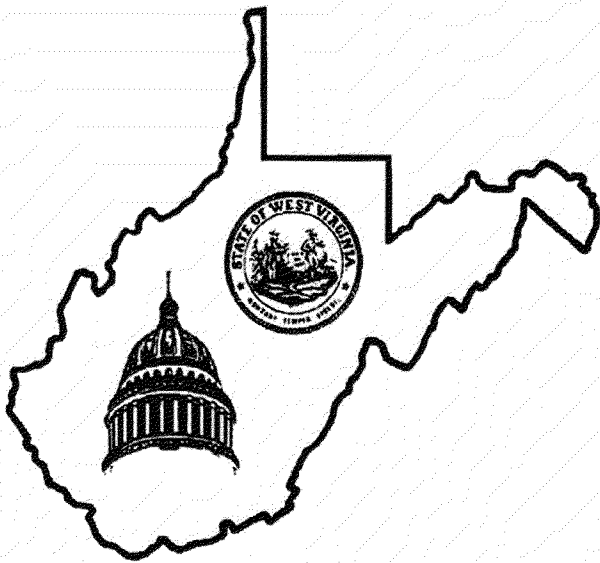




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**This week's publication includes documents submitted
by the following agencies:**

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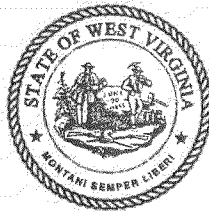
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NO RULES FILED FOR PUBLIC COMMENT THIS WEEK

<u>AGENCY</u>	<u>RULE/TYPE</u>	<u>AUTHORITY</u>	<u>HEARING/COMMENT PERIOD/LOCATION</u>

NO EMERGENCY RULES FILED THIS WEEK

<u>AGENCY/RULE</u>	<u>RULE NAME</u>	<u>AUTHORITY</u>	<u>EFFECTIVE DATE</u>	<u>COMMENT END DATE</u>



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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 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 Amendment Filed, Emergency Rule Decision Date (ERD), and Effective Date of Emergency Rule
Column	6.	Date Agency Approved Rule Filed (Legislative Rules Only)
Column	7.	Review date by the Legislative Rule-Making Review Committee or Legislative Oversight Commission on Education Accountability, and Action Taken
Column	8.	Legislative Action
Column	9.	Date Agency Final Files the Rule
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 a 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 (example: holding an additional comment period)

CROSS REFERENCE OF RULE MONITOR TITLE NUMBERS AND AGENCIES

<u>TITLE NUMBER</u>	<u>NAME OF AGENCY</u>
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 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
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 53	PUBLIC ENERGY AUTHORITY
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 71	OFFICE OF THE INSPECTOR GENERAL
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 103	FIRE MARSHAL
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
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	HIGHWAYS
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
TITLE 220	MULTIMODAL TRANSPORTATION FACILITIES

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Accountancy (1-01)	Board Rules and Rules of Professional Conduct Legislative	5/13/2026	6/26/2026		7/20/2026	Approved 8/12/2026			
Administration (148-03)	State-Owned Vehicles Legislative	6/29/2026	7/29/2026		7/30/2026				
Administration (148-26)	Construction Management At-Risk Contracting Legislative	6/25/2026	7/25/2026		7/29/2026				
Agriculture (61-01C)	Disposal of Poultry Mortality Legislative	6/9/2026	7/9/2026		7/9/2026				
Agriculture (61-01D)	List of Restricted Live, Modified Live and Killed Vaccines for Animals Legislative	6/10/2026	7/10/2026		7/24/2026				
Agriculture (61-02)	West Virginia Apiary Rule Legislative	6/17/2026	7/17/2026		7/24/2026				
Agriculture (61-02A) Sunset Provision	Labeling of Imported Honey, Honey Products or Honey Bee By-Products; Adulterated Honey, Honey Products or Honey Bee By-Products Legislative				6/5/2026				
Agriculture (61-04) Sunset Provision	Traditional Cheese Production Legislative				6/2/2026				
Agriculture (61-04A) Sunset Provision	Production of Milk and Cream for Manufacturing Purposes Legislative				6/10/2026				
Agriculture (61-04B)	Frozen Desserts and Imitation Frozen Desserts Legislative	5/15/2026	6/15/2026	5/15/2026 Approved 6/2/2026	6/17/2026				
Agriculture (61-06D)	Nutrient Management Certification Legislative	6/9/2026	7/9/2026		7/9/2026				
Agriculture (61-07A) Sunset Provision	Marketing of Eggs Rule Legislative				6/10/2026				
Agriculture (61-11)	Regulations Governing Public Markets Legislative	6/22/2026	7/22/2026		7/30/2026				
Agriculture (61-11B)	Auctioneers Legislative	5/27/2026	6/27/2026		6/30/2026				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Agriculture (61-12) Sunset Provision	Structure for the Pesticide Control Act of 1990 Legislative				6/12/2026				
Agriculture (61-12C) Sunset Provision	Wood Destroying Insect Treatment Standards Legislative				6/8/2026				
Agriculture (61-16)	Inspection of Meat and Poultry Legislative	6/30/2026	7/30/2026		7/31/2026				
Agriculture (61-28)	Poultry Litter and Manure Movement into Primary Poultry Breeder Rearing Areas Legislative	6/17/2026	7/17/2026		7/30/2026				
Agriculture (61-30)	Select Plant-Based Derivatives and Select Plant-Based Derivative Products Hemp Legislative	6/30/2026	7/30/2026	6/30/2026 Effective 8/11/2026	7/31/2026				
Agriculture (61-34)	Captive Cervid Farming Legislative	6/22/2026	7/22/2026		7/30/2026				
Agriculture (61-38)	Farmers Market Legislative	6/9/2026	7/9/2026		7/9/2026				
Agriculture (61-42)	Cottage Foods-Homemade Potentially Hazardous Food Items Legislative	6/1/2026	6/30/2026	6/1/2026 Approved 6/2/2026	7/1/2026				
Agriculture (61-43)	Select Plant-Based Derivatives and Select Plant-Based Derivative Products-Kratom Legislative	6/24/2026	7/24/2026	6/24/2026 Approved 6/29/2026	7/30/2026				
Air Quality (45-02)	Control of Particulate Matter Air Pollution from the Combustion of Fuel in Indirect Heat Exchangers Legislative	6/4/2026	7/7/2026		7/31/2026				
Air Quality (45-03)	Control of Air Pollution from the Operation of Hot Mix Asphalt Plants Legislative	6/4/2026	7/7/2026		7/31/2026				
Air Quality (45-05)	Control of Air Pollution from the Operation of Coal Preparation Plants, Coal Handling Operations and Coal Refuse Disposal Areas Legislative	6/4/2026	7/7/2026		7/31/2026				
Air Quality (45-06)	Control of Air Pollution from Combustion of Refuse Legislative	6/4/2026	7/7/2026		7/31/2026				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/OCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Air Quality (45-07)	Control of Particulate Matter Air Pollution from Manufacturing Processes and Associated Operations Legislative	6/4/2026	7/7/2026		7/31/2026				
Air Quality (45-10)	Control of Air Pollution from the Emission of Sulfur Oxides Legislative	6/4/2026	7/7/2026		7/31/2026				
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/4/2026	7/7/2026		7/31/2026				
Air Quality (45-18)	Control of Air Pollution from Combustion of Solid Waste Legislative	6/4/2026	7/7/2026		7/31/2026				
Air Quality (45-21)	Control of Air Pollution from the Emission of Volatile Organic Compounds Legislative	6/4/2026	7/7/2026		7/31/2026				
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/4/2026	7/7/2026		7/31/2026				
Alcohol Beverage Control Commission (175-12)	Vape or Smoke Shop Licensure and Enforcement Legislative	6/22/2026	7/21/2026	6/22/2026 Approved 6/23/2026	7/29/2026				
Attorney General (142-03)	Legislative Rule Pertaining to the Establishment and Qualification of Third-Party Dispute Mechanisms Legislative					Authorized w/Certain Amendments 10/8/2025	HB4275 SB320 Bundled HB4265		
Attorney General (142-04)	Fair Treatment of Crime Victims and Witnesses Legislative					Authorized w/Certain Amendments 10/8/2025	HB4276 SB321 Bundled HB4265		
Attorney General (142-05)	Prevention of Unfair or Deceptive Acts or Practices in Home Improvement Transactions Legislative					Authorized w/Certain Amendments 10/8/2025	HB4277 SB322 Bundled HB4265		
Attorney General (142-06)	Legislative Rule Pertaining to the Prevention of Unfair or Deceptive Acts or Practices in Sale of Damaged Goods or Damaged Products Legislative					Authorized w/Certain Amendments 10/8/2025	HB4278 SB323 Bundled HB4265		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Attorney General (142-08)	Administration of Preneed Burial Contracts Legislative					Authorized w/Certain Amendments 10/8/2025	HB4279 SB324 Bundled HB4265		
Auditor (155-08)	Procedure for Local Levying Bodies to Apply for Permission to Extend Time to Meet as Levying Body Legislative	4/22/2026	5/22/2026		7/29/2026				
Auditor (155-09)	Accountability Requirements for State Funds and Grants Legislative	4/22/2026	5/22/2026		7/29/2026				
Chiropractic Examiners (4-06) Sunset Provision	Fees Pertaining to the Practice of Chiropractic Legislative				7/27/2026				
Chiropractic Examiners (4-09) Sunset Provision	Chiropractic Telehealth Practice Legislative				7/15/2026				
Community & Tech. College Education (135-08)	West Virginia Invests Grant Program Legislative	6/5/2026	7/6/2026		7/27/2026				
Community & Tech. College Education (135-35)	Business, Occupational, and Trade Schools Legislative	6/8/2026	7/9/2026		8/14/2026				
Corrections (90-01, repeal)	Incorporation of Policy Directives Manual Legislative	6/29/2026	7/29/2026		7/31/2026				
Corrections (90-08, repeal)	Fees for Electronic Monitoring of Offenders Legislative	6/29/2026	7/29/2026		7/31/2026				
Crime Delinquency and Correction (149-02)	Law Enforcement Training and Certification Standards Legislative	6/29/2026	7/29/2026		7/31/2026	Modified & Approved 8/12/2026 Filed 8/18/2026			
Dentistry (5-03)	Fees Established by the Board Legislative	5/21/2026	6/22/2026		7/21/2026				
Dentistry (5-09)	Application Procedures for Licensure or Certificate Procedural	5/21/2026	6/22/2026					7/21/2026	8/21/2026
Dentistry (5-13)	Expanded Duties of Dental Hygienists and Dental Assistants Legislative	2/12/2026	3/16/2026	2/3/2026 Effective 3/17/2026	4/21/2026				

