

WEST VIRGINIA LEGISLATURE
EIGHTY-SECOND LEGISLATURE
REGULAR SESSION, 2015



ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 199

(SENATOR SNYDER, *ORIGINAL SPONSOR*)

[PASSED MARCH 14, 2015; IN EFFECT FROM PASSAGE.]

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(SENATOR SNYDER, *ORIGINAL SPONSOR*)

[Passed March 14, 2015; in effect from passage.]

AN ACT to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by miscellaneous agencies and boards; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules as amended by the Legislature; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rules with various modifications; authorizing Board of Registration for Professional Engineers to promulgate a legislative rule relating to the examination, licensure and practice for professional

engineers; authorizing Governor's Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to law-enforcement training and certification standards; authorizing Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to requirements for registration and renewal of appraisal management companies; authorizing Board of Medicine to promulgate a legislative rule relating to licensure, disciplinary and complaint procedures, continuing education and physician assistants; authorizing Enterprise Resource Planning Board to promulgate a legislative rule relating to the enterprise resource planning system user fee; authorizing Board of Physical Therapy to promulgate a legislative rule relating to fees for physical therapists and physical therapist assistants; authorizing Board of Osteopathic Medicine to promulgate a legislative rule relating to fees for services rendered by the board; authorizing Board of Osteopathic Medicine to promulgate a legislative rule relating to osteopathic physician assistants; authorizing Board of Pharmacy to promulgate a legislative rule relating to immunizations administered by pharmacists; authorizing Board of Pharmacy to promulgate a legislative rule relating to the registration of pharmacy technicians; authorizing Board of Pharmacy to promulgate a legislative rule relating to controlled substances monitoring; authorizing Board of Pharmacy to promulgate a legislative rule relating to licensure and the practice of pharmacy; authorizing Board of Dental Examiners to promulgate a legislative rule relating to formation and approval of professional limited liability companies; authorizing Board of Dental Examiners to promulgate a legislative rule relating to the board; authorizing Board of Dental Examiners to promulgate a legislative rule relating to dental recovery networks; authorizing Board of Dental Examiners to promulgate a legislative rule relating to the formation and approval of dental corporations and dental practice ownership; authorizing Commissioner of Agriculture to promulgate a legislative rule relating to frozen desserts and

imitation frozen desserts; authorizing Commissioner of Agriculture to promulgate a legislative rule relating to animal disease control; authorizing Commissioner of Agriculture to promulgate a legislative rule relating to auctioneers; authorizing Commissioner of Agriculture to promulgate a legislative rule relating to fee structure for the Pesticide Control Act of 1990; authorizing Commissioner of Agriculture to promulgate a legislative rule relating to the West Virginia Plant Pest Act; authorizing Commissioner of Agriculture to promulgate a legislative rule relating to inspection of meat and poultry; authorizing Commissioner of Agriculture to promulgate a legislative rule relating to the West Virginia Spay Neuter Assistance Program; authorizing Commissioner of Agriculture to promulgate a legislative rule relating to livestock care standards; authorizing Commissioner of Agriculture to promulgate a legislative rule relating to equine rescue facilities; authorizing Commissioner of Agriculture to promulgate a legislative rule relating to the Rural Rehabilitation Loan Program; authorizing Commissioner of Agriculture to promulgate a legislative rule relating to aquaculture importation; authorizing Commissioner of Agriculture to promulgate a legislative rule relating to industrial hemp; authorizing Commissioner of Agriculture to promulgate a legislative rule relating to dangerous wild animals; authorizing Secretary of State to promulgate a legislative rule relating to the procedures for recount of election results; authorizing Secretary of State to promulgate a legislative rule relating to the standards and guidelines for electronic notarization; authorizing Secretary of State to promulgate a legislative rule relating to notaries public; authorizing Secretary of State to promulgate a legislative rule relating to a schedule of fees for notaries public; authorizing Family Protection Services Board to promulgate a legislative rule relating to perpetrator intervention programs licensure; authorizing Family Protection Services Board to promulgate a legislative rule relating to domestic violence program licensure standards; authorizing Family Protection

Services Board to promulgate a legislative rule relating to the Monitored Parenting and Exchange Program certification; authorizing Family Protection Services Board to promulgate a legislative rule relating to the operation of the board; and authorizing Family Protection Services Board to promulgate a legislative rule relating to perpetrator intervention programs licensure for correctional institutions.

Be it enacted by the Legislature of West Virginia:

That article 9, chapter 64 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENCIES AND BOARDS TO PROMULGATE LEGISLATIVE RULES.

§64-9-1. Board of Registration for Professional Engineers.

