

WEST VIRGINIA LEGISLATURE

FIRST EXTRAORDINARY SESSION, 1961

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ENROLLED

HOUSE BILL No....12.....

(By Mr. Speaker, Mr. Lupton)

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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
2 which is distributed, sold, or offered for sale within this
3 state or delivered for transportation or transported in
4 intrastate commerce or between points within this state
5 through any point outside this state shall be registered
6 in the office of the commissioner, and such registration
7 shall be renewed annually: *Provided, That* products

8 which have the same formula, are manufactured by the
9 same person, the labeling of which contains the same
10 claims, and the labels of which bear a designation identi-
11 fying the product as the same economic poison may be
12 registered as a single economic poison; and additional
13 names and labels shall be added by supplement state-
14 ments during the current period of registration. The
15 period of registration shall be for one year, beginning
16 January one and ending December thirty-one of that
17 year. The registrant shall file with the commissioner a
18 statement including:

- 19 1. The name and address of the registrant and the name
20 and address of the person whose name will appear on
21 the label, if other than the registrant;
- 22 2. The name of the economic poison;
- 23 3. A complete copy of the labeling accompanying the
24 economic poison and a statement of all claims to be made
25 for it including directions for use; and
- 26 4. If requested by the commissioner a full description
27 of the tests made and the results thereof upon which the
28 claims are based, and the analytical method or methods

29 employed in determining the percentage of each active
30 ingredient listed on the label to be registered. In the
31 case of renewal of registration, a statement shall be re-
32 quired only with respect to information which is differ-
33 ent from that furnished when the economic poison was
34 registered or last registered.

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

42 C. The commissioner, whenever he deems it necessary
43 in the administration of this article, may require the sub-
44 mission of the complete formula of any economic poison.
45 If it appears to the commissioner that the composition
46 of the item is such as to warrant the proposed claims for
47 it and if the item and its labeling and other material
48 required to be submitted to comply with the requirements
49 of section three of this article, he shall register the item.

50 D. If it does not appear to the commissioner that the
51 item is such as to warrant the proposed claims for it or
52 if the item and its labeling and other material required to
53 be submitted do not comply with the provisions of this
54 article, he shall notify the registrant of the manner in
55 which the item, labeling, or other material required to
56 be submitted fails to comply with this article so as to
57 afford the registrant an opportunity to make the neces-
58 sary corrections. If, upon receipt of such notice, the reg-
59 istrant insists that such corrections are not necessary and
60 requests in writing that the item be registered, a review
61 of this matter may be brought before a board of review.

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

64 a. Two of these members shall be appointed by the
65 dean of the college of agriculture, forestry and home eco-
66 nomics of West Virginia University.

67 b. One member of the board of review shall be ap-
68 pointed by the commissioner of agriculture.

69 c. One member of the board of review shall be ap-
70 pointed by the registrant.

71 d. One member of the board of review shall be ap-
72 pointed by the governor of the state of West Virginia
73 and shall act as chairman.

74 2. This board shall have the power to subpoena wit-
75 nesses and employ competent help.

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

77 4. All expenses of the board shall be paid by the
78 commissioner, except all salaries, fees and expenses ac-
79 crued by the appointee of the registrant.

80 E. In order to protect the public, the commissioner,
81 on his own motion, may at any time, cancel the registra-
82 tion of an economic poison.

83 F. Notwithstanding any other provisions of this ar-
84 ticle, registration is not required in the case of an eco-
85 nomic poison shipped from one plant within this state to
86 another plant within this state operated by the same
87 person.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

the foregoing bill is correctly enrolled.

James Davis, 2nd
Chairman Senate Committee

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Mrs. H. H. Hathorne
Chairman House Committee

Originated in the House.

Takes effect July 1, 1961 passage.

John H. Thompson
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard W. Carson
President of the Senate

Julius W Singleton, Jr
Speaker House of Delegates

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


Governor

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

