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Mac Warner
Secretary of State
Bldg. 1, Suite 157K
1900 Kanawha Blvd. East
Charleston, WV 25305-0770

(304) 558-6000

sos.wv.gov

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This week's publication includes documents submitted by the following agencies:

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Highways

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CHRONOLOGICAL INDEX, VOLUME XXXVIII ISSUE 41			
RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**
Community & Technical College Education (135-08)	West Virginia Invests Grant Program Legislative	§§18B-1-6, 18C-9-4	Written Comments Only November 9, 2021, 4:30 pm Sarah Armstrong Tucker, Chancellor 1018 Kanawha Blvd., East, Suite 700 Charleston, WV 25301 tucker@wvctcs.org
Education (126-003A)	WV Board of Education Rulemaking Process (Policy 1242) Legislative Exempt	§§29A-3B-1, et seq.	Written Comments Only November 15, 2021, 4:00 pm Heather L. Hutchens, General Counsel WVDE Legal Services Capitol Building 6, Suite 650 1900 Kanawha Blvd., E. Charleston, WV 25305 hhutchens@k12.wv.us

NO EMERGENCY RULES FILED THIS WEEK				
AGENCY	**RULE/TYPE**	**AUTHORITY**	**EFFECTIVE DATE**	**DATE NOTICE OF HEARING**

Office of the Secretary of State
State Capitol
Charleston, West Virginia 25305

Mac Warner
Secretary of State
State of West Virginia

Telephone: (304) 558-6000
Toll Free: 1-866-SOS-VOTE
Fax: (304) 558-0900
www.wvsos.gov

GUIDE FOR USING THE RULE MONITOR IN THE STATE REGISTER

Column	1.	Agency Name, (Title and Series Number)
Column	2.	Rule Title, Price and Type
Column	3.	Date Notice of Public Hearing or Comment Period Filed
Column	4.	Date of Public Hearing or Last Date Comments Will Be Received
Column	5.	Date Emergency Rule Filed, Emergency Amendments Filed, Emergency Rule Decision (ERD) Number & Date ERD Filed (Effective Date of Emergency Rule)
Column	6.	Date Agency Approved Legislative Rules Filed.
Column	7.	Date Review by the Legislative Rule-Making Review Committee & Action Taken **Please Note** The Board of Education, Board of Trustees & Board of Directors File Their Rules With the Educational Over-Sight Committee
Column	8.	Legislative Action
Column	9.	Date Agency Final Files Legislative, Procedural or Interpretive Rules. This is the Final Step for Procedural & Interpretive Rules
Column	10.	Date Rule is Effective

- Emergency rules will not have a "Notice" date until the agency files one, but the rule will appear in Columns 1, 2 & 5. An Agency must file for either a public hearing or public comment period either before filing as an emergency or no more than 30 days after filing the rule as an emergency
- If more than one date appears in a column, it means the agency has repeated that step (ex. - holding an additional public hearing)

CROSS REFERENCE OF RULE MONITOR TITLE NUMBERS AND AGENCIES

TITLE NUMBER		NAME OF AGENCY
TITLE	1	ACCOUNTANCY
TITLE	2	ARCHITECTS
TITLE	3	BARBERS AND COSMETOLOGISTS
TITLE	4	CHIROPRACTIC EXAMINERS
TITLE	5	DENTISTRY
TITLE	6	FUNERAL SERVICE EXAMINERS
TITLE	7	PROFESSIONAL ENGINEERS
TITLE	10	LICENSED PRACTICAL NURSES
TITLE	11	MEDICINE
TITLE	14	OPTOMETRY
TITLE	15	PHARMACY
TITLE	16	PHYSICAL THERAPY
TITLE	17	PSYCHOLOGISTS
TITLE	19	REGISTERED PROFESSIONAL NURSES
TITLE	20	SANITARIANS
TITLE	22	FORESTRY
TITLE	24	OSTEOPATHIC MEDICINE
TITLE	25	SOCIAL WORK EXAMINERS
TITLE	26	VETERINARY MEDICINE
TITLE	27	COUNSELING
TITLE	29	SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
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TITLE	31	DIETITIANS
TITLE	32	ACUPUNCTURE
TITLE	33	WASTE MANAGEMENT, DIV. OF WATER AND WASTE MGMT.
TITLE	35	OIL AND GAS
TITLE	36	COAL MINE HEALTH AND SAFETY
TITLE	38	MINING AND RECLAMATION
TITLE	42	LABOR
TITLE	45	AIR QUALITY
TITLE	47	WATER RESOURCES, DIV. OF WATER AND WASTE MGMT.
TITLE	56	MINERS' HEALTH, SAFETY AND TRAINING
TITLE	58	NATURAL RESOURCES
TITLE	60	ENVIRONMENTAL PROTECTION – SECRETARY'S OFFICE
TITLE	61	AGRICULTURE
TITLE	64	HEALTH
TITLE	65	HEALTH CARE AUTHORITY
TITLE	69	HEALTH AND HUMAN RESOURCES
TITLE	76	SENIOR SERVICES
TITLE	78	HUMAN SERVICES
TITLE	81	STATE POLICE
TITLE	87	FIRE COMMISSION
TITLE	89	PUBLIC DEFENDER SERVICES
TITLE	90	CORRECTIONS
TITLE	91	MOTOR VEHICLES
TITLE	94	REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY
TITLE	110	TAX DEPARTMENT
TITLE	112	TREASURER
TITLE	114	INSURANCE COMMISSION
TITLE	126	EDUCATION
TITLE	127	SECONDARY SCHOOLS ACTIVITIES COMMISSION
TITLE	133	HIGHER EDUCATION POLICY COMMISSION
TITLE	135	COMMUNITY AND TECHNICAL COLLEGE EDUCATION
TITLE	143	PERSONNEL
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TITLE	145	DEVELOPMENT OFFICE
TITLE	146	STATE ELECTION COMMISSION
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TITLE	150	PUBLIC SERVICE COMMISSION
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TITLE	175	ALCOHOL BEVERAGE CONTROL COMMISSION
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TITLE	177	ATHLETIC COMMISSION
TITLE	178	RACING COMMISSION
TITLE	179	LOTTERY COMMISSION
TITLE	190	REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Agriculture (61-01A)	Feeding of Untreated Garbage to Swine Legislative	6/16/2021	7/16/2021		7/19/2021	Modified & Approved 9/12/2021 Filed 10/5/2021			
Agriculture (61-05)	Commercial Feed Legislative	6/25/2021	7/24/2021	7/27/2021 Approved 8/9/2021	7/26/2021				
Agriculture (61-07, Repeal)	Enrichment of Flour and Bread Law Regulations Legislative	6/28/2021	7/28/2021		7/28/2021	Modified & Approved 8/19/2021 Filed 8/31/2021			
Agriculture (61-08C, Repeal)	Fruits and Vegetables Certification of Potatoes for Seeding Purposes Legislative	6/28/2021	7/28/2021		7/28/2021	Approved 8/19/2021			
Agriculture (61-10)	Fresh Food Act Legislative	6/29/2021	7/29/2021		7/29/2021	Modified & Approved 9/15/2021 Filed 10/5/2021			
Agriculture (61-11B)	Auctioneers Legislative	6/29/2021	7/29/2021		7/29/2021	Modified & Approved 9/12/2021 Filed 10/5/2021			
Agriculture (61-30)	Hemp Products Legislative	6/28/2021	7/28/2021	7/30/2021 Approved 8/9/2021	7/30/2021	Modified & Approved 9/15/2021 Filed 10/5/2021			
Agriculture (61-31)	Livestock Care Standards Legislative	6/30/2021	7/30/2021	6/30/2021 Effective 8/11/2021	7/30/2021				
Agriculture (61-33)	Rural Rehabilitation Program Legislative	6/24/2021	7/24/2021		7/27/2021	Modified & Approved 9/12/2021 Filed 10/5/2021			
Agriculture (61-36)	Farm to Food Bank Tax Credit Legislative	6/16/2021	7/16/2021		7/19/2021	Modified & Approved 9/12/2021 Filed 10/5/2021			
Agriculture (61-38)	Farmers Markets Legislative	6/24/2021	7/24/2021	7/30/2021 Approved 8/9/2021	7/30/2021	Modified & Approved 9/12/2021 Filed 10/5/2021			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Agriculture (61-39)	Seed Certification Legislative	6/28/2021	7/28/2021		7/30/2021	Modified & Approved 9/12/2021 Filed 10/6/2021			
Air Quality (45-08)	Ambient Air Quality Standards Legislative	6/2/2021	7/6/2021		7/16/2021	Approved 8/19/2021			
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/2/2021	7/6/2021		7/16/2021	Approved 8/19/2021			
Air Quality (45-18)	Control of Air Pollution from Combustion of Solid Waste Legislative	6/2/2021	7/6/2021		7/16/2021	Modified & Approved 8/20/2021 Filed 8/26/2021			
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/2/2021	7/6/2021		7/16/2021	Approved 8/19/2021			
Alcohol Beverage Control Comm. (175-02)	Private Club Licensing Legislative	6/1/2021	7/1/2021		7/27/2021				
Alcohol Beverage Control Comm. – Beer (176-01)	Nonintoxicating Beer Licensing and Operations Procedures Legislative	6/1/2021	7/1/2021		7/28/2021				
Auditor (155-09)	Accountability Requirements for State Funds and Grants Legislative	7/30/2021	8/30/2021		9/13/2021				
Chiropractic Examiners (4-09)	Chiropractic Telehealth Practice Legislative	6/9/2021	7/9/2021	6/8/2021 Effective 7/20/2021	7/13/2021				
Community & Technical College Ed (135-08)	WV Invests Grant Program Legislative	10/8/2021	11/9/2021						
Contractor Licensing Board (28-01)	Board Organization and Meeting Procedures, Hearing Procedures Procedural	7/12/2021	8/16/2021					10/7/2021	11/5/2021
Contractor Licensing Board (28-02)	Contractor Licensing Act Legislative	6/30/2021	7/30/2021		7/30/2021				
Contractor Licensing Board (28-04)	Written Contracts for Services Procedural	7/12/2021	8/16/2021					10/7/2021	11/5/2021

