

# **WEST VIRGINIA LEGISLATURE**

**2024 REGULAR SESSION**

**Enrolled**

**Committee Substitute**

**for**

**Senate Bill 17**

BY SENATOR WOODRUM

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



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.

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*Clerk of the Senate*

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*Clerk of the House of Delegates*

Originated in the Senate.

In effect from passage.

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*President of the Senate*

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*Speaker of the House of Delegates*

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The within is ..... this the.....  
Day of ....., 2024.

.....  
*Governor*