WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1975

ENROLLED

HOUSE BILL No. 967

(By Mrs. Mathew and Mr. Ballou)

PASSED February 21, 1975

In Effect ninety days from Passage
ENROLLED

H. B. 967

(By Mrs. Withrow and Mr. Ballouz)

[Passed February 21, 1975; in effect ninety days from passage.]

AN ACT to amend and reenact sections three and five, article eleven, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to standards for milk and milk products and dairy products; permits for the manufacture or purchase of milk and cream.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 11. MILK AND MILK PRODUCTS.


1 (a) The commissioner shall establish definitions and standards by regulation, pursuant to the provisions of chapter twenty-nine-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, for milk and milk products and dairy products, including but not limited to milk, skimmed milk, buttermilk, cultured buttermilk, condensed and sweetened condensed milk, condenced skimmed milk, sweetened condensed skimmed milk, dried milk, dried skimmed milk, sweet cream, butter, cheese, half and half, cottage cheese, creamed cottage cheese, homogenized milk, vitamin D milk, ice cream, ice milk and mellorine except that:

12 (1) No standard so established shall be less than that for the same item as established by the food and drug administration
of the federal department of health, education and welfare; and

(2) The terms "pasteurization" and "pasteurized" and similar terms shall refer to the process of heating every particle of milk or milk products to at least one hundred forty-five degrees Fahrenheit, and holding it at such temperature continuously for at least thirty minutes, or to at least one hundred sixty-one degrees Fahrenheit, and holding it at the same temperature continuously for at least fifteen seconds, in approved and properly operated equipment: Provided, That nothing contained in this definition shall be construed as barring any other process which has been demonstrated to be equally efficient and which is approved by the commissioner of agriculture and state director of health.

(b) It shall be unlawful for any person to manufacture, offer or expose for sale or exchange, or have in his possession with intent to sell, offer or expose for sale or exchange, any milk or milk products that do not conform to rules and regulations issued under subsection (a) and by the West Virginia board of health.

§19-11-5. Permit for the manufacture or purchase of milk and cream.

(a) Each person, firm, partnership, corporation, company, cooperative or association receiving, buying, paying for milk or cream, regardless of the method of settlement, shall secure from the commissioner of agriculture a permit for each and every place where milk or cream is received by weight or measure.

(b) Application for a permit shall be made to the commissioner on forms supplied by the commissioner.

(c) Each application for a permit shall be accompanied by a fee of five dollars.

(d) Permits shall expire on the thirtieth day of June, following date of issue unless sooner revoked by the commissioner.

(e) The commissioner may revoke any permit when provisions of this article of the regulations issued thereunder have
been violated, after a hearing in accordance with the provisions
of article five, chapter twenty-nine-a of the code of West Vir-
ginia, one thousand nine hundred thirty-one, as amended.
(f) Permits shall be procured by such persons, firms,
partnerships, corporations, companies, cooperatives or associ-
tions manufacturing, processing or distributing milk, milk
products and dairy products in the state except that this
provision shall not apply to individuals buying milk or milk
products or dairy products for private use, or to retail stores,
hotels, restaurants or drug stores who do not operate a
dispensing freezer for the manufacture of frozen desserts for
sale to the general public.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Governor
Chairman House Committee

Originated in the House.
Takes effect ninety days from passage.

J. W. Beall
Clerk of the Senate

W. F. Battle Jr.
Clerk of the House of Delegates

President of the Senate

W. F. Manna
Speaker House of Delegates

The within ____________ approved this the ____________ day of ____________, 1975.

Auburn Davis
Governor
PRESENTED TO THE GOVERNOR

Date 2/26/75
Time 5:20 p.m.