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Counseling (27-01)	Licensing Rule Legislative	6/30/2021	7/29/2021		7/29/2021				
Counseling (27-02)	Licensed Professional Counselor Fees Rule Legislative	6/29/2021	7/29/2021		7/30/2021				
Counseling (27-08)	Marriage and Family Therapist Licensing Rule Legislative	6/30/2021	7/29/2021		7/30/2021				
Counseling (27-09)	Marriage and Family Therapist Fees Rule Legislative	6/30/2021	7/29/2021		7/30/2021				
Crime, Delinquency and Correction (149-02)	Law Enforcement Training and Certification Standards Legislative	6/28/2021	7/28/2021	6/28/2021 Effective 8/9/2021	7/29/2021	Modified & Approved 9/12/2021 Filed 9/23/2021			
Dentistry (5-01)	Rule for the WV Board of Dentistry Legislative	6/18/2021	7/21/2021		7/26/2021	Modified & Approved 9/12/2021 Filed 9/17/2021			
Dentistry (5-02)	Formation and Approval of Professional Limited Liability Companies Legislative	6/18/2021	7/21/2021		7/26/2021	Modified & Approved 9/12/2021 Filed 9/17/2021			
Dentistry (5-06)	Formation and Approval of Dental Corporations; and Dental Practice Ownership Legislative	6/18/2021	7/21/2021		7/26/2021	Modified & Approved 9/12/2021 Filed 9/17/2021			
Dentistry (5-11)	Continuing Education Requirements Legislative	6/18/2021	7/21/2021		7/26/2021	Modified & Approved 9/12/2021 Filed 9/17/2021			
Dentistry (5-12)	Administration of Anesthesia by Dentists Legislative	6/18/2021	7/21/2021		7/26/2021	Modified & Approved 9/12/2021 Filed 9/20/2021			
Dentistry (5-13)	Expanded Duties of Dental Hygienists and Dental Assistants Legislative	6/18/2021	7/21/2021		7/26/2021	Modified & Approved 9/12/2021 Filed 9/20/2021			
Dentistry (5-16)	Teledentistry Legislative	6/17/2021	7/17/2021	6/17/2021 Amendment 7/26/2021 Effective 9/6/2021	7/26/2021				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Education (126-003A)	WV Board of Education Rulemaking Process (Policy 1242) Legislative Exempt	10/14/2021	11/15/2021						
Education (126-022)	Driver Education Regulations (Policy 2422.2) Legislative Exempt	8/16/2021	9/15/2021					10/14/2021	11/15/2021
Education (126-044CC)	WV College and Career-Readiness Standards for Science (Policy 2520.3C) Legislative Exempt	6/9/2021	7/12/2021					8/16/2021	7/1/2022
Education (126-136)	Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classifications (Policy 5202) Legislative Exempt	8/16/2021	9/15/2021					10/14/2021	11/15/2021
Education (126-189)	Intercounty Student Transfer Appeal (Policy 7212) Legislative Exempt	8/16/2021	9/15/2021					10/14/2021	11/15/2021
Education (126-201)	Computation of Average Daily Attendance (ADA) and Average Daily Membership (ADM) (Policy 8100.1) Legislative Exempt	9/9/2021	10/12/2021						
Environmental Protection, Secretary's Office (60-10)	Purchasing Procedure Procedural	8/19/2021	9/20/2021						
Ethics Commission (158-06)	Use of Office for Private Gain, Including Nepotism Legislative	3/22/2021	4/22/2021		5/12/2021				
Family Protection Services Bd. (191-01)	Operation of the Family Protection Services Board Legislative	6/30/2021	7/30/2021		7/30/2021				
Family Protection Services Bd. (191-02)	Domestic Violence Program Licensure Standards Legislative	6/30/2021	7/30/2021		7/30/2021				
Fire Commission (87-01)	Fire Code Legislative	6/28/2021	7/28/2021		7/30/2021				
Fire Commission (87-04)	State Building Code Legislative	6/23/2021	7/26/2021		7/30/2021				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Fire Commission (87-10)	Volunteer Fire Department Equipment and Training Grant Funding Disbursement Legislative	4/12/2021	5/31/2021	3/30/2021 Effective 5/11/2021	6/23/2021	Modified & Approved 9/12/2021 Filed 9/21/2021			
Fire Commission (87-11)	Specialized Membership Legislative	6/22/2021	7/23/2021		7/30/2021	Approved 9/12/2021			
Fire Commission (87-12)	Junior Firefighters Legislative	6/22/2021	7/23/2021	6/22/2021 Effective 8/3/2021	7/30/2021	Approved 9/12/2021			
Fire Commission (87-13)	Certification of Fire Chiefs Legislative	6/22/2021	7/23/2021	6/22/2021 Effective 8/3/2021	7/30/2021	Modified & Approved 9/12/2021 Filed 9/21/2021			
Fire Commission (87-14)	Use of Aqueous Film-Forming Foam (AFFF) for Fire Training Program Purposes Legislative	6/23/2021	7/26/2021		7/27/2021	Approved 9/12/2021			
Fire Marshal (103-04)	Regulation of Fireworks and Related Explosive Materials Legislative	6/25/2021	7/27/2021		7/28/2021	Approved 9/12/2021			
Funeral Service Examiners (6-07)	Fee Schedule Legislative	6/30/2021	7/30/2021		7/30/2021	Modified & Approved 9/12/2021 Filed 9/23/2021			
Health (64-10)	Methods and Standards for Chemical Tests for Intoxication Legislative	6/29/2021	7/29/2021		7/30/2021				
Health (64-12)	Hospital Licensure Legislative	6/22/2021	7/22/2021	5/20/2021 Effective 7/1/2021	7/23/2021				
Health (64-42)	Childhood Lead Screening Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 9/12/2021 Filed 9/24/2021			
Health (64-43)	Food Manufacturing Facilities Legislative	6/30/2021	7/30/2021		7/30/2021				
Health (64-47)	Sewage Treatment and Collection System Design Standards Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 9/12/2021 Filed 9/24/2021			
Health (64-48)	Emergency Medical Services Legislative	7/29/2021	8/30/2021	7/1/2021 Approved 7/1/2021	9/10/2021				