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Dentistry (5-14)	Mobile Dental Facilities & Portable Dental Units Legislative	5/21/2026	6/22/2026		7/21/2026				
Dentistry (5-16)	Teledentistry Legislative	5/21/2026	6/22/2026		7/21/2026				
Education (126-089)	West Virginia Design and Equipment Requirements for School Transportation Vehicles (4334) Legislative Exempt	5/14/2025	6/14/2025		8/3/2026				
Environmental Protection, Secretary's Office (60-13)	Design Build Program Procedural	6/25/2026	7/27/2026					8/3/2026	9/2/2026
Ethics Commission (158-06)	Use of Office for Private Gain, Including Nepotism Legislative	6/30/2026	7/30/2026		7/30/2026				
Family Protection Services Board (191-03)	Batterer Intervention and Prevention Programs Licensure Legislative	7/1/2026	7/31/2026		7/31/2026				
Fire Commission (87-04)	State Building Code Legislative	6/29/2026	7/29/2026		7/31/2026				
Fire Commission (87-06)	Certification and Evaluation of Local Fire Departments Legislative	6/29/2026	7/29/2026		7/31/2026				
Fire Commission (87-10)	Volunteer Fire Department Equipment and Training Grant Funding Disbursement Legislative	6/29/2026	7/29/2026		7/31/2026				
Fire Commission (87-11)	Specialized Membership Legislative	6/29/2026	7/29/2026		7/31/2026	Modified & Approved 8/12/2026 Filed 8/18/2026			
Fire Commission (87-12)	Junior Firefighters Legislative	6/29/2026	7/29/2026		7/31/2026	Modified & Approved 8/12/2026 Filed 8/18/2026			
Fire Commission (87-14)	Use of Aqueous Film-Forming Foam (AFFF) for Fire Training Program Purposes Legislative	6/29/2026	7/29/2026		7/31/2026	Modified & Approved 8/12/2026 Filed 8/18/2026			
Fire Marshal (103-04)	Regulation of Fireworks and Related Explosive Materials Legislative	6/29/2026	7/29/2026		7/31/2026				

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Fire Marshal (103-05)	Electrician Licensing Rules Legislative	6/29/2026	7/29/2026		7/31/2026				
Foresters (200-04)	Schedule of Fees Legislative	1/27/2026	3/13/2026		3/31/2026				
Funeral Service Examiners (6-01)	Funeral Director, Embalmer, Apprentice, Courtesy Card Holders and Funeral Establishment Requirements Legislative	6/15/2026	7/16/2026	6/16/2026 Approved 6/24/2026	7/20/2026				
Health (64-15)	Cross-Connection Control and Backflow Prevention Legislative	6/25/2026	7/25/2026		7/29/2026				
Health (64-17)	Food Establishments Legislative	6/25/2026	7/25/2026		7/29/2026				
Health (64-18)	General Sanitation Legislative	6/25/2026	7/25/2026		7/29/2026				
Health (64-24, repeal)	Newborn Hearing Screening Legislative	6/25/2026	7/25/2026		7/29/2026	Approved 8/12/2026			
Health (64-42)	Childhood Lead Screening Legislative	6/25/2026	7/25/2026		7/29/2026	Modified & Approved 8/12/2026 Filed 8/19/2026			
Health (64-49, repeal)	Drinking Water Treatment Revolving Fund Legislative	6/25/2026	7/25/2026		7/29/2026				
Health (64-81)	Birth Defects Information System Legislative	6/25/2026	7/25/2026		7/29/2026	Modified & Approved 8/12/2026 Filed 8/19/2026			
Health (64-91)	Newborn Screening System Legislative	6/25/2026	7/25/2026		7/30/2026	Modified & Approved 8/12/2026 Filed 8/19/2026			
Health (64-100, repeal)	Pulse Oximetry Newborn Testing Legislative	6/25/2026	7/25/2026		7/29/2026	Approved 8/12/2026			
Health (64-109)	Medical Cannabis Program General Provisions Legislative	6/25/2026	7/25/2026		7/29/2026	Approved 8/12/2026			
Health (64-110)	Medical Cannabis Program Grower/Processors Legislative	6/25/2026	7/25/2026		7/29/2026	Modified & Approved 8/12/2026			

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-112)	Medical Cannabis Program Dispensaries Legislative	6/25/2026	7/25/2026		7/29/2026	Approved 8/12/2026			
Health (64-116)	Distribution of Funds from Emergency Medical Services Crisis Response and Mental Health Treatment Fund Legislative	6/25/2026	7/25/2026		7/29/2026				
Hearing Aid Dealers (8-01)	Rule Governing the West Virginia Hearing Aid Dealers Legislative	6/29/2026	7/29/2026		7/31/2026				
Hearing Aid Dealers (8-02)	Contested Case Hearing Procedure Legislative	6/29/2026	7/29/2026		7/31/2026				
Hearing Aid Dealers (8-03)	Disciplinary and Complaint Procedures for Hearing Aid Dealers Legislative	6/29/2026	7/29/2026		7/31/2026				
Hearing Aid Dealers (8-04)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/29/2026	7/29/2026		7/31/2026				
Hearing Aid Dealers (8-05)	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	6/29/2026	7/29/2026		7/31/2026				
Higher Education Policy Commission (133-06)	Higher Education Adult-Part Time Student (HEAPS) Grant Program Legislative	6/12/2026	7/13/2026		7/14/2026	Approved 8/11/2026			
Higher Education Policy Commission (133-07)	West Virginia Providing Real Opportunities for Maximizing In-State Student Excellence (PROMISE) Scholarship Program Legislative	6/12/2026	7/13/2026		7/14/2026	Approved 8/11/2026			
Higher Education Policy Commission (133-34)	Medical Student Loan Program Legislative	6/12/2026	7/13/2026		7/14/2026	Approved 8/11/2026			
Higher Education Policy Commission (133-41)	Health Sciences Service Program Legislative	6/12/2026	7/13/2026		7/14/2026	Approved 8/11/2026			
Higher Education Policy Commission (133-42)	West Virginia Higher Education Grant Program Legislative	6/15/2026	7/15/2026		7/16/2026	Approved 8/11/2026			
Higher Education Policy Commission (133-63)	Mental Health Loan Repayment Program Legislative	6/12/2026	7/13/2026		7/14/2026	Approved 8/11/2026			

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Highways (157-03)	Construction and Reconstruction of State Roads Legislative	6/24/2025 6/29/2026	7/24/2025 7/29/2026		8/7/2025 7/30/2026				
Highways (157-05)	Traffic and Safety Rules Legislative	11/10/2025 6/29/2026	12/10/2025 7/29/2025	11/10/2025 Effective 12/22/2025	12/11/2025 7/30/2026				
Human Services (78-26)	Pilot Program for Drug Screening of Applicants Legislative	7/1/2026	7/31/2026		7/31/2026				
Human Services (78-29)	Licensure and Certification of Alcohol and Drug Counselors Legislative	7/1/2026	7/31/2026		7/31/2026				
Insurance Commission (114-42) Sunset Provision	Continuing Education for Individual Insurance Producers and Individual Insurance Adjusters Legislative				5/13/2026	Approved 8/12/2026			
Insurance Commission (114-98) Sunset Provision	Adoption of Valuation Manual Legislative				5/13/2026	Approved 8/12/2026			
Insurance Commission (114-99)	Pharmacy Auditing Entities and Pharmacy Benefit Managers Legislative	6/24/2026	7/24/2026		7/31/2026	Modified & Approved 8/12/2026 Filed 8/17/2026			
Insurance Commission (114-102) Sunset Provision	Term and Universal Life Insurance Reserve Financing Legislative				5/13/2026	Approved 8/12/2026			
Juvenile Services (101-01, repeal)	West Virginia Minimum Standards for Structure, Operation, and Maintenance of Juvenile Detention and Correctional Facilities Legislative	6/29/2026	7/29/2026		7/31/2026				
Labor (42-34)	Regulation of Heating, Ventilating, and Cooling Work Legislative	7/1/2026	7/31/2026		7/31/2026				
Lottery Commission (179-01) Sunset Provision	West Virginia Lottery State Lottery Rules Legislative				5/7/2026	Approved 8/12/2026			
Lottery Commission (179-05)	West Virginia Lottery Limited Video Lottery Rule Legislative	6/29/2026	7/29/2026		7/30/2026				

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Medicine (11-01A)	Licensing of Physicians and Podiatric Physicians and Disciplinary Procedures for Applicants, Licensees, Credential Holders Legislative	7/1/2026	7/31/2026	6/30/2026 Effective 8/11/2026	7/31/2026	Modified & Approved 8/12/2026			
Medicine (11-05) Sunset Provision	Dispensing of Prescription Drugs by Practitioners Legislative				5/4/2026	Modified & Approved 8/12/2026			
Medicine (11-06)	Continuing Education for Physicians and Podiatric Physicians Legislative	6/30/2026	7/30/2026	6/30/2026 Effective 8/11/2026	7/31/2026	Approved 8/12/2026			
Medicine (11-07)	Formation and Approval of Professional Limited Liability Companies Legislative	6/30/2026	7/30/2026		7/31/2026	Approved 8/12/2026			
Medicine (11-09, repeal)	Certification, Disciplinary and Complaint Procedures, Continuing Education, Radiologist Assistants Legislative	6/30/2026	7/30/2026		7/31/2026	Approved 8/12/2026			
Medicine (11-10) Sunset Provision	Practitioner Requirements for Accessing the West Virginia Controlled Substances Monitoring Program Database Legislative				5/4/2026	Modified & Approved 8/12/2026			
Medicine (11-11, repeal)	Establishment and Regulation of Limited License to Practice Medicine and Surgery at Certain State Veterans Nursing Home Facilities Legislative	6/30/2026	7/30/2026		7/31/2026	Approved 8/12/2026			
Medicine (11-14) Sunset Provision	Registration to Practice During Declared State of Emergency Legislative				5/4/2026	Modified & Approved 8/12/2026			
Medicine (11-15) Sunset Provision	Telehealth and Interstate Telehealth Registration for Physicians, Podiatric Physicians and Physician Assistants Legislative				5/4/2026	Modified & Approved 8/12/2026			
Medicine (11-17)	Licensure and Regulation of Genetic Counselors and Active Candidate Status Permits Legislative	6/8/2026	7/8/2026	6/8/2026 Approved 6/9/2026	7/31/2026	Modified & Approved 8/12/2026			
Medicine (11-18)	Emeritus Status Licensure for Retired Providers Legislative	6/30/2026	7/30/2026		7/31/2026	Approved 8/12/2026			

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Miners' Health Safety and Training (56-03)	Rule Governing the Safety of Those Employed in and Around Surface Mines in West Virginia Legislative	12/15/2025	1/16/2026	12/15/2025 Effective 1/26/2026	1/23/2026				
Motor Vehicles (91-04)	Examination and Issuance of Drivers License Legislative	6/29/2026	7/29/2026		7/30/2026	Approved 8/12/2026			
Motor Vehicles (91-06)	Dealer Licensing Legislative	6/30/2026	7/30/2026		7/31/2026	Authorized w/Certain Amendments 8/12/2026			
Motor Vehicles (91-09) Sunset Provision	Collection of Tax on the Sale of a Vehicle Legislative				6/29/2026	Approved 8/12/2026			
Natural Resources (58-38) Sunset Provision	Public Shooting Ranges Legislative				3/31/2026	Approved 8/12/2026			
Natural Resources (58-63) Sunset Provision	Commercial Sale of Wildlife Legislative				3/31/2026	Approved 8/12/2026			
Natural Resources (58-69)	Wildlife Disease Management Legislative	6/26/2026	7/27/2026		7/31/2026	Modified & Approved 8/12/2026			
Nursing Home Administration Licensing Board (21-01)	Nursing Home Administrations Legislative	5/6/2026	6/5/2026		7/31/2026				
Occupational Therapy (13-01)	Administrative Rules of the Board of Occupational Therapy and Licensure of Occupational Therapists and Occupational Therapy Assistants Legislative	6/10/2026	7/13/2026		7/14/2026	Modified & Approved 8/12/2026			
Office of Inspector General (71-11)	West Virginia Clearance for Access: Registry and Employment Screening Legislative	7/1/2026	7/31/2026		7/31/2026				
Office of Inspector General (71-27)	Medication-Assisted Treatment - Opioid Treatment Programs Legislative	7/1/2026	7/31/2026		7/31/2026				
Office of Technology (163-02, repeal)	Chief Information Officer Review Legislative	6/26/2026	7/26/2026		7/29/2026				
Office of Technology (163-03)	Cyber Reporting Legislative	6/26/2026	7/25/2026		7/29/2026				
Oil and Gas (35-04)	Oil and Gas Wells and Other Wells Legislative	6/24/2026	7/24/2026		7/31/2026				

