

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2552

**FISCAL
NOTE**

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

[Introduced February 20, 2017; Referred
to the Committee on Agriculture and Natural
Resources then Finance.]

1 A BILL to amend and reenact §19-14-4 and §19-14-5 of the Code of West Virginia, 1931, as
 2 amended, all relating to increasing the pet food registration fee and directing that the
 3 additional money be deposited into the West Virginia Spay Neuter Assistance Fund.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 14. WEST VIRGINIA COMMERCIAL FEED LAW.

§19-14-4. Special revenue fund.

1 Except for moneys collected pursuant to subdivision (2), subsection (e), section five of this
 2 article for the West Virginia Spay Neuter Assistance Fund, all fees and penalties collected under
 3 the provisions of this article shall be deposited with the State Treasurer in a special revenue
 4 account. Such moneys shall be expended by the commissioner of agriculture for inspection,
 5 sampling, analysis, and other expenses necessary for the administration of this article.

§19-14-5. Permits; registration.

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

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

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

13 December 31, next following the date of issue.

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

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

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

32 (2) On the thirty-first day of August, 1991, permanent registrations for pet food in packages
33 over ten pounds are void and application for registration and payment of fees will be required. Pet
34 food, including specialty pet foods, in packages over ten pounds or bulk shall be registered
35 annually. A registration fee of ~~\$50~~ \$150 per product shall accompany each application for
36 registration. The commissioner shall establish by rule that \$100 from each such registration fee
37 shall be deposited into the West Virginia Spay Neuter Assistance Fund created by article twenty
38 of this chapter. The registration shall expire on August 31, next following the date of issue.

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

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

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

48 (g) Alteration of commercial feed that changes the label requires a new application for a
49 Commercial Feed Registration be made and approved before distribution.

NOTE: The purpose of this bill is to increase the pet food registration fee and direct that the additional money to the West Virginia Spay Neuter Assistance Fund.

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