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Administrative Law Division

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

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NO RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	RULE/TYPE	AUTHORITY	HEARING/COMMENT PERIOD/LOCATION

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

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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
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TITLE	22	FORESTRY
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TITLE	25	SOCIAL WORK EXAMINERS
TITLE	26	VETERINARY MEDICINE
TITLE	27	COUNSELING
TITLE	29	SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
TITLE	30	RESPIRATORY CARE
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
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TITLE	127	SECONDARY SCHOOLS ACTIVITIES COMMISSION
TITLE	133	HIGHER EDUCATION POLICY COMMISSION
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TITLE	143	PERSONNEL
TITLE	144	TOURISM
TITLE	145	DEVELOPMENT OFFICE
TITLE	146	STATE ELECTION COMMISSION
TITLE	148	ADMINISTRATION
TITLE	149	CRIME, DELINQUENCY AND CORRECTIONS
TITLE	150	PUBLIC SERVICE COMMISSION
TITLE	153	SECRETARY OF STATE
TITLE	155	AUDITOR
TITLE	157	HIGWAYS
TITLE	164	SCHOOL BUILDING AUTHORITY
TITLE	174	REAL ESTATE COMMISSION
TITLE	175	ALCOHOL BEVERAGE CONTROL COMMISSION
TITLE	176	ALCOHOL BEVERAGE CONTROL COMMISSION - BEER
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	Modified & Approved 12/9/2021 Filed 1/3/2022			
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	Modified w/Certain Amendments & Approved 12/13/2021 Filed 1/3/2022			
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			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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			
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	Modified & Approved 12/8/2021 Filed 12/20/2021			
Alcohol Beverage Control Comm. – Beer (176-01)	Nonintoxicating Beer Licensing and Operations Procedures Legislative	6/1/2021	7/1/2021		7/28/2021	Modified & Approved 12/8/2021 Filed 12/20/2021			
Auditor (155-09)	Accountability Requirements for State Funds and Grants Legislative	7/30/2021	8/30/2021		9/13/2021	Modified & Approved 12/9/2021 Filed 1/3/2022			
Chiropractic Examiners (4-09)	Chiropractic Telehealth Practice Legislative	6/9/2021	7/9/2021	6/8/2021 Effective 7/20/2021	7/13/2021	Modified & Approved 12/9/2021 Filed 12/15/2021			
Community & Technical College Ed (135-08)	WV Invests Grant Program Legislative	10/8/2021	11/9/2021		11/10/2021	Approved 12/5/2021			
Contractor Licensing Board (28-02)	Contractor Licensing Act Legislative	6/30/2021	7/30/2021		7/30/2021	Modified & Approved 12/8/2021 Filed 12/9/2021			

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	Modified & Approved 12/9/2021 Filed 12/13/2021			
Counseling (27-02)	Licensed Professional Counselor Fees Rule Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 12/9/2021 Filed 12/13/2021			
Counseling (27-08)	Marriage and Family Therapist Licensing Rule Legislative	6/30/2021	7/29/2021		7/30/2021	Modified & Approved 12/9/2021 Filed 12/13/2021			
Counseling (27-09)	Marriage and Family Therapist Fees Rule Legislative	6/30/2021	7/29/2021		7/30/2021	Modified & Approved 12/9/2021 Filed 12/13/2021			
Counseling (27-14)	Telehealth and Interstate Telehealth Registration for Licensed Professional Counselors and Licensed Marriage and Family Therapists Legislative	12/6/2021	1/14/2022	1/10/2022 Approved 1/13/2022					
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			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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 Amendment 12/13/2021 ERD by 1/24/2022	7/26/2021	Modified & Approved 12/9/2021 Filed 12/13/2021			
Economic Development, Dept. (145-18)	Cable and Fiber Broadband Funding Assistance Procedural	10/27/2021	11/26/2021						
THE ABOVER RULE HAS BEEN WITHDRAWN 1/18/2022									
Education (126-012)	WV System of Support and Accountability (Policy 2322) Legislative Exempt	11/10/2021	12/13/2021					1/13/2022	2/14/2022
Education (126-042)	Assuring Quality of Education: Regulations for Education Programs (Policy 2510) Legislative Exempt	12/9/2021	1/10/2022						
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 (126-044M)	WV College- and Career-Readiness Programs of Study/Standards for Career Technical Ed. (Policy 2520.13) Legislative Exempt	12/9/2021	1/10/2022						
Education (126-067)	Comprehensive School Counseling Program (Policy 2315) Legislative Exempt	11/10/2021	12/13/2021					1/13/2022	2/14/2022
Education (126-114)	Approval of Educator Preparation Programs (Policy 5100) Legislative Exempt	11/10/2021	12/13/2021					1/13/2022	2/14/2022

