

# **WEST VIRGINIA LEGISLATURE**

## **2018 REGULAR SESSION**

### **Originating**

## **Senate Bill 463**

BY SENATORS SYPOLT, RUCKER, CLEMENTS, CLINE,  
MANN, MAYNARD, SMITH, BALDWIN, BEACH, OJEDA, AND  
WOELFEL

[Originating in the Committee on Agriculture and  
Rural Development; Reported on February 1, 2018]



1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §16-7-5A, relating to authorizing the establishment of a work group to examine  
3 the potential benefit and need of transferring some or all authority to promulgate milk rules  
4 and regulations from the Department of Health and Human Resources to the Department  
5 of Agriculture.

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

**ARTICLE 7. PURE FOOD AND DRUGS.**

**§16-7-5a. Milk rules and regulations work group.**

1 (a) The Legislature finds that it is in the public interest to examine the potential benefit and  
2 need of transferring some or all authority to promulgate milk rules and regulations from the  
3 Department of Health and Human Resources to the Department of Agriculture.

4 (b) The President of the Senate shall establish a work group, composed of one  
5 representative each from the Department of Agriculture, the Bureau for Public Health, the West  
6 Virginia University Extension Service, and the trade or industry group representing local health  
7 departments in the state. The work group shall also include two representatives from the trade  
8 or industry group representing the farming and agriculture industry in the state, at least one of  
9 which shall be a dairy farmer. The representative from the Department of Agriculture shall preside  
10 over the work group. The work group shall examine the potential benefit and need of transferring  
11 some or all authority to promulgate milk rules and regulations from the Department of Health and  
12 Human Resources to the Department of Agriculture and shall recommend legislation for passage  
13 by the Legislature to the Joint Committee on Agriculture and Rural Development no later than  
14 November 1, 2018.

15 (c) The expenses of the work group shall be paid equally from the funds of the Department  
16 of Agriculture, the Bureau for Public Health, and the West Virginia University Extension Service.  
17 The members of the work group may receive no compensation for their services other than actual  
18 expenses incurred in the discharge of their duties as members of work group.

19            (d) The provisions of this section expire and are of no force and effect after December 31,  
20    2018.

NOTE: The purpose of this bill is to direct the President of the Senate to establish a work group to examine the benefits and need of transferring some or all authority to promulgate milk rules and regulations from the Department of Health and Human Resources to the Department of Agriculture.

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