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Oil and Gas (35-08)	Rules Governing Horizontal Well Development Legislative	6/24/2026	7/24/2026		7/31/2026				
Osteopathic Medicine (24-01)	Licensing Procedures for Osteopathic Physicians Legislative	8/11/2026	9/11/2026	8/11/2026 Approved 8/18/2026					
Parkways Authority (184-06)	Purchasing Policy Manual Procedural	7/1/2026	7/30/2026					8/3/2026	9/2/2026
Personnel (143-01)	Administrative Rule of the West Virginia Division of Personnel Legislative	6/30/2026	7/30/2026		8/4/2026				
Personnel (143-02)	Leave Donation Program Legislative	6/30/2026	7/30/2026		8/4/2026				
Personnel (143-04)	Pre-Employment Reference and Inquires Rule Legislative	6/30/2026	7/30/2026		8/4/2026				
Personnel (143-06)	Appeal of Adverse Suitability Determination Procedural	6/30/2026	7/30/2026						
Personnel (143-07)	Interdepartmental Transfer of Permanent State Employees Legislative	6/30/2026	7/30/2006		8/4/2026				
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	6/30/2026	7/30/2026		7/30/2026	Modified & Approved 8/12/2026			
Pharmacy (15-03)	Board of Pharmacy Rules for Continuing Education for Licensure of Pharmacists Legislative	6/30/2026	7/30/2026		7/30/2026	Modified & Approved 8/12/2026			
Pharmacy (15-05)	Licensure of Wholesale Drug Distributors, Third Party Logistics Providers, and Manufacturers Legislative	6/30/2026	7/30/2026		7/30/2026	Modified & Approved 8/12/2026			
Pharmacy (15-08)	Controlled Substances Monitoring Program Legislative	6/30/2026	7/30/2026		7/30/2026	Modified & Approved 8/12/2026			
Pharmacy (15-14)	Centralized Prescription Processing Legislative	6/30/2026	7/30/2026		7/30/2026	Modified & Approved 8/12/2026			
Pharmacy (15-15)	Regulations Governing Pharmacy Permits Legislative	6/30/2026	7/30/2026		7/30/2026	Modified & Approved 8/12/2026			

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Physical Therapy (16-01)	General Provisions for Physical Therapist and Physical Therapist Assistants Legislative	6/30/2026	7/30/2026		7/30/2026				
Physical Therapy (16-04)	Fees for Physical Therapist and Physical Therapist Assistants Legislative	6/30/2026	7/30/2026		7/30/2026				
Physical Therapy (16-06)	Fees for Athletic Trainers Legislative	6/30/2026	7/30/2026		7/30/2026				
Property Valuation Training and Procedures Commission (189-03)	Statewide Procedures for the Maintenance and Publishing of Digital Surface Tax Maps Procedural	6/30/2026	7/30/2026					7/31/2026	8/30/2026
Public Service Commission (150-41)	General Investigation into Adopting and Implementing Rules Governing Electric Generating Capacity Regulations Legislative	7/20/2026	8/20/2026 Extended Hearing 9/28/2026						
Racing Commission (178-01)	Thoroughbred Racing Legislative	6/23/2025	7/23/2025		7/24/2025	Modified & Approved 10/8/2025 Filed 11/5/2025	HB4250 SB297 Bundled HB4245	6/9/2026	9/7/2026
Real Estate Appraiser Licensing and Certification Board (190-02)	Requirements for Licensure and Certification Legislative	6/10/2026	7/10/2026		7/30/2026				
Real Estate Appraiser Licensing and Certification Board (190-03)	Renewal of Licensure or Certification Legislative	6/10/2026	7/10/2026		7/30/2026				
Records Management and Preservation Board (100-01)	County Records Management and Preservation Grant Program Legislative	6/29/2026	7/29/2026		7/31/2026				
Records Management and Preservation Board (100-02)	Rules for General Management and Preservation of County Records Legislative	6/29/2026	7/29/2026		7/31/2026				
Secondary School Activities Commission (127-01)	Constitution Legislative Exempt	6/3/2026	7/6/2026					8/12/2026	9/11/2026

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Secondary School Activities (127-02)	Athletics, Provisions Governing Eligibility Legislative Exempt	6/11/2026	7/13/2026	6/11/2026 Effective 6/11/2026				8/12/2026	9/11/2026
Secondary School Activities Commission (127-03)	Provisions Governing Contests Legislative Exempt	6/3/2026	7/6/2026					8/12/2026	9/11/2026
Secondary School Activities Commission (127-04)	Provisions Governing Conduct Legislative Exempt	6/3/2026	7/6/2026					8/12/2026	9/11/2026
Secondary School Activities Commission (127-06)	Violations of the Rules Legislative Exempt	6/3/2026	7/6/2026					8/12/2026	9/11/2026
Secretary of State (153-03) Sunset Provision	Voter Registration at the Division of Motor Vehicles Legislative				6/24/2026	Approved 8/12/2026			
Secretary of State (153-05) Sunset Provision	Voter Registration List Maintenance by the Secretary of State Legislative				6/26/2026	Approved 8/12/2026			
Secretary of State (153-30) Sunset Provision	Use of Digital Signatures Legislative				6/26/2026	Approved 8/12/2026			
Secretary of State (153-43) Sunset Provision	Regulation of Political Party Headquarters Finances Legislative				6/26/2026	Approved 8/12/2026			
Secretary of State (153-45) Sunset Provision	Standards and Guidelines for Electronic Notarization, Remote Online Notarization, and Remote Ink Notarization Legislative				6/26/2026	Approved 8/12/2026			
Secretary of State (153-48) Sunset Provision	Real Property Electronic Recording Standards and Regulations Legislative				6/29/2026	Approved 8/12/2026			
Securities Commission (111-01)	West Virginia Securities Rules and Regulations Legislative	7/1/2026	7/31/2026		7/31/2026				
Social Work Examiners (25-03) Sunset Provision	Fee Schedule Legislative				7/25/2025	Approved 8/5/2025	HB4322 SB373 Bundled HB4265		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/OCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Speech Language Pathology and Audiology (29-01)	Licensure of Speech-Pathology and Audiology Legislative	5/26/2026 6/29/2026	6/26/2026 7/29/2026	4/28/2026 Approved 6/2/2026	7/31/2026				
Speech Language Pathology and Audiology (29-02)	Rule Governing Speech-Language Pathology and Audiology Assistants Legislative	6/29/2026	7/29/2026		7/31/2026				
Speech Language Pathology and Audiology (29-03)	Contested Case Hearing Procedure Procedural	6/29/2026	7/29/2026						
Speech Language Pathology and Audiology (29-04)	Disciplinary and Complaint Procedures for Speech-Language Pathology and Audiology Legislative	6/29/2026	7/29/2026		7/31/2026				
Speech Language Pathology and Audiology (29-05)	West Virginia Board of Examiners for Speech-Language Pathology and Audiology Legislative	6/29/2026	7/29/2026		7/31/2026				
State Police (81-20)	Methods and Standards for Chemical Tests for Intoxication Legislative	6/29/2026	7/29/2026		7/31/2026	Modified & Approved 8/12/2026 Filed 8/18/2026			
Tax (110-13KK)	West Virginia Tax Credit for Federal Excise Tax Imposed Upon Small Arms and Ammunition Manufacturers Legislative	6/23/2026	7/23/2026		7/30/2026	Approved 8/12/2026			
Tax (110-13Y)	Disaster Repair and Recovery Tax Credit Legislative	6/29/2026	7/29/2026		7/30/2026	Approved 8/12/2026			
Tax (110-15F)	Sales Tax Holiday Legislative				5/6/2026	Approved 8/12/2026			
Tax (110-15L)	Exemption for Repair, Remodeling, and Maintenance of Aircraft Legislative				5/6/2026	Approved 8/12/2026			
Tax (110-15M)	Vendor Absorption or Assumption of Sales and Use Tax Legislative				5/6/2026	Approved 8/12/2026			
Tax (110-24)	Corporation Net Income Tax Legislative				5/6/2026	Approved 8/12/2026			

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Transportation (217-01, repeal)	Employment Procedures Legislative	6/29/2026	7/29/2026		7/30/2026	Approved 8/12/2026			
Treasurer (112-01)	West Virginia Security for Deposits Act Collateralization of Public Fund Deposits Legislative	6/26/2026	7/27/2026	6/26/2026 Effective 8/7/2026	7/30/2026				
Treasurer (112-02) Sunset Provision	Substitute Checks-Exceptional Items Fund Legislative				5/5/2026	Approved 8/12/2026			
Treasurer (112-04)	Procedures for Deposit of Moneys with the State Treasurer's Office by State Agencies Legislative	5/8/2026	6/8/2026		6/10/2026	Approved 8/12/2026			
Treasurer (112-05)	Enforcement of the Uniform Unclaimed Property Act Legislative	6/4/2026	7/6/2026	6/5/2026 Approved 6/24/2026	7/15/2026	Approved 8/12/2026			
Treasurer (112-06) Sunset Provision	Selection of State Depositories for Disbursement Accounts Through Competitive Bidding Legislative				5/5/2026	Approved 8/12/2026			
Treasurer (112-07)	Selection of State Depositories for Receipt Accounts Legislative	5/8/2026	6/8/2026		6/10/2026	Approved 8/12/2026			
Treasurer (112-08) Sunset Provision	Procedures for Processing Payments from the State Treasury Legislative				5/5/2026	Approved 8/12/2026			
Treasurer (112-10)	Reporting Debt Legislative	5/8/2026	6/8/2026		6/10/2026	Approved 8/12/2026			
Treasurer (112-12) Sunset Provision	Procedures for Fees in Collections by Charge, Credit or Debit Card or by Electronic Payment Legislative				5/5/2026	Approved 8/12/2026			
Treasurer (112-13)	Procedures for Providing Services to Political Subdivision Legislative	5/8/2026	6/8/2026		6/26/2026	Approved 8/12/2026			
Treasurer (112-18)	Hope Scholarship Program Legislative	6/26/2026	7/27/2026		7/30/2026				
Veterans Assistance, Dept. of (86-05)	West Virginia Military Hall of Fame Legislative	8/12/2026	9/11/2026						
Veterinary Medicine (26-02)	Disciplinary and Complaint Procedures of the West Virginia Board of Veterinary Medicine Procedural	6/15/2026	7/16/2026				7/27/2026		9/1/2026

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Veterinary Medicine (26-04)	Standards of Practice Legislative	6/15/2026	7/16/2026		7/27/2026				
Veterinary Medicine (26-06)	Schedule of Fees Legislative	6/15/2026	7/16/2026		7/27/2026				
Water Resources, Div. of Water & Waste Mgmt. (47-05B)	Disaster Repair and Recovery Tax Credit Certification Process Legislative	6/30/2026	7/30/2026	6/30/2026 Effective 8/11/2026					
Water Resources, Div. of Water & Waste Mgmt. (47-32)	Environmental Laboratories Certification and Standards of Performance Legislative	6/25/2026	7/27/2026		7/31/2026				
Water Resources, Division of Water and Waste Management (47-63)	Aboveground Storage Tanks Legislative	6/25/2026	7/27/2026		8/3/2026				



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KRIS WARNER
ADMINISTRATIVE LAW DIVISION

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LEGISLATIVE

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

AGENCY: Community And Technical College Education TITLE-SERIES: 135-35
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: 135-35 Business, Occupational, and Trade Schools

PRIMARY CONTACT

NAME: Angela S Kerns
ADDRESS: 2001 Union Carbide Drive
Bldg 2000
South Charleston, WV 25303
EMAIL: kerns@wvctcs.edu
PHONE NUMBER: 304-558-0265

CITE STATUTORY AUTHORITY: §18B-2B-9

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:

Rule regarding the issuance, renewal, and revocation of permits to correspondence, business, occupational, and
trade schools (also known as proprietary institutions).

