WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 2552

BY DELEGATES ROHRBACH, LOVEJOY, WAGNER,
HARTMAN, AMBLER, MARCUM, ROWAN, LYNCH,
FLEISCHAUER, OVERINGTON AND WHITE

[Passed April 8, 2017; in effect ninety days from passage.]
Enr. CS for HB 2552

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AN ACT to amend and reenact §19-14-4 and §19-14-5 of the Code of West Virginia, 1931, as amended, all relating to temporarily increasing pet food registration fees; directing that the additional money be deposited into the West Virginia Spay Neuter Assistance Fund; requiring spay and neuter services purchased with these funds be performed within the state.

Be it enacted by the Legislature of West Virginia:

That §19-14-4 and §19-14-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 14. WEST VIRGINIA COMMERCIAL FEED LAW.

§19-14-4. Special revenue fund.

Except as otherwise provided in this article, all fees and penalties collected under the provisions of this article shall be deposited with the state Treasurer in a special revenue account. Such moneys shall be expended by the commissioner of agriculture for inspection, sampling, analysis, and other expenses necessary for the administration of this article.

§19-14-5. Permits; registration.

(a) Permits and registrations shall not be transferrable with respect to persons or locations.

(b) A person must apply for a permit or registration at least fifteen days prior to the expiration of the current permit or registration expires; or at least fifteen days prior to the date that the person intends to engage in business or market products in this state. All applications shall be accompanied by the fee established in this section. A penalty of $2 shall be added to the fee for all permits or registrations that are not applied for or renewed within the time limit.

(c) Persons manufacturing commercial feed or customer-formula feed in this state must obtain a Commercial Feed Manufacturing Permit, except all persons manufacturing feed for only his/her animals on his/her premises. Application forms shall be provided by the commissioner and include such information as established by rules. A separate permit shall be obtained for each manufacturing facility or location in this state. Each Commercial Feed Manufacturing Permit
application shall be accompanied by an application fee of $15. Each permit issued shall expire on
December 31, next following the date of issue.

(d) Each person first distributing commercial feed into West Virginia trade channels must
obtain a Commercial Feed Distributor Permit, except: (1) Persons distributing pet food exclusively,
(2) persons holding a valid Commercial Feed Manufacturing Permit, and (3) persons distributing
only those feeds that they register. Application forms shall be provided by the commissioner and
include such information as established by rules. Each Commercial Feed Distributor Permit
application shall be accompanied by an application fee of $10. Each permit issued shall expire on
December 31, next following the date of issue.

(e) All commercial feed distributed or used in this state, except customer-formula feed,
must be registered. Commercial feed that can be uniquely identified by its brand name, product
name, physical form or other descriptive term shall be registered as a separate product.
Commercial feed that is packaged in such weights as to apply to several categories shall be
registered in each applicable category. Application forms shall be provided by the commissioner
and include such information as established by rules.

(1) Commercial feed, other than pet food, in packages over ten pounds or bulk shall be
registered permanently. A registration fee of $10 per product shall accompany each application
for registration, except that there will be no fee for a revision of a commercial feed already on file
that involves a change in the net weight, a change in the list of ingredients, and/or a change in
the guarantee for vitamins or minerals.

(2) On the thirty-first day of August, 1991, permanent registrations for pet food in packages
over ten pounds are void and application for registration and payment of fees will be required. Pet
food, including specialty pet foods, in packages over ten pounds or bulk shall be registered
annually. A registration fee of $50 per product shall accompany each application for registration.
The registration shall expire on the thirty-first day of August next following the date of issue:

Provided, That until June 30, 2027, an additional registration fee of $50 per product shall
accompany each application for registration and the additional registration fee shall be deposited
into the West Virginia Spay Neuter Assistance Fund for spay and neutering services performed
within this state by licensed veterinarians.

(3) Commercial feed, excluding specialty pet food in packages of one pound or less, in
packages of ten pounds and under shall be registered annually. A registration fee of $40 per
product shall accompany each application for registration. The registration shall expire on
December 31, next following the date of issue: Provided, That until June 1, 2027, an additional
registration fee of $35 per product shall accompany each application for registration and the
additional registration fee shall be deposited into the West Virginia Spay Neuter Assistance Fund
for spay and neutering services performed within this state by licensed veterinarians.

(4) Specialty pet food in packages of one pound or less shall be registered annually. A
registration fee of $20 per product shall accompany each application for registration. The
registration shall expire on December 31, next following the date of issue.

(f) A person is not required to register any brand name or product name of commercial
feed which is already registered by another person.

(g) Alteration of commercial feed that changes the label requires a new application for a
Commercial Feed Registration be made and approved before distribution.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Vice Chairman, House Committee

Member Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within is approved this the 20th day of April, 2017.

Governor
PRESENTED TO THE GOVERNOR

APR 21 1971

Time 1:53 pm