WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 1992

ENROLLED
Com 3 sub. for
HOUSE BILL No. 2816...

(By Delegates Mezzatesta and O'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 and shall devise means of advancing the nontraditional agricultural products in the state, and in the performance of such duty, he/she shall have the authority to call upon any department, division, or officer of the state or county to cooperate with him/her in promoting nontraditional agricultural products in the state.
These nontraditional products are to be considered as agricultural activities.

Only after consultation with the division of natural resources and the department of health and human resources, the commissioner shall promulgate rules, in accordance with chapter twenty-nine-a of this code, for the promotion, marketing, and regulation of nontraditional agriculture.

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

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


(a) “Aquaculture” means the commercial production of fish and/or other aquatic life.

(b) “Commissioner” means the commissioner of agriculture or his/her designee.

(c) “Domestic purposes” means for the purposes of food production, for resale as breeding stock or for the sale of immature stock for the purposes of further feeding.

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

§19-29-3. Health requirements.

Only after consultation with the division of natural resources and the department of health and human resources, the commissioner shall promulgate rules, in accordance with chapter twenty-nine-a of this code, dealing with the health standards for nontraditional
§19-29-4. Inspection of animals, meat and meat products.

1 The commissioner shall promulgate rules, in accordance with chapter twenty-nine-a of this code, to include inspection of the meat from nontraditional agriculture intended for sale in commercial outlets. All nontraditional agriculture needing to be slaughtered shall be slaughtered in an inspected slaughterhouse.

§19-29-5. Owners' responsibilities.

1 It is the responsibility of the owner to take all reasonable action to maintain the nontraditional agriculture on property owned or leased by the owner, including the construction of fences or other barriers and housing of a suitable design. Owners of nontraditional agriculture shall be responsible for damages and subject to fines as set out in article eighteen of this chapter.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Homer Heck
Chairman Senate Committee

Ernest E. Moore
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Harrington Williams
Clerk of the Senate

Donald T. Kopp
Clerk of the House of Delegates

Lutie Pennington
President of the Senate

Bob Cascarano
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