

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

ENROLLED

House Bill 3503

BY DELEGATES HORNBY, HOWELL, ANDERSON, AND

ZATEZALO.

[Passed April 12, 2025; in effect 90 days from
passage (July 11, 2025)]

1 AN ACT to amend the code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §22-11-31, relating to prohibiting the regulation by any county, municipality, or
3 political subdivision of commercial horticulture within the subject matter of the Water
4 Pollution Control Act; providing that such regulations are invalid and unenforceable;
5 prohibiting any county, municipality, or political subdivision from bringing a cause of action
6 within the subject matter of the Water Pollution Control Act against any commercial
7 horticulture operation; and providing that any political subdivision may not enact an
8 ordinance within the subject matter of the Water Pollution Control Act that is more stringent
9 than any federal or state rule, regulation, program, or permitting regime.

Be it enacted by the Legislature of West Virginia:

CHAPTER 22. ENVIRONMENTAL RESOURCES.

ARTICLE 11. WATER POLLUTION CONTROL ACT.

§22-11-31. State pre-emption in favor of commercial horticulture under the Water Pollution Control Act.

1 (a) Notwithstanding the provisions of Chapter 7, Chapter 7A, Chapter 8, and Chapter 8A
2 of the West Virginia Code or the West Virginia Code of State Rules promulgated thereunder to
3 the contrary, no county, municipality, or political subdivision may prohibit, regulate, permit, or
4 license commercial horticulture by adopting any charter, law, rule, regulation, ordinance, or zoning
5 provision concerning the size, placement, location, or operation of commercial horticulture within
6 the subject matter of the Water Pollution Control Act, as provided in §22-11-1 *et seq.* of this code,
7 and all such provisions in charters, laws, rules, regulations, ordinances, or zoning provisions are
8 hereby invalid and unenforceable.

9 (b) No county, municipality, or political subdivision may bring a cause of action against a
10 commercial horticulture operation for any activity within the subject matter of said Water Pollution

11 Control Act, if the commercial horticulture operation is in material compliance of the Water
12 Pollution Control Act, its rules, and federal laws and regulations.

13 (c) Any political subdivision of this state may not enact an ordinance within the subject
14 matter of said Water Pollution Control Act that is more stringent than any federal or state rule,
15 regulation, program, or permitting regime.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

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Clerk of the House of Delegates

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Clerk of the Senate

Originated in the House of Delegates.

In effect 90 days from passage.

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Speaker of the House of Delegates

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President of the Senate

The within is this the.....
Day of, 2025.

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Governor