



LEGISLATIVE ACCOMPLISHMENTS

WEST VIRGINIA DEPARTMENT OF AGRICULTURE

Reducing Regulations:

Senate Bill 375 (Relating to farmers markets) – Transfers the authority to regulate farmers markets from the Bureau of Public Health and local health departments to the West Virginia Department of Agriculture. (2018)

SB 285 (Homemade products) - Allows individuals to sell home-made, nonpotentially hazardous food items from private residences and through third party sellers. These producers are exempt from all permitting and regulations of the state. (2019)

SB 496 (Transferring Milk) - Transfers all milk authority from DHHR to the WVDA. The WVDA shall establish a Milk Advisory Board. (2019)

HB 2982 (Auctioneers) - Updates auctioneers code including background checks, written contracts and online auctions. (2019)

SB 12 (Accountability of local health departments) - Puts into law an appeal process for adverse determinations by local health departments. This process is overseen by the Bureau of Public Health. (2021)

HB 2025 (Booze Bill) - Reclassifies cider from wine and lowers the fees on those products. It also creates an "Agriculture Development Fund" with the goal to develop agriculture sectors in the state, but specifically a program to develop fruit inputs for the cider industry. (2021)

HB 2823 (Building Code Update) – Clarifies that buildings or structures utilized primarily for agricultural purposes shall be exempt from the provisions of the State Building Code, the State Fire Code, and any county or municipal building code or ordinance that is or may be adopted. (2021)

Improvements to the Department:

SB 323 (Capital Improvements Fund) – This bill established a new fund, Department of Agriculture Capital Improvements Fund. Funds from the Capital Improvement Funds can be used for construction and capital improvements to facilities owned or occupied by the WVDA. (2019)

SB 324 (General Counsel) – This bill authorizes the Commissioner of Agriculture to employ a general counsel and any other such personnel necessary to perform the duties of the office. (2019)

SB 344 (State Farms) – Updates code to clarify the relationship between DHHR and DOC (food commodities and inmate labor), management of the farms and reporting mechanisms. (2019)

New Programs:

Senate Bill 475 (Industrial Hemp Development Act) – This bill allowed the West Virginia Department of Agriculture to become a seed certifying agency with the goal of aiding the industrial hemp industry. (2018)

SB 329 (FFA in All High Schools) - This bill encourages all school districts and multicounty vocational centers to make available agricultural programs to high school students. Upon request, the State Department of Education shall assist these schools in establishing agricultural programs. (2019)

HB 2396 (Fresh Food Act) - This new section of code requires all state-funded institutions beginning July 1, 2019, to purchase a minimum of five percent of its fresh produce, meat and poultry items from in-state producers. (2019)

HB 2149 (Farm-To-Food Bank Tax Credit) – Increased to equal 30% of the value of the donated foods. Each year, \$200,000 is available to those who donate produce to non-profit food programs. The cap for the credit is set at \$2,500. (2020)

HB 4693 (Expanding the scope of the Veterans to Agriculture Program) – Changed the name of the program to "Veterans and Heroes to Agriculture" to expand the program to first responders. (2020)

West Virginia Farm Bill:

HB 2633 – The first West Virginia Farm Bill. It updates language pertaining to the WVDA’s Agriculture and Business Development Division, clarifies raw milk can be sold for animal feed or non-consumable products such as soap, updates membership and responsibility for the Livestock Cares Standards Board, removes the fee for permits relating to feeding untreated garbage to swine, makes updates to West Virginia Commercial Feed Law, clarifies the West Virginia Conservation Agency can accept grants to do water quality work, establishes the WVDA as the sole authority over regulations of farmers’ markets, expands the Fresh Food Act to include dairy products and creates the Agriculture Investments Program. (2021)

Protection for Producers:

Senate Bill 446 (Creating Agritourism Responsibility Act) – This bill establishes limited liability protection for agritourism businesses within West Virginia. (2018)

SB 393 (Right to Farm) – Established the right to farm which protects agricultural operations from nuisance litigation if the facility has been in operation for more than one year. (2019)

SB 490 (Relating to protection of animal and crop facilities) – Provides protections for landowners from those who would cause damage or conduct destructive acts to agricultural properties. (2020)

SB 160 (Tax Rule) – Clarified that conservation practices, such as high tunnels, are not considered as farm buildings and therefore exempt from property taxes. (2021)

Funding Improvements:

Farmers’ Markets – Individual farmers’ markets line items were combined into one general line item to afford the Department flexibility with those dollars. This will allow for other markets to be supported by those funds.

Cedar Lakes – The Cedar Lakes Conference Center in Ripley has received additional money to support necessary upgrades to a neglected facility. Since the WVDA took over the facility in 2016, \$2 million worth of improvements have been made.

Veterans and Heroes to Agriculture – Commissioner Leonhardt was able to secure the first funding for the Veterans and Heroes to Agriculture program in 2018. Established in 2014, the program has operated with volunteers and gifts until this appropriation.

