

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4925

FISCAL
NOTE

By Delegates Anders, White, Foggin, Kump, Dillon,
and Horst

[Introduced January 29, 2026; referred to the
Committee on Government Organization then Health
and Human Resources]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,
 2 designated §19-40-1, §19-40-2, §19-40-3, §19-40-4, §19-40-5, §19-40-6, §19-40-7, §19-
 3 40-8, §19-40-9, §19-40-10, §19-40-11, and §19-40-12, all relating to the creation of the
 4 West Virginia PRIME Act; providing for legislative findings; setting forth definitions;
 5 creating authorization of intrastate sale and distribution; providing requirements for
 6 custom-exempt facilities; setting forth labeling requirements; creating limitation on
 7 regulatory authority; providing for local preemption; setting forth civil liability; providing for
 8 intrastate commerce; federal preemption inapplicable; establishing rules; and providing for
 9 an effective date.

Be it enacted by the Legislature of West Virginia:

ARTICLE 40. WEST VIRGINIA PRIME ACT.

§19-40-1.	Short	Title.
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1	<u>This article shall be known and may be cited as the "West Virginia PRIME Act" (Producer–</u>	
2	<u>Retailer Intra-State Meat Exemption Act).</u>	

§19-40-2.	Legislative	Findings.
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1	<u>(a) The Legislature finds that:</u>	
2	<u>(1) West Virginia farmers, ranchers, homesteaders, and small processors face significant</u>	
3	<u>barriers due to federal and state inspection requirements that exceed what is necessary for safe,</u>	
4	<u>voluntary commerce conducted solely within the State of West Virginia.</u>	
5	<u>(2) The lack of accessible processing options has created supply bottlenecks, increased</u>	
6	<u>costs for consumers, and forced the export of West Virginia livestock to out-of-state or federally</u>	
7	<u>controlled facilities.</u>	
8	<u>(3) The Tenth Amendment reserves to the states the authority to regulate commerce wholly</u>	
9	<u>within their borders.</u>	
10	<u>(4) Consumers have the right to voluntarily purchase food directly from local producers,</u>	
11	<u>and producers have the right to provide it, provided the transaction is transparent and the product</u>	

12 remains within the state.

13 (5) The PRIME Act enhances food freedom, strengthens local agriculture, supports rural
14 economies, and promotes self-reliance consistent with West Virginia’s agricultural heritage.

15 (b) Therefore, the Legislature declares that custom-slaughtered meat may be sold,
16 transferred, or distributed within the State of West Virginia without federal or state inspection,
17 subject only to the requirements and limitations of this article.

§19-40-3. Definitions.

1 For the purposes of this article, unless the context clearly requires otherwise:

2 (1) "Custom-slaughtered meat" means beef, pork, lamb, goat, or other livestock
3 slaughtered and processed in a custom-exempt facility for human consumption.

4 (2) "Custom-exempt facility" means a slaughter or processing operation that is exempt
5 from continuous federal inspection under 21 U.S.C. § 623 and operates in compliance with federal
6 custom-exempt standards.

7 (3) "Intrastate commerce" means any sale, transfer, distribution, or other transaction that
8 occurs entirely within the borders of the State of West Virginia and is not part of interstate
9 commerce.

10 (4) "Producer" means any individual, farm, ranch, homestead, business, cooperative, or
11 agricultural operation that owns livestock for the purpose of sale or processing.

12 (5) "Retailer" means any business selling or serving meat directly to the end consumer,
13 including restaurants, grocery stores, hotels, institutions, schools, and caterers.

14 (6) "Consumer" means an individual purchasing meat for personal, household, or private
15 use.

16 (7) "WVDA" means the West Virginia Department of Agriculture.

§19-40-4. Authorization of Intrastate Sale and Distribution.

1 (a) A producer may sell, transfer, or otherwise distribute custom-slaughtered meat directly
2 to a consumer, retailer, restaurant, hotel, grocery, institution, or any other purchaser located within

3 West Virginia.

4 (b) A retailer or restaurant may purchase, store, cook, serve, or sell custom-slaughtered
5 meat to the end consumer.

6 (c) Custom-slaughtered meat may not enter interstate commerce.

7 (d) All transactions under this article are lawful and do not require USDA inspection or
8 participation in state inspection programs.

§19-40-5. Requirements for Custom-Exempt Facilities.

1 (a) A custom-exempt facility participating in intrastate commerce under this article shall:

2 (1) Maintain federal custom-exempt status;

3 (2) Keep records identifying the source of livestock and the recipients of processed meat;

4 (3) Comply with applicable federal sanitation and hazard-control standards for custom
5 operations.

6 (b) WVDA may require only minimal registration necessary to maintain a directory of
7 participating facilities.

§19-40-6. Labeling Requirements.

1 (a) All custom-slaughtered meat sold under this article shall bear the following statement in
2 a clearly legible form:

3 "Processed in a custom-exempt facility. Not for interstate commerce."

4 (b) WVDA may not mandate additional labeling, inspection stamps, or regulatory
5 disclosures.

§19-40-7. Limitation on Regulatory Authority.

1 (a) WVDA may not:

2 (1) Require inspection of custom-slaughtered meat sold under this article;

3 (2) Impose any regulation inconsistent with this article;

4 (3) Restrict the sale, transfer, or distribution of custom-slaughtered meat in intrastate
5 commerce;

6 (4) Adopt rules exceeding federal custom-exempt facility requirements.

7 (b) Nothing in this article limits WVDA’s authority to respond to documented food-safety
8 emergencies involving a specific, identifiable threat.

§19-40-8. Local Preemption.

1 (a) Counties, municipalities, health departments, or any other political subdivisions may
2 not prohibit or restrict the sale, serving, distribution, or processing of custom-slaughtered meat
3 under this article.

4 (b) A local governmental body may act only when:

5 (1) A specific and documented imminent public health threat exists; and

6 (2) The action taken is temporary, narrow, and reported to the Legislature within 30 days.

§19-40-9. Civil Liability.

1 (a) A producer or custom-exempt facility is not liable for claims arising from the
2 consumption of custom-slaughtered meat when:

3 (1) The consumer, retailer, or purchaser voluntarily obtained the product; and

4 (2) The required label under §19-40-6 of this code was provided.

5 (b) Nothing in this article protects producers or processors from claims involving gross
6 negligence, reckless misconduct, or intentional harm.

§19-40-10. Intrastate Commerce; Federal Preemption Inapplicable.

1 (a) Meat processed and sold under this article is exclusively intrastate commerce.

2 (b) No federal law may be interpreted to preempt the operation of this article within West
3 Virginia.

4 (c) This article shall be construed to the maximum extent permitted under the U.S.
5 Constitution and the Constitution of West Virginia.

§19-40-11. Rules.

1 WVDA may promulgate rules consistent with this article only if they:

2 (1) Do not impose inspection requirements;

- 3 (2) Do not increase regulatory burdens on custom-exempt facilities or producers;
- 4 (3) Are strictly limited to recordkeeping and labeling already required by this article.

§19-40-12.	Effective	Date.
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1 This article shall take effect on July 1, 2026.

NOTE: The purpose of this bill is to create the West Virginia PRIME Act.

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