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-57)	Clinical Laboratory Practitioner Licensure and Certification Legislative	6/29/2021	7/29/2021		7/30/2021				
Health (64-92)	Clandestine Drug Laboratory Remediation Legislative	6/29/2021	7/29/2021		7/30/2021				
Health (64-97)	Maternal Risk Screening Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 9/12/2021 Filed 9/24/2021			
Health & Human Resources (69-17)	Syringe Services Program Licensure Legislative	7/15/2021	8/16/2021	7/15/2021 Effective 8/26/2021 Amendment 8/27/2021 Effective 10/8/2021	8/27/2021				
Health Care Authority (65-32)	Certificate of Need Legislative	6/29/2021	7/29/2021		7/30/2021				
Higher Education Policy Comm. (133-59)	Awarding Undergraduate College Credit for Prior Learning, Advanced Placement Credit, College-Level Examination Program, and Nursing Career Pathways Procedural	4/30/2021	6/1/2021					10/5/2021	11/5/2021
Highways (157-01)	Rules Relating Generally to Various Functions of the Commissioner of Highways Procedural	9/8/2021	10/8/2021					10/12/2021	11/12/2021
Insurance Comm. (114-42)	Continuing Education for Individual Insurance Producers and Individual Insurance Adjusters Legislative	5/28/2021	7/1/2021		7/8/2021	Approved 8/19/2021			
Insurance Comm. (114-99)	Pharmacy Auditing Entities and Pharmacy Benefit Managers Legislative	6/1/2021	7/1/2021		7/27/2021				
Insurance Comm. (114-102)	Term and Universal Life Insurance Reserve Financing Legislative	5/28/2021	7/1/2021		7/8/2021	Approved 9/12/2021			
Insurance Comm. (114-103)	Bail Bondsmen in Criminal Cases Legislative	6/1/2021	7/1/2021		7/9/2021	Modified & Approved 8/19/2021 Filed 8/24/2021			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Labor (42-09)	Child Labor Rule Legislative	6/29/2021	7/30/2021		7/30/2021	Modified & Approved 8/19/2021 Filed 9/1/2021			
Lottery Comm. (179-01)	WV Lottery State Lottery Rules Legislative	5/28/2021	6/29/2021		7/7/2021	Modified & Approved 9/12/2021 Filed 9/27/2021			
Lottery Comm. (179-05)	WV Limited Video Lottery Rule Legislative	6/1/2021	7/1/2021		7/8/2021	Modified & Approved 9/12/2021 Filed 9/27/2021			
Massage Therapy Licensure Bd. (194-01)	General Provisions Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 8/19/2021 Filed 9/1/2021			
Medicine (11-01A)	Licensing and Disciplinary Procedures: Physicians, Podiatric Physicians and Surgeons Legislative	6/29/2021	7/29/2021		7/30/2021	Approved 9/14/2021			
Medicine (11-01B)	Licensure, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants Legislative	6/29/2021	7/29/2021	6/29/2021 Effective 8/10/2021	7/30/2021	Modified & Approved 9/14/2021			
Medicine (11-05)	Bd. Of Medicine Rule for Dispersing of Prescription Drugs by Practitioners Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 9/14/2021			
Medicine (11-06)	Continuing Education for Physicians and Podiatric Physicians Legislative	6/29/2021	7/29/2021		7/30/2021	Approved 9/14/2021			
Medicine (11-10)	Practitioner Requirements for Accessing the WV Controlled Substances Monitoring Program Database Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 9/14/2021			
Medicine (11-11)	Establishment and Regulation of Limited License to Practice Medicine and Surgery at Certain State Veterans Nursing Home Facilities Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 9/14/2021			
Medicine (11-14)	Registration to Practice During Declared State of Emergency Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 9/14/2021			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Medicine (11-15)	Telehealth and Interstate Telehealth Registration for Physicians, Podiatric Physicians and Physicians Assistants Legislative	6/29/2021	7/29/2021	6/29/2021 Effective 8/10/2021	7/30/2021				
Miners Health Safety and Training (56-03)	Rule Governing the Safety of Those Employed in and Around Surface Mines in WV Legislative	5/7/2021	6/7/2021	5/7/2021 Approved 6/7/2021 Amendment 8/24/2021 Effective 10/5/2021	6/11/2021	Modified & Approved 8/18/2021 Filed 8/24/2021			
Miners Health Safety and Training (56-11, repeal)	Rule Governing First-Aid Training of Shaft and Slope Employees Legislative	5/7/2021	6/7/2021		6/11/2021	Approved 8/18/2021			
Miners Health Safety and Training (56-19)	Substance Abuse Screening, Standards and Procedures Legislative	6/25/2021	7/26/2021		7/30/2021	Modified & Approved 8/19/2021 Filed 8/24/2021			
Miner Training Education and Certification (48-02)	Safety Training Program for Prospective Underground Coal Miners Legislative Exempt	5/3/2021	6/17/2021					9/7/2021	1/5/2022
Miner Training Education and Certification (48-03)	Safety Training Programs for Prospective Surface Coal Miners Legislative Exempt	5/3/2021	6/17/2021					9/7/2021	1/5/2022
Motor Vehicles (91-04)	Examination and Issuance of Drivers License Legislative	6/25/2021	7/26/2021	6/24/2021 Effective 8/5/2021	7/27/2021	Modified & Approved 8/19/2021 Filed 8/30/2021			
Motor Vehicles (91-06)	Dealer Licensing Legislative	6/29/2021	7/29/2021		7/29/2021	Authorized with certain amendments 9/15/2021 Filed 9/22/2021			
Motor Vehicles (91-09)	Collection of Tax on the Sale of a Vehicle Legislative	6/11/2021	7/12/2021		7/20/2021	Modified & Approved 8/19/2021 Filed 8/30/2021			
Natural Resources (58-12)	Commercial Whitewater Outfitters Legislative	6/30/2021	7/29/2021		7/30/2021				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Natural Resources (58-23)	Revocation of Hunting and Fishing Licenses Legislative	6/30/2021	7/29/2021		7/30/2021	Modified & Approved 8/19/2021 Filed 8/31/2021			
Natural Resources (58-25)	Boating Rule Legislative	6/30/2021	7/29/2021		7/30/2021				
Natural Resources (58-26)	Special Boating Rules Legislative	6/30/2021	7/29/2021	6/30/2021 Effective 8/11/2021	7/30/2021				
Natural Resources (58-27)	Special Motorboating Regulations Legislative	6/30/2021	7/29/2021		7/30/2021	Approved 8/19/2021			
Natural Resources (58-30)	Wildlife Education Facilities Legislative	6/30/2021	7/29/2021		7/30/2021				
Natural Resources (58-38)	Public Shooting Ranges Legislative	6/30/2021	7/29/2021	6/30/2021 Effective 8/11/2021	7/30/2021	Modified & Approved 8/19/2021 Filed 8/31/2021			
Natural Resources (58-47)	Prohibitions When Hunting and Trapping Legislative	6/30/2021	7/29/2021		7/30/2021				
Natural Resources (58-49)	General Hunting Legislative	6/30/2021	7/29/2021		7/30/2021	Approved 8/19/2021			
Natural Resources (58-53)	General Trapping Legislative	6/30/2021	7/29/2021		7/30/2021				
Natural Resources (58-63)	Commercial Sale of Wildlife Legislative	6/30/2021	7/29/2021		7/30/2021				
Natural Resources (58-67)	Lifetime Hunting, Trapping and Fishing Licenses Legislative	6/30/2021	7/29/2021		7/30/2021	Modified & Approved 8/19/2021 Filed 8/31/2021			
Natural Resources (58-69)	Wildlife Disease Management Legislative	6/30/2021	7/29/2021		7/30/2021				
Office of Technology (163-02)	Chief Information Officer Review Legislative	6/23/2021	7/23/2021		7/30/2021				
Office of Technology (163-03)	Cyber Reporting Legislative	6/15/2021	7/15/2021		7/30/2021				
Osteopathic Medicine (24-01)	Licensing Procedures for Osteopathic Physicians Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 9/14/2021 Filed 9/24/2021			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Osteopathic Medicine (24-02)	Osteopathic Physician Assistants Legislative	6/29/2021	7/29/2021	6/29/2021 Effective 8/10/2021	7/30/2021	Modified & Approved 9/14/2021 Filed 9/29/2021			
Osteopathic Medicine (24-07)	Practitioner Requirements for Controlled Substances Licensure and Accessing the WV Controlled Substances Monitoring Program Database Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 9/14/2021 Filed 9/24/2021			
Osteopathic Medicine (24-10)	Telehealth Practice and Interstate Telehealth Registration for Osteopathic Physicians and Physician Assistants Legislative	6/29/2021	7/29/2021	6/29/2021 Effective 8/10/2021	7/30/2021				
Personnel (143-01)	Administrative Rule of the WV Division of Personnel Legislative	5/28/2021	6/30/2021		7/29/2021	Modified & Approved 8/18/2021 Filed 8/24/2021			
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	6/11/2021	7/12/2021		7/21/2021	Modified & Approved 9/14/2021 Filed 9/28/2021			
Pharmacy (15-02)	Uniform Controlled Substances Act Legislative	7/21/2021	8/25/2021	6/23/2021 Effective 8/4/2021	9/28/2021				
Pharmacy (15-08)	Controlled Substances Monitoring Program Legislative	6/11/2021	7/12/2021		7/21/2021	Modified & Approved 9/14/2021 Filed 9/28/2021			
Pharmacy (15-16)	Regulations Governing Pharmacists Legislative	6/14/2021	7/15/2021		7/21/2021	Modified & Approved 9/14/2021 Filed 9/29/2021			
Public Service Commission (150-02)	Rules for the Construction and Filing of Tariffs Legislative Exempt	8/4/2020	10/5/2020 Extended to 6/15/2021						
Public Service Commission (150-09)	Rules Governing Motor Carriers, Private Commercial Carriers, and the Filing of Evidence of Insurance and Financial Responsibility by Motor Carriers Legislative Exempt	8/4/2020	10/5/2020 Extended to 6/15/2021						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Racing Commission (178-01)	Thoroughbred Racing Legislative	5/28/2021	6/28/2021		7/28/2021				
Real Estate Appraiser Licensing and Certification Bd. (190-02)	Requirements for Licensure and Certification Legislative	6/29/2021	7/29/2021		7/30/2021				
Real Estate Appraiser Licensing and Certification Bd. (190-03)	Renewal of Licensure or Certification Legislative	6/29/2021	7/29/2021		7/30/2021				
Real Estate Appraiser Licensing and Certification Bd. (190-05)	Requirements for Registration and Renewal of Appraisal Management Companies Legislative	6/29/2021	7/30/2021		7/30/2021				
Registered Professional Nurses (19-16)	Telehealth Practice Legislative	6/30/2021 7/30/2021	7/30/2021 8/29/2021	7/2/2021 Withdrawn 7/8/2021 7/29/2021 Effective 9/9/2021	8/31/2021				
School Building Authority (164-01)	Policy and Procedures Handbook Procedural	6/30/2021	8/2/2021					9/28/2021	10/28/2021
School Building Authority (164-02)	Funding School Building Authority Projects Legislative	9/29/2021	11/1/2021						
Sec. of WV DHHR, and WV Insurance Commissioner (114A-01)	All-Payer Claims Database – Data Submission Requirements Legislative	6/30/2021	7/30/2021		7/30/2021				
Sec. of WV DHHR, and WV Insurance Commissioner (114A-02, repeal)	All-Payer Claims Database – Privacy and Security Requirements Legislative	6/30/2021	7/30/2021		7/30/2021				
Secretary of State (153-25)	Combined Voter Registration and Driver Licensing Fund Legislative	6/25/2021	7/27/2021		7/30/2021				
Secretary of State (153-30)	Use of Digital Signatures Legislative	6/24/2021	7/27/2021		7/30/2021				
Secretary of State (153-43)	Regulation of Political Party Headquarters Finances Legislative	6/24/2021	7/27/2021		7/30/2021				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Secretary of State (153-45)	Standards and Guidelines for Electronic Notarization, Remote Online Notarization, and Remote Ink Notarization Legislative	6/24/2021	7/27/2021		7/30/2021				
Secretary of State (153-48)	Real Property Electronic Recording Standards and Regulations Legislative	6/29/2021	7/29/2021		7/30/2021				
Secretary of State (153-53)	Election Processes and Absentee Eligibility During State of Emergency			3/20/2020 Effective 3/20/2020					
Social Work Examiners (25-01)	Qualifications for the Profession of Social Work Legislative	6/30/2021	7/30/2021	6/30/2021 Effective 8/11/2021	7/30/2021				
Social Work Examiners (25-05)	Continuing Education for Social Workers and Providers Legislative	6/30/2021	7/30/2021		7/30/2021				
Speech Language Pathology and Audiology (29-01)	Licensure of Speech-Pathology and Audiology Legislative	4/28/2021	6/4/2021	4/27/2021 Effective 6/8/2021	6/9/2021				
State Emergency Response Comm. (55-03)	Requests for Information Pursuant to the Community Right to Know Act Procedural	5/12/2021	6/11/2021						
State Police (81-03)	Career Progression Legislative	6/29/2021	7/30/2021		7/30/2021	Modified & Approved 8/18/2021			
Tax (110-01J)	Valuation of Producing and Reserve Oil, Natural Gas Liquids, and Natural Gas for Ad Valorem Property Tax Purposes Legislative	6/4/2021	7/7/2021	6/8/2021 Effective 7/20/2021	7/30/2021				
Tax (110-13KK)	WV Tax Credit for Federal Excise Tax Imposed Upon Small Arms and Ammunition Manufacturers Legislative	6/4/2021	7/7/2021		7/8/2021	Modified & Approved 8/19/2021 Filed 9/7/2021			
Tax (110-15F)	Sales Tax Holiday Legislative	5/11/2021	6/11/2021	5/7/2021 Amendment 6/3/2021 Approved 6/7/2021	6/30/2021	Modified & Approved 9/12/2021 Filed 9/21/2021			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Tax (110-15L)	Exemption for Repair, Remodeling, and Maintenance of Aircraft Legislative	6/2/2021	7/7/2021	6/2/2021 Effective 7/14/2021	7/8/2021	Modified & Approved 8/19/2021 Filed 9/7/2021			
Tax (110-15M)	Vendor Absorption or Assumption of Sales and Use Tax Legislative	6/3/2021	7/7/2021		7/8/2021	Approved 9/12/2021			
Tax (110-16A)	On-Line Bingo and Raffles Legislative	6/3/2021	7/7/2021		7/8/2021	Approved 9/12/2021			
Tax (110-24)	Corporation Net Income Tax Legislative	6/2/2021	7/7/2021		7/27/2021	Modified & Approved 9/12/2021 Filed 9/21/2021			
Transportation (217-01)	Employment Procedures Legislative	6/30/2021	7/30/2021		7/30/2021				
Treasurer (112-02)	Substitute Checks-Exceptional Items Fund Legislative	6/28/2021	7/28/2021		7/29/2021	Approved 8/19/2021			
Treasurer (112-10)	Reporting Debt Legislative	6/28/2021	7/29/2021		7/29/2021	Approved 8/19/2021			
Treasurer (112-12)	Procedures for Fees in Collections by Charge, Credit or Debit Card or by Electronic Payment Legislative	6/28/2021	7/28/2021		7/29/2021	Approved 8/19/2021			
Treasurer (112-13)	Procedures for Providing Services to Political Subdivisions Legislative	6/25/2021	7/26/2021		7/29/2021	Approved 8/20/2021			
Underground Facilities Damage Prevention Bd. (214-02)	Rules of Procedure for Complaints and Contested Cases Before the WV Underground Facilities Damage Prevention Board Procedural	4/21/2021	5/21/2021						
Waste Management, Div. of Water & Waste Mgmt. (33-01B)	Requirements for the Management of Coal Combustion Residuals Legislative	6/25/2021	7/26/2021		7/30/2021				
Water Resources, Div. of Water & Waste Mgmt. (47-02)	Requirements Governing Water Quality Standards Legislative	6/4/2021	7/19/2021		7/30/2021				
Water Resources, Div. of Water & Waste Mgmt. (47-13)	Underground Injection Control Legislative	6/23/2021	7/23/2021		7/30/2021				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Water Resources, Div. of Water & Waste Mgmt. (47-30B)	Administrative Proceedings and Civil Penalty Assessment Legislative	9/14/2021	10/15/2021	8/19/2021 ERD by 9/30/2021					

