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OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF EMERGENCY RULE DECISION BY THE SECRETARY OF STATE

AGENCY: Department of Agriculture

RULE: 61CSR15, Grade "A" Pasteurized Milk

AUTHORITY: W. Va. Code §19-11E-8

DATE FILED AS AN EMERGENCY RULE: December 6, 2019

Following review under W. Va. Code §29A-3-15a, which requires the Secretary of State to determine that the agency filing such emergency rule: 1) has not exceeded the scope of law authorizing or directing the promulgation thereof; 2) has shown that an emergency exists justifying the promulgation of an emergency rule; and 3) filed the emergency rule in compliance with W. Va. Code §29A-3-15, it is the decision of the Secretary of State that the above emergency rule is **Approved**.

It is the determination of the Secretary of State that this proposal qualifies under the definition of an emergency as defined in §29A-3-15(f):

(1) For the immediate preservation of the public peace, health, safety and welfare;

(2) to comply with a time limitation established by the W. Va. Code or by a federal statute or regulation; or

(3) to prevent substantial harm to the public interest.

Additional notes: The passage of SB496 (eff. March 8, 2019) transferred authority to regulate milk from DHHR to the Dept. of Agriculture. It also provided for an orderly transition of duties to be completed no later than December 31, 2019. The emergency rule allows the milk program to continue operation after January 1 under the new statute.

Mac Warner, Secretary of State