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No
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? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/8/2026

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/9/2026

COMMENTS RECEIVED: Yes

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

PUBLIC HEARING: No

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Crime Delinquency And Correction
RULE TYPE: Legislative TITLE-SERIES: 149-02
RULE NAME: LAW ENFORCEMENT TRAINING AND
CERTIFICATION STANDARDS
CITE AUTHORITY: W. Va. Code §30-29-3.

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

Brandolyn N Felton-Ernest -- 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

KRIS WARNER

ADMINISTRATIVE LAW DIVISION

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LEGISLATIVE



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NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Fire Commission
RULE TYPE: Legislative
RULE NAME: SPECIALIZED MEMBERSHIP
CITE AUTHORITY: W. Va. Code §15A-11-8.
TITLE-SERIES: 87-11

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

Brandolyn N Felton-Ernest -- 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.

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Fire Commission
RULE TYPE: Legislative
RULE NAME: JUNIOR FIREFIGHTERS
CITE AUTHORITY: W. Va. Code §15A-11-8.
TITLE-SERIES: 87-12

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

Brandolyn N Felton-Ernest -- 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.



LEGISLATIVE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Fire Commission
RULE TYPE: Legislative
RULE NAME: USE OF AQUEOUS FILM-FORMING
FOAM (AFFF) FOR FIRE TRAINING
PROGRAM PURPOSES
CITE AUTHORITY: W. Va. Code §29-3-5g.

TITLE-SERIES: 87-14

TITLE-SERIES: 64-42

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.

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

Brandolyn N Felton-Ernest -- 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.

Yes

Virginia M Payne -- 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.



LEGISLATIVE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Health
RULE TYPE: Legislative
RULE NAME: BIRTH DEFECTS INFORMATION SYSTEM
CITE AUTHORITY: W.Va. Code §§16-1-4 and §16-40-7.

TITLE-SERIES: 64-81

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

Virginia M Payne -- 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.



NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Health
RULE TYPE: Legislative
RULE NAME: NEWBORN SCREENING SYSTEM
CITE AUTHORITY: W. Va. Code §16-1-4, §16-22-3, and §16-22A-3, §16-44-1, and §16-44-2.

TITLE-SERIES: 64-91

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

Virginia M Payne -- 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 MAC WARNER ADMINISTRATIVE LAW DIVISION INCOME MAINTENANCE MANUAL CHANGE FORM		Please Stamp Filing Date FILED 2026 AUG 17 A 10:13 OFFICE OF WEST VIRGINIA SECRETARY OF STATE	
LEGISLATIVE			
NOTICE OF FILING CHANGES TO PUBLIC ASSISTANCE MANUAL WITH THE SECRETARY OF STATE			
AGENCY:	West Virginia Department of Human Services	BUREAU:	Family Assistance
TITLE OF MANUAL TO WHICH POLICY IS BEING FILED: Income Maintenance Manual 880			
STATE RULE:	FEDERAL RULE:	EFFECTIVE DATE:	September 1, 2026
CHANGE NUMBER:	Updated New Income Maintenance Manual		
CHAPTERS/SECTIONS EFFECTED: 15			
SEE DW-17 FORM FOR SPECIFIC CHANGES / MODIFICATIONS			
REASON FOR MANUAL CHANGE:	To revise language to reflect the recent federal regulations, expanding the number of months a refugee may receive Refugee Cash Assistance and Refugee Medical Assistance from 4 months to 8 months.		

THIS IS PART OF AN EXISTING LEGISLATIVE RULE

The above policy is hereby filed as an incorporated portion of an existing legislative rule.

CONTACT:
West Virginia Department of Human Services
Bureau for Family Assistance
350 Capitol Street, Room B-18
Charleston, West Virginia 25301
304.352.4431 Telephone

Revision 07/07

Masha Souers
Authorized Signature



STATE OF WEST VIRGINIA
DEPARTMENT OF HUMAN SERVICES
BUREAU FOR MEDICAL SERVICES

Carl Ayers, MSW
Cabinet Secretary

Christy D. Donohue, CMC
Commissioner

August 19, 2026

FILED

2026 AUG 19 P 4: 05

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

To: West Virginia Secretary of State
Capitol Complex, Main Building

From: Christy Donohue, CMC
Commissioner

Subject: Material for filing in the Secretary of State's Office

The material indicated below is being forwarded. Please file and publish in the State Register in accordance with the Administrative Procedure Act.

- New Medicaid Chapter ☐
Medicaid Chapter Update ☐
New Medicaid Policy ☐
Medicaid Policy Update ☒
State Plan Amendment for title XIX, Medicaid ☐
Other ☐

The following is an explanation of the above material:

Chapter Number: Appendix 505A
Title: Covered Oral Health Services for Children Under Age 21

Please acknowledge receipt of this material by signing and returning a copy of this document to the attention of:

Margaret Brown
Bureau for Medical Services
350 Capitol Street, Room 251
Charleston, West Virginia 25301-3707

Signature of Person Receiving Above Material _____ Date _____



One Davis Square, Suite 100E • Charleston, West Virginia 25301 • 304-558-0684 • 304-558-1130 (fax) • dshs.wv.gov



STATE OF WEST VIRGINIA
DEPARTMENT OF HUMAN SERVICES
BUREAU FOR MEDICAL SERVICES

Carl Avers, MSW
Cabinet Secretary

Christy D. Donohue, CMC
Commissioner

LEGISLATIVE

August 19, 2026

To: West Virginia Secretary of State
Capitol Complex, Main Building

From: Christy Donohue, CMC
Commissioner

Subject: Material for filing in the Secretary of State's Office

The material indicated below is being forwarded. Please file and publish in the State Register in accordance with the Administrative Procedure Act.

- New Medicaid Chapter ☐
- Medicaid Chapter Update ☐
- New Medicaid Policy ☐
- Medicaid Policy Update ☒
- State Plan Amendment for title XIX, Medicaid ☐
- Other ☐

The following is an explanation of the above material:

Chapter Number: Appendix 505B
Title: Oral Health Services for Adults 21 Years of Age and Older

Please acknowledge receipt of this material by signing and returning a copy of this document to the attention of:

Margaret Brown
Bureau for Medical Services
350 Capitol Street, Room 251
Charleston, West Virginia 25301-3707

Signature of Person Receiving Above Material

Date



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2026 AUG 19 P 4:05

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

West Virginia
Secretary of State
Kris Warner
Administrative Law Division

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2026 AUG 18 P 2:43
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Changes to Social Service Manual

Agency: Department of Human Services

Bureau: Bureau for Social Services

Rule: 78 CSR 5

Change Rule: CAS-CS-PI-25-3

Revision to Existing Manual: ☒ Yes ☐ No

Summary of Changes:

Revisions to Legal Guardianship Policy

Two Copies Enclosed:
Please file one and return a stamped copy to:

Theresa Kirk
350 Capitol Street
Charleston WV 25301
Theresa.e.kirk@wv.gov

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Kris Warner
Administrative Law Division

LEGISLATIVE

Changes to Social Service Manual

Agency: Department of Human Services
Bureau: Bureau for Social Services
Rule: 78 CSR 5
Change Rule: CAS-CS-PI-26-19
Revision to Existing Manual: ☒ Yes ☐ No

Summary of Changes:

Revisions to Temporary Lodge of Foster Children Policy

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Changes to Social Service Manual

Agency: Department of Human Services
Bureau: Bureau for Social Services
Rule: 78 CSR 5
Change Rule: CAS-CS-PI-26-20
Revision to Existing Manual: ☒ Yes ☐ No

Summary of Changes:

Revisions to Child Protective Services Policy

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Theresa.e.kirk@wv.gov



LEGISLATIVE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Insurance Commission
RULE TYPE: Legislative
RULE NAME: Pharmacy Auditing Entities and Pharmacy Benefit Managers
CITE AUTHORITY: W. Va. Code §§ 33-51-8, 33-51-9, 33-51-10, 33-51-12 and 33-2-10

TITLE-SERIES: 114-99

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

Anoop Bhasin -- 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.

PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON

FILED

At a session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA
in the City of Charleston on the 19th day of August 2026.
CASE NO. 26-0633-E-GI
General Investigation into Adopting and
Implementing Rules Governing Electric
Generating Capacity Regulations.
2026 AUG 19 P 3:02
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

COMMISSION ORDER

The Commission schedules a public comment hearing on September 28, 2026, beginning at 9:30 a.m., in the Howard M. Cunningham Hearing Room, Commission Headquarters, 201 Brooks Street, Charleston, West Virginia.

BACKGROUND AND DISCUSSION

On April 12, 2025, the West Virginia Legislature passed Enrolled Committee Substitute for House Bill 2014 (HB 2014), the Power Generation and Consumption Act, effective ninety days from passage, July 11, 2025, and required the Commission to propose rules for legislative approval in accordance with the provisions of W. Va. Code § 29A-3-1, *et seq.*, to carry out its duties and obligations contained in the newly enacted W. Va. Code § 24-2-1d.

On July 20, 2026, the Commission initiated a general investigation to receive comments and recommendations regarding proposed rules governing the regulation of electric generating capacity requirements subject to the jurisdiction provided to the Commission pursuant to W. Va. Code § 24-2-1d.

The Commission established a comment period requiring that written comments and recommendations be filed with the Public Service Commission on or before August 10, 2026, and reply comments be filed on or before August 20, 2026. All comments and recommendations filed in this general investigation shall be submitted to the Commission's Executive Secretary, P.O. Box 812, Charleston, WV 25323.

In addition to the above comment period, the Commission will schedule a public comment hearing on September 28, 2026, beginning at 9:30 a.m., in the Howard M. Cunningham Hearing Room, Commission Headquarters, 201 Brooks Street, Charleston, West Virginia. Members of the public that wish to participate in the hearing through oral argument, witness testimony, or audiovisual presentation must notify the Commission by September 18, 2026. Participants

may submit additional comments, testimony, or written materials for presentation at the hearing. All additional comments, testimony, or written materials must be submitted to the Commission and filed in this case by September 23, 2026.

FINDING OF FACT

Given the comments already received in this matter, the Commission is interested in scheduling a public comment hearing to receive further comments and recommendations regarding the proposed rules governing the regulation of electric generating capacity requirements subject to the jurisdiction provided to the Commission pursuant to W. Va. Code § 24-2-1d.

CONCLUSION OF LAW

1. The Commission should schedule a public comment hearing in this matter.

ORDER

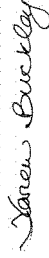
IT IS THEREFORE ORDERED that a public comment hearing will be held in this matter on September 28, 2026, beginning at 9:30 a.m., in the Howard M. Cunningham Hearing Room, Commission Headquarters, 201 Brooks Street, Charleston, West Virginia.