LEGISLATIVE RULES FILED PER THE SUNSET PROVISION W. Va. Code §29A-3-19 and 29A-3A-20							
AGENCY/SERIES NUMBER	**RULE/SUNSET DATE**	**REQUEST**	**AGENCY APPROVED**	**LRMRC/LOCEA ACTION**	**LEGIS**	**FINAL FILE**	**EFFECTIVE**
Administration 148-06	Parking 3/1/2023	10/14/2021	10/15/2021				
Auditor 155-08	Procedure for Local Levying Bodies to Apply for Permission to Extend Time to Meet as Levying Body 7/1/2022	5/13/2021					
Community & Technical College Education 135-35	Correspondence, Business, Occupational, and Trade Schools 7/19/2022	4/5/2021	4/27/2021	Approved 9/14/2021			
Community & Technical College Education 135-52	Annual Reauthorization of Degree-Granting Institutions 7/19/2022	4/6/2021	4/27/2021	Approved 9/14/2021			
Dangerous Wild Animal Board 74-01	Dangerous Wild Animals 6/5/2022	4/5/2021	4/5/2021	Approved 8/18/2021			
Health 64-103	Expedited Paratner Therapy 6/1/2022	5/10/2021	5/10/2021	Approved 9/12/2021			
Health and Human Resources 69-11	Medication-Assisted treatment – Opioid Treatment Programs 6/1/2022	5/10/2021	5/10/2021	Approved 9/14/2021			
Higher Education Policy Commission 133-48	Research Trust Fund 8/5/2022	5/5/2021	5/5/2021	Approved 9/14/2021			
Higher Education Policy Commission 133-52	Annual Reauthorization of Degree-Granting Institutions 8/5/2022	5/5/2021	5/5/2021	Approved 9/14/2021			
Insurance Commission 114-98	Adoption of Valuation Manual 5/19/2022	3/31/2021	3/31/2021	Approved 8/19/2021			
Public Service Commission 150-37	Rules Governing the Occupancy of Customer-Provided Conduit 8/1/2022	5/6/2021	8/6/2021	Modified & Approved 8/19/2021 Filed 8/24/2021			
Racing Commission 178-05	Pari-Mutuel Wagering 8/1/2022	4/26/2021	4/30/2021	Approved 8/18/2021			
Registererd Professional Nurses 19-08	Limited Prescriptive Authority for Nurses in Advanced Practice 5/15/2022	3/17/2021	5/10/2021				
Risk and Insurance Management 115-07	Patient Injury Compensation Fund 5/1/2022	4/21/2021					

