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 §29A-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.

WV Legislature