



WEST VIRGINIA SECRETARY OF STATE
KRIS WARNER
ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-
MAKING REVIEW COMMITTEE**

AGENCY: Agriculture TITLE-SERIES: 61-01D
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: 61-01D List of Restricted Live, Modified Live and Killed Vaccines For Animals

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY: §19-9-34

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

§19-9-2 Allows the Department to establish a list of restricted use of live, modified live and killed vaccines for animals.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/10/2026

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/10/2026

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: Yes

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

n/a

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

To establish regulations for the annual list of restricted use of live modified live and killed vaccines for animals.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

To establish a list of vaccines.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

n/a

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

n/a

C. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

n/a

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2026 Increase/Decrease (use "-")	2027 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

n/a

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Amie J Minor -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 61
~~PROCEDURAL RULE~~ LEGISLATIVE RULE
DEPARTMENT OF AGRICULTURE

SERIES 1D
LIST OF RESTRICTED LIVE, MODIFIED LIVE AND KILLED VACCINES FOR ANIMALS

§61-1d-1. General.

1.1. Scope. -- These ~~procedural~~ regulations establish the annual list of restricted use of live, modified live and killed vaccines for animals.

1.2. Authority. -- §19-9-2.

~~1.3. Filing Date. -- Technical Amendment Filed July 28, 2020.~~

1.4. Effective Date. -- ~~May 16, 2005.~~

1.5. Sunset Date. -- This rule shall terminate and have no further force or effect on August 1, 2036.

1.6. 9 C.F.R. §101-124 ("Viruses, Serums, Toxins, and Analogous Products; Organisms and Vectors", defined by the United States Department of Agriculture/Veterinary Services) is incorporated by reference.

§61-1D-2. Restricted Animal Vaccine List.

2.1. Brucella vaccine may be used only by licensed and accredited veterinarians.

2.2. Vaccines for Johne's disease, pseudorabies, bluetongue, avian influenza, laryngotracheitis (poultry) and anthrax shall not be used by anyone unless or until written authority for such use is granted by the Commissioner.

2.3. No person may sell rabies vaccine to other than a licensed veterinarian or person authorized by county commission to conduct rabies clinics or an establishment that legally sells such vaccines to such persons licensed or authorized to use such preparations.