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NOTICE OF EMERGENCY RULE DECISION BY THE SECRETARY OF STATE

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

AGENCY: Bureau for Public Health

RULE: 64CSR114, Public Health Standards for Businesses Remaining Open During the COVID-19 Outbreak

STATUTORY AUTHORITY: W. Va. Code §§16-3-1, 16-1-4, 29A-3-15

DATE FILED AS AN EMERGENCY RULE: Amendment Filed 3/5/2021

Following review under W. Va. Code §29A-3-15A, which requires the Secretary of State to determine that the agency filing such emergency rule: 1) has not exceeded the scope of law authorizing or directing the promulgation thereof; 2) has shown that an emergency exists justifying the promulgation of an emergency rule; and 3) filed the emergency rule in compliance with W. Va. Code §29A-3-15, it is the decision of the Secretary of State that the above emergency rule is **APPROVED**.

It is the determination of the Secretary of State that this proposal qualifies under the definition of an emergency as defined in §29A-3-15(f):

(1) For the immediate preservation of the public peace, health, safety and welfare;

(2) to comply with a time limitation established by the W. Va. Code or by a federal statute or regulation; or

(3) to prevent substantial harm to the public interest.

Additional notes or comments (if any):

The amendments made to this emergency rule are in accordance with the Governor's Executive Order No. 8-21 which becomes effective at 12:01 a.m. on March 6, 2021. Therefore, this emergency amendment will become effective at 12:01 a.m. on March 6, 2021 to coincide with the Executive Order.

Chuck Flannery, Deputy Secretary/Chief of Staff  
WV Secretary of State's Office