IT IS FURTHER ORDERED that members of the public who wish to participate in the hearing through comment or presentation, witness testimony, or audiovisual presentation must notify the Commission no later than September 18, 2026. Participants may submit additional comments, testimony, or written materials for presentation at the hearing. All additional comments, testimony or written materials must be submitted to the Commission and filed in this case by September 23, 2026.

IT IS FURTHER ORDERED that the Executive Secretary shall immediately publish a copy of this Order once in a daily newspaper of general circulation statewide and file proof of that publication upon receipt.

IT IS FURTHER ORDERED that the Commission Executive Secretary shall serve a copy of this Order and its attachments on all electric utilities in this State and the Consumer Advocate Division by electronic service if e-service agreements are on file, or by United States First Class Mail, and on Staff by hand delivery.

A True Copy, Teste,



Karen Buckley, Executive Secretary

JAF/lch
260633ca



NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

LEGISLATIVE

AGENCY: State Police
RULE TYPE: Legislative
RULE NAME: METHODS AND STANDARDS FOR
CHEMICAL TESTS FOR INTOXICATION
CITE AUTHORITY: W. Va. Code §§17C-5-8 (e)(1) (A) and
(B).

TITLE-SERIES: 81-20

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

Brandolyn N Felton-Ernest -- 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.



FILED

2026 AUG 18 A 9 42
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

EMERGENCY

NOTICE OF EMERGENCY RULE DECISION BY THE SECRETARY OF STATE

AGENCY: Osteopathic Medicine

RULE TYPE: Legislative

TITLE SERIES: 24 C.S.R. 01

RULE NAME: Licensing Procedures for Osteopathic Medicine

STATUTORY AUTHORITY: § 30-14-14; § 30-1-7e; § 30-1D-1(d)

DATE FILED AS AN EMERGENCY RULE: August 11, 2026

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.

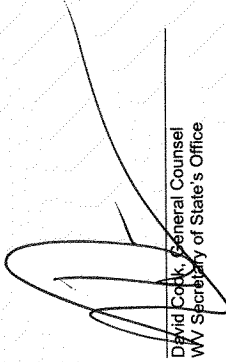
It is the determination of the Secretary of State that this proposal qualifies under the definition of an emergency as defined in §29A-3-15(f):

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

X (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): None.


David Cobb, General Counsel
WV Secretary of State's Office

Orders Report

Docket Number	Agency	Respondent	Date Rendered
26-1C-188058	Insurance Commission	Joshua Elizarraz	8/17/2026
07-FY-2024	Medical Imaging And Radiation Therapy Technology Board Of Examiners	Catherine Hess	8/13/2026
26-17-W	Medicine, West Virginia Board Of Registered Nurses, WV Board of	Michael James Chambers, MD Christina Marie Proctor	8/10/2026 8/13/2026

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2026 AUG 19 A 11: 32

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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State of West Virginia
Office of the Attorney General

John B. McCuskey
Attorney General

Phone: (304) 558-2021
Fax: (304) 558-0140

August 19, 2026

The Honorable Michael W. Parker
Randolph County Prosecuting Attorney
4 Randolph Avenue
2nd Floor Courthouse Annex
Elkins, West Virginia 26241

Dear Prosecutor Parker:

You have asked for an Opinion of the Attorney General about whether the Randolph County Commission may impose a 0.4% "Special Emergency Ambulance Service Fee" on many taxable consumer sales in the county. This Opinion is issued under West Virginia Code § 5-3-2, which provides that the Attorney General "may consult with and advise the several prosecuting attorneys in matters relating to the official duties of their office." When this Opinion relies on facts, it depends solely on the factual assertions in your correspondence and discussions with the Attorney General's Office.

You explain that Randolph County's Ambulance Authority is facing an "unsustainable financial burden." The Authority responds to around 7,000 service calls annually, operates eleven ambulances, and employs 67 full- and part-time employees. The Authority primarily receives its funding from private or public insurance reimbursements, while receiving no state, county, or municipal funding. Over the past year, operational costs have increased, and federal shutdowns have delayed reimbursements. Thus, the Authority has taken out short-term loans and looked for other funding sources. The Authority's financial position has forced it to consider either restricting its service hours or shuttering some stations and furloughing some employees.

Because of these funding concerns, the Randolph County Commission adopted the "Special Emergency Ambulance Service Fee" Ordinance in April 2026. Randolph County, W. Va., Special Emergency Ambulance Service Fee Ordinance (Apr. 16, 2026) (Ordinance). The Ordinance requires businesses to collect a 0.4% fee on most consumer sales. *Id.* at 2. Purchases over \$10,000 are exempt, as are purchases made by registered non-profit organizations. *Id.* Businesses remit the proceeds to the County Sheriff, who then deposits them into the County's EMS fund. *Id.* at 4-5. The Authority may file a request to the Commission for release of those

The Honorable Michael W. Parker
Page 2

funds to cover "reasonable and necessary expenses" it "actually incurred." *Id.* at 5. The Commission itself also retains a portion of the funds. *Id.*

Shortly after the Commission adopted the Ordinance, the West Virginia Tax Division expressed concern that the Ordinance would cause West Virginia to violate its obligations under the Streamlined Sales and Use Tax Agreement. The SSUTA is a multistate agreement intended "to simplify and modernize sales and use tax administration in order to substantially reduce the burden of tax compliance for all sellers and for all types of commerce." W. VA. CODE § 11-15B-5(a). It "provides a mechanism among the member states to establish and maintain a cooperative, simplified system for the application and administration of sales and use taxes under the duly adopted law of each member state." *Id.* § 11-15B-8. As a member State, West Virginia agreed to adopt the SSUTA's uniform, state-wide standards for administration and collection of sales taxes.

Out of concern that the Ordinance violated the SSUTA, the letter states that the Tax Division advised the Commission that the Tax Division would need to pursue legal action against the County unless it repealed the Ordinance. In response, in July 2026, the Commission suspended the Ordinance's enforcement pending further legal review, including issuance of this opinion.

Your letter raises the following three questions:

- (1) Does the Ordinance violate the authority granted to counties by West Virginia Code § 7-15-17 for the imposition of special fees to provide for emergency ambulance services?
- (2) Does the Ordinance violate the Streamlined Sales and Use Tax Agreement, codified at West Virginia Code § 11-15B-1, et seq.?
- (3) Could the Ordinance be restructured as a simple flat fee, based not upon a percentage of the cost of the goods and services purchased, but instead upon the occurrence of the transaction? The Commission would consider granting exemptions from such a service fee including possibly a minimum transaction amount. For example, could the Ordinance be lawfully structured as a flat fee (such as x cents) upon the occurrence of every sale of goods or services in the County with a purchase price in excess of a specific dollar amount?

West Virginia Code § 7-15-17 empowers the Commission to "collect from the users of emergency ambulance service within the county a special service fee, which shall be known as the 'special emergency ambulance service fee.'" But the Ordinance here looks like a sales tax, is calculated like a sales tax, has the scope of a sales tax, and is directly tied to the State's sales tax. Thus, we conclude that the Ordinance is a tax. Section 7-15-17 doesn't give counties the authority to impose a tax—only a fee. And we are not aware of any other authority for such a tax. So the Ordinance exceeds the Commission's statutory authority.

Because the Ordinance is a tax, we must also evaluate it for compliance with the SSUTA—and we agree with the Tax Division’s conclusion that the Ordinance conflicts with that law. The SSUTA requires States to adopt uniform sales and use tax standards. The County’s unauthorized tax violates the uniformity and state-administration principles found in the SSUTA and thereby puts the State at risk of noncompliance.

Finally, we conclude that, under the right conditions, a flat fee would likely be lawful so long as the fee bears a reasonable relationship to both the statutory ambulance service fee’s purpose and the cost of services provided. West Virginia courts have upheld flat user fees when the funds raised are correlated to the service’s costs, and the same could be true here. We emphasize, however, that some of the Ordinance’s current features—such as the \$10,000 cap—would likely cause the fee to resemble a tax rather than a true user fee. Thus, we suggest removing those features to solidify the flat fee as a fee on potential ambulance users, not as a fee on any specific kind of transaction. Recognizing that the Ambulance Authority also faces real and continuing financial demand, we also encourage the Commission to work with the Tax Division to explore any other options for revenue-raising measures that might ensure the service’s continued operation.

DISCUSSION

I. The Ordinance imposes a tax, not a fee.

County commissions are “possessed only of such powers as are expressly conferred by the Constitution and legislature, together with such as are reasonably and necessarily implied in the full and proper exercise of the powers so ... given.” Syl. pt. 1, *State ex rel. State Line Sparklet of WV, Ltd. v. Teach*, 187 W. Va. 271, 418 S.E.2d 585 (1992) (cleaned up). These powers include “superintendence and administration of the ... fiscal affairs of their counties ... with authority to lay and disburse the county levies.” W. VA. CONST. art. IX, § 11. But that power extends only as far “as may be prescribed by law.” *Id.* County commissions thus possess only “the authority to impose the fees or taxes which are authorized by the legislature.” *City of Huntington v. Bacon*, 196 W. Va. 457, 465-66, 473 S.E.2d 743, 751-52 (1996).

The Commission purported to impose this assessment using its authority under West Virginia Code § 7-15-17.¹ That statute authorizes county commissions to “impose upon and collect from the users of emergency ambulance service within the county a special service fee.” The fee’s “proceeds ... shall be ... used only to pay reasonable and necessary expenses actually incurred and the cost of buildings and equipment used in providing emergency ambulance service to residents of the county.” *Id.* But Section 7-15-17 doesn’t expressly outline or limit the methods by which county commissions can impose the statute’s fee. And although the Emergency Ambulance Service Act of 1975 includes some definitions, it doesn’t define “fee.” See W. VA. CODE § 7-15-3.

Because the statute doesn’t expressly prescribe the permissible fee’s form, we determine the “intention of the legislature ... not from any single part, provision, section, sentence, phrase or

¹ The Commission does not assert any other potential source of authority for making the assessment, and we are not aware of any.

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word, but rather from a general consideration of the act or statute in its entirety.” Syl. pt. 1, *Parkins v. Londree*, 146 W. Va. 1051, 124 S.E.2d 471 (1962). And as always, “[o]ur primary duty in determining the meaning of W[est] Virginia Code § 7-15-17 is to give effect to the Legislature’s purpose in enacting the Emergency Ambulance Service Act of 1975.” *Randy Waugh/Waugh’s Mobile Home Park v. Morgan City Emergency Med. Servs. Bd.*, 236 W. Va. 468, 475, 781 S.E.2d 379, 386 (2015).

Here, the Legislature’s purpose “[w]as the establishment and maintenance of adequate emergency ambulance systems for the entire State.” *Randy Waugh*, 236 W. Va. at 475, 781 S.E.2d at 386 (quoting W. VA. CODE § 7-15-2(b)). Those systems, the Legislature declared, are “necessary to promote the health and welfare of the citizens and residents of” West Virginia. W. VA. CODE § 7-15-2(b). To achieve the Act’s objectives, Section 7-15-2(e) mandates that the Act’s provisions “shall be liberally construed.” Indeed, the statute later “repeats, and thereby emphasizes, the Legislature’s” liberal-construction command. *Teets v. Miller*, 237 W. Va. 473, 482, 788 S.E.2d 1, 10 (2016) (citing W. VA. CODE § 7-15-18). The Act’s text accordingly “demonstrat[es] the vast importance placed by the Legislature upon the provision of emergency services,” and affords county commissions significant leeway in structuring emergency ambulance fees. *Id.* at 481, 788 S.E.2d at 9.

