WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1976

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ENROLLED

Committee Substitute for
HOUSE BILL No. 1541

(By Mr. Shiflet & Mr. Atchley)

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PASSED March 12, 1976

In Effect ninety days from Passage

FILED IN THE OFFICE
JAMES R. McCARThY
SECRETARY OF STATE
THIS DATE 3/26/76

C 641
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 to provide clean and safe milk and fresh milk products, and, when promulgated, these regulations shall be the minimum requirements to be enforced by local health authorities throughout the state: Provided, That except in any case where the
milk or milk product involved creates, or appears to create, an imminent hazard to the public health, or in any case of a willful refusal to permit an authorized inspection, that any regulations promulgated by the board of health shall provide that prior to any suspension or revocation of a permit issued to any dairy farm, milk plant, receiving station, transfer station and distribution station, the holder of such permit shall be served with a written notice to suspend or revoke such permit; which notice shall specify with particularity the violations in question and afford the holder reasonable opportunity to correct such violations: Provided, however, That the proposed order to deny, suspend or revoke a permit shall not be effective until notice in writing has been delivered to the holder of such permit who shall have forty-eight hours therefrom in which to make application to the county health officer for a hearing thereon. The county health officer shall, within seventy-two hours of receipt of such application, give a notice in writing to the holder of such permit setting forth the time and place of the hearing and proceed to a hearing to ascertain the facts of such violation and upon evidence presented at such hearing shall affirm, modify or rescind the proposed order to suspend. A copy of such regulations shall be furnished to the commissioner of agriculture for his guidance in performing any duties with relation to milk and milk products imposed on him by law.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

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

Governor
PRESENTED TO THE
GOVERNOR

Date 3/19/96
Time 4:40 p.m.