WEST VIRGINIA CODE: §19-16-9

§19-16-9. Deficiencies.

(a) If the analysis of a sample shows a deviation from the permitted analytical variation, the registrant or other responsible person shall be penalized according to legislative rule. Penalties for multiple deficiencies within a sample shall be incremental: *Provided,* That in no case shall the penalty exceed the retail value of the product.

(b) The penalty shall be assessed and collected from the person responsible for the labeling requirements of the seed. If seed is sampled in the hands of a consumer who purchased to plant and not to sell, the penalty shall be assessed to the seedsman or distributor, whichever is applicable. In no case shall the penalty assessed exceed the fair market value of the seed. The total amount of seed in each lot at the time of sampling shall be used to determine the penalty.

(c) All penalties assessed under this section shall be paid to the consumer of the lot of regulated product represented by the sample analyzed. If the consumer cannot be found or is unknown, the amount of the penalty shall be paid to the commissioner and deposited in the Department of Agriculture’s fees account.

WV Legislature