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OFFICE OF
S. J. W. STATE
OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1975



ENROLLED

HOUSE BILL No. 967

(By *Mr.s. Withrow and Mr. Ballou*)



PASSED *February 21,* 1975

In Effect *ninety days from* Passage



967

ENROLLED

H. B. 967

(By MRS. WITHROW and MR. BALLOUZ)

[Passed February 21, 1975; in effect ninety days from passage.]

AN ACT to amend and reenact sections three and five, article eleven, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to standards for milk and milk products and dairy products; permits for the manufacture or purchase of milk and cream.

Be it enacted by the Legislature of West Virginia:

That sections three and five, article eleven, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 11. MILK AND MILK PRODUCTS.

§19-11-3. Standards.

1 (a) The commissioner shall establish definitions and
2 standards by regulation, pursuant to the provisions of chapter
3 twenty-nine-a of the code of West Virginia, one thousand nine
4 hundred thirty-one, as amended, for milk and milk products
5 and dairy products, including but not limited to milk, skimmed
6 milk, buttermilk, cultured buttermilk, condensed and sweetened
7 condensed milk, condensed skimmed milk, sweetened condens-
8 ed skimmed milk, dried milk, dried skimmed milk, sweet
9 cream, butter, cheese, half and half, cottage cheese, creamed
10 cottage cheese, homogenized milk, vitamin D milk, ice cream,
11 ice milk and mellorine except that:

12 (1) No standard so established shall be less than that for the
13 same item as established by the food and drug administration

14 of the federal department of health, education and welfare; and

15 (2) The terms "pasteurization" and "pasteurized" and
16 similar terms shall refer to the process of heating every
17 particle of milk or milk products to at least one hundred
18 forty-five degrees Fahrenheit, and holding it at such tem-
19 perature continuously for at least thirty minutes, or to at
20 least one hundred sixty-one degrees Fahrenheit, and holding
21 it at the same temperature continuously for at least fifteen
22 seconds, in approved and properly operated equipment:
23 *Provided*, That nothing contained in this definition shall be
24 construed as barring any other process which has been
25 demonstrated to be equally efficient and which is approved
26 by the commissioner of agriculture and state director of
27 health.

28 (b) It shall be unlawful for any person to manufacture,
29 offer or expose for sale or exchange, or have in his possession
30 with intent to sell, offer or expose for sale or exchange, any
31 milk or milk products that do not conform to rules and
32 regulations issued under subsection (a) and by the West
33 Virginia board of health.

§19-11-5. Permit for the manufacture or purchase of milk and cream.

1 (a) Each person, firm, partnership, corporation, company,
2 cooperative or association receiving, buying, paying for milk or
3 cream, regardless of the method of settlement, shall secure from
4 the commissioner of agriculture a permit for each and every
5 place where milk or cream is received by weight or measure.

6 (b) Application for a permit shall be made to the com-
7 missioner on forms supplied by the commissioner.

8 (c) Each application for a permit shall be accompanied
9 by a fee of five dollars.

10 (d) Permits shall expire on the thirtieth day of June,
11 following date of issue unless sooner revoked by the commis-
12 sioner.

13 (e) The commissioner may revoke any permit when provis-
14 ions of this article of the regulations issued thereunder have

15 been violated, after a hearing in accordance with the provisions
16 of article five, chapter twenty-nine-a of the code of West Vir-
17 ginia, one thousand nine hundred thirty-one, as amended.

18 (f) Permits shall be procured by such persons, firms,
19 partnerships, corporations, companies, cooperatives or associa-
20 tions manufacturing, processing or distributing milk, milk
21 products and dairy products in the state except that this
22 provision shall not apply to individuals buying milk or milk
23 products or dairy products for private use, or to retail stores,
24 hotels, restaurants or drug stores who do not operate a
25 dispensing freezer for the manufacture of frozen desserts for
26 sale to the general public.

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

James L. Davis
Chairman Senate Committee

Robert C. Christensen
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

James D. Nelson
Clerk of the Senate

W. Blankenship
Clerk of the House of Delegates

W. T. Brubaker Jr.
President of the Senate

Lewis T. McManis
Speaker House of Delegates

The within *approved* this the *3rd*
March day of _____, 1975.

Arch A. Phares Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 2/26/75

Time 5:20 p.m.