

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 916

**FISCAL
NOTE**

By Senator Rucker

[Introduced March 24, 2025; referred
to the Committee on the Government Organization;
and then to the Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
 2 designated §19-36-7, relating to granting authority to the Department of Agriculture to
 3 preempt any Department of Environmental Protection zoning laws, county or municipality
 4 rules, for occasional agritourism activities so long as the activities adhere to the National
 5 Fire Protection Association's Life Safety Code for occupant safety.

Be it enacted by the Legislature of West Virginia:

ARTICLE	36.	AGRITOURISM	RESPONSIBILITY	ACT.
§19-36-7.		Agritourism	Modernization	Act.

1 (a) It is the intention of the Legislature to promote agritourism as a way to support
 2 agricultural production and to educate the public about the agricultural industry and its importance
 3 within the state. The Legislature finds that it is necessary to eliminate duplication of regulatory
 4 authority over agritourism.

5 (b) Except as provided for by the National Fire Protection Association's Life Safety Code,
 6 no state agency or local government may adopt or enforce a local ordinance, regulation, rule, or
 7 policy that prohibits restricts, regulates, or otherwise limits an agritourism activity on land that the
 8 Department of Agriculture has deemed appropriate for an agritourism event or land that is
 9 classified as agricultural, including all buildings and improvements on that land.

NOTE: The purpose of this bill is to grant authority to the Department of Agriculture to preempt any Department of Environmental Protection, Fire Marshall, zoning laws, county, or municipality rules in for occasional agritourism activities so long as the activities adhere to the National Fire Protection Association's Life Safety Code for occupant safety.

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