

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Enrolled**

### **Senate Bill 428**

By Senator Woodrum

[Passed February 12, 2024; in effect 90 days from  
passage]

1 An ACT to amend and reenact §19-11B-12 of the Code of West Virginia, 1931, as amended,  
2 relating to establishing that appeals from administrative rulings are to be filed with the  
3 Intermediate Court of Appeals.

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

**ARTICLE 11B. FROZEN DESSERTS AND IMITATION FROZEN DESSERTS LAW.**

**§19-11B-12. Hearings and appeals.**

1 (a) Any person aggrieved by any action taken under this article shall be afforded the  
2 opportunity for a hearing before the commissioner under the rules promulgated by the  
3 commissioner.

4 (b) Hearings shall be conducted in accordance with procedures set forth by rule.

5 (c) All the testimony and evidence at a hearing shall be recorded by mechanical means,  
6 which may include the use of tape recordings. The mechanical record shall be maintained for 90  
7 days from the date of the hearing and a transcript shall be made available to the aggrieved party.

8 (d) Any party who feels aggrieved of the suspension, revocation, or denial order may  
9 appeal to the Intermediate Court of Appeals pursuant to the provisions of §29A-5-4 of this code.