1 The legislative rule filed in the State Register on March
2 27, 2014, authorized under the authority of section nine,
3 article thirteen, chapter thirty of this code, relating to the
4 Board of Registration for Professional Engineers
5 (examination, licensure and practice for professional
6 engineers, 7 CSR 1), is not authorized.

§64-9-2. Governor's Committee on Crime, Delinquency and Correction.

1 The legislative rule filed in the State Register on
2 September 9, 2014, authorized under the authority of section
3 two, article twenty-nine, chapter thirty of this code, modified
4 by the Governor's Committee on Crime, Delinquency and
5 Correction to meet the objections of the Legislative Rule-
6 Making Review Committee and refiled in the State Register
7 on October 29, 2014, relating to the Governor's Committee
8 on Crime, Delinquency and Correction (law-enforcement
9 training and certification standards, 149 CSR 2), is
10 authorized.

§64-9-3. Real Estate Appraiser Licensing and Certification Board.

1 The legislative rule filed in the State Register on August
2 1, 2014, authorized under the authority of section seven,
3 article thirty-eight, chapter thirty of this code, modified by
4 the Real Estate Appraiser Licensing and Certification Board
5 to meet the objections of the Legislative Rule-Making
6 Review Committee and refiled in the State Register on
7 December 23, 2014, relating to the Real Estate Appraiser
8 Licensing and Certification Board (requirements for
9 registration and renewal of appraisal management companies,
10 190 CSR 5), is authorized.

§64-9-4. Board of Medicine.

1 The legislative rule filed in the State Register on July 22,
2 2014, authorized under the authority of section three, article
3 three-e, chapter thirty of this code, modified by the Board of
4 Medicine to meet the objections of the Legislative Rule-
5 Making Review Committee and refiled in the State Register
6 on November 20, 2014, relating to the Board of Medicine
7 (licensure, disciplinary and complaint procedures, continuing
8 education and physician assistants, 11 CSR 1B), is
9 authorized.

§64-9-5. Enterprise Resource Planning Board.

1 The legislative rule filed in the State Register on June 26,
2 2014, authorized under the authority of section two, article
3 six-d, chapter twelve of this code, relating to the Enterprise
4 Resource Planning Board (enterprise resource planning
5 system user fee, 213 CSR 1), is authorized.

§64-9-6. Board of Physical Therapy.

1 The legislative rule filed in the State Register on May 9,
2 2014, authorized under the authority of section six, article

3 twenty, chapter thirty of this code, relating to the Board of
4 Physical Therapy (fees for physical therapists and physical
5 therapist assistants, 16 CSR 4), is authorized.

§64-9-7. Board of Osteopathic Medicine.

1 (a) The legislative rule filed in the State Register on July
2 31, 2014, authorized under the authority of section six, article
3 one, chapter thirty of this code, relating to the Board of
4 Osteopathic Medicine (fees for services rendered by the
5 board, 24 CSR 5), is authorized.

6 (b) The legislative rule filed in the State Register on July
7 31, 2014, authorized under the authority of section three,
8 article fourteen-a, chapter thirty of this code, modified by the
9 Board of Osteopathic Medicine to meet the objections of the
10 Legislative Rule-Making Review Committee and refiled in
11 the State Register on November 25, 2014, relating to the
12 Board of Osteopathic Medicine (osteopathic physician
13 assistants, 24 CSR 2), is authorized.

§64-9-8. Board of Pharmacy.

1 (a) The legislative rule filed in the State Register on
2 August 1, 2014, authorized under the authority of section
3 seven, article five, chapter thirty of this code, modified by the
4 Board of Pharmacy to meet the objections of the Legislative
5 Rule-Making Review Committee and refiled in the State
6 Register on January 8, 2015, relating to the Board of
7 Pharmacy (immunizations administered by pharmacists, 15
8 CSR 12), is authorized.

9 (b) The legislative rule filed in the State Register on
10 August 1, 2013, authorized under the authority of section
11 seven, article five, chapter thirty of this code, modified by the
12 Board of Pharmacy to meet the objections of the Legislative

13 Rule-Making Review Committee and refiled in the State
14 Register on January 8, 2015, relating to the Board of
15 Pharmacy (registration of pharmacy technicians, 15 CSR 7),
16 is authorized with the amendment set forth below:

17 On page 11, subsection 5.3, by striking out the word
18 “four” and inserting in lieu thereof the word “four”.

19 (c) The legislative rule filed in the State Register on
20 August 1, 2013, authorized under the authority of section
21 seven, article five, chapter thirty of this code, modified by the
22 Board of Pharmacy to meet the objections of the Legislative
23 Rule-Making Review Committee and refiled in the State
24 Register on January 8, 2015, relating to the Board of
25 Pharmacy (controlled substances monitoring, 15 CSR 8), is
26 authorized.

