

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Committee Substitute

for

Senate Bill 916

BY SENATORS RUCKER AND HAMILTON

[Reported March 27, 2025, from the Committee on
Government Organization]

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 recognizing the constitutional authority of the
3 Commissioner of Agriculture to intervene and supersede in matters that negatively affect
4 agritourism; specifying the implementation of such authority; and requiring annual report
5 to the Legislature.

Be it enacted by the Legislature of West Virginia:

ARTICLE 36. AGRITOURISM RESPONSIBILITY ACT.

§19-36-7. Promotion of agritourism.

1 (a) It is the intention of the Legislature to promote agritourism as a means of supporting
2 agricultural production and to educate the public about the agricultural industry and its importance
3 within the state.

4 (b) The Legislature finds that:

5 (1) It is necessary to eliminate duplication of regulatory authority over and conflicting
6 policies impacting agritourism;

7 (2) The Commissioner of Agriculture, as a duly elected, statewide constitutional officer,
8 has the power and authority to intervene and supersede in matters that negatively affect
9 agritourism, when in his or her sound judgment, the policy priorities of state or local government
10 entities are contrary to the effective and optimal implementation of agritourism activities and
11 events;

12 (3) Nationally, many states recognize the authority of the state's highest agricultural official
13 to direct the agritourism activities without undue interference by state agencies or local
14 government entities; and

15 (4) It is necessary and expedient to avoid undue or unnecessary interference with
16 agritourism activities and events in this state.

17 (c) When, in the sound judgment of the commissioner, any state agency or local
18 government ordinance, regulation, rule, policy, or directive of similar nature unnecessarily

contravenes the reasonable needs or conditions of an agritourism activity or event, the commissioner may exercise his or her constitutional authority and intervene to override their application to the activity or event, except as otherwise provided in this section.

(1) The commissioner may not override the provisions of the State Fire Code pursuant to 87 C.S.R. § 1, et seq., and including the National Fire Protection Association's Life Safety Code. To ensure public safety for all activities or events in which the commissioner intervenes, the commissioner shall seek the assistance of the State Fire Marshal or a local fire marshal to ensure that the provisions of the State Fire Code are satisfied.

(2) For purposes of this section, the location of agritourism activities or events includes land that the commissioner has deemed appropriate for an agritourism event or land that is classified as agricultural, including all buildings and improvements on that land.

(d) On or before June 30, 2026, and annually thereafter, the commissioner shall report to the Legislature any instances for which the authority recognized in this section was invoked.