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Education (126-141)	County Board of Education Relations with County Staff and School Employees (Policy 5300) Legislative Exempt	1/13/2022	2/14/2022						
Education (126-185)	Intercounty Transfer Arrangements (Policy 7200) Legislative Exempt	12/9/2021	1/10/2022						
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	Modified & Approved 12/8/2021 Filed 12/16/2021			
Fire Commission (87-01)	Fire Code Legislative	6/28/2021	7/28/2021		7/30/2021	Modified & Approved 12/9/2021 Filed 1/7/2022			
Fire Commission (87-04)	State Building Code Legislative	6/23/2021	7/26/2021		7/30/2021	Modified w/Certain Amendments & Approved 12/13/2021 Filed 1/7/2022			
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			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	Modified & Approved 12/9/2021 Filed 12/14/2021			
Health (64-12)	Hospital Licensure Legislative	6/22/2021	7/22/2021	5/20/2021 Effective 7/1/2021	7/23/2021	Modified & Approved 12/9/2021 Filed 12/14/2021			
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	Modified & Approved 12/9/2021 Filed 12/14/2021			
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	Modified & Approved 12/9/2021 Filed 12/15/2021			
Health (64-57)	Clinical Laboratory Practitioner Licensure and Certification Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 12/9/2021 Filed 12/16/2021			
Health (64-92)	Clandestine Drug Laboratory Remediation Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 12/9/2021 Filed 12/16/2021			
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			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	Approved 12/9/2021			
Health Care Authority (65-32)	Certificate of Need Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 12/9/2021 Filed 12/20/2021			
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	Approved 12/8/2021			
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			
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			
Medical Imaging & Radiation Tech. Bd. Of Examiners (18-06)	Practice of Radiologic Technology Interpretive	12/2/2021	1/7/2022						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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 Filed 10/25/2021 2nd Filed 11/2/2021			
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 Filed 10/25/2021			
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 Filed 10/25/2021			
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 Filed 10/25/2021			
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 Filed 10/25/2021			
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	Modified w/Certain Amendments & Approved 12/8/2021 Filed 12/16/2021			
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			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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			
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 2nd Filed 1/18/2022			
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 (58-23)	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 (58-27)	Special Motorboating Regulations Legislative	6/30/2021	7/29/2021		7/30/2021	Approved 8/19/2021			
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 (58-49)	General Hunting Legislative	6/30/2021	7/29/2021		7/30/2021	Approved 8/19/2021			
Natural Resources (58-63)	Commercial Sale of Wildlife Legislative	6/30/2021	7/29/2021		7/30/2021	Modified w/Certain Amendments & Approved 12/8/2021 Filed 12/29/2021			
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			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Office of Technology (163-02)	Chief Information Officer Review Legislative	6/23/2021	7/23/2021		7/30/2021	Modified & Approved 12/9/2021 Filed 12/16/2021			
Office of Technology (163-03)	Cyber Reporting Legislative	6/15/2021	7/15/2021		7/30/2021	Modified & Approved 12/9/2021 Filed 12/16/2021			
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			
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	Modified w/Certain Amendments & Approved 12/8/2021 Filed 12/15/2021			
Personnel (143-01)	Administrative Rule of the WV Division of Personnel Legislative	5/28/2021	6/30/2021	1/4/2022 Approved 1/7/2022	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 (15-08)	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			

