WEST VIRGINIA LEGISLATURE
FIRST EXTRAORDINARY SESSION, 1961

ENROLLED

HOUSE BILL No...........

(By Mr. [Signature])

PASSED June 15 1961

In Effect July 1 1961 Passage

Filed in Office of the Secretary of State of West Virginia JUN 21 1961
JOE F. BURDETT
SECRETARY OF STATE
ENROLLED

House Bill No. 12
(By MR. SPEAKER, MR. SINGLETON)

[Passed June 15, 1961; in effect July 1, 1961.]

AN ACT to amend and reenact section four, article sixteen-a, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to registration fees for pesticides.

Be it enacted by the Legislature of West Virginia:

That section four, article sixteen-a, 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 4. Registration. — A. Every economic poison which is distributed, sold, or offered for sale within this state or delivered for transportation or transported in intrastate commerce or between points within this state through any point outside this state shall be registered in the office of the commissioner, and such registration shall be renewed annually: Provided, That products
which have the same formula, are manufactured by the same person, the labeling of which contains the same claims, and the labels of which bear a designation identifying the product as the same economic poison may be registered as a single economic poison; and additional names and labels shall be added by supplement statements during the current period of registration. The period of registration shall be for one year, beginning January one and ending December thirty-one of that year. The registrant shall file with the commissioner a statement including:

1. The name and address of the registrant and the name and address of the person whose name will appear on the label, if other than the registrant;

2. The name of the economic poison;

3. A complete copy of the labeling accompanying the economic poison and a statement of all claims to be made for it including directions for use; and

4. If requested by the commissioner a full description of the tests made and the results thereof upon which the claims are based, and the analytical method or methods
employed in determining the percentage of each active
ingredient listed on the label to be registered. In the
case of renewal of registration, a statement shall be re-
quired only with respect to information which is differ-
ent from that furnished when the economic poison was
registered or last registered.

B. The registrant shall pay an annual fee of ten dollars
for each of the first twenty economic poisons registered
and five dollars for each additional label registered. Such
fees to be deposited in the treasury of the state and to
the credit of a special fund to be used only for carrying
out the provisions of this article, and shall be expended
upon order of the commissioner of agriculture.

C. The commissioner, whenever he deems it necessary
in the administration of this article, may require the sub-
mission of the complete formula of any economic poison.
If it appears to the commissioner that the composition
of the item is such as to warrant the proposed claims for
it and if the item and its labeling and other material
required to be submitted to comply with the requirements
of section three of this article, he shall register the item.
D. If it does not appear to the commissioner that the item is such as to warrant the proposed claims for it or if the item and its labeling and other material required to be submitted do not comply with the provisions of this article, he shall notify the registrant of the manner in which the item, labeling, or other material required to be submitted fails to comply with this article so as to afford the registrant an opportunity to make the necessary corrections. If, upon receipt of such notice, the registrant insists that such corrections are not necessary and requests in writing that the item be registered, a review of this matter may be brought before a board of review.

1. The board of review shall consist of five individual members.

a. Two of these members shall be appointed by the dean of the college of agriculture, forestry and home economics of West Virginia University.

b. One member of the board of review shall be appointed by the commissioner of agriculture.

c. One member of the board of review shall be appointed by the registrant.
d. One member of the board of review shall be appointed by the governor of the state of West Virginia and shall act as chairman.

2. This board shall have the power to subpoena witnesses and employ competent help.

3. The decision of this board of review shall be final.

4. All expenses of the board shall be paid by the commissioner, except all salaries, fees and expenses accrued by the appointee of the registrant.

E. In order to protect the public, the commissioner, on his own motion, may at any time, cancel the registration of an economic poison.

F. Notwithstanding any other provisions of this article, registration is not required in the case of an economic poison shipped from one plant within this state to another plant within this state operated by the same person.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the House.

Takes effect July 1, 1961, upon passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within appeared this the 21st day of June, 1961.

[Signature]
Governor

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JOE F. BURDETT
SECRETARY OF STATE