WEST VIRGINIA CODE: §19-16-5

§19-16-5. Exemptions.

(a) The provisions of §19-16-2, §19-16-3, §19-16-4, and §19-16-8 of this code do not apply:

(1) To seed or grain not intended for sowing purposes;

(2) To seed in storage, or seed being transported or consigned to a cleaning or conditioning establishment for cleaning or conditioning: *Provided*, That the invoice, label or labeling accompanying any shipment of the seed bears the statement "seeds for conditioning"; and that any label or labeling or other representation which may be made with respect to the uncleaned or unconditioned seed is subject to this article; or

(3) To any carrier in respect to any seed transported or delivered for transportation in the ordinary course of its business as a carrier: *Provided*, That the carrier is not engaged in producing, conditioning, or marketing seeds subject to the provisions of this article.

(b) No person is subject to the penalties of this article for having sold or offered for sale seeds subject to provisions of this article which were incorrectly labeled or represented as to kind, species (and subspecies, if appropriate), variety, type, or origin, elevation, and year of collection (if required), which cannot be identified by examination, unless he or she has failed to obtain an invoice, genuine grower's or tree seed collector's declaration, or other labeling information and to take such other precautions as may be reasonable to ensure the identity to be that which is stated. A genuine grower's declaration of variety shall affirm that the grower holds records of proof concerning parent seed, such as invoice and labels.

(c) The provisions of §19-16-2 and §19-16-3 of this code do not apply to tree seed produced by the consumer.

WV Legislature