Fee-shaping discretion notwithstanding, Section 7-15-17 grants the Commission *only* the authority to impose a user fee, not a tax. See *Clay City Citizens for Fair Tax’n v. Clay City Comm’n*, 192 W. Va. 408, 410-11, 452 S.E.2d 724, 726-27 (1994); see also W. VA. CONST. art. X, § 1 (“[T]axation shall be equal and uniform throughout the State.”). Thus, the question is whether the Ordinance, despite being labeled a fee, is an impermissible tax. This question can be “difficult” to answer “because the courts have not adopted universal definitions of these terms.” *Wetzel City, Solid Waste Auth. v. Div. of Nat. Res.*, 195 W. Va. 1, 5, 462 S.E.2d 349, 353 (1995).

On the one hand, a tax is “a forced contribution by the public at large to meet public needs.” 71 AM. JUR.2D State and Local Taxation § 13 (2026). And “[t]he general consensus is that ‘[t]he classic tax’ is imposed by a legislature upon many, or all, citizens” to “raise[] money, contributed to a general fund, and spent for the benefit of the entire community.” *Wetzel City, Solid Waste Auth.*, 195 W. Va. at 5, 462 S.E.2d at 353 (quoting *San Juan Cellular Tel. Co. v. Pub. Serv. Comm’n*, 967 F.2d 683, 685 (1st Cir. 1992)); see also *City of Clarksburg v. Grandecotto, Inc.*, 204 W. Va. 404, 409, 513 S.E.2d 177, 182 (1998) (explaining that “states are free to determine their own fiscal policy as long as the fiscal policy does not violate the Constitution of the United States”).

On the other hand, a fee is “a charge for a direct public service rendered to the particular consumer.” 71 AM. JUR.2D State and Local Taxation, *supra* § 13. Therefore, “[t]he classic ‘regulatory fee’ is imposed by an agency upon those subject to its regulation.” *Wetzel City, Solid Waste Auth.*, 195 W. Va. at 5, 462 S.E.2d at 353 (quoting *San Juan Cellular*, 967 F.2d at 685); see also, e.g., *Dean v. Town of Addison*, 207 W. Va. 538, 543, 534 S.E.2d 403, 408 (2000) (explaining that an ordinance raising funds “solely for fire protection efforts” and proportionate to actual cost created a permissible “fee”); *Shannon v. City of Hurricane*, No. 11-0257, 2012 WL 2914305, at *3 (W. Va. Feb. 10, 2012) (memorandum decision) (same as to stormwater management); *City of Charleston v. Bd. of Educ. of Kanawha City*, 158 W. Va. 141, 145, 209 S.E.2d 55, 57 (1974) (same

as to fire protection); accord *Ctr. for Auto Safety Inc. v. Athey*, 37 F.3d 139, 142 (4th Cir. 1994) (same in Commerce Clause context).

In short, “the primary purpose of a tax is to obtain revenue for the government, while the primary purpose of a fee is to cover the expense of providing a service or of regulation and supervision of certain activities.” *Cooper v. City of Charleston*, 218 W. Va. 279, 285, 624 S.E.2d 716, 722 (2005) (cleaned up); cf. *United States v. City of Huntington*, 999 F.2d 71, 74 (4th Cir. 1993) (explaining, in another context: “User fees are payments given in return for a government-provided benefit. Taxes, on the other hand, are enforced contributions for the support of government.” (cleaned up)).

But purpose alone doesn’t resolve the matter. How a charge is imposed is often dispositive: “where the operation and effect of a service charge appears to impose a tax,” the Court “examines the service charge more closely.” *City of Huntington*, 196 W. Va. at 466, 473 S.E.2d at 752 (cleaned up). And when a government assesses a fee like a tax, the Supreme Court of Appeals typically treats it as a tax even if it would otherwise meet the definition of a fee. See *City of Fairmont v. Pitrolo Pontiac-Cadillac Co.*, 172 W. Va. 505, 509, 308 S.E.2d 527, 531 (1983) (“Analyzing the ordinance, it is apparent that it closely resembles the general State ad valorem property tax for real and personal property.”); see also *Clay City Citizens*, 192 W. Va. at 410, 452 S.E.2d at 726 (analyzing whether an ambulance fee was “imposed as an additional *ad valorem* tax”).

Whether an exaction is “assessed like a tax” in this context often turns on the fee’s rate. The Supreme Court of Appeals has upheld flat rates and scaled rates based on considerations relevant to the fee’s purpose. See *Cooper*, 218 W. Va. at 283, 624 S.E.2d at 720 (upholding a “\$1.00 per calendar week City Service Fee on each individual who works within the corporate limits of the City of Charleston” (cleaned up)); see also *City of Huntington*, 196 W. Va. at 467-69, 473 S.E.2d at 753-55 (upholding a fire-and-flood-protection-services fee that was imposed “at an annual rate plus a percentage based upon the square footage of space contained in each structure”). Meanwhile, the Court has struck down percentage fees based on existing taxes. See, e.g., *City of Fairmont*, 172 W. Va. at 510, 308 S.E.2d at 532 (striking down an otherwise properly apportioned fire-protection fee because it bore the “essential characteristic of an ad valorem tax,” that is, “that the tax is levied according to the value of the property”).

With these principles in mind, we turn to the Ordinance. On its face, the Ordinance purports to impose a special service fee. Ordinance at 1. But again: labels don’t control, and “the name by which [an assessment] is described” is “immaterial.” *Hare v. City of Wheeling*, 171 W. Va. 284, 289, 298 S.E.2d 820, 826 (1982) (quoting *Dawson v. Ky. Distilleries & Warehouse Co.*, 255 U.S. 288, 292 (1921)). Instead, the Ordinance’s “character” as either a tax or fee “must be determined by its incidents” and operation. *Id.* (quoting *Dawson*, 255 U.S. at 292).

Very little distinguishes the Ordinance’s assessment structure from the State’s sales and use taxes. The Ordinance imposes a mandatory 0.4% surcharge on most *taxable* retail transactions, requires businesses to collect and remit the charge, and applies pervasively (rather than focusing on specific users of emergency services). See Ordinance at 3-5. We find it especially notable that the Ordinance is assessed based on a proportion of taxable sales of consumer goods and is directly tied to the State’s six-percent sales and use tax. Ordinance at 1; see also W. VA. CODE § 11-15-

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3(b) (setting state sales and use tax at six percent). Indeed, the Ordinance acknowledges that it “collect[s] an *additional* zero-point four percent” on “all sales” on top of the state sales tax. Ordinance at 1 (emphasis added); see also *Valero Terrestrial Corp. v. Caffrey*, 205 F.3d 130, 134 (4th Cir. 2000) (noting that a “classic tax” is imposed “upon a large segment of society”). The Commission then retains a portion of these collected sums, ostensibly for “administration.” Ordinance at 5.

Appearance and effect are what count, and the Ordinance charge “has the elements of a consumers’ sales tax in that” it “levies a tax” on the sale itself: a broad tax base, collection by a business (rather than the service users), percentage-based assessments of that sort seem divorced from the likely service use of the persons being assessed, and retention of some monies for the county’s general fund. *Hukle v. City of Huntington*, 134 W. Va. 249, 254, 58 S.E.2d 780, 783 (1950). In these ways, the Ordinance bears the characteristics of a sales tax rather than a permissible user fee. Cf. *Chamber of Com. of U.S. of Am. v. Lierman*, 90 F.4th 679, 685 (4th Cir. 2024) (explaining, in another context, how factors like “what entity imposes the charge” and “what population is subject to the charge” matter in deciding whether it is a tax or a fee (cleaned up)). And although *Hukle* dealt with whether a tax was a gross sales tax or a consumer’s sales tax, the bottom line remains: “[i]t is a well-nigh universal principle that courts will determine and classify taxation on the basis of realities, rather than what the tax is called in the taxing statute or ordinance.” *Hukle*, 134 W. Va. at 255, 58 S.E.2d at 783.

Ultimately, the Ordinance’s percentage-of-sale-price assessment method mirrors the municipal sales and use tax. And where fees have been assessed in ways virtually identical to an existing tax, the Court has treated those fees as taxes regardless of their purposes. See *Hare*, 171 W. Va. at 290, 298 S.E.2d at 826; see also *City of Fairmont*, 172 W. Va. at 510, 308 S.E.2d at 532. Although the Court hasn’t addressed the question in the sales-tax context, we see no reason to believe the outcome would be different here.

Because the County Commission lacks the authority to impose its own sales and use tax—even one designed to support emergency ambulance services—we believe that the Ordinance is likely invalid.

II. The Ordinance violates West Virginia’s uniform taxation obligations and jeopardizes the State’s membership in the SSUTA.

We also agree with the Tax Division’s conclusion that the Ordinance conflicts with the SSUTA. West Virginia has adopted the SSUTA and thereby agreed to adopt uniform sales and use tax standards. As a member State, West Virginia has “agreed to comply with the SSUTA’s required provisions.” *Ally Fin. Inc. v. State Treasurer*, 918 N.W.2d 662, 670 (Mich. 2018). The Ordinance does not abide by those standards and thus risks putting the State out of compliance with the agreement.

West Virginia law governs the State’s membership in the SSUTA and provides certain conditions which the agreement had to meet before the Tax Commissioner could enter the State into it. See W. VA. CODE §§ 11-15B-5, -7. One such condition requires that “[i]f the agreement must provide for reduction of the burdens of complying with local sales and use taxes” through a set of

required procedures and limitations. *Id.* § 11-15B-7(5). For example, it requires the SSUTA to restrict “variances between the state and local tax bases” and to require state administration of local sales tax levies. *Id.* § 11-15B-7(5)(A), (B). But the agreement does not “invalidate[] or amend[] any provision” of state law, nor does it “amend or modify any law of th[e] state.” *Id.* § 11-15B-6.

The Ordinance—especially its exemptions—present compliance problems with the SSUTA. As noted, the Legislature conditioned the Tax Commissioner’s entry into the Agreement on its restricting “variances between the state and local tax bases,” W. VA. CODE § 11-15B-7(5)(A), and Section 11-15B-34 separately requires that the local base be identical to the State’s, subject to certain exceptions, *see id.* § 11-15B-34; SSUTA art. III, §302. But the Ordinance departs from the State’s base in at least two ways:

- First, the Ordinance exempts purchases exceeding \$10,000. Ordinance at 2. The State’s consumer sales and service tax has no such exclusion. *See* W. VA. CODE § 11-15-9 (enumerating exemptions). Indeed, the SSUTA expressly bars such price ceilings. SSUTA art. III, § 323(B).
- Second, the Ordinance contains a blanket exemption on purchases by registered non-profit organizations. Ordinance at 2. Yet while the State’s base conditionally exempts some purchases by certain qualifying organizations, *see* W. VA. CODE § 11-15-9(a)(5), (6), it does not exempt every purchase made by any non-profit organization, leading to further disuniformity from the Ordinance.

On top of these tax base deviations, the Ordinance poses a host of other uniformity problems under the SSUTA. For example, the Ordinance’s base deviations may run afoul of the SSUTA’s requirements that States utilize uniform enactment and administration procedures and mechanisms for entity, product, and use exemptions. *See* SSUTA art. III, §§ 316, 317. The Ordinance also requires that its proceeds be remitted to the County Sheriff on a monthly or quarterly basis. Ordinance at 3-4. That remission violates the SSUTA, which requires State level administration of local taxes, including a requirement that taxes be remitted to and distributed by the “state level authority.” SSUTA art. III, § 301(A); W. VA. CODE § 11-15B-33. The Ordinance further risks violating the SSUTA’s mandate that sellers only fill out a single tax return, that includes “all the taxing jurisdictions within the member State.” SSUTA art. III, § 318; W. VA. CODE § 11-15B-25. Beyond that, except sellers that collect more than “thirty thousand dollars” of sales in a preceding year, States “shall . . . [r]equire only one remittance for each return.” SSUTA art. III, § 319(A); W. VA. CODE § 11-15B-26. Because it goes through a separate county-administered process, the Ordinance’s procedures appear to be inconsistent with the remittance requirements, as well. Ordinance at 3-4.