27 (d) The legislative rule filed in the State Register on
28 August 1, 2014, authorized under the authority of section
29 seven, article five, chapter thirty of this code, modified by the
30 Board of Pharmacy to meet the objections of the Legislative
31 Rule-Making Review Committee and refiled in the State
32 Register on January 8, 2015, relating to the Board of
33 Pharmacy (licensure and the practice of pharmacy, 15 CSR
34 1), is authorized.

§64-9-9. Board of Dental Examiners.

1 (a) The legislative rule filed in the State Register on July
2 25, 2014, authorized under the authority of section one
3 thousand three hundred four, article thirteen, chapter thirty-
4 one-b of this code, relating to the Board of Dental Examiners
5 (formation and approval of professional limited liability
6 companies, 5 CSR 2), is authorized.

7 (b) The legislative rule filed in the State Register on July
8 25, 2014, authorized under the authority of section six, article
9 four, chapter thirty of this code, modified by the Board of
10 Dental Examiners to meet the objections of the Legislative
11 Rule-Making Review Committee and refiled in the State
12 Register on December 17, 2014, relating to the Board of
13 Dental Examiners (rule for the West Virginia Board of Dental
14 Examiners, 5 CSR 1), is authorized.

15 (c) The legislative rule filed in the State Register on July
16 25, 2014, authorized under the authority of section six, article
17 four, chapter thirty of this code, modified by the Board of
18 Dental Examiners to meet the objections of the Legislative
19 Rule-Making Review Committee and refiled in the State
20 Register on December 17, 2014, relating to the Board of
21 Dental Examiners (dental recovery networks, 5 CSR 15), is
22 authorized.

23 (d) The legislative rule filed in the State Register on July
24 25, 2014, authorized under the authority of section six, article
25 four, chapter thirty of this code, relating to the Board of
26 Dental Examiners (formation and approval of dental
27 corporations; and dental practice ownership, 5 CSR 6), is
28 authorized.

§64-9-10. Commissioner of Agriculture.

1 (a) The legislative rule filed in the State Register on July
2 29, 2014, authorized under the authority of section ten, article
3 eleven-b, chapter nineteen of this code, modified by the
4 Commissioner of Agriculture to meet the objections of the
5 Legislative Rule-Making Review Committee and refiled in
6 the State Register on October 30, 2014, relating to the
7 Commissioner of Agriculture (frozen desserts and imitation
8 frozen desserts, 61 CSR 4B), is authorized.

9 (b) The legislative rule filed in the State Register on
10 August 1, 2014, authorized under the authority of section
11 two, article nine, chapter nineteen of this code, modified by
12 the Commissioner of Agriculture to meet the objections of the
13 Legislative Rule-Making Review Committee and refiled in
14 the State Register on November 19, 2014, relating to the
15 Commissioner of Agriculture (animal disease control, 61
16 CSR 1), is authorized.

17 (c) The legislative rule filed in the State Register on
18 August 1, 2014, authorized under the authority of section
19 three-a, article two-c, chapter nineteen of this code, modified
20 by the Commissioner of Agriculture to meet the objections of
21 the Legislative Rule-Making Review Committee and refiled
22 in the State Register on November 19, 2014, relating to the
23 Commissioner of Agriculture (auctioneers, 61 CSR 11B), is
24 authorized.

25 (d) The legislative rule filed in the State Register on July
26 29, 2014, authorized under the authority of section four,
27 article sixteen-a, chapter nineteen of this code, modified by
28 the Commissioner of Agriculture to meet the objections of the
29 Legislative Rule-Making Review Committee and refiled in
30 the State Register on October 30, 2014, relating to the
31 Commissioner of Agriculture (fee structure for the Pesticide
32 Control Act of 1990, 61 CSR 12), is authorized.

33 (e) The legislative rule filed in the State Register on
34 August 1, 2014, authorized under the authority of section
35 three, article twelve, chapter nineteen of this code, modified
36 by the Commissioner of Agriculture to meet the objections of
37 the Legislative Rule-Making Review Committee and refiled
38 in the State Register on October 30, 2014, relating to the
39 Commissioner of Agriculture (West Virginia Plant Pest Act,
40 61 CSR 14), is authorized.

41 (f) The legislative rule filed in the State Register on July
42 22, 2013, authorized under the authority of section three,
43 article two-b, chapter nineteen of this code, relating to the
44 Commissioner of Agriculture (inspection of meat and poultry,
45 61 CSR 16), is authorized.

