

# WEST VIRGINIA LEGISLATURE

## 2018 REGULAR SESSION

**Introduced**

### **House Bill 4179**

**FISCAL  
NOTE**

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SOBONYA, C. MILLER, FOLK, ROWAN, FRICH, SUMMERS

AND FAST

[Introduced January 18, 2018; Referred  
to the Committee on Agriculture and Natural  
Resources then Government Organization.]

1 A BILL to amend and reenact §16-7-5 of the Code of West Virginia, 1931, as amended, relating  
2 to transferring milk rules and regulations from Department of Health and Human  
3 Resources to Department of Agriculture; requiring consultation with Department of Health  
4 and Human Resources; and striking outdated language.

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

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

### **§16-7-5. Regulations ~~by state board of health~~ as to milk and milk products.**

1 (a) The West Virginia ~~board of health~~ Department of Agriculture, in consultation with the  
2 Department of Health and Human Resources, shall adopt rules and regulations to provide clean  
3 and safe milk and fresh milk products, and, when promulgated, these regulations shall be the  
4 minimum requirements to be enforced by state and local health authorities throughout the state.  
5 ~~Provided, That except in any case where the milk or milk product involved creates, or appears to~~  
6 ~~create, an imminent hazard to the public health, or in any case of a willful refusal to permit an~~  
7 ~~authorized inspection, that any regulations promulgated by the board of health shall provide that~~  
8 ~~prior to any suspension or revocation of a permit issued to any dairy farm, milk plant, receiving~~  
9 ~~station, transfer station and distribution station, the holder of such permit shall be served with a~~  
10 ~~written notice to suspend or revoke such permit, which notice shall specify with particularity the~~  
11 ~~violations in question and afford the holder reasonable opportunity to correct such violations:~~  
12 ~~Provided, however, That the proposed order to deny, suspend or revoke a permit shall not be~~  
13 ~~effective until notice in writing has been delivered to the holder of such permit who shall have~~  
14 ~~forty-eight hours therefrom in which to make application to the county health officer for a hearing~~  
15 ~~thereon. The county health officer shall, within seventy-two hours of receipt of such application,~~  
16 ~~give a notice in writing to the holder of such permit setting forth the time and place of the hearing~~  
17 ~~and proceed to a hearing to ascertain the facts of such violation and upon evidence presented at~~  
18 ~~such hearing shall affirm, modify or rescind the proposed order to suspend. A copy of such~~

- 19 ~~regulations shall be furnished to the commissioner of agriculture for his guidance in performing~~  
20 ~~any duties with relation to milk and milk products imposed on him by law~~

NOTE: The purpose of this bill is to transfer authority regarding milk and milk products for the DHHR to the Department of Agriculture.

This bill is recommended by the Joint Interim Committee on Agriculture and Rural Development for introduction and passage during the 2018 Regular Session.

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