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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1992

— ● —

ENROLLED

Com Sub. For
HOUSE BILL No. 2816

(By Delegates *Mezzatesta and D. Miller*)

— ● —

Passed *March 5* 1992

In Effect *Ninety Days From* Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2816
(By DELEGATES MEZZATESTA AND D. MILLER)

[Passed March 5, 1992; 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 twenty-nine, relating to the production of nontraditional agriculture products; definitions; promulgation of rules; responsibility for damages; penalties.

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 twenty-nine, to read as follows:

ARTICLE 29. PRODUCTION OF NONTRADITIONAL AGRICULTURE PRODUCTS.

§19-29-1. Nontraditional agriculture; authority.

1 The commissioner of agriculture is hereby empowered
2 and shall devise means of advancing the nontraditional
3 agricultural products in the state, and in the performance of such duty, he/she shall have the authority to
4 call upon any department, division, or officer of the state
5 or county to cooperate with him/her in promoting
6 nontraditional agricultural products in the state.
7

8 These nontraditional products are to be considered as
9 agricultural activities.

10 Only after consultation with the division of natural
11 resources and the department of health and human
12 resources, the commissioner shall promulgate rules, in
13 accordance with chapter twenty-nine-a of this code, for
14 the promotion, marketing, and regulation of nontradi-
15 tional agriculture.

16 The commissioner shall have the authority under this
17 article to restrict the importation and commercial
18 production of any species of nontraditional agriculture
19 which in his/her opinion is not in the best interest of the
20 industry or of the public.

21 Nothing in this article shall affect the division of
22 natural resources' authority as provided in articles one,
23 two, three, and seven, chapter twenty of this code.

§19-29-2. Definitions.

1 (a) "Aquaculture" means the commercial production
2 of fish and/or other aquatic life.

3 (b) "Commissioner" means the commissioner of
4 agriculture or his/her designee.

5 (c) "Domestic purposes" means for the purposes of food
6 production, for resale as breeding stock or for the sale
7 of immature stock for the purposes of further feeding.

8 (d) "Nontraditional agriculture" means the production
9 of animals domesticated from wild stock, either native
10 or nonnative, and are being confined, bred, and/or fed
11 for domestic purposes, except that white-tailed deer
12 (*Odocoileus virginianus*) and all its subspecies shall not
13 be included; aquaculture; or other agricultural products
14 as defined in this article.

§19-29-3. Health requirements.

1 Only after consultation with the division of natural
2 resources and the department of health and human
3 resources, the commissioner shall promulgate rules, in
4 accordance with chapter twenty-nine-a of this code,
5 dealing with the health standards for nontraditional

6 agriculture.

§19-29-4. Inspection of animals, meat and meat products.

1 The commissioner shall promulgate rules, in accor-
2 dance with chapter twenty-nine-a of this code, to include
3 inspection of the meat from nontraditional agriculture
4 intended for sale in commercial outlets. All nontradi-
5 tional agriculture needing to be slaughtered shall be
6 slaughtered in an inspected slaughterhouse.

§19-29-5. Owners' responsibilities.

1 It is the responsibility of the owner to take all
2 reasonable action to maintain the nontraditional agricul-
3 ture on property owned or leased by the owner,
4 including the construction of fences or other barriers
5 and housing of a suitable design. Owners of nontradi-
6 tional agriculture shall be responsible for damages and
7 subject to fines as set out in article eighteen of this
8 chapter.

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

Lomer Heck

Chairman Senate Committee

Ernest C. Moore

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Harold E. Holmes

Clerk of the Senate

Donald G. Kopp

Clerk of the House of Delegates

Neill Sundt

President of the Senate

Robert C. Cole

Speaker of the House of Delegates

The within is approved this the 17th
day of March, 1992.

Gaston Caperton

Governor

PRESENTED TO THE

GOVERNOR

Date 3/13/92

Time 4:16 pm