

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Committee Substitute

for

House Bill 2158

By Delegates D. Smith, Crouse, Worrell, Heckert,

Riley, Moore, and Drennan

[Originating in the Committee on Government

Organization; Reported on February 25, 2025]

1 A BILL to amend and reenact §19-14-5 of the Code of West Virginia, 1931, as amended, all
2 relating to removal of the sunset clauses for registration fees on bulk and non-bulk pet food
3 payable to the West Virginia spay and neuter program.

Be it enacted by the Legislature of West Virginia:

ARTICLE 14. WEST VIRGINIA COMMERCIAL FEED LAW.

§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 30 days prior to the expiration of
3 the current permit or registration; or at least 30 days prior to the date that the person intends to
4 engage in the business of selling or marketing commercial feed products in this state. All
5 applications shall be accompanied by the required fee. A penalty shall be added to the fee for all
6 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 from the commissioner, except for persons
9 manufacturing feed for only his/her animals on his/her premises, or those producing pet food.
10 Application forms shall be provided by the commissioner and include such information as
11 established by rules. A separate permit shall be obtained for each manufacturing facility or location
12 in this state. Each Commercial Feed Manufacturing Permit application shall be accompanied by
13 the required application fee. Each permit issued shall expire on December 31, next following the
14 date of issue.

15 (d) Each person distributing commercial feed in West Virginia must obtain a Commercial
16 Feed Distributor Permit from the commissioner, except: (1) Persons distributing pet food
17 exclusively, (2) persons holding a valid Commercial Feed Manufacturing Permit issued by the
18 commissioner, and (3) persons holding a Commercial Feed Guarantor Permit issued by the
19 commissioner. Application forms shall be provided by the commissioner and include such
20 information as established by rules. Each Commercial Feed Distributor Permit application shall be

21 accompanied by the required application fee. Each permit issued shall expire on December 31,
22 next following the date of issue.

23 (e) Each person whose name appears on the label of a commercial feed or customer-
24 formula feed as guarantor must obtain a Commercial Feed Guarantor Permit from the
25 commissioner for each manufacturing facility or location that distributes feed in or into the state,
26 except those facilities or locations for which a Commercial Feed Manufacturing Permit has already
27 been issued by the commissioner. Application forms shall be provided by the commissioner and
28 include such information as established by rules. Each Commercial Feed Guarantor Permit
29 application shall be accompanied by the required application fee. Each permit issued shall expire
30 on December 31, next following the date of issue.

31 (f) Pet food in packages over 10 pounds or bulk shall be registered annually. Each
32 application for registration shall be accompanied by the required registration fee. Each registration
33 shall expire on August 31 next following the date of issue: *Provided*, That ~~until June 30, 2027~~ an
34 additional registration fee of \$50 per product shall accompany each application for registration and
35 the additional registration fee shall be deposited into the West Virginia Spay Neuter Assistance
36 Fund for spay and neutering services performed within this state by licensed veterinarians.

37 (g) Pet food packaged in packages of 10 pounds and under shall be registered annually.
38 Each application for registration shall be accompanied by the required registration fee. Each
39 registration shall expire on December 31, next following the date of issue: *Provided*, That ~~until~~
40 ~~June 1, 2027~~ an additional registration fee of \$35 per product shall accompany each application
41 for registration and the additional registration fee shall be deposited into the West Virginia Spay
42 Neuter Assistance Fund for spay and neutering services performed within this state by licensed
43 veterinarians.

44 (h) Specialty pet food shall be registered annually. Each application for registration shall be
45 accompanied by the required registration fee. Each registration shall expire on December 31, next
46 following the date of issue.

- 47 (i) A person is not required to register any brand name or product name of commercial feed
48 which is already registered by another person.
- 49 (j) Alteration of a pet food or specialty pet food that changes the label requires a new
50 application for registration be made and approved before distribution.

NOTE: The purpose of this bill is to remove the sunset clauses for the registration fees for the West Virginia spay and neuter program.

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