WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1963

ENROLLED

HOUSE BILL No. 435

(By Mr. Knight and Mrs. Steibert)

PASSED February 28, 1963

In Effect 90 days after Passage

Filed in Office of the Secretary of State of West Virginia 3-9-63
JOE F. BURDETT
SECRETARY OF STATE
AN ACT to amend chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article nine-a, relating to the feeding of untreated garbage to swine.

Be it enacted by the Legislature of West Virginia:

That chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article nine-a, to read as follows:

Article 9-a. Feeding of Untreated Garbage to Swine.

Section 1. Definitions.—The following words shall have the meanings ascribed to them in this section, unless the
context otherwise requires or a different meaning is specifically prescribed:

(a) "Garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of foods including animal carcasses or parts thereof;

(b) "Persons" means the state, any municipality, political subdivision, institution, public or private corporation, individual, partnership, or other entity;

(c) "Commissioner" means the state commissioner of agriculture or his authorized agents.

Sec. 2. Permit for Feeding Garbage to Swine.—(a) No person shall feed garbage to swine without first securing a permit to do so from the commissioner. Such permits shall be renewed annually. The fee for obtaining such permit shall be five dollars.

(b) This article shall not apply to any person who feeds only his own household garbage to swine which are raised for such person's own use.

Sec. 3. Application for Permit.—Any person desiring to obtain a permit to feed garbage to swine or to renew
the same shall make written application therefor to the
commissioner on forms provided by the commissioner.

Sec. 4. Revocation of Permit.—Upon determination by
the commissioner that any person holding such permit,
or who has applied for a permit hereunder, has violated
or failed to comply with any of the provisions of this
article, or any of the rules or regulations promulgated
thereunder, the commissioner may revoke such permit
or refuse to issue a permit to such applicant.

Sec. 5. Cooking or Other Treatment.—All garbage,
regardless of previous processing, shall, before being fed
to swine, be thoroughly heated to at least 212° F. for at
least thirty minutes, unless treated in some other manner
which shall be approved in writing by the commissioner
as being equally effective for the protection of public
health and control of livestock diseases.

Sec. 6. Inspection and Investigation; Maintenance of
Records.—(a) Any authorized representative of the com-
missioner shall have the power to enter at reasonable
times upon any private or public property for the purpose
of inspecting and investigating conditions relating to the
treating of garbage to be fed to swine.
(b) The commissioner may require maintenance of records relating to the operating of equipment for and procedure of treating garbage to be fed to swine and any authorized representative of the commissioner may examine any such records or memoranda pertaining to the feeding of garbage to swine. Copies of such records shall be submitted to the commissioner upon request.

Sec. 7. Enforcement of Article; Rules and Regulations. The commissioner is hereby charged with administration and enforcement of the provisions of this article, and is authorized to make and enforce all rules and regulations which the commissioner may deem necessary to carry out the purposes of the article.

Sec. 8. Penalties.—Any person who shall violate any of the provisions of, or who fails to perform any duty imposed by, this article, or who violates any rule or regulation promulgated thereunder shall be guilty of a misdemeanor, and upon conviction thereof may be punished by a fine of not less than twenty-five dollars nor more than three hundred dollars, or by imprisonment for a
term of not more than one year, or by both such fine and
imprisonment. In addition thereto, such person may be
enjoined from continuing such violation. Each day upon
which such violation occurs shall constitute a separate
violation of this article.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

O. Roy Parker  
Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect ___________ passage.

J. Howard Hege  
Clerk of the Senate

Clerk of the House of Delegates

Howard W. Carson  
President of the Senate

Julius W. Bingaman  
Speaker House of Delegates

The within approved this the ___________ day of _____________, 1963.

John B. Brown  
Governor