WEST VIRGINIA CODE: §19-39-3

§19-39-3. Rulemaking; duplication or conflict with federal law.

- (a) The commissioner may propose emergency rules and rules for legislative approval in accordance with the provisions of $\S29A-3-1$ *et seq.* of this code to implement the provisions of this article, which may include, but are not limited to:
- (1) Inspection requirements;
- (2) Any other labeling information necessary to ensure that a misbranded food product will not have false, misleading, or inaccurate labeling and that the public will be informed of the manner of handling required to maintain the food product in a wholesome condition;
- (3) Violations of this article and administrative fines or forfeitures therefor;
- (4) Procedures for administrative enforcement of violations of this article; and
- (5) Procedures for appeals of proceedings under this article.
- (b) In the event any provision of this article duplicates or conflicts with federal law or regulation, that provision under this article shall not apply and the federal law or regulation controls.