

H. B. 4576

(By Delegate Manypenny)
[Introduced February 17, 2012; referred to the
Committee on Agriculture then the Judiciary.]

A BILL to amend and reenact §19-14-3 of the Code of West Virginia,
1931, as amended, relating to agriculture; West Virginia
commercial feed law; and prohibiting the use of prophylactic
feeding of antibiotics to livestock.

Be it enacted by the Legislature of West Virginia:

That §19-14-3 of the Code of West Virginia, 1931, as amended,
be amended and reenacted to read as follows:

ARTICLE 14. WEST VIRGINIA COMMERCIAL FEED LAW.

§19-14-3. Powers and duties of the commissioner.

The commissioner has the power and authority to:

(a) Enter and inspect, during reasonable hours, any location
where commercial feeds are manufactured, distributed, transported
or used, and where records relating to the manufacture,
distribution, shipment, labeling or sale of commercial feed are

1 kept. Such inspection includes, but is not limited to, examining,
2 photographing, verifying, copying, and auditing records as is
3 necessary to determine compliance with this article, labels,
4 consumer complaints, and papers relating to the manufacturing,
5 distribution, sampling, testing and sale of commercial feeds.

6 (b) Open, examine, sample and test commercial feed, unmixed or
7 unprocessed whole seeds, equipment, containers, transport
8 containers, and packages used or intended to be used in the
9 manufacture and distribution of commercial feeds.

10 (c) Issue permits and registrations pursuant to this article.

11 (d) Refuse, suspend, or revoke permits and registrations as
12 provided in this article.

13 (e) Issue embargoes as provided in this article.

14 (f) Condemn and confiscate any product that is not brought
15 into compliance with this article.

16 (g) Collect fees and penalties, and expend moneys under the
17 terms of this article.

18 (h) Conduct sampling in accordance with the official methods
19 published in the current edition of the Official Methods of
20 Analysis of the Association of Official Analytical Chemists and
21 supplements thereto, or methods approved by the commissioner by
22 rules.

23 (i) Conduct hearings as provided by this article.

24 (j) Assess civil penalties and refer violations to a court of

1 competent jurisdiction.

2 (k) Obtain court orders directing any person refusing to
3 submit to inspection, sampling, and auditing to submit.

4 (l) Establish and maintain feed testing facilities; establish
5 reasonable fees for such tests; incur expenses; and conduct tests
6 in accordance with the official methods published in the current
7 edition of the Official Methods of Analysis of the Association of
8 Official Analytical Chemists and supplements thereto, or methods
9 approved by the commissioner by rules.

10 (m) Be guided by the analytical results of the official sample
11 when determining whether the commercial feed is deficient in any
12 component.

13 (n) Report the analytical results on all official samples to
14 the registrant and, in the case of deficient samples, also to the
15 dealer and the purchaser, if known.

16 (o) Upon request made within thirty days from the date the
17 official sample results are reported, furnish a portion of the
18 official sample to the registrant.

19 (p) Publish and distribute annually a composite report
20 containing: (1) The sales of commercial feeds and feed ingredients
21 during the preceding period; (2) the results of the analysis of
22 official samples as compared with the guarantee on the label; (3)
23 firms responsible for the product; and (4) such other data the
24 commissioner deems necessary: *Provided*, That the information on

1 production and use so provided does not disclose the operations of
2 any person.

3 (q) To cooperate with and enter into agreements with
4 governmental agencies of this state and other states, agencies of
5 the federal government and foreign governments, and private
6 associations in order to carry out the purpose and provisions of
7 this article.

8 (r) Promulgate rules, in accordance with chapter twenty-nine-a
9 of this code, dealing with commercial feeds and enforcement of this
10 article, which rules shall include, but not limited to, prohibiting
11 the prophylactic feeding of antibiotics to livestock.

NOTE: The purpose of this bill is to require the Commissioner of Agriculture to promulgate rules that prohibit the prophylactic feeding of antibiotics to livestock.

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