RULE MONITOR									
AGENCY/SERIES NUMBER	**RULE**	**NOTICE**	**HEARING**	**EMER RULE**	**AGENCY APPROVED**	**LRMRC/LOCEA ACTION**	**LEGIS**	**FINAL FILE**	**EFFECTIVE**
Pharmacy (15-19)	Inspections Legislative			1/6/2022 Approved 1/7/2022					
Racing Commission (178-01)	Thoroughbred Racing Legislative	5/28/2021	6/28/2021		7/28/2021	Modified & Approved 12/8/2021 Filed 12/8/2021			
Real Estate Appraiser Licensing and Certification Bd. (190-02)	Requirements for Licensure and Certification Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 12/9/2021 Filed 12/21/2021			
Real Estate Appraiser Licensing and Certification Bd. (190-03)	Renewal of Licensure or Certification Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 12/9/2021 Filed 12/21/2021			
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	Modified & Approved 12/9/2021 Filed 12/21/2021			
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	Authorized w/Certain Amendments & Approved 12/8/2021			
School Building Authority (164-02)	Funding School Building Authority Projects Legislative	9/29/2021	11/1/2021		12/15/2021				
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	Modified w/Certain Amendments & Approved 12/9/2021 Filed 12/27/2021			
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	Approved 12/9/2021			
Secretary of State (153-25)	Combined Voter Registration and Driver Licensing Fund Legislative	6/25/2021	7/27/2021		7/30/2021	Modified & Approved 12/8/2021 Filed 12/29/2021			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Secretary of State (153-30)	Use of Digital Signatures Legislative	6/24/2021	7/27/2021		7/30/2021	Modified & Approved 12/8/2021 Filed 12/29/2021			
Secretary of State (153-43)	Regulation of Political Party Headquarters Finances Legislative	6/24/2021	7/27/2021		7/30/2021	Modified & Approved 12/8/2021 Filed 12/29/2021			
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	Modified & Approved 12/8/2021 Filed 12/29/2021			
Secretary of State (153-48)	Real Property Electronic Recording Standards and Regulations Legislative	6/29/2021	7/29/2021		7/30/2021	Approved 12/8/2021			
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	Modified & Approved 12/9/2021 Filed 12/20/2021			
Social Work Examiners (25-05)	Continuing Education for Social Workers and Providers Legislative	6/30/2021	7/30/2021		7/30/2021	Modified & Approved 12/9/2021 Filed 12/20/2021			
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	Modified & Approved 12/9/2021 Filed 12/16/2021			
State Police (81-03)	Career Progression Legislative	6/29/2021	7/30/2021		7/30/2021	Modified & Approved 8/18/2021 Filed 1/10/2022			
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	Recommend Rejection 1/9/2022			
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			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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			
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	11/19/2021 Effective 12/31/2021	7/30/2021	Modified & Approved 12/8/2021 Filed 1/3/2022			
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			
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	Approved 12/8/2021			
Water Resources, Div. of Water & Waste Mgmt. (47-02)	Requirements Governing Water Quality Standards Legislative	6/4/2021	7/19/2021		7/30/2021	Modified & Approved 12/8/2021 Filed 12/28/2021			

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. (47-13)	Underground Injection Control Legislative	6/23/2021	7/23/2021		7/30/2021	Approved 12/8/2021			
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 Effective 9/30/2021	10/19/2021	Approved 12/8/2021			
Workers Compensation (85-13)	Procedural Rules for the Industrial Council Procedural	12/3/2021	1/4/2022						

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				
Agriculture 61-23D	Inspection of Nontraditional, Domesticated Animals 4/22/2023	11/15/2021	11/15/2021				
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	1/3/2022	Modified & Approved 1/9/2022 Filed 1/10/2022			
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			
Health and Human Resources 69-13	Development of Methodologies to Examine Needs for Substance Use Disorder Treatment Facilities within the State 3/22/2023	12/3/2021					
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			
Highways 157-02	Disposal, Lease and Management of Real Property and Appurtenant Structures and Relocation Assistance 4/6/2023	12/17/2021					
Highways 157-12	Employment Procedures 4/13/2023	12/16/2021					
Insurance Commission 114-98	Adoption of Valuation Manual 5/19/2022	3/31/2021	3/31/2021	Approved 8/19/2021			

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**
Labor 42-35	Registration of Service Persons and Service Agencies 3/30/2023	11/30/2021	11/30/2021				
Labor 42-36	Registration of Weighing and Measuring Devices Used by Businesses in Commercial Transactions 3/30/2023	11/29/2021	11/30/2021				
Natural Resources 58-11	Hunting, Fishing, and Other Outfitters and Guides 5/7/2023	11/30/2021	11/30/2021				
Natural Resources 58-64	Miscellaneous Permits and Licenses 5/7/2023	11/30/2021	11/30/2021				
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	Approved 12/8/2021			
Risk and Insurance Management 115-07	Patient Injury Compensation Fund 5/1/2022	4/21/2021					
Secretary of State 153-03	Voter Registration at the Division of Motor Vehicles 5/23/2022	5/10/2021	5/10/2021	Approved 12/8/2021			
Secretary of State 153-05	Voter Registration List Maintenance by the Secretary of State 5/23/2022	5/10/2021	5/10/2021	Approved 12/8/2021			
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			

