

# **WEST VIRGINIA LEGISLATURE**

**2017 REGULAR SESSION**

**ENGROSSED**

**Committee Substitute**

**for**

**House Bill 2552**

BY DELEGATES ROHRBACH, LOVEJOY, WAGNER,

HARTMAN, AMBLER, MARCUM, ROWAN, LYNCH,

FLEISCHAUER, OVERINGTON AND WHITE

[Originating in the Committee on Finance;

March 24, 2017]



1 A BILL to amend and reenact §19-14-4 and §19-14-5 of the Code of West Virginia, 1931, as  
2 amended, all relating to temporarily increasing pet food registration fees; directing that the  
3 additional money be deposited into the West Virginia Spay Neuter Assistance Fund;  
4 requiring spay and neuter services purchased with these funds be performed within the  
5 state.

*Be it enacted by the Legislature of West Virginia:*

1 That §19-14-4 and §19-14-5 of the Code of West Virginia, 1931, as amended, be amended  
2 and reenacted, all to read as follows:

**ARTICLE 14. WEST VIRGINIA COMMERCIAL FEED LAW.**

**§19-14-4. Special revenue fund.**

1 All Except as otherwise provided in this article, all fees and penalties collected under the  
2 provisions of this article shall be deposited with the state Treasurer in a special revenue account.  
3 Such moneys shall be expended by the commissioner of agriculture for inspection, sampling,  
4 analysis, and other expenses necessary for the administration of this article.

**§19-14-5. Permits; registration.**

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

2 (b) A person must apply for a permit or registration at least fifteen days prior to the  
3 expiration of the current permit or registration expires; or at least fifteen days prior to the date that  
4 the person intends to engage in business or market products in this state. All applications shall  
5 be accompanied by the fee established in this section. A penalty of \$2 shall be added to the fee  
6 for all permits or registrations that are not applied for or renewed within the time limit.

7 (c) Persons manufacturing commercial feed or customer-formula feed in this state must  
8 obtain a Commercial Feed Manufacturing Permit, except all persons manufacturing feed for only  
9 his/her animals on his/her premises. Application forms shall be provided by the commissioner and  
10 include such information as established by rules. A separate permit shall be obtained for each  
11 manufacturing facility or location in this state. Each Commercial Feed Manufacturing Permit

12 application shall be accompanied by an application fee of \$15. Each permit issued shall expire on  
13 December 31, next following the date of issue.

14 (d) Each person first distributing commercial feed into West Virginia trade channels must  
15 obtain a Commercial Feed Distributor Permit, except: (1) Persons distributing pet food exclusively,  
16 (2) persons holding a valid Commercial Feed Manufacturing Permit, and (3) persons distributing  
17 only those feeds that they register. Application forms shall be provided by the commissioner and  
18 include such information as established by rules. Each Commercial Feed Distributor Permit  
19 application shall be accompanied by an application fee of \$10. Each permit issued shall expire on  
20 December 31, next following the date of issue.

21 (e) All commercial feed distributed or used in this state, except customer-formula feed,  
22 must be registered. Commercial feed that can be uniquely identified by its brand name, product  
23 name, physical form or other descriptive term shall be registered as a separate product.  
24 Commercial feed that is packaged in such weights as to apply to several categories shall be  
25 registered in each applicable category. Application forms shall be provided by the commissioner  
26 and include such information as established by rules.

27 (1) Commercial feed, other than pet food, in packages over ten pounds or bulk shall be  
28 registered permanently. A registration fee of \$10 per product shall accompany each application  
29 for registration, except that there will be no fee for a revision of a commercial feed already on file  
30 that involves a change in the net weight, a change in the list of ingredients, and/or a change in  
31 the guarantee for vitamins or minerals.

32 (2) On the thirty-first day of August, 1991, permanent registrations for pet food in packages  
33 over ten pounds are void and application for registration and payment of fees will be required. Pet  
34 food, including specialty pet foods, in packages over ten pounds or bulk shall be registered  
35 annually. A registration fee of \$50 per product shall accompany each application for registration.  
36 The registration shall expire on the thirty-first day of August next following the date of issue.;  
37 Provided, That until June 30, 2027, an additional registration fee of \$100 per product shall

38 accompany each application for registration and the additional registration fee shall be deposited  
39 into the West Virginia Spay and Neuter Assistance Fund for spay and neutering services  
40 performed within this state by licensed veterinarians.

41 (3) Commercial feed, excluding specialty pet food in packages of one pound or less, in  
42 packages of ten pounds and under shall be registered annually. A registration fee of \$40 per  
43 product shall accompany each application for registration. The registration shall expire on  
44 December 31, next following the date of issue; Provided, That until June 1, 2027, an additional  
45 registration fee of \$70 per product shall accompany each application for registration and the  
46 additional registration fee shall be deposited into the West Virginia Spay and Neuter Assistance  
47 Fund for spay and neutering services performed within this state by licensed veterinarians.

48 (4) Specialty pet food in packages of one pound or less shall be registered annually. A  
49 registration fee of \$20 per product shall accompany each application for registration. The  
50 registration shall expire on December 31, next following the date of issue.

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

53 (g) Alteration of commercial feed that changes the label requires a new application for a  
54 Commercial Feed Registration be made and approved before distribution.