

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 226

By Senator Hart

[Introduced January 14, 2025; referred
to the Committee on Agriculture; and then to the
Committee on Finance]

1 A BILL to amend and reenact §19-14-2 and §19-14-5 of the Code of West Virginia, 1931, as
2 amended, relating to the West Virginia Commercial Feed Law; clarifying a definition; and
3 providing an exemption from obtaining a commercial feed distributor permit.

Be it enacted by the Legislature of West Virginia:

ARTICLE 14. WEST VIRGINIA COMMERCIAL FEED LAW.

§19-14-2.

Definitions.

1 As used in this article, the following terms have the meanings ascribed to them in this
2 section, unless the context in which the term is used clearly requires another meaning or a specific
3 different definition is provided:

4 (a) "Brand name" means any word, name, symbol or device, or any combination thereof,
5 identifying the commercial feed of a distributor, guarantor, or manufacturer and distinguishing it
6 from all others.

7 (b) "Bulk" refers to commercial feed or feed ingredients distributed in nonpackaged form
8 where a label cannot be attached and accompanied by an invoice or delivery slip.

9 (c) "Commercial feed" means all materials or combinations of materials which are
10 distributed, or intended for distribution, for use as feed or for mixing in feed, unless such materials
11 are specifically exempted, for animals, other than humans, except:

12 (1) Unmixed or unprocessed whole seeds when such whole or unprocessed seeds are not
13 chemically changed or adulterated;

14 (2) ~~unprocessed~~ Unprocessed hay, straw, stover, silage, cobs, husks, hulls, and raw meat
15 when not mixed with other materials and when not adulterated; or

16 (3) ~~individual~~ Individual chemical commodities, compounds or substances when such
17 commodities, compounds or substances are not inter-mixed with other materials, and are
18 therefore not adulterated within the meaning of §19-14-10 of this code. The term commercial feed
19 shall include the categories of feed ingredients, customer-formula feeds, pet foods and specialty
20 pet foods.

(d) "Commissioner" refers to the commissioner of agriculture of the State of West Virginia or a duly authorized employee of the commissioner.

(e) "Contract feeder" means a person who, as an independent contractor, feeds commercial feed to animals pursuant to a contract and the commercial feed is supplied, furnished, or provided to the independent contractor and such contractor's remuneration is determined all or in part by feed consumption, mortality, profits, or the amount or quality of the product.

(f) "Customer-formula feed" means a commercial feed that consists of a mixture of commercial feed and/or feed ingredients, each batch of which is manufactured according to the specific instructions of the final purchaser.

(g) "Distribute" means to offer for sale, sell, exchange, or barter commercial feed; or to supply, furnish, or provide commercial feed to a contract feeder.

(h) "Distributor" means any person who distributes a commercial feed: Provided, That any person engaged in offering for sale, selling, exchanging, or bartering products or commodities produced exclusively on his or her own farm is not a distributor.

(i) "Drug" means any substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals, other than humans; and any substance intended to affect the structure or any function of the animal body.

(j) "Feed" means any material consumed, or intended to be consumed, by animals other than humans, or any element of that material that contributes nutrition, taste, or aroma, or otherwise has a technical effect on the consumed material. The term "feed" includes raw materials, ingredients, and finished product.

(k) "Feed ingredient" means each constituent material making up feed, including individual chemical compounds labeled for use as a feed ingredient.

(l) "Guarantor" means any person whose name appears on a label and who is therefore responsible for the product and its labeling.

(m) "Label" means a display of written, printed, or graphic matter printed upon or otherwise

affixed to the container in which commercial feed is distributed; or printed upon or otherwise affixed to the invoice, delivery slip, or other shipping document which accompanies bulk shipments of commercial feed or customer-formula feed. All such labels shall be legible and in English.

(n) "Labeling" means and includes all labels as well as all other written, printed, or graphic matter found:

(1) ~~upon~~ Upon a commercial feed or any of its containers or wrappers; or

(2) ~~accompanying~~ Accompanying such commercial feed.

(o) "Manufacture" means to grind, mix, blend, package, pack, repack, or otherwise process a commercial feed for distribution.

