

Senate Bill No. 313

(By Senator Kessler (Acting President) and Stollings)

[Introduced January 27, 2011; referred to the Committee on
Agriculture; and then to the Committee on Finance.]

A BILL to amend and reenact §19-14-5 of the Code of West Virginia, 1931, as amended, relating to providing moneys from an additional commercial feed distributor fee assessed to commercial feed distributors to fund a statewide spay and neuter program; and creating the Spay Neuter Assistance Fund.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 14. WEST VIRGINIA COMMERCIAL FEED LAW.

§19-14-5. Permits; registration.

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

(b) A person must apply for a permit or registration at least fifteen days ~~prior to~~ before the expiration of the current permit

1 or registration expires; or at least fifteen days ~~prior to~~ before
2 the date that the person intends to engage in business or market
3 products in this state. All applications shall be accompanied by
4 the fee established in this section. A penalty of \$2 shall be
5 added to the fee for all permits or registrations that are not
6 applied for or renewed within the time limit.

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

17 (d) Each person first distributing commercial feed into West
18 Virginia trade channels must obtain a Commercial Feed Distributor
19 Permit, except: (1) Persons distributing pet food exclusively, (2)
20 persons holding a valid Commercial Feed Manufacturing Permit, and
21 (3) persons distributing only those feeds that they register.
22 Application forms shall be provided by the commissioner and include
23 such information as established by rules. Each Commercial Feed
24 Distributor Permit application shall be accompanied by an

1 application fee of \$10: Provided, That the commissioner shall
2 establish by rule an additional Commercial Feed Distributor Permit
3 fee of not less than \$5 per year to be deposited in the Spay Neuter
4 Assistance Fund hereby created, for the purposes of funding the
5 Spay Neuter Assistance Program of West Virginia, Inc., a 26 U.S.C.
6 §501(c)(3) nonprofit corporation: Provided, however, That this
7 fund also consists of moneys from gifts, donations or any
8 appropriations by the Legislature. Each permit issued ~~shall expire~~
9 expires on December 31 next following the date of issue.

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

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

1 (2) ~~On August 31, 1991, permanent registrations for pet food~~
2 ~~in packages over ten pounds are void and application for~~
3 ~~registration and payment of fees will be required.~~ Pet food,
4 including specialty pet foods, in packages over ten pounds or bulk
5 shall be registered annually. A registration fee of \$50 per
6 product shall accompany each application for registration. The
7 registration ~~shall expire~~ expires on August 31 next following the
8 date of issue.

9 (3) Commercial feed, excluding specialty pet food in packages
10 of one pound or less, in packages of ten pounds and under shall be
11 registered annually. A registration fee of \$40 per product shall
12 accompany each application for registration. The registration
13 ~~shall expire~~ expires on December 31 next following the date of
14 issue.

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

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

23 (g) Alteration of commercial feed that changes the label
24 requires a new application for a Commercial Feed Registration be

1 made and approved before distribution.

NOTE: This bill creates the Spay Neuter Assistance Fund.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.