46 (g) The legislative rule filed in the State Register on
47 August 1, 2014, authorized under the authority of section
48 three, article twenty-c, chapter nineteen of this code,
49 modified by the Commissioner of Agriculture to meet the
50 objections of the Legislative Rule-Making Review
51 Committee and refiled in the State Register on November 19,
52 2014, relating to the Commissioner of Agriculture (West
53 Virginia Spay Neuter Assistance Program, 61 CSR 24), is
54 authorized.

55 (h) The legislative rule filed in the State Register on
56 August 1, 2014, authorized under the authority of section
57 four, article one-c, chapter nineteen of this code, modified by
58 the Commissioner of Agriculture to meet the objections of the
59 Legislative Rule-Making Review Committee and refiled in
60 the State Register on November 19, 2014, relating to the
61 Commissioner of Agriculture (livestock care standards, 61
62 CSR 31), is authorized.

63 (i) The legislative rule filed in the State Register on
64 August 1, 2014, authorized under the authority of section
65 one, article thirty-three, chapter nineteen of this code,
66 modified by the Commissioner of Agriculture to meet the
67 objections of the Legislative Rule-Making Review
68 Committee and refiled in the State Register on December 23,
69 2014, relating to the Commissioner of Agriculture (equine
70 rescue facilities, 61 CSR 32), is authorized with the following
71 amendment:

72 On page 4, subsection 6.3, by striking the words ‘, and
73 the standards in the AAEP Care Guidelines for Equine
74 Rescue and Retirement Facilities ’.

75 (j) The legislative rule filed in the State Register on
76 August 1, 2014, authorized under the authority of section
77 three, article twelve, chapter nineteen of this code, modified
78 by the Commissioner of Agriculture to meet the objections of
79 the Legislative Rule-Making Review Committee and refiled
80 in the State Register on November 20, 2014, relating to the
81 Commissioner of Agriculture (Rural Rehabilitation Loan
82 Program, 61 CSR 33), is authorized with the following
83 amendment:

84 On page 3, by striking out all of subsection 4.2, and by
85 renumbering the remaining subsections.

86 (k) The legislative rule filed in the State Register on
87 August 1, 2014, authorized under the authority of section
88 four, article thirty-two, chapter nineteen of this code,
89 modified by the Commissioner of Agriculture to meet the
90 objections of the Legislative Rule-Making Review
91 Committee and refiled in the State Register on November 19,
92 2014, relating to the Commissioner of Agriculture
93 (aquaculture importation, 61 CSR 35), is authorized.

94 (l) The legislative rule filed in the State Register on
95 August 1, 2014, authorized under the authority of section
96 seven, article twelve-e, chapter nineteen of this code,
97 modified by the Department of Agriculture to meet the
98 objections of the Legislative Rule-Making Review
99 Committee and refiled in the State Register on December 30,
100 2014, relating to the Commissioner of Agriculture (industrial
101 hemp, 61 CSR 29), is authorized.

102 (m) The legislative rule filed in the State Register on
103 August 1, 2014, authorized under the authority of section
104 three, article thirty-four, chapter nineteen of this code,
105 modified by the Commissioner of Agriculture to meet the
106 objections of the Legislative Rule-Making Review
107 Committee and refiled in the State Register on November 20,
108 2014, relating to the Commissioner of Agriculture (dangerous
109 wild animals, 61 CSR 30), is authorized with the following
110 amendments:

111 On page 2, Paragraph 3.1.g.3., after the words “mountain
112 lions;” by adding the word “and”;

113 On page 2, Paragraph 3.1.g.4., after the word “caracals”,
114 by changing the semicolon to a period and striking out the
115 remainder of Paragraph 3.1.g.4;

116 On page 2, Paragraph 3.1.g.5., by striking out all of
117 Paragraph 3.1.g.5.;

118 On page 2, Subdivision 3.1.o, by striking out all of
119 subdivision 3.1.o.;

120 On page 2, Subdivision 3.1.p, by striking out all of
121 subdivision 3.1.p.;

122 On page 2, Subdivision 3.1.q, by striking out all of
123 subdivision 3.1.q.;

124 On page 2, Subdivision 3.1.r, by striking out all of
125 subdivision 3.1.r.;

126 On pages 2 and 3, Subdivision 3.1.t., by striking out all
127 of subdivision 3.1.t.;

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128 On page 3, Subdivision 3.1.u., by striking out all of
129 Paragraph 3.1.u.;

130 On page 3, Subdivision 3.1.v., by striking out all of
131 subdivision 3.1.v.;

132 On pages 3 and 4, Subdivision 3.1.w., by striking out all
133 of subdivision 3.1.w.;

134 On page 4, Subdivision 3.1.x., by striking out all of
135 subdivision 3.1.x.;

136 On page 4, Subdivision 3.1.y., by striking out all of
137 subdivision 3.1.y.;

138 And,

139 On page 4, Subdivision 3.1.z., by striking out all of
140 subdivision 3.1.z..

§64-9-11. Secretary of State.