(p) "Medicated feed" means any feed which contains one or more drugs. Antibiotics included in a feed growth promotion and/or efficiency level are drug additives and feeds containing such antibiotics are included in the definition of "medicated feed".

(q) "Mineral feed" means a commercial feed designed or intended to supply primarily mineral elements or inorganic nutrients.

(r) "Official sample" means any sample of feed taken by the commissioner in accordance with the provisions of this article and rules promulgated hereunder.

(s) "Percent" or "percentage" means percentage by weights.

(t) "Person" means an individual, partnership, association, fiduciary, firm, company, corporation, or any organized group of persons whether incorporated or not.

(u) "Pet" means dog (*Canis familiaris*) or cat (*Felis catus*).

(v) "Pet food" means any commercial feed manufactured and distributed for consumption by pets.

(w) "Process" means a method used to prepare, treat, convert, or transform materials into feed or feed ingredients. The word "processed" can be used to further describe an ingredient name, so long as the ingredient is not nutritionally altered from the original form of the ingredient.

(x) "Product name" means the name of the commercial feed which identifies it as to kind,

class, or specific use and distinguishes it from all other products bearing the same brand name.

(y) "Quantity statement" means the net weight (mass), liquid measure, or count.

(z) "Repack" or "repackaging" means to pack and label a previously manufactured feed.

(aa) "Specialty pet" means any animal normally maintained in a household, such as rodents, ornamental birds, fish, reptiles, amphibians, ferrets, hedgehogs, marsupials, and rabbits not raised for food or fur.

(bb) "Specialty pet food" means any commercial feed prepared and distributed for consumption by specialty pets.

(cc) "Ton" means a net weight of two thousand pounds avoirdupois.

§19-14-5.

Permits;

registration.

(a) Permits and registrations shall not be transferrable with respect to persons or locations.

(b) A person must apply for a permit or registration at least 30 days prior to the expiration of the current permit or registration; or at least 30 days prior to the date that the person intends to engage in the business of selling or marketing commercial feed products in this state. All applications shall be accompanied by the required fee. A penalty shall be added to the fee for all permits or registrations that are not applied for or renewed within the time limit.

(c) Persons manufacturing commercial feed or customer-formula feed in this state must obtain a Commercial Feed Manufacturing Permit from the commissioner, except for persons manufacturing feed for only his or her animals on his or her premises, or those producing pet food. Application forms shall be provided by the commissioner and include such information as established by rules. A separate permit shall be obtained for each manufacturing facility or location in this state. Each Commercial Feed Manufacturing Permit application shall be accompanied by the required application fee. Each permit issued shall expire on December 31, next following the date of issue.

(d) Each person distributing commercial feed in West Virginia must obtain a Commercial Feed Distributor Permit from the commissioner, except:

17 (1) Persons distributing pet food exclusively;

18 (2) Persons holding a valid Commercial Feed Manufacturing Permit issued by the
19 commissioner; and

20 (3) Persons holding a Commercial Feed Guarantor Permit issued by the commissioner;

21 Application forms shall be provided by the commissioner and include such information as
22 established by rules. Each Commercial Feed Distributor Permit application shall be accompanied
23 by the required application fee. Each permit issued shall expire on December 31, next following
24 the date of issue; and

25 (4) Persons engaged in offering for sale, selling, exchanging, or bartering products or
26 commodities produced exclusively on their own farms.

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

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

41 (g) Pet food packaged in packages of 10 pounds and under shall be registered annually.
42 Each application for registration shall be accompanied by the required registration fee. Each

43 registration shall expire on December 31, next following the date of issue: *Provided*, That an
44 additional registration fee of \$35 per product shall accompany each application for registration and
45 the additional registration fee shall be deposited into the West Virginia Spay Neuter Assistance
46 Fund for spay and neutering services performed within this state by licensed veterinarians.

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

50 (i) A person is not required to register any brand name or product name of commercial feed
51 which is already registered by another person.

52 (j) Alteration of a pet food or specialty pet food that changes the label requires a new
53 application for registration be made and approved before distribution.

NOTE: The purpose of this bill is to provide that a person engaged in offering for sale, selling, exchanging, or bartering products or commodities produced exclusively on his or her own farm is exempt from obtaining a commercial feed distributor permit.

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