making Review Committee and refiled in the State Register on November 7,
53 2023, relating to the Department of Health (fees for permits, 64 CSR 30), is authorized.

54 (h) The legislative rule filed in the State Register on July 21, 2023, authorized under the
55 authority of §16-1-4 of this code, modified by the Department of Health to meet the objections of
56 the Legislative Rule-Making Review Committee and refiled in the State Register on November 7,
57 2023, relating to the Department of Health (fees for services, 64 CSR 51), is authorized.

58 (i) The legislative rule filed in the State Register on July 13, 2023, authorized under the
59 authority of §61-12-16 of this code, modified by the Department of Health to meet the objections
60 of the Legislative Rule-Making Review Committee and refiled in the State Register on November
61 7, 2023, relating to the Department of Health (medical examiner requirements for postmortem
62 inquiries, 64 CSR 84), is authorized.

63 (j) The legislative rule filed in the State Register on February 16, 2023, authorized under
64 the authority of §16-22-3 of this code, modified by the Department of Health to meet the objections
65 of the Legislative Rule-Making Review Committee and refiled in the State Register on August 22,
66 2023, relating to the Department of Health (newborn screening system, 64 CSR 91), is authorized.

67 (k) The legislative rule filed in the State Register on July 18, 2023, authorized under the
68 authority of §16-4C-25 of this code, modified by the Department of Health to meet the objections
69 of the Legislative Rule-Making Review Committee and refiled in the State Register on November
70 7, 2023, relating to the Department of Health (distribution of funds from Emergency Medical
71 Services Salary Enhancement Fund, 64 CSR 116), is authorized.

72 (l) The legislative rule filed in the State Register on July 19, 2023, authorized under the
73 authority of §16-49-9 of this code, modified by the Department of Health to meet the objections of
74 the Legislative Rule-Making Review Committee and refiled in the State Register on November 7,
75 2023, relating to the Department of Health (West Virginia Clearance for Access: registry and
76 employment screening, 64 CSR 123), is authorized.

77 (m) The legislative rule filed in the State Register on October 5, 2022, authorized under
78 the authority of §16-29B-28 of this code, relating to the Department of Health (cooperative
79 agreement approval and compliance, 65 CSR 06), is authorized.

80 (n) The legislative rule filed in the State Register on July 21, 2023, authorized under the
81 authority of §16-2D-4 of this code, relating to the Department of Health (certificate of need, 65
82 CSR 32), is authorized.

83 (o) The legislative rule filed in the State Register on February 16, 2023, authorized under
84 the authority of §16-5H-9 of this code, modified by the Department of Health to meet the objections
85 of the Legislative Rule-Making Review Committee and refiled in the State Register on August 21,
86 2023, relating to the Department of Health (chronic pain management clinic licensure, 69 CSR
87 08), is authorized.

88 (p) The legislative rule filed in the State Register on February 16, 2023, authorized under
89 the authority of §16-5Y-13 of this code, modified by the Department of Health to meet the
90 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on
91 August 21, 2023, relating to the Department of Health (medication-assisted treatment and office
92 based, medication-assisted treatment, 69 CSR 12), is authorized.



The Clerk of the Senate and the Clerk of the House of Delegates hereby certify that the foregoing bill is correctly enrolled.

Joe Lavin
.....
Clerk of the Senate

Steve Morris
.....
Clerk of the House of Delegates

FILED
2024 MAR 26 P 2:21
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Originated in the Senate.

In effect from passage.

C. P. Blount
.....
President of the Senate

Don Hancock
.....
Speaker of the House of Delegates

The within is *approved* this the *26th*
Day of *March*, 2024.

James O. Eastman
.....
Governor

PRESENTED TO THE GOVERNOR

MAR 14 2024

Time 10:47 am