Problems aside from uniformity also lurk. For example, the SSUTA requires the State to follow certain procedures to keep businesses informed about tax rate changes. For instance, the SSUTA requires member States to set local tax jurisdictions and boundaries, and to keep a database of those local tax jurisdictions. *See* SSUTA art. III, § 305. And States must maintain both rate and boundary files that allow business owners to determine what local tax rates apply to a particular five- or nine-digit zip code. STREAMLINED SALES TAX GOVERNING BOARD, TECHNOLOGY GUIDE

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ch. 5, § 1, at 10 (2019), <https://perma.cc/5JRY-QR22>. Because the Ordinance isn’t administered at the state level, its tax isn’t maintained as part of West Virginia’s database, again violating the SSUTA.

Likewise, to ensure business owners are kept in the loop, the SSUTA provides that local tax rate changes will only be effective “after a minimum of sixty days’ notice to sellers.” SSUTA art. III, § 305(A). It requires States to “apply local jurisdiction boundary changes only on the first day of a calendar quarter after a minimum of sixty days’ notice to sellers.” *Id.* The SSUTA requires notice to be given for rate changes, too. *Id.* § 329. And States must make changes to the Taxability Matrix when a local jurisdiction adopts a new tax. *Id.* § 328(B). Based on the information provided, these requirements were not met in adopting the Ordinance.

Ultimately, we agree with the Tax Division that the Ordinance is a tax that violates the SSUTA. And if the State is deemed noncompliant based on these violations, it is put at risk of possible sanctions. *See* SSUTA art. VIII § 805.1(d) (explaining that a “member state found out of compliance with the Agreement retains its status as a member state . . . subject to any sanctions imposed by the Governing Board”). We thus recommend that the County rescind the Ordinance for this separate reason.

III. A flat fee on sales occurring in Randolph County is an untested method, but it appears to satisfy the Court’s fee requirements.

In lieu of the existing ordinance, you also ask about a flat fee. The Supreme Court of Appeals has never considered whether a flat-rate fee on consumer goods is a valid user fee in any context. Nevertheless, based on the Court’s precedents, we conclude such a fee would likely withstand judicial scrutiny if the County eliminates the Ordinance’s other tax-like features. Reclassifying the assessment as a fee instead of a tax also resolves both the authority problems and the SSUTA conflicts presented in Sections I and II.

A. As discussed, user fees are assessments whose “primary purpose . . . is to cover the expense of providing a service or of regulation and supervision of certain activities.” *City of Huntington*, 196 W. Va. at 466, 473 S.E.2d at 752 (cleaned up). This test doesn’t demand a perfect match: a fee need only be “reasonably related to use of the service.” *Clay Cnty. Citizens*, 192 W. Va. at 411, 452 S.E.2d at 727 (emphasis added). The class of users must be reasonably classify the users, and the services for such a charge must be in conformity with state laws.” *City of Princeton v. Stamper*, 195 W. Va. 685, 688, 466 S.E.2d 536, 539 (1995). And “perfect equity is not the test” for determining whether a fee is reasonable. *Clay Cnty. Citizens*, 192 W. Va. at 411, 452 S.E.2d at 727. Rather, the fee simply cannot be “inherently unreasonable.” *Ellison v. City of Parkersburg*, 168 W. Va. 468, 473, 284 S.E.2d 903, 906 (1981). Thus, a fee will be invalidated only when a challenger shows both that it is “clearly unreasonable” and that it “clearly fails to reasonably serve the purpose for which it was enacted.” *Cooper*, 218 W. Va. at 287, 624 S.E.2d at 724.

Remember, too, that counties have broad power under Section 7-15-17 to assess a fee designed to provide emergency ambulance services. *See supra* Section I. County commissions

may then use those proceeds from the fee “to pay reasonable and necessary expenses actually incurred and the cost of buildings and equipment used in providing emergency ambulance service to residents of the county.” W. Va. Code § 7-15-17. Thus, the statute itself layers further discretion on top of the general judicial deference afforded to fee decisions. See *Teets*, 237 W. Va. at 481, 788 S.E.2d at 9 (quoting W. Va. Code § 7-15-2(e)); see also W. Va. Code § 7-15-18 (reiterating mandatory liberal construction).

We think that assessing a flat fee on all sales occurring within Randolph County “succeeds in tying the burden of the fee to the usage of the service in a sufficiently reasonable way.” *Clay City, Citizens*, 192 W. Va. at 411, 452 S.E.2d at 727. Section 7-15-17 permits a fee on “the users of emergency ambulance service within the county.” And we must liberally construe this language to “advance[] the establishment and maintenance of adequate emergency ambulance systems.” *Randy Waugh*, 236 W. Va. at 475, 781 S.E.2d at 386.

Liberally construed, “users” surely includes people who are in Randolph County purchasing goods or services. By virtue of their physical presence alone, such individuals are “users of the emergency ambulance service.” Cf. *Randy Waugh*, 236 W. Va. at 479, 781 S.E.2d at 390 (“During the time that the property is occupied, its residents are users of the emergency ambulance service.”). Flat per-household fees, for example, succeed “in tying the burden of the fee to the usage of the service in a sufficiently reasonable way” irrespective of how many users live in the household. *Clay City, Citizens*, 192 W. Va. at 411, 452 S.E.2d at 727; see also *City of Moundsville v. Steele*, 152 W. Va. 465, 471, 164 S.E.2d 430, 434 (1968) (finding fee was a reasonable charge “regardless of whether one or more persons paid the charges of twenty-five cents per front foot”). Just as per-household fees have a nexus to prospective service use, so too does physical presence. The product sale accordingly serves as a proxy for the potential demand on the service.²

Whether an individual actually uses the ambulance service doesn’t change their status as a user, either: “it is not requisite to the validity of an assessment . . . that the benefits be immediate or direct.” *City of Huntington*, 196 W. Va. at 470, 473 S.E.2d at 756 (cleaned up). Nor does residency bear on whether an individual is a user of ambulance services. After all, anyone physically present in Randolph County benefits from the availability of ambulance services “in a real sense, regardless of” whether they have actually used the service. *City of Princeton*, 195 W. Va. at 688-89, 466 S.E.2d at 539-40 (finding that “imposing a mandatory service fee on the collection and removal of residential refuse regardless of actual use, in order to prevent a health menace from imperiling an entire community, is a reasonable and valid” fee).

Further, your letter notes that a yearly rate of around 7,000 calls has created an “unsustainable financial burden” for Randolph County ambulance services. To achieve the Act’s

² But some risks remain with this approach, as the nexus between service and fee is not as tight as in past cases. A per-transaction fee scales more with shopping frequency than physical presence. A resident who buys coffee every day thus pays 300 times what a resident who shops monthly pays, though both are equally “users” of ambulance service. Prior cases address consistent, periodic assessments (one fee per household, one fee per worker, etc.). Further, the nexus between the service and fee is undermined by exemptions like the \$10,000 per sale cap. A “big-dollar” purchaser would use services in the same way as a “small-dollar” one would. For reasons like these, the county could still see challenges if the Ordinance is restructured to operate as a true fee.

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goals, the Authority’s funding must adequately support the infrastructure to permit ambulances to respond to the call volume received—from both resident and non-resident users. See W. Va. Code § 7-15-17. Without the ability to collect fees from all users, the County would be unable to provide services to residents, thereby “frustrat[ing] the very purpose of the Act.” *Randy Waugh*, 236 W. Va. at 475, 781 S.E.2d at 386.

Case law in other contexts supports our view of who may be charged as a “user.” Indeed, the Supreme Court of Appeals has frequently upheld municipal service fees assessed against non-residents who stand to benefit from services. In *Cooper*, the Court upheld an ordinance that assessed service fees tied to employee headcount. 218 W. Va. at 287, 624 S.E.2d at 724. In that case, the Court concluded that people employed in the City stood to benefit from the police protection and road maintenance the fees paid for, so it was reasonable to classify them as users. *Id.* Likewise, in *Davison v. City of Bridgeport*, the Court upheld an ordinance that “assessed a fire service fee on ‘users and beneficiaries’ of services provided by the City who reside outside the corporate limits of the City, but who [were] within what is referred to as a ‘First Due Area.’” No. 13-0378, 2014 WL 184436, at *1 (W. Va. Jan. 15, 2014). The same vision of “user” should hold true here.

Thus, as long as the flat fee is used to provide ambulance services according to the statute, we believe the County could properly categorize those purchasing goods or services in Randolph County as “users.” See *City of Princeton*, 195 W. Va. at 688, 466 S.E.2d at 539 (ordinances need only “reasonably classify the users”); see also *Off. of the W. Va. Att’y Gen., Opinion Letter to the Honorable Rebecca L. Miller* (Sept. 19, 2022), 2022 WL 4587769, at *2 (interpreting the Act to permit fees on “potential users” of emergency ambulance services).

Finally, the prospective fee’s point-of-sale nature, without more, wouldn’t transform it into a tax. The Supreme Court of Appeals hasn’t addressed this issue, but examples from other States support our conclusion. For instance, Aspen, Colorado, imposed a \$0.20 charge on all paper bags to cover the cost of their disposal, and the State’s supreme court upheld the charge as a reasonable fee, not a tax. *Colorado Union of Taxpayers Found. v. City of Aspen*, 418 P.3d 506, 515 (Colo. 2018). And other courts haven’t questioned point-of-sale fees when those fees are tied to regulatory goals. In Minnesota, for example, a health impact fee is assessed on retail consumers who buy cigarettes. *State ex rel. Humphrey v. Philip Morris USA, Inc.*, 713 N.W.2d 350, 356 (Minn. 2006) (“Minnesota law requires that retail cigarette purchasers, not cigarette manufacturers or distributors, bear the economic burden of the Health Impact Fee.”). Both examples indicate to us that a flat-rate fee assessed at the point of sale isn’t a tax by virtue of its timing alone.

B. Though we believe it would be permitted, we reiterate that a flat-rate, point-of-sale fee ventures into largely uncharted territory. With that in mind, we note the following considerations.

First, we emphasize that physical presence in Randolph County is almost certainly a prerequisite for any fee to have a reasonable relation to ambulance services. Just as it was “obvious[]” that “owners of raw land” and “owners of mineral interests do not use ambulance services,” *Clay City, Citizens*, 192 W. Va. at 411, 452 S.E.2d at 727, so too it is obvious that consumers who are not physically present in Randolph County do not use ambulance services. Virtual or out-of-county sales of consumer goods should thus be excluded. The current Ordinance

doesn't appear to us to exclude virtual or out-of-county sales. See Ordinance at 3 (encompassing "all sales or services rendered in Randolph County to which sales tax is imposed" and "paid by any individual user"). Similarly, to further delineate the proposed flat fee from a sales tax, we suggest removing any exceptions for tax-exempt organizations and businesses, as well as for purchases over \$10,000. See Ordinance at 2; cf. *City of Clarksburg*, 204 W. Va. at 408, 513 S.E.2d at 181 (tax-exempt defendants had to pay municipal service fees). We also caution that the fee should apply to all sales, rather than only to those above a minimum threshold, as sale price lacks any "direct and reasonable relationship" to ambulance services. See *Cooper*, 218 W. Va. at 287, 624 S.E.2d at 724. In short, limitations like those currently in the Ordinance would push a flat fee closer toward its "operation and effect" appearing to be an unauthorized sales tax. *City of Huntington*, 196 W. Va. at 466, 473 S.E.2d at 752.