LEGISLATIVE RULES FILED PER THE SUNSET PROVISION W. Va. Code §29A-3-19 and 29A-3A-20							
AGENCY/SERIES NUMBER	**RULE/SUNSET DATE**	**REQUEST**	**AGENCY APPROVED**	**LRMRC/LOCEA ACTION**	**LEGIS**	**FINAL FILE**	**EFFECTIVE**
Secretary of State 153-03	Voter Registration at the Division of Motor Vehicles 5/23/2022	5/10/2021	5/10/2021				
Secretary of State 153-05	Voter Registration List Maintenance by the Secretary of State 5/23/2022	5/10/2021	5/10/2021				
Treasurer 112-04	Procedures for Deposit of Monies with the State Treasurer's Office by State Agencies 6/1/2022	5/5/2021	5/6/2021	Approved 8/19/2021			
Treasurer 112-06	Selection of State Depositories for Disbursement Accounts through Competitive Bidding 6/1/2022	5/6/2021	5/6/2021	Approved 8/19/2021			
Treasurer 112-07	Selection of State Depositories for Receipt Accounts 6/1/2022	5/7/2021	5/7/2021	Approved 8/19/2021			
Treasurer 112-08	Procedures for Processing Payments from the State Treasury 6/1/2022	5/7/2021	5/7/2021	Approved 8/19/2021			

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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10/14/2021 1:07:44 PM

Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF SUNSET PROVISION EXTENSION REQUEST

AGENCY: Administration TITLE-SERIES: 148-06

RULE TYPE: Legislative CITE STATUTORY AUTHORITY: §5A-10-3a(c)

RULE NAME: 148-06 Parking

PLEASE SELECT A SUNSET PROVISION OPTION:

[X] EXTEND THE SUNSET DATE OF THE RULE.

10 REQUESTED NUMBER OF YEARS FOR EXTENSION (SUBJECT TO LRMRC REVIEW).

[ ] LET THIS RULE EXPIRE.

PLEASE INDICATE IF THIS RULE INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS [ ] INCORPORATED BY REFERENCE [ ]

PLEASE PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

West Virginia Code §5A-10-3a(c) requires the Secretary of Administration to promulgate rules related to parking at the Capitol Complex. This rule provides flexibility to the Real Estate Division's Parking Section when providing employee parking at the Capitol Complex. There are no proposed changes to this rule aside from an extension of the sunset date.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE REASONS FOR REQUESTING A SUNSET PROVISION EXTENSION:

Extension of the sunset allows the Secretary to remain in compliance with State Code.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

None

B. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

None

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MAC WARNER

ADMINISTRATIVE LAW DIVISION

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10/15/2021 8:31:22 AM

Office of West Virginia
Secretary Of State

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Administration TITLE-SERIES: 148-06

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 148-06 Parking

PRIMARY CONTACT

NAME: Misty Peal

ADDRESS: 1900 Kanawha Blvd E

Charleston, WV 25305

EMAIL: misty.peal@wv.gov

PHONE NUMBER: 304-558-4331

CITE STATUTORY AUTHORITY: §5A-10-3a(c)

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

West Virginia Code §5A-10-3a(c) requires the Secretary of Administration to promulgate rules regarding the regulation of parking at the Capitol Complex.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? Yes

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? Yes

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD:

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED:

COMMENTS RECEIVED:

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING:

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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10/8/2021 3:20:12 PM

Office of West Virginia
Secretary Of State

LEGISLATIVE

FILED IN THE OFFICE OF
THE SECRETARY OF STATE
THIS DATE October 12, 2021
ADMINISTRATIVE LAW DIVISION

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Community And Technical College Education TITLE-SERIES: 135-08

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: West Virginia Invests Grant Program

CITE STATUTORY AUTHORITY: §18B-1-6 and §18C-9-4

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 11/09/2021 4:30 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Sarah Armstrong Tucker, Chancellor

ADDRESS: 1018 Kanawha Blvd., East, Suite 700

Charleston, WV 25301

EMAIL: tucker@wvctcs.org

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

GENERAL DISTRIBUTION

WEST VIRGINIA DIVISION OF CORRECTIONS & REHABILITATION

POLICY DIRECTIVE UPDATES

NUMBER	DATE	SUBJECT
105.08	26 July 2021	Records Management Program
129.00	16 August 2021	Code of Conduct and Progressive Discipline
129.07	15 July 2021	Employee Grievance Procedure
142.00	26 July 2021	Release of Information from an Inmate Offenders' Record
142.01	26 July 2021	Release of Inmate/Offender Healthcare Records
151.02	26 July 2021	Good Time Restoration
151.06	26 July 2021	Good Time Computation
312.03	26 July 2021	Incident Reports
316.00	16 August 2021	Flammable, Toxic & Caustic Materials
318.05	26 July 2021	Bomb Threats
318.06	26 July 2021	Drone/Small Unmanned Aircraft System (sUAS) Sightings/Intrusions
325.00	01 September 2021	Discipline of Inmates
325.02	26 July 2021	Computer Access by Inmates/Residents
325.08	01 September 2021	Unit Behavior Management Process
400.05	26 July 2021	Livescan Device Usage
450.02	01 November 2021	Inmates/Residents with Disabilities and the Americans with Disabilities Act (ADA)
454.11	02 August 2021 (Revised)	Nonviolent Offense Parole Program
460.00	26 July 2021	Medicaid Enrollment Process for Inmates

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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10/14/2021 12:09:34 PM

Office of West Virginia Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Education

TITLE-SERIES: 126-003A

RULE TYPE: Legislative Exempt

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: West Virginia Board of Education Rulemaking Process (1242)

CITE STATUTORY AUTHORITY: W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451, 376 S.E.2d 839 (1988); and, W. Va. Bd. of Educ. V. Bd. of Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 11/15/2021 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Heather L. Hutchens, General Counsel

ADDRESS: WVDE Legal Services, Capitol Bldg. 6, Suite 650

1900 Kanawha Blvd., E, Charleston, WV 25305

EMAIL: hhutchens@k12.wv.us

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

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WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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10/14/2021 12:25 PM

Office of West Virginia Secretary Of State

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE EXEMPT, INTERPRETIVE OR PROCEDURAL RULE

AGENCY: Education

TITLE-SERIES: 126-022

RULE TYPE: Legislative Exempt

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Driver Education Regulations (2422.2)

CITE STATUTORY AUTHORITY: W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451, 376 S.E.2d 839 (1988); and, W. Va. Bd. of Educ. V. Bd. of Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017)

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

November 15, 2021

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Michele L Blatt -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

WEST VIRGINIA SECRETARY OF STATE

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ADMINISTRATIVE LAW DIVISION

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Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE EXEMPT, INTERPRETIVE OR PROCEDURAL RULE

AGENCY: Education

TITLE-SERIES: 126-136

RULE TYPE: Legislative Exempt

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classifications (5202)

CITE STATUTORY AUTHORITY: W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451, 376 S.E.2d 839 (1988); and, W. Va. Bd. of Educ. V. Bd. of Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017)

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WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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10/14/2021 12:22 PM
Office of West Virginia
Secretary Of State

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE EXEMPT, INTERPRETIVE OR PROCEDURAL RULE

AGENCY: Education

TITLE-SERIES: 126-189

RULE TYPE: Legislative Exempt

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Intercounty Student Transfer Appeal (7212)

CITE STATUTORY AUTHORITY: W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451, 376 S.E.2d 839 (1988); and, W. Va. Bd. of Educ. V. Bd. of Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017)

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

November 15, 2021

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Michele L Blatt -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

Dr. Sue Painter, DNP, RN
Executive Director

Email: rnboard@wv.go
Web address: wvrnboard.wv.gov

TELEPHONE:
(304) 744-0900

FAX (304) 744-0600

LEGISLATIVE

STATE OF WEST VIRGINIA

BOARD OF EXAMINERS FOR REGISTERED PROFESSIONAL NURSES

5001 MacCorkle Ave, SW
SOUTH CHARLESTON, WV 25309

FILED IN THE OFFICE OF
THE SECRETARY OF STATE
THIS DATE 10/12/2021
ADMINISTRATIVE LAW DIVISION

September 29, 2021

Mac Warner, The Honorable Secretary of State
Secretary of State's Office--Administrative Law
Bldng. 1, Suite 157-K
1900 Kanawha Blvd. Easet
Charleston, WV 25305-0770

Re: West Virginia Code of State Rules
Administrative Notice of Suspension of 19 CSR 3-9.3

The Honorable Governor of the State of West Virginia, Jim Justice declared a State of Emergency on March 16, 2020 to address the emergency created by the worldwide COVID-19 pandemic. In accordance with emergency powers granted to the Governor pursuant to W.Va. Code § 15-5-6 and more specifically W.Va. Code § 15-5-6(c)(7) and as stated in the Governor's Proclamation Declaring a State of Emergency issued on March 16, 2020, the West Virginia Board of Examiners for Registered Professional Nurses (Board) at the direction of the Governor seeks to temporarily suspend the requirements of certain rules as set forth below.

