

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **House Bill 5140**

By Delegates Hornby, Hite, Horst, Thorne, Street,  
Heckert, Burkhammer, Pinson, Chiarelli, Smith, and  
Willis

[Introduced January 25, 2024; Referred to the  
Committee on Agriculture and Natural Resources  
then Government Organization]

1 A BILL to amend and reenact §19-2B-4 of the Code of West Virginia, 1931, as amended, relating to  
2 permitting custom or noncommercial slaughterhouses to sell animals so long as the  
3 appropriate licenses are purchased.

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

**ARTICLE 2B. INSPECTION OF MEAT AND POULTRY.**

**§19-2B-4. License required for commercial slaughterer, custom slaughterer, commercial processor, custom processor or distributor; application for license; fees; refusal, revocation or suspension; suspension of inspection; establishment number or numbers; permitting sale of meat by custom slaughterer or noncommercial slaughterer.**

1 (a) No commercial slaughterer, custom slaughterer, commercial processor, custom  
2 processor or distributor shall operate an establishment unless he or she shall first have obtained a  
3 license from the commissioner, which license remains unsuspended and unrevoked. Application  
4 for such license shall be made on forms prescribed by the commissioner and shall be  
5 accompanied by the fee required in this section.

6 (b) When such a person operates as a commercial slaughterer and also operates as a  
7 commercial processor, whether such operations are located on the same or different premises in  
8 this state, each such operation shall be licensed. When such a person operates two or more  
9 slaughterhouses not on the same premises in this state, or operates two or more processing  
10 plants not on the same premises in this state, a separate license shall be required for each such  
11 slaughterhouse and each such processing plant. Each license shall expire on June 30 next  
12 following its issuance, and the annual fee for each such license shall be based upon the average  
13 number of animals slaughtered per year and upon the average finished product poundage  
14 processed per year, as set forth in the following table, except that the annual fee for the license of a  
15 person who operates solely as a custom slaughterer shall be \$10 or as a custom processor shall  
16 be \$5 or as a distributor shall be \$5.

17		Average Number of Animals	Annual
18	Class	Slaughtered Per Year	Fee
19	Small	1-500	\$10.00
20	Medium	501-1000	\$25.00
21	Large	1001-5000	\$50.00
22	Extra Large	Over 5000	\$75.00
23			
24		Average Finished Product	Annual
25	Class	Poundage Processed Per Year	Fee
26	Small	1-25,000	\$10.00
27	Medium	25,001-250,000	\$25.00
28	Large	250,001-1,000,000	\$50.00
29	Extra Large	Over 1,000,000	\$75.00
30			

31           (c) Before issuing any license required by the provisions of this section, the commissioner  
 32 shall inspect the applicant's establishment and if the commissioner is satisfied that the  
 33 establishment is clean and sanitary, is properly equipped, and is in conformity with the provisions  
 34 of this article and any reasonable rules promulgated by the commissioner, and if he or she is  
 35 further satisfied that the carcasses, meat products or poultry products to be sold or offered for sale  
 36 therefrom through commercial outlets will be wholesome and unadulterated, he or she shall issue  
 37 the license. Each license shall specify the location of the establishment at which the licensee shall  
 38 carry on his or her operations. The license shall also contain the establishment number assigned  
 39 by the commissioner.

40           (b) (d) When a licensee changes the location of his or her establishment, he or she shall  
 41 not operate at such new location unless and until his or her establishment at such new location has  
 42 been inspected by the commissioner and a new license has been issued, or when a licensee  
 43 leases, sells, changes name, incorporates or in any other way changes the status of his or her  
 44 establishment with relationship to issuance of current license, the new lessee, owner, etc., shall  
 45 not operate at the location unless and until the establishment at such location has been inspected  
 46 and approved by the commissioner and a new license has been issued in accordance with the  
 47 provisions of subsection (a) of this section: *Provided*, That a fee shall not be charged for such new  
 48 license during the license year in which the change in location or change in ownership, name or

49 leasing was made.

50 ~~(e)~~ (e) The commissioner may refuse to grant a license or may suspend or revoke a license  
51 issued under the provisions of this section whenever he or she finds that the applicant's or  
52 licensee's establishment, as the case may be, is not clean or sanitary, or is not properly equipped,  
53 or is not in conformity with the provisions of this article or any reasonable rules promulgated by the  
54 commissioner, or if he or she finds that the carcasses, meat products or poultry products to be sold  
55 or offered for sale therefrom through commercial outlets are or will be adulterated.

56 (f) Upon the refusal to grant a license, the commissioner shall furnish a written statement to  
57 the applicant specifying the grounds for such refusal. No such revocation or suspension of a  
58 license shall be effective until the licensee has received written notice thereof, which notice shall  
59 specify the grounds for such revocation or suspension.

60 (g) Whenever there is sufficient cause for the revocation or suspension of a license as  
61 hereinabove specified, the commissioner may in lieu of such revocation or suspension, suspend  
62 inspections at the establishment. Immediately upon suspension of such inspections the  
63 commissioner shall give the licensee written notice thereof, and such notice shall contain a  
64 recitation of the deficiencies which must be fully and completely corrected before inspections shall  
65 be resumed.

66 (h) Upon receipt of a written statement advising that a license has been refused or upon  
67 receipt of a written notice of the revocation or suspension of a license, or upon the suspension of  
68 inspections at the licensee's establishment, the applicant or licensee, as the case may be, may, in  
69 writing, demand a hearing. The commissioner shall hold such a hearing within ten days after  
70 receipt of such written demand, in accordance with the provisions of section nine of this article.

71 (i) A custom or noncommercial slaughterhouse shall be permitted to sell meat to  
72 customers without restriction on portion size so long as the other provisions of this article are  
73 followed.

NOTE: The purpose of this bill is to permit custom or noncommercial slaughterhouses to

sell meat to customers without restriction on portion size.

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