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
Treasurer 112-08	Procedures for Processing Payments from the State Treasury 6/1/2022	5/7/2021	5/7/2021	Approved 8/19/2021			

FILED
WV SECRETARY OF STATE
JANUARY 18, 2022 03:05 PM

WEST VIRGINIA BOARD OF EDUCATION
Capitol Building 6, Suite 600
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330

Telephone: 304.558.3660
Facsimile: 304.558.0048

January 13, 2022

The Honorable Mac Warner
Secretary of State
State of West Virginia
Capitol Building 1, Suite 157-K
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Secretary Warner:

The West Virginia Board of Education, at its January 12, 2022, meeting, repealed effective February 14, 2022: 1) 126CSR74, Policy 3235, Definition of Good Cause for Failure to Receive School Board Training, filed April 11, 2013, and effective July 1, 2013; and 2) 126CSR191, Policy 7300, Better Schools Accountability: School, School District and Statewide School Report Cards, filed November 14, 1997, and effective December 15, 1997.

Relevant portions of Policy 3235 and Policy 7300 have been incorporated into 126CSR12, Policy 2322, West Virginia System of Support and Accountability, filed January 13, 2022, and effective February 14, 2022.

Thank you for your attention to this matter.

Sincerely,

Michele L. Blatt

Michele L. Blatt
Deputy State Superintendent of Schools
West Virginia Department of Education

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
1/18/2022 10:59:14 AM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Motor Vehicles

RULE TYPE: Legislative TITLE-SERIES: 91-06

RULE NAME: Dealer Licensing

CITE AUTHORITY: 17A-2-9,17A-6-2a, 17A-6-5a, 17A-6-3, 17A-6B-13, 17A-6C-17 and 17A-6D-15

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

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

Yes

Joseph A Holley -- 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
Economic Development

1900 Kanawha Boulevard, East
Building 3, Suite 600
Charleston, West Virginia 25305
(800) 982-3386 · (304) 558-2234
westvirginia.gov

PROCEDURAL

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2022 JAN 18 P 12: 32
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

January 17, 2021

Maureen Lewis
Administrative Law Manager
West Virginia Secretary of State's Office
1900 Kanawha Blvd East
Room 157K, Building 1, State Capitol Complex
Charleston, WV 25305

Dear Ms. Lewis:

The Department of Economic Development hereby withdraws the pending procedural rule 145-CSR-18, entitled "Cable and Fiber Broadband Funding Assistance."

Should you need additional information, please contact my office at 304-558-2234.

Sincerely,

Mitch Carmichael

Secretary Mitch Carmichael
West Virginia Department of Economic Development

Orders Report

Docket Number	Agency	Respondent	Date Rendered

None Filed This Week

FILED

2022 JAN 18 P 2:37

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

OTHER

west virginia department of environmental protection

Division of Land Restoration
601 57th Street SE
Charleston, WV 25304

Harold Ward, Cabinet Secretary
dep.wv.gov

2020 Hazardous Waste Emergency Response Fee Assessment
Introduction

The West Virginia Department of Environmental Protection is authorized by Article 19, Chapter 22 of the West Virginia Code to annually assess fees on all generators, as defined in 33 CSR 26. Generators, whose fees do not exceed $5.00 will not be sent an invoice. All monies collected from generators are deposited in a special fund designated the "Hazardous Waste Emergency Response Fund," which is utilized to; respond to hazardous waste emergencies, perform Non Time Critical (NTC) response activities, at and in regard to, hazardous waste/Hazardous substance sites, and match federal financial assistance for restoring hazardous waste sites.

In accordance with the law, fees vary annually to a level necessary to produce a fund of at least $1,000,000 at the beginning of each calendar year, with the maximum revenue per year limited to $500,000. If the balance of the fund in any year is in excess of $1,500,000, no fee is assessed until the balance at the end of any year is less than $1,000,000.