The suspension of the law and rules is sought because the Board has received information indicating that West Virginia hospitals are experiencing an increase in the number of patients occupying hospital beds due to the Covid-19 pandemic. This increase in patient load has fueled demand for an immediate increase in nurses to treat these patients. 19 CSR 3-9.3, in its current form, allows nurses to change their license status to "retired" rather than letting their licenses lapse. In order to return to active status the nurse must 1) submit an application to the board, 2) pay the current fee of $25.00, and 3) meet all reinstatement requirements.

In the best interest of public health, safety and welfare of the citizens of the State of West Virginia it is essential that the Board have the ability to streamline the process of returning retired nurses to active status. Eliminating the 12 hours of continuing education and background check requirements will accomplish this goal. This streamlined process will help provide more nurses to treat the increased patient loads resulting from the COVID-19 pandemic. As a result, on September 17, 2021, the West Virginia Board of Examiners for Registered Professional Nurses voted to suspend the portion of 19 CSR3-9.3 which requires "all reinstatement requirements" to include completion of 12 hours of continuing legal education and background check in order for a retired nurse to return to active status.

In accordance with W.Va. Code § 15-5-6(c)(7), the Governor suspends 19 CSR 3-9.3 with underscoring indicating new language as follows:

9.3. Request for retired status.

A licensee who has retired from the practice of nursing in all states may upon request be placed in a retired status. The retired status registered professional nurse may not practice as a registered professional nurse in any state and may not in any way indicate to any persons that he or she is licensed to practice as a registered professional nurse. If the individual in a retired status does practice in any form, voluntarily or for pay, as a registered professional nurse, he or she is guilty of practicing nursing without a license and shall be subject to the appropriate penalties contained in law and rule. If at any time the individual in the retired status desires to return to the practice of nursing, he or she shall submit the reinstatement application along with the current fee and shall meet all reinstatement requirements <u>except continuing legal education and background check requirements</u>.

Suspension of the above rules shall take effect immediately and shall cease upon October 31, 2022. If you have any questions, please feel free to contact the Board at:

West Virginia Board of Examiners for Registered Professional Nurses
5001 MacCorkle Ave, SW
South Charleston WV 25303
Phone: (304) 744-0900
Fax: 304) 744-0600

Sincerely,

Sue Painter

Sue Painter, DNP, RN
Executive Director

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
10/12/2021 2:41 PM
Office of West Virginia
Secretary Of State

PROCEDURAL

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE EXEMPT, INTERPRETIVE OR PROCEDURAL RULE

AGENCY: Highways TITLE-SERIES: 157-01

RULE TYPE: Procedural Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: RULES RELATING GENERALLY TO VARIOUS FUNCTIONS OF THE COMMISSIONER OF HIGHWAYS

CITE STATUTORY AUTHORITY: W. Va. Code §17-2A-4b and 8

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

November 12, 2021

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes
Rita A Pauley -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

Orders Report

Docket Number	Agency	Respondent	Date Rendered

NONE RECEIVED THIS WEEK

10/15/2021 9:26:24 AM

WEST VIRGINIA BOARD OF DENTISTRY
1319 Robert C. Byrd Drive
PO Box 1447
Crab Orchard, WV 25827
304-252-8266 TOLL FREE 877-914-8266
FAX 304-253-9454

FILED IN THE OFFICE OF
THE SECRETARY OF STATE
THIS DATE 10/13/2021
ADMINISTRATIVE LAW DIVISION

OTHER

October 13, 2021

Honorable Mac Warner
Secretary of State
State Capitol Building
Charleston, WV 25305

Dear Mr. Warner:

Pursuant to Chapter 30, Article 1, Section 12 of the West Virginia Code, please find attached the annual report of the biennium for the Fiscal Years 2020 & 2021 for the West Virginia Board of Dentistry.

Sincerely,

SUSAN M. COMBS
Executive Director

Attachments

Office of the Secretary of State
State Capitol
Charleston, West Virginia 25305

Mac Warner
Secretary of State
State of West Virginia

Telephone: (304) 558-6000
Toll Free: 1-866-SOS-VOTE
Fax: (304) 558-0900
www.wvsos.gov

FILED IN THE OFFICE OF
THE SECRETARY OF STATE
THIS DATE 10/8/2021
ADMINISTRATIVE LAW DIVISION

NOTICE OF PUBLIC HEARING

To: **Public Utility Companies**

From: **The Honorable Mac Warner, Secretary of State**

Date: **October 6, 2021**

Re: **WV Board of Public Works Public Hearing for Tentative Tax Assessments**

Pursuant to West Virginia Code §11-6-11, the WV Board of Public Works will hold a public hearing on Wednesday, November 10, 2021 at 10:00 a.m. in the Governor's Cabinet and Conference Room, Building 1 Suite 10 of the State Capitol Complex in Charleston, WV. The main purpose of the hearing is to provide an opportunity for public utility companies to comment concerning the Notices of Tentative Assessed Values for tax year 2022 that were distributed by the WV State Tax Department on September 15, 2021.

There will also be a teleconference line available. Those wishing to address the Board are asked to register prior to the hearing. To access the hearing teleconference line:

Dial-In Number: (304) 306-8300

Conference ID: 41386890

If you have any documents for distribution to the Board members, or to register as a speaker for the hearing please contact Maureen Lewis in the Secretary of State's office at (304) 558-6000. You may also email her at mlewis@wvsos.com. Thank you.

NOTICE OF PUBLIC COMMENT PERIOD The Putnam County Board of Health is accepting comments on proposed revisions to the Putnam County Clean Indoor Air Regulation. Written comments may be sent to: Putnam County Board of Health, PO Box 892, Winfield WV or by e-mail to putnamlhd@wv.gov. For additional information on the proposed revisions, you may visit the Putnam County Health Department's web site at www.pchdwv.org. All comments must be postmarked or received through e-mail by November 13, 2021 in order to be considered by the Board of Health

FILED IN THE OFFICE OF
THE SECRETARY OF STATE
THIS DATE 10/12/2021
ADMINISTRATIVE LAW DIVISION

OTHER

Putnam County Board of Health

2007 Clean Indoor Air Regulation
(as Amended 11-27-07)

TITLE:

This regulation shall be known as the Putnam County Clean Indoor Air Regulation.

AUTHORITY:

This Clean Indoor Air Regulation is adopted by the Putnam County Board of Health in accordance with the authority contained in West Virginia Code, Chapter 16-2-11.

FINDINGS AND PURPOSE:

The United States Surgeon General and numerous other credible public health authorities and medical researchers have determined:

~~(A) That involuntary inhalation of secondhand or environmental tobacco smoke can cause or contribute to numerous serious health problems and diseases, including heart disease, cancer, respiratory illness, and acute episodes of decreased respiratory function, including broncho-constriction and broncho-spasm in healthy non-smokers.~~

~~(B) That the presence of secondary tobacco smoke is a major contributor to indoor air pollution.~~

~~(C) That children, elderly people and individuals with cardiovascular and/or respiratory diseases are at increased risk.~~

~~(D) That the simple separation of smokers and nonsmokers within the same airspace may reduce, but does not eliminate the exposure of nonsmokers to environmental tobacco smoke. Smoking bans remain the most viable and cost-effective method of protecting patrons. The Environmental Protection Agency (EPA) has classified secondhand smoke as a Group A Carcinogen, known to cause cancer in humans.~~

That involuntary inhalation of tobacco smoke (a) is a cause of numerous diseases in healthy non-smokers; (b) is a major contributor to indoor air pollution; (c) places children, unborn children of pregnant women, elderly people, and individuals with cardiovascular and/or

OTHER

respiratory disease at special risk; (d) is a trigger for acute episodes of respiratory distress and myocardial infarction; (e) increases the lifetime exposure to carcinogenic tobacco smoke of both smokers and non-smokers; (f) burdens the health care system by increasing the number and frequency of required hospital admissions and emergency visits thereby increasing the public and private expenditures required for the treatment; (g) reduces the life expectancy of persons consistently exposed to secondary smoke and (h) causes substantial losses in productivity through smoking related absences from work and school. (I) clean indoor air regulations prevent disease by contributing to the reduction of the rate of smoking and nicotine addiction among the general population and by discouraging potential new smokers from becoming addicted to smoking.

According to the Surgeon General of the United States, E-cigarettes are a rapidly emerging and diversified product class, these devices typically deliver flavorings, and other additives to users via an inhaled aerosol.

