

# **WEST VIRGINIA LEGISLATURE**

**2022 REGULAR SESSION**

**Committee Substitute**

**for**

**House Bill 4644**

BY DELEGATES FOSTER, KIMES, AND STEELE

[Originating in the Committee on Government

Organization; February 16, 2022]



1 A BILL amend and reenact §19-16A-14 of the Code of West Virginia, 1931, as amended, relating  
2 to the West Virginia Pesticide Control Act; and exempting from the requirement of an  
3 annual pesticide business license for persons applying products that are generally  
4 available through retail sale at groceries, drug stores, and other stores offering a broad  
5 variety of consumer products.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 16A. WEST VIRGINIA PESTICIDE CONTROL ACT.**

**§19-16A-14. Exemptions.**

1 (a) Veterinarian exemption. — The provisions of §19-16A-7 of this code relating to licenses  
2 and requirements for their issuance do not apply to a doctor of veterinary medicine applying  
3 pesticides to animals during the normal course of his or her veterinary practice: *Provided*, That  
4 he or she is not regularly engaged in the business of applying pesticides for hire amounting to a  
5 principal or regular occupation and does not publicly hold himself or herself out as a pesticide  
6 applicator.

7 (b) Farmer exemption. — The provisions of §19-16A-7 of this code article relating to  
8 licenses and requirements for their issuance do not apply to any farmer applying pesticides for  
9 himself or herself or with ground equipment or manually for his or her farmer neighbors: *Provided*,  
10 That he or she:

11 (1) Operated farm property and operates and maintains pesticide application equipment  
12 primarily for his or her own use;

13 (2) Is not regularly engaged in the business of applying pesticides for hire amounting to a  
14 principal or regular occupation and that he or she does not publicly hold himself or herself out as  
15 a pesticide applicator; and

16 (3) Operates his or her pesticide application equipment only in the vicinity of his or her  
17 own property and for the accommodation of his or her neighbors.

18 (c) Experimental research exemption. — The provisions of §19-16A-7 of this code relating  
19 to licenses and requirements for their issuance do not apply to research personnel applying  
20 pesticides only to bona fide experimental plots.

21 (d) Products generally available exemption. — The provisions of §19-16A-7 of this code  
22 relating to licenses and requirements for their issuance do not apply to the use, application, or  
23 administration, by unlicensed persons whether for compensation or not, of lawn care products or  
24 pest control products that are generally available through retail sale at groceries, drug stores, and  
25 other stores offering a broad variety of consumer products.