Second, a fee's reasonableness is tied to whether it is proportionate to the costs of the service provided. See *City of Huntington*, 196 W. Va. at 467, 473 S.E.2d at 753 (upholding a fee under the presumption it will be used for statutory purposes and "as long as the proceeds do not exceed the costs" of the service). A fee's amount accordingly "must bear a direct and reasonable relationship to the actual services provided in exchange for the fee." *Cooper*, 218 W. Va. at 287, 624 S.E.2d at 724. "[A]ny fee that does not meet those standards will be struck down ... as unreasonable." *Id.*

On these facts and without comparable precedent, we have no way to determine what flat rate amount would make the proposed fee "excessive." Generally, courts compare the cost of the services to the amount of funds the fee raised. And *Cooper* expressly cautioned that "if cities are tempted to inflate such fees ... thereby gouging and imposing burdensome and unfair collections they should be mindful of this admonishment and wary of imposing excessive fees." 218 W. Va. at 287, 624 S.E.2d at 724 (cleaned up). Still, the line between reasonableness and excessiveness remains uncertain for an untested fee like the one you propose.

Third, we return to the SSUTA concerns. We believe under West Virginia law that a flat-rate fee on purchases made within the county is a fee, not a tax. The SSUTA concerns only sales taxes, and it does not alter state law. See W. VA. CODE § 11-15B-6. Indeed, the SSUTA defines "[s]ales or use taxes" as "taxes that are commonly referred to as sales or use taxes that are paid to a state, local jurisdiction ... that are based on a percentage of the sales price or purchase price." SSUTA app. E, Disclosed Practice No. 2, at 231 (adopted May 15, 2014; amended through May 13, 2026) (emphasis added). And it expressly excludes "similar tax[es]" from that definition, including other taxes "imposed on the seller or purchaser ... at the time of sale." *Id.* Excise taxes like those are of course different from the potential fee here. See 71 AM. JUR. 2D State and Local Taxation, *supra* § 13. But the SSUTA's recognition of these other point-of-sale taxes as distinct from sales and use taxes demonstrates that the agreement doesn't categorize an assessment as a sales tax solely because it's assessed upon the occurrence of a sale.

West Virginia similarly excludes other point-of-sale assessments from the definition of sales tax. West Virginia Code Rule § 110-15-2.35.4, for instance, excludes any additional "federal, state[,] or local taxes simultaneously imposed on a purchase" from the definition of "[g]ross proceeds." Similarly, West Virginia Code Rule § 110-15-2.35.1 includes "excise tax or other tax imposed ... prior to the imposition of the" State sales and use tax. See *West Virginia Taxability*

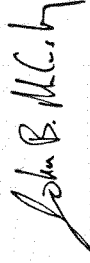
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Matrix, STREAMLINED SALES TAX GOVERNING BD. (Aug. 4, 2026, 2:47 PM), <https://perma.cc/HHQ4-KJV9> (cleaned up) (including other taxes in how gross sales are calculated in the State's taxability matrix).

West Virginia's exclusions align with those of other SSUTA member States: for example, Washington adopted a municipal flat-rate excise tax on firearms and ammunition, which its highest court upheld. *Watson v. City of Seattle*, 401 P.3d 1, 11 (Wash. 2017) (en banc) (distinguishing excise tax on firearms and ammunition from Washington sales and use tax); see *Streamlined Sales Tax*, WASH. DEP'T OF REVENUE, <https://perma.cc/BG5G-XERX> (last visited Aug. 18, 2026). Likewise, Minnesota imposes a retail delivery fee of fifty cents on sellers of taxable tangible personal property and clothing when transactions have a charge of \$100 or more. *Retail Delivery Fee*, MINN. DEP'T OF REVENUE, <https://perma.cc/E83J-MY3G> (last visited Aug. 18, 2026). Thus, we have good cause to believe that a flat-rate fee on transactions made within Randolph County would not be a sales tax under the SSUTA.

Still, the SSUTA Governing Board is an independent body, so we cannot state with certainty the position the organization will take on a flat, point-of-sale fee. We can say only that the proposed flat-rate charge (with the limitations described previously) would likely be a fee under West Virginia law. Because of the remaining uncertainty in this area of law, we nevertheless encourage the Commission to continue to work with the Tax Division to identify the most defensible ways to ensure the Ambulance Authority's financial viability.

Sincerely,



John B. McCuskey
West Virginia Attorney General

Caleb A. Seckman
Assistant Solicitor General

S. Hallie Hovey-Murray
Assistant Solicitor General

WEST VIRGINIA HEALTH CARE AUTHORITY
CERTIFICATE OF NEED

100 Dee Drive
Charleston, West Virginia 25311-1600

08/17/2026

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **08/14/2026**.

CERTIFICATE OF NEED APPLICATION RECEIVED

August 10, 2026 - Amedisys Hospice, LLC d/b/a Amedisys Hospice of Vienna, CON File #26-5/10-13739-A, for the acquisition of certain assets currently held by Memorial Health System who services Tyler, Wetzel and Pleasants Counties in West Virginia. Capital Expenditure \$3,000,000.

August 10, 2026 - UPMC Trinity, Inc., CON File #26-11-13740-A, for the asset acquisition of Trinity Health System, which includes an ambulatory health care facility located at 485 Colliers Way Extension, Weirton, Brooke County, West Virginia. Capital Expenditure \$274,200.

ORDER TO WITHDRAW CON APPLICATION

August 12, 2026 - Lifepoint Health, Inc., CON File #26-2-13542-A, for the restructuring transaction involving Lifepoint's acquisition of Logan General Hospital, LLC d/b/a Logan Regional Medical Center in Logan County, West Virginia. Capital Expenditure \$41,035,000.

HEARING NOTICE

The Administrative Hearing and Prehearing Conference have been SCHEDULED in the following matter:

August 14, 2026 - Boone Memorial Hospital, Inc., CON File #26-2-13639-P, for the development of an ambulatory health care facility through the asset acquisition of an existing private office medical practice located at 258 Hanging Rock Highway, Logan, West Virginia 25601. Capital Expenditure \$156,500.

Prehearing Conference: **Wednesday, November 4, 2026, at 1:30 p.m.**
Administrative Hearing: **Friday, November 13, 2026, at 9:00 a.m.**

The prehearing conference and administrative hearing in the above-referenced matter will be held in the offices of the Health Care Authority, 100 Dee Drive,

Charleston, West Virginia 25311-1600, unless otherwise noted.

PROJECTS EXEMPT FROM REVIEW

August 14, 2026 - CORRECTED Keyser SNF LLC, CON File #26-8-13694-X, for the acquisition from Southern Leasing Co. LLC ("Seller") of the licensed nursing home operations of Keyser Healthcare Center, a 122 bed nursing home in Keyser, Mineral County, West Virginia.

August 14, 2026 - CORRECTED Kingwood SNF LLC, CON File #26-6-13695-X, for the acquisition from Miller Leasing Co. LLC ("Seller") of the licensed nursing home operations of Kingwood Healthcare Center, a 120 bed nursing home in Kingwood, Preston County, West Virginia.

August 14, 2026 - CORRECTED Prestera Center for Mental Health Services d/b/a Prestera Health Services, CON File #26-2-13643-X, for the relocation of CSU to a new location: 4020 US Rt. 60, Huntington, Cabell County, West Virginia which will continue to serve residential programs which will continue to provide the same services.

Further information may be obtained on any of the above-referenced projects by contacting The West Virginia Healthcare Authority Staff at 305.558.7000.

OTHER



West Virginia Department of

Arvin Singh, EdD, MBA, MPH, MS, FACHE
Cabinet Secretary

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH
August 18, 2026 10:05 AM
HEALTH CARE AUTHORITY

Gordon C. Lane, Jr.
Interim Executive Director
General Counsel

OTHER

Notice of Review

August 18, 2026

NEWS ITEM

The West Virginia Health Care Authority (Authority), pursuant to the Certificate of Need program, has declared complete and accepted for review the expedited applications referenced below:

August 3, 2026 - Charleston Area Medical Center, Inc. CON File #26-3-13720-P, to acquire Premier Women's Health Specialists, PLLC, located at 1003 Oakhurst Drive in Charleston, Kanawha County, West Virginia and develop an ambulatory health care facility that provides obstetrics and gynecology services. Capital Expenditure \$680,000.

August 3, 2026 - Majestic Care of Morgantown, LLC and 967 Grafton Road WVA Realty, LLC, CON File #26-6-13686-NH, for the development of a 105 bed nursing home in Monongalia County, West Virginia. Capital Expenditure \$30,360,000.

August 7, 2026 - 3M's Services, LLC, CON File #26-1/2/3/4/5/6/7/8/9/10/11-13553-BH, for the development of Intellectual/Developmental Disabilities Waiver services in Hancock, Hampshire, Greenbrier, Grant, Gilmer, Fayette, Doddridge, Clay, Calhoun, Cabell, Brooke, Braxton, Boone, Berkeley, Hardy, Harrison, Jackson, Kanawha, Lewis, Lincoln, Logan, Marion, Marshall, Mason, McDowell, Mercer, Mineral, Mingo, Monongalia, Monroe, Morgan, Nicholas, Ohio, Pendleton, Pleasants, Pocahontas, Preston, Putnam, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tyler, Upshur, Wayne, Webster, Wetzel, Wirt, Wood and Wyoming Counties in West Virginia. Capital Expenditure \$28,000.

August 7, 2026 - New BayMark Parent, LLC, CON File #26-6-13724-A, for the acquisition of the ownership interests of BayMark Holdings, Inc. Through a subsidiary, BayMark operates a licensed opioid treatment program in Morgantown, Monongalia County, West Virginia. Capital Expenditure \$2,000,000.

August 17, 2026 - UPMC Trinity, Inc. CON File #26-11-13740-A, for the asset acquisition of Trinity Health System, which includes an ambulatory health care facility

located at 485 Colliers Way Extension, Weirton, Brooke County, West Virginia. Capital Expenditure \$274,200.

An application that has been declared complete is one in which there is sufficient information for the Authority to make an informed decision. It does not mean that the approval of the application is warranted.

The review cycle begins on **August 17, 2026**.

On or before **September 15, 2026**, any affected person has the right to request that the Authority hold a public hearing on the projects as part of the review. If a public hearing is conducted during the course of the review, a notice of hearing, specifying the date, time and location of the hearing, will be issued to affected persons.

If no public hearing is requested, the file closing date will be **September 21, 2026**. After that date, no further information or evidence will be accepted by the Authority for the remainder of the review of the applications.

The Decision on the project referenced above will be issued by the Authority after it has reviewed the contents of the case files of the projects, including the application, additional information submitted to the Authority during the review, and the record of any Authority public hearing. If there is no request for public hearing, the Decision will be issued on or before **October 15, 2026**.

A press release will be issued after the Decision is made. Anyone wishing to be directly notified of the Decision should submit a written request to Gordon C. Lane, Jr., Interim Executive Director, Certificate of Need, West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia, 25311. Further information on any project referenced in this news release may be obtained by contacting the Certificate of Need office at telephone number (304) 558-7000.

August 18, 2026
Date
Eddie Fulks
CON Secretary
West Virginia Health Care Authority