1 (a) The legislative rule filed in the State Register on July
2 22, 2014, authorized under the authority of section six, article
3 one-a, chapter three of this code, modified by the Secretary
4 of State to meet the objections of the Legislative Rule-
5 Making Review Committee and refiled in the State Register
6 on September 9, 2014, relating to the Secretary of State
7 (procedures for recount of election results, 153 CSR 20), is
8 authorized.

9 (b) The legislative rule filed in the State Register on
10 August 1, 2014, authorized under the authority of section
11 twenty-five, article four, chapter thirty-nine of this code,
12 modified by the Secretary of State to meet the objections of
13 the Legislative Rule-Making Review Committee and refiled

14 in the State Register on September 9, 2014, relating to the
15 Secretary of State (standards and guidelines for electronic
16 notarization, 153 CSR 45), is authorized with the
17 amendments set forth below:

18 On page 3, by deleting all of section 8;

19 And,

20 By renumbering the remaining subsections.

21 (c) The legislative rule filed in the State Register on
22 August 1, 2014, authorized under the authority of section
23 twenty-five, article four, chapter thirty-nine of this code,
24 modified by the Secretary of State to meet the objections of
25 the Legislative Rule-Making Review Committee and refiled
26 in the State Register on September 9, 2014, relating to the
27 Secretary of State (notaries public, 153 CSR 46), is
28 authorized.

29 (d) The legislative rule filed in the State Register on
30 August 1, 2014, authorized under the authority of section
31 twenty-five, article four, chapter thirty-nine of this code,
32 modified by the Secretary of State to meet the objections of
33 the Legislative Rule-Making Review Committee and refiled
34 in the State Register on September 9, 2014, relating to the
35 Secretary of State (schedule of fees for notaries public, 153
36 CSR 50), is authorized.

§64-5-12. Family Protection Services Board.

1 (a) The legislative rule filed in the State Register on July
2 30, 2014, authorized under the authority of section four
3 hundred three, article twenty-six, chapter forty-eight of this
4 code, modified by the Family Protection Services Board to
5 meet the objections of the Legislative Rule-Making Review

6 Committee and refiled in the State Register on December 17,
7 2014, relating to the Family Protection Services Board
8 (perpetrator intervention programs licensure, 191 CSR 3), is
9 authorized

10 (b) The legislative rule filed in the State Register on July
11 30, 2014, authorized under the authority of section four
12 hundred three, article twenty-six, chapter forty-eight of this
13 code, modified by the Family Protection Services Board to
14 meet the objections of the Legislative Rule-Making Review
15 Committee and refiled in the State Register on December 17,
16 2014, relating to the Family Protection Services Board
17 (domestic violence program licensure standards, 191 CSR 2),
18 is authorized.

19 (c) The legislative rule filed in the State Register on July
20 30, 2014, authorized under the authority of section four
21 hundred three, article twenty-six, chapter forty-eight of this
22 code, modified by the Family Protection Services Board to
23 meet the objections of the Legislative Rule-Making Review
24 Committee and refiled in the State Register on December 17,
25 2014, relating to the Family Protection Services Board
26 (Monitored Parenting and Exchange Program Certification,
27 191 CSR 4), is authorized.

28 (d) The legislative rule filed in the State Register on July
29 30, 2014, authorized under the authority of section four
30 hundred three, article twenty-six, chapter forty-eight of this
31 code, modified by the Family Protection Services Board to
32 meet the objections of the Legislative Rule-Making Review
33 Committee and refiled in the State Register on December 30,
34 2014, relating to the Family Protection Services Board
35 (Operation of the Family Protection Services Board, 191 CSR
36 1), is authorized.

37 (e) The legislative rule filed in the State Register on July
38 30, 2014, authorized under the authority of section four
39 hundred three, article twenty-six, chapter forty-eight of this
40 code, modified by the Family Protection Services Board to
41 meet the objections of the Legislative Rule-Making Review
42 Committee and refiled in the State Register on December 17,
43 2014, relating to the Family Protection Services Board
44 (perpetrator intervention programs licensure for correctional
45 institutions, 191 CSR 5), is authorized.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

.....
Chairman Senate Committee

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Chairman House Committee

Originated in the Senate.

In effect from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

The within this the

Day of, 2015.

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Governor