The Hazardous Waste Emergency Response Fund Procedural Rule Concerning Fee Assessment (State Rule 33 CSR 26) established fee assessment procedures and data upon which such assessments are based. Fee assessment categories, which have been established by the enabling act, include the following:

Assessment Category	Base Fee Rate
Hazardous waste treated or disposed off-site	100%
Hazardous waste treated or disposed on-site	90%
Hazardous waste treated off-site to be rendered non-hazardous	75%
Hazardous waste treated on-site to be rendered non-hazardous	25%

The following provides clarification as to how the rate per ton is determined:

w = the amount of hazardous waste generated in West Virginia that was treated or disposed off-site (remaining hazardous)

x = the amount of hazardous waste generated in West Virginia that was treated or disposed on-site (remaining hazardous)

y = the amount of hazardous waste generated in West Virginia that was treated off-site to render it non-hazardous

z = the amount of hazardous waste generated in West Virginia that was treated on-site to render it non-hazardous

$$\text{Rate} = \frac{\text{Revenues from total fees assessed (\$500,000)}}{w + x(0.90) + y(0.75) + z(0.25)}$$

west virginia department of environmental protection

Division of Land Restoration
601 57th Street SE
Charleston, WV 25304

Harold Ward, Cabinet Secretary
dep.wv.gov

2020 Hazardous Waste Emergency Response Fee Assessment
Base Rate Calculation and Fee Schedule

Based on information collected from Hazardous Waste Emergency Response Fund Fee Assessment Reports for waste generated during the 2020 calendar year, the 2020 base fee rate has been set at $12.42/ton.

This rate was calculated as follows:

$$\text{Rate} = \frac{\$500{,}000}{13{,}397.70 + 192.40(0.90) + 32{,}609.50(0.75) + 8{,}955.84(0.25)}$$

The following Fee Schedule has been established:

Fee Assessment Category	Base Fee Rate ($/ton)	Total Generated (tons)
Hazardous waste treated or disposed off-site	$12.42	*13,397.70*
Hazardous waste treated or disposed on-site	$11.18	*192.40*
Hazardous waste treated off-site to be rendered non-hazardous	$9.31	32,609.50
Hazardous waste treated on-site to be rendered non-hazardous	$3.10	*8,955.84*

The West Virginia Department of Environmental Protection will provide a copy of this fee schedule to each generator within fifteen (15) days of publication in the State Register, and invoices will be included for each generator upon whom a fee is assessed. All payments are due within 168 days of publication in the State Register.

Promoting a healthy environment.

FILED
WV SECRETARY OF STATE
JANUARY 21, 2022 09:15 AM

E mail to legals@hdmediallc.com

OTHER

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 putnamihd@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 February 19, 2022 in order to be considered by the Board of Health

FILED
WV SECRETARY OF STATE
JANUARY 21, 2022 08:12 AM

Putnam County Board of Health

2007 Clean 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:

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 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

OTHER

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.

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.

B. **"BUSINESS"** means any 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.

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.

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. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent and whether or not containing openings of any kind.

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

H. **"HELTH 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.

I. **"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

J. **"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. **"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.

M. **"PLACE OF EMPLOYMENT"** means 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,

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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 childcare or health care facility.

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 is not a "public place, unless it is used as a child care, adult day care, or health care facility.

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 food is prepared on the premises or serving elsewhere..

P. **"RETAIL STORE"** means any establishment that sells goods or services directly to members of the general public including, but not limited to, 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.

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.

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

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 20 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. Convention facilities
6. Elevators
7. Educational facilities, both public and private.
10. Hotels and motels
11. Polling places.
12. Retail stores

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13. Restaurants
14. Restrooms
15. Shopping malls including indoor flea markets.
16. All means of public transit, including buses, taxicabs, bus, train, and airport facilities, including ticket, boarding, transport and waiting areas.
17. All licensed childcare and health care facilities.
18. Every room, chamber, place of meeting or public assembly, including school buildings, under the control of any board, council, commission, committee including joint committees or any political subdivision of the State.
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.

C. 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 workspaces designated as non-smoking.

B. Each employer having an enclosed place of employment located within Putnam County shall adopt, implement, make known and maintain a smoking policy.

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

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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.

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.

C. 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 20 YEARS OF AGE OR YOUNGER ARE NOT PERMITTED HEREIN"

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 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.

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VIOLATIONS AND PENALTIES

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.

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 (to be determined).

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