WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1947

ENROLLED

HOUSE BILL No. 235

(By Mr. Smith)

PASSED March 8, 1947

In Effect Ninety Days from Passage
AN ACT to amend and reenact section three and section nine, article fourteen, chapter nineteen, of the code of West Virginia, one thousand nine hundred thirty-one, as amended, pertaining to the sale and distribution of commercial feeding stuffs in the state of West Virginia.

Be it enacted by the Legislature of West Virginia:

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

Section 3. **Certificate of Registration; Tonnage Fee.**—

2 Every manufacturer who shall sell, offer or expose for sale
3 or distribute in this state any commercial feeding stuff,
4 shall, before the same is sold, offered or exposed for sale
5 or distributed, obtain from the commissioner of agricul-
ture a certificate of registration for each brand of such commercial feeding stuffs. The commissioner of agriculture shall have full power, and is hereby authorized and required to cancel and withdraw any certificate upon satisfactory evidence that the law or any rules and regulations covering the sale of commercial feeding stuffs have been violated by the holder of the same. The commissioner shall not issue any certificate of registration except upon the filing with the commissioner of a certified copy of the statement specified in section two, of this article, for each brand of commercial feeding stuffs, accompanied by a fee of one dollar for each brand: Provided, however, That any change shall require a new registration.

For the purpose of defraying the expense of sampling, inspection, laboratory analyses and the enforcement of this article, a fee of fifteen cents per ton shall be paid to the commissioner of agriculture on all commercial feeding stuffs sold, offered or exposed for sale in this state in bulk or enclosed in primary packages or containers of ten pounds or more. In primary packages of less than ten pounds the fee shall be five cents per hundred pounds.
The commissioner of agriculture shall furnish suitable forms on which each person, firm, corporation or manufacturer shall make a sworn statement setting forth the net weight by brand names and kinds of all commercial feeding stuffs sold in this state. The payment of the fees and the sworn statement herein provided shall be made to the commissioner of agriculture on or before the twentieth day of January and July of each year, covering the preceding six months period. The commissioner of agriculture shall and he is hereby authorized to exempt any commercial feeding stuffs on which satisfactory evidence has been submitted that the tonnage fee as herein provided has been paid. In lieu of the foregoing manner of collecting fees, the commissioner may, and he is hereby authorized to permit any person, firm, corporation or manufacturer to use fee stamps or tags, or to require any person, firm, corporation or manufacturer to use fee stamps or tags to be obtained from the commissioner and attached to each package or container of commercial feeding stuffs before the same is sold, offered or exposed for sale or distributed in this state.
All moneys collected under the provisions of this article shall be deposited with the state treasurer in a "Special Revenue Account", and shall be expended upon order of the commissioner of agriculture.

Sec. 9. Commissioner of Agriculture to Enforce Article; Rules and Regulations; Set Standards; Issue and Enforce "Stop Sale" Order; Authority to Enter on Premises.—The commissioner of agriculture is hereby charged with the enforcement of the provisions of this article, and is empowered to prescribe and enforce rules and regulations consistent with this article in carrying out its provisions. The commissioner is hereby authorized to fix minimum and/or maximum standards or requirements covering all nutritive values and elements affecting nutrition, and to prohibit and to prevent the use of worthless, deleterious or harmful ingredients. A certification by the United States Department of Agriculture indicating federal inspection at source may be accepted by the commissioner as meeting West Virginia requirements.

Whenever it appears that any commercial feeding stuff is being offered or exposed for sale in this state in viola-
tion of any of the provisions of this article, the commis-
sioner is hereby authorized to issue a written or printed
"Stop Sale" order or "Embargo", and it shall be unlawful
for any person, firm, corporation or manufacture to per-
mit any such commercial feed to be moved or disposed of
in any manner except upon written order of the commis-
sioner of agriculture or by court order. The commis-
sioner shall cause notice of such violation to be given
to the person affected thereby, and any person so notified
shall be given an opportunity to be heard under such
rules and regulations as the commissioner may prescribe.
After such hearing if it still further appears that any of
the provisions of this article have been violated, the com-
missioner may institute proceedings in any court of com-
petent jurisdiction for the disposal of such commercial
feeding stuffs.
Nothing contained in this act shall prevent any person
from appealing from the commissioner's decision, and
the circuit court of the county in which the alleged in-
fraction occurred shall have jurisdiction thereof.
The commissioner or his agent shall have free access
to all places of business, mills, buildings and conveyances
of any kind used in the transportation, importation, manu-
ufacture, sale or storage of any commercial feeding stuffs,
with power and authority to open any parcel containing
or supposed to contain any commercial feeding stuffs, and
upon full payment of the selling price, to take therefrom
samples for analyses, and to examine the books and all
records pertaining to the shipment, manufacture, sale or
distribution of any commercial feeding stuffs.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Forest L. McMeen
Chairman Senate Committee

R. L. Matthews
Chairman House Committee

Originated in the House of Delegates

Takes effect Ninety days from passage.

Thomas Myers
Clerk of the Senate

Clerk of the House of Delegates

Arnold M. Wickens
President of the Senate

John E. Amos
Speaker House of Delegates

The within approved this the 13
day of ___ 1947.

Governor.

Filed in the Office of the Secretary of State
of West Virginia
MAR 13 1947
WILLIAM C. CRAMER, SECRETARY OF STATE