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OFFICE OF
SECRETARY OF STATE
CHARLESTON, WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1976



ENROLLED

Committee Substitute for

HOUSE BILL No. 1541

(By Mr. Shiflet & Mr. Outry)



PASSED March 12, 1976

In Effect ninety days from Passage



FILED IN THE OFFICE
JAMES R. McCARTNEY
SECRETARY OF STATE

THIS DATE 3/26/76

1541

ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 1541

(By MR. SHIFLET and MR. ARTRIP)

(Originating in the House Committee on Health and Welfare)

[Passed March 12, 1976; in effect ninety days from passage.]

AN ACT to amend and reenact section five, article seven, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to suspension or revocation of dairy operations; hearings required; deficiencies to be corrected; and clear and present health hazard may result in immediate suspension.

Be it enacted by the Legislature of West Virginia:

That section five, article seven, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 7. PURE FOOD AND DRUGS.

§16-7-5. Regulations by state board of health as to milk and milk products.

1 The West Virginia board of health shall adopt regulations
2 to provide clean and safe milk and fresh milk products, and,
3 when promulgated, these regulations shall be the minimum
4 requirements to be enforced by local health authorities through-
5 out the state: *Provided*, That except in any case where the

6 milk or milk product involved creates, or appears to create, an
7 imminent hazard to the public health, or in any case of a will-
8 ful refusal to permit an authorized inspection, that any
9 regulations promulgated by the board of health shall provide
10 that prior to any suspension or revocation of a permit issued
11 to any dairy farm, milk plant, receiving station, transfer sta-
12 tion and distribution station, the holder of such permit shall be
13 served with a written notice to suspend or revoke such permit;
14 which notice shall specify with particularity the violations in
15 question and afford the holder reasonable opportunity to cor-
16 rect such violations: *Provided, however,* That the proposed
17 order to deny, suspend or revoke a permit shall not be
18 effective until notice in writing has been delivered to the holder
19 of such permit who shall have forty-eight hours therefrom in
20 which to make application to the county health officer for
21 a hearing thereon. The county health officer shall, within
22 seventy-two hours of receipt of such application, give a notice
23 in writing to the holder of such permit setting forth the
24 time and place of the hearing and proceed to a hearing to
25 ascertain the facts of such violation and upon evidence
26 presented at such hearing shall affirm, modify or rescind the
27 proposed order to suspend. A copy of such regulations shall
28 be furnished to the commissioner of agriculture for his guidance
29 in performing any duties with relation to milk and milk pro-
30 ducts imposed on him by law.

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

James L. Davis

Chairman Senate Committee

Clarence C. Chumley, Jr.

Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. Croilan, Jr.

Clerk of the Senate

A. Blankenship

Clerk of the House of Delegates

H. B. B. B. B.

President of the Senate

Lewis F. M. Thomas

Speaker House of Delegates

The within *approved* this the *24th*
day of *March*, 1976.

Richard Rouse III

Governor



PRESENTED TO THE
GOVERNOR

Date 3/19/76

Time 4:40 p.m.