

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1963



ENROLLED

HOUSE BILL No. 435

(By Mr. Knight and Mr. Seibert)



PASSED Feb. 28 1963

In Effect 90 days Passage



Filed in Office of the Secretary of State
of West Virginia 3-9-63

JOE F. BURDETT
SECRETARY OF STATE

435

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House Bill No. 435

(By MR. KNIGHT and MR. SEIBERT)

[Passed February 28, 1963; in effect ninety days from passage.]

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
2 the meanings ascribed to them in this section, unless the

3 context otherwise requires or a different meaning is
4 specifically prescribed:

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

9 (b) "Persons" means the state, any municipality, po-
10 litical subdivision, institution, public or private corpor-
11 ation, individual, partnership, or other entity;

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

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

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

Sec. 3. Application for Permit.—Any person desiring
2 to obtain a permit to feed garbage to swine or to renew

3 the same shall make written application therefor to the
4 commissioner on forms provided by the commissioner.

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

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

**Sec. 6. Inspection and Investigation; Maintenance of
2 Records.**—(a) Any authorized representative of the com-
3 missioner shall have the power to enter at reasonable
4 times upon any private or public property for the purpose
5 of inspecting and investigating conditions relating to the
6 treating of garbage to be fed to swine.

7 (b) The commissioner may require maintenance of
8 records relating to the operating of equipment for and
9 procedure of treating garbage to be fed to swine and
10 any authorized representative of the commissioner
11 may examine any such records or memoranda per-
12 taining to the feeding of garbage to swine. Copies of
13 such records shall be submitted to the commissioner
14 upon request.

Sec. 7. Enforcement of Article; Rules and Regulations.

2 —The commissioner is hereby charged with administra-
3 tion and enforcement of the provisions of this article,
4 and is authorized to make and enforce all rules and regu-
5 lations which the commissioner may deem necessary to
6 carry out the purposes of the article.

Sec. 8. Penalties.—Any person who shall violate any
2 of the provisions of, or who fails to perform any duty
3 imposed by, this article, or who violates any rule or regu-
4 lation promulgated thereunder shall be guilty of a mis-
5 demeanor, and upon conviction thereof may be punished
6 by a fine of not less than twenty-five dollars nor more
7 than three hundred dollars, or by imprisonment for a

8 term of not more than one year, or by both such fine and
9 imprisonment. In addition thereto, such person may be
10 enjoined from continuing such violation. Each day upon
11 which such violation occurs shall constitute a separate
12 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

Esther L. Crandall
Chairman House Committee

Originated in the House.

Takes effect 90 days passage.

Howard Meyer
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard W. Carson
President of the Senate

Julius W. Sigletun Jr.
Speaker House of Delegates

The within Approved this the 8th
day of March, 1963.

W. M. Baum
Governor