Electronic smoking devices (ESD), commonly referred to as electronic cigarettes, or "e-cigs", "e-hookahs," "mods," "vape pens," "vapes," and "tank systems.", closely resemble and purposefully mimic the act of smoking by having users inhale vaporized liquid that typically contains nicotine, heated through an electronic ignition system. ESD emissions are made up of a high concentration of ultrafine particles, and the particle concentration is higher than in conventional tobacco cigarette smoke. The January 2018 National Academies of Sciences, Engineering, and Medicine publication states that there is conclusive evidence that in addition to nicotine, most ESDs contain and emit numerous potentially toxic substances and increase airborne concentrations of particulate matter and nicotine in indoor environments. Studies show that people exposed to ESD aerosol absorb nicotine (measured as cotinine) at levels comparable to passive smokers. Many of the elements identified in the aerosol are known to cause respiratory distress and disease. ESD exposure damages lung tissues. Human lung cells that are exposed to ESD aerosol and flavorings — especially cinnamon — show increased oxidative stress and inflammatory responses. Their use in workplaces and public places where smoking of traditional tobacco products is prohibited creates concern and confusion and leads to difficulties in enforcing the smoking prohibitions. The World Health Organization (WHO), the National Institute for Occupational Safety and Health

(NIOSH), and the American Industrial Hygiene Association (AIHA) recommend that ESDs not be used in smoke free environments, in order to minimize the risk to bystanders of breathing in the aerosol emitted by the devices and to avoid undermining the enforcement of smoke free laws

As stated in the December 2, 2003 WV Supreme Court Case #31120 (Foundation for Independent Living, Inc., a West Virginia non-profit organization: Philip Dingess and Wanda Dingess, DBA Adam's Avenue Floral; Blevin's entertainment, Inc., DBA Blevin's Roofing Company, and other similarly situated individuals and business, Plaintiffs Below, Appellees v. The Cabell-Huntington Board of Health, Defendant Below, Appellant):

"In attempting to minimize the effects of tobacco smoke on the general public in public places, the regulations of [boards of health] address a serious health issue which the Legislature has recognized. Based upon the foregoing observations, we find that clean indoor air regulations of local boards of health that place restrictions on smoking in enclosed public places (1) are consistent with the findings of the Legislature "that smoking may cause lung cancer, heart disease, emphysema and other serious health problems," (2) advance the legislatively prescribed public policy "to provide the state with a citizenry free from the use of tobacco," and (3) fall within the bounds of authority granted by the Legislature to such boards....."

Accordingly, the Putnam County Board of Health finds and declares the purpose of this regulation to:

(A) ~~Protect the health of the public by limiting to the extent possible, exposure of individuals to a proven harmful environmental toxin, i.e. secondhand smoke, in public places and places of employment.~~

~~(B) Direct the proprietors of public places of indoor commerce to provide a smoke-free environment to minimize public exposure to this harmful toxin.~~

1. Protect the public health and welfare by prohibiting smoking and use of Electronic Smoking Devices and hookahs in public places and places of employment.

2. Recognize that where the need to breathe smoke-free air conflicts with the desire to smoke, the need to breathe smoke-free air shall have priority,

3. Facilitate smoking cessation by active smokers, and to discourage youth from taking up the habit and thereby developing a nicotine addiction.

DEFINITIONS:

The following words and phrases, whenever used in this regulation, shall be construed as defined in this section:

A. "BAR" means an area which is primarily devoted to the serving of beverages for consumption by guests on the premises and which the serving of food is only incidental to the consumption of such beverages. ~~Although a restaurant may contain a bar, the term "bar" shall not include the restaurant dining area.~~

B. "BUSINESS" means any ~~entity formed for profit-making purposes~~sole proprietorship, partnership, joint venture, corporation or other business entity of any kind or character, including but not limited to trade or professional services.

C. "ELECTRONIC SMOKING DEVICES" means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person in any manner for the purpose of inhaling vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

~~C~~D. **"EMPLOYEE" means any person employed for direct or indirect monetary wages or anything of value, or any person who volunteers for a non-profit entity.**

~~D~~E. **"EMPLOYER" means any entity which employs the paid or volunteer services of one or more persons.**

F. **"ENCLOSED AREA" means all space between a floor and ceiling** that is bounded on at least two sides by walls, doorways, or windows, whether open or closed, ~~which is enclosed on all sides by solid walls or windows (exclusive of door or passage ways) which extend from the floor to the ceiling, including all space therein screened by partitions which do not extend to the ceiling or are not solid "office landscaping" or similar structures.~~ A wall includes any retractable divider, garage door, or other

OTHER

physical barrier, whether temporary or permanent and whether or not containing openings of any kind.

G. "FRATERNAL ORGANIZATION" is a private club that allows entry for dues-paying members and their guests.

H. F. **"GROCERY STORE" means any supermarket, convenience store, or other retail food production and marketing establishment.**

I. "HEALTH CARE FACILITY" means an office or institution providing care or treatment of diseases, whether physical, mental, emotional, or other medical, physiological, or psychological conditions including but not limited to: hospitals, rehabilitation hospitals, nursing homes, weight control clinics, laboratories, offices of surgeons, chiropractors, physical therapists, physicians, dentists and all specialists within these professions. Healthcare facility includes all waiting rooms, hallways, private rooms, semiprivate rooms, and any adjacent outdoor property, including parking lots and sidewalks under its control.

J. "HOOKAH" also known as a waterpipe, narghile, arghila, qalyān, or shisha, means a single or multi-stemmed instrument for vaporizing and smoking flavored tobacco called shisha in which the vapor or smoke is passed through a water basin often glass-based before inhalation

K. "HOTEL AND MOTEL" means any facility, building or buildings, publicly or privately owned (including a facility located in a state, county or municipal park), in which the public may, for consideration, obtain sleeping accommodations. The term shall include but not be limited to boarding houses, hotel, motels, and inns.

L. ~~G.~~ **"NON-PROFIT ENTITY" means any entity whose operations are not committed to private financial gain. A public agency is not a "non-profit entity" within the meaning of this section.**

~~H. "MINOR" means any un-emancipated person 17 years of age or younger.~~

~~I~~M. **"PLACE OF EMPLOYMENT" means** ~~any enclosed area which employees normally frequent during the course of employment~~ an area under the control of a public or private employer, including, but not limited to, work areas, private offices, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, construction sites, temporary offices, and company owned or

leased vehicles. **A private residence is not a "place of employment" unless it is used as a child care or health care facility.**

~~J~~N. **"PUBLIC PLACE" means any enclosed area to which the public is invited or which the public is permitted**, regardless of whether the building is owned in whole or in part by private person or governmental entities. A public place" includes, but is not limited to hospitals, hotel and motels ,restaurants, retail stores, offices, commercial establishments, elevators, indoor theaters, public transit, libraries, museums, concert halls, public conveyances, service lines, bowling alleys, educational facilities auditoriums, meeting rooms, schools, exhibition halls, convention facilities, polling places, bars, private clubs, gambling facilities, healthcare facilities or clinics, enclosed shopping centers, retail service establishments, financial institutions, public and private educational facilities, ticket areas, public hearing facilities, public restrooms, waiting areas, offices and warehouses.. **A private residence** ~~and a Hotel Guest Room(s)~~ is ~~are~~ **not a "public place**~~(s)~~", unless it is used as a child care, adult day care, or health care facility.

~~K~~O. **"RESTAURANT" means any establishment**, ~~which is primarily devoted to the serving of food~~ including but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, which gives or offers for sale food **to the public, guests, patrons and employees, as well as the kitchens** and catering facilities **in which** ~~their~~ **food is prepared** on the premises or serving elsewhere..

~~L~~P. **"RETAIL STORE" means any establishment that sells goods or services directly to members of the general public including, but not limited to,** ~~specialty~~specialty **stores, department stores, pharmacies, banks, grocery stores, automobile dealerships, showrooms, professional offices, service stations, repair or maintenance stores, barber or beauty shops, cleaners and laundromats.**

~~M~~Q. **"RETAIL TOBACCO STORE" means a retail ·store utilized primarily for the sale of tobacco products and in which the sale of other products is merely incidental.**

R. "SERVICE LINE" whether enclosed or not, means any line at which one (1) or more persons are waiting for or receiving service of any kind, whether or not such service involves the exchange of money.

~~N~~S. **"SMOKING" means inhaling, exhaling, burning or carrying any lighted** or heated **cigar, cigarette, pipe**, hookah, weed, plant **or other smoking equipment in any**

OTHER

manner or in any form. "Smoking" includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this regulation.

T. **"SPORTS ARENA"** whether enclosed or not, means sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys and other similar places, where members of the general public assemble either to engage in physical exercise participate in athletic competition, or to witness sports events.

REGULATION OF SMOKING·IN ENCLOSED PUBLIC PLACES

~~Unless otherwise stipulated all private businesses licensed to operate in Putnam County, WV may choose to allow smoking. However, for those businesses who choose to allow smoking, minors (those persons 17 years of age or younger) are prohibited from entering the premises of businesses who choose to allow smoking for any reason whatsoever. In addition, smoking is prohibited as follows:~~

A. Smoking shall be prohibited in all enclosed public places within Putnam County, including but not limited to, the following places:

1. Aquariums, galleries, libraries, and museums
2. Auction Houses
3. Areas available to the general public in businesses and non-profit entities patronized by the public, including but not limited to, banks, laundromats, professional offices, and retail service establishments.
4. Bars and private clubs
5. Convention facilities
6. **Elevators**
7. Educational facilities, both public and private.
8. Fraternal oganizations
9. Gambling facilities.
10. Hotels and motels

11. Polling places.

12. Retail stores

13. Restaurants

~~2~~14. **Restrooms**

15. Shopping malls including indoor flea markets.

~~3~~16. **All means of public transit, including** buses, taxicabs, bus, train, and airport facilities, including **ticket, boarding, transport and waiting areas.**

~~4~~17. **All licensed child care and health care facilities.**

~~5~~18. **Every room, chamber, place of meeting or public assembly, including school buildings, under the control of any** ~~board, council~~board, council, **commission, committee including joint committees or any political subdivision of the State**, ~~during such time as a public meeting or business is in~~ progress.

~~6~~19. **All patient rooms, waiting rooms and other public areas in health facilities, including but not limited to hospitals, clinics, pharmacies, physical therapy facilities, doctors' offices and dentists' offices.**

20. All fire, police or jail facilities.

21. All emergency medical services facilities operations.

22. Manufacturing facilities, plants and warehouses.

23. Office buildings.

24. Barbershops and beauty parlors.

B. Smoking shall be prohibited in the following outdoor public places within Putnam County:

1. Outdoor service lines, ticketing areas and boarding areas, whether enclosed or not.

2. Concourse and outdoor seating areas of sports stadiums, ball fields, concert venues, theaters, other recreational venues, fairs, festivals, carnivals, outdoor flea markets.

3. Outdoor serving areas of restaurants.

OTHER

4. All outdoor property, including parking lots and sidewalks of any healthcare facilities.

C. In any dispute arising under this Regulation, the health concerns of the nonsmoker shall be given precedence.

D. Designated Outdoor Smoking Areas: In locations where outdoor smoking is not otherwise prohibited, to ensure the public access into public venues and places of employment free from tobacco smoke exposure and to prevent tobacco smoke from entering protected areas, outdoor designated smoking areas shall occur at a distance of 20 feet or more outside any entrance, exit, or ventilation units of any buildings or enclosed area where smoking is prohibited. This shall include fresh air intake area for the heating, ventilation, air conditioning (HVAC) system of any building.

REGULATION OF SMOKING IN ENCLOSED PLACES OF EMPLOYMENT

A. ~~It shall be the responsibility of employers to provide smoke-free areas for non-smoking employees within existing facilities to the maximum extent possible, but employers are not required to incur any expense to make structural or other physical modifications in providing these areas.~~Smoking shall be prohibited in all enclosed areas of places of employment without exception. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, healthcare facilities, cafeterias, employee lounges, stairs, restrooms, company vehicles and all other enclosed facilities.

B. **Each employer** having an enclosed place of employment located within Putnam County **shall adopt, implement, make known and maintain a** written **smoking policy which** ~~recognizes that where the need to breathe smoke-free air conflicts with the desire to smoke, the need to breathe smoke-free air shall have priority. The policy shall include at a minimum the following requirements:~~ shall contain the following requirements: Smoking shall be prohibited in all enclosed facilities within a place of employment.

~~1~~C. **In any dispute arising under the smoking policy, the health concerns of the non-smoker shall be given precedence.**

~~2~~D. The smoking policy shall be shared with any existing or prospective employee who requests it.

~~3~~E. Notwithstanding any other provision of this section, every employer shall have the right to designate any place of employment, or any portion thereof, as a non-smoking area.

WHERE SMOKING IS NOT REGULATED

A. Notwithstanding any other provisions of this Regulation to the contrary, the following areas shall not be subject to the smoking restrictions of this Regulation:

1. Private residences, including individual apartments or housing units which are part of a multi-unit residential housing project or apartment building, except when used as a child care facility, adult care, foster care or other similar social care.
2. Bingo halls that distribute more than one hundred bingo cards or bingo sheets as allowed under WV Code Section 47-20-281, as stipulated by the WV State Supreme Court of Appeals, December 2, 2003.
3. Residents, prior to September 4, 2003, of personal care homes, assisted living facilities or residential board facilities, who had smoking privileges under WV 64CSR 14-8.12.3 as stipulated by the WV State Supreme Court of Appeals, December 2, 2003.

B. Notwithstanding any other provision of this section, any person who controls any establishment described in this section may declare that entire establishment as a nonsmoking facility.

POSTING OF SIGNS AND REMOVAL OF ASH TRAYS

A. Because rules regulating smoking are primarily self-enforcing, their success depends heavily upon adequate signage in a visible location. Failure to post signage as directed shall be deemed a violation of this regulation.

A~~B~~. ~~"Smoking" or~~ "No Smoking" signs, ~~whichever are appropriate.~~ shall be conspicuously posted by the owner, operator, manager or other person having control of such building or other place where smoking is controlled by this regulation, including restrooms and elevators.

OTHER

~~B. Every public place where smoking is allowed by this regulation shall have posted at every entrance a conspicuous sign that reads:~~

~~"HEALTH WARNING"~~

~~"SMOKING IS PERMITTED WITHIN THIS FACILITY. YOU WILL BE EXPOSED TO SECONDHAND SMOKE. SUCH EXPOSURE CAN CAUSE OR CONTRIBUTE TO CANCER, HEART DISEASE, RESPIRATORY ILLNESS AND OTHER SERIOUS HEALTH PROBLEMS"~~

~~"SINCE THIS BUSINESS HAS CHOSEN TO ALLOW SMOKING, PERSONS 17 YEARS OF AGE OR YOUNGER ARE NOT PERMITTED HEREIN"~~

C. Every public place where smoking is prohibited by this regulation shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited

D. All ashtrays shall be removed from any area where smoking is prohibited by this regulation by the owner, operator, manager or other person having control of such area.

ENFORCEMENT

A. Enforcement of the Regulation shall be the ultimate responsibility of the Putnam County ~~Board of~~ Health Officer or an authorized designee.

B. Any owner, operator, manager or other person of any establishment regulated by the Regulation shall inform persons violating this Regulation of the appropriate provision thereof.

C. Notice of the provisions set forth in this article shall be given to all applicants for a business license in the Putnam County.

D. Any citizen who desires to register a complaint under this regulation may initiate enforcement with the Putnam County Health Department.

E. The Health Department shall inspect for compliance of this regulation.

NON-RETALIATION

No person or employer shall discharge, refuse to hire or in any manner retaliate against any employee, applicant for employment or member of the public because such person exercises rights afforded by this Regulation.

OTHER APPLICABLE LAWS

This regulation shall not be interrupted or construed to permit smoking where it is otherwise restricted by other applicable laws, ordinances or regulations.

SEVERABILITY

If any portion of this Regulation or the application thereof shall be held invalid, the other provisions of this Regulation shall not be affected, and to this end the provisions of this Regulation are declared to be severable.

VIOLATIONS AND PENALTIES

~~A. It shall be unlawful for any person to smoke in any area where smoking is prohibited by the provisions of this Regulation.~~

~~B. It shall be unlawful for any person who controls the use of any premises subject to regulation under this Regulation to fail to comply with any of its provisions.~~

~~C. Any person who violates any provision of this Regulation shall be guilty of an infraction.~~

~~D. Penalties for violation of Health Department Regulations are provided for in West Virginia Code, Chapter 16-2-15. "Any person willfully violating any of the provisions of this article, for which a penalty is not otherwise provided, or any of the rules, regulations or orders adopted or issued pursuant thereto, shall be guilty of a misdemeanor, and upon conviction shall be punishable by a fine of not more than two hundred dollars or by imprisonment for not more than thirty (30) days or both".~~

A. **Violation(s)**

Willful violation of this Clean Air Regulation is an unlawful act. 1) Any person who owns, manages, operates or otherwise controls the use of a premise shall commit a willful violation if they: a. Knowingly permit smoking on a premises subject to their control in an area where smoking is prohibited by the provisions of this Clean Air Regulation, or b. Knowingly violate any other provision of this Clean Air Regulation. 2) Any person who smokes in an area of a premise where smoking is prohibited with knowledge that he or she is in a non-smoking area commits a willful violation of this Clean Air Regulation.

OTHER

B. **Penalties: §16-2-15. Obstructing local health officers and others in the enforcement of public health laws; other violations; penalties.**

Any person who willfully obstructs any local health officer, public health nurse, sanitarian or any other person charged with the enforcement of any public health law, in the performance of that person's legal duties in enforcing the law, is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than fifty dollars and not more than five hundred dollars.

Any person who willfully violates any of the provisions of this article, or any of the rules or orders adopted or issued pursuant to the provisions, for which a penalty is not otherwise provided, is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than two hundred dollars and not more than one thousand dollars.

Magistrates have concurrent jurisdiction with the circuit courts of this state for violations of provisions of this article.

PUBLIC EDUCATION

The Putnam County Health Department shall engage in a continuing educational program, including social media, to create awareness and promote the purposes and requirements of this Regulation to the community, and to guide and assist owners, operators, and managers in their compliance with it. The program may include publication of a fact sheets and for affected businesses and individuals explaining the provisions of this Regulation.

EFFECTIVE DATE

This Regulation shall be effective on ~~March 1, 2008.~~