

N. H. DYER, M.D., M.P.H.
STATE DIRECTOR OF HEALTH



State of West Virginia

DEPARTMENT OF HEALTH

CHARLESTON 25305

May 29, 1973

FILED IN THE OFFICE
EDGAR F. HEISKELL III
SECRETARY OF STATE
THIS DATE 5/29/73

The Honorable Edgar F. Heiskell, III
Secretary of State
State Capitol
Charleston, West Virginia 25305

Dear Sir:

Enclosed are two copies of an amendment to Section 3 of "Grade 'A' Pasteurized Milk Ordinance", designated Series II, of Chapter 16-1 of the West Virginia Administrative Regulations. This amendment cancels and supersedes Section 3 of those regulations previously filed with your office as item number 4 of the odd size file.

I hereby certify that the attached regulations are true and accurate copies of official regulations adopted by the West Virginia State Board of Health on May 16, 1973.

Very truly yours,

N. H. Dyer, M.D., M.P.H.
State Director of Health

NHD:jd

Enclosure

Dear Sir,

I have the pleasure to inform you that your application for the position of [Job Title] has been received and is currently under consideration.

We are impressed with your qualifications and experience, and we are pleased to inform you that you have been shortlisted for the next stage of the recruitment process.

The next stage of the process is an interview, which will be held on [Date] at [Time] in [Location]. Please bring with you [Requirements] and a copy of your CV.

If you have any questions or require further information, please do not hesitate to contact me on [Phone Number] or [Email Address].

Yours faithfully,

[Signature]

THIS DATE 5/29/73

SECTION 3. PERMITS: On and after June 29, 1973, it shall be unlawful for any person who does not possess a permit from the State Department of Health to send, bring, receive, have for sale, sell, offer for sale, or to have in storage in the State of West Virginia any milk or milk products as defined in this Ordinance. Application(s) for such permit(s) shall be made to the State Department of Health, on a form prescribed by that agency, at least fourteen (14) days prior to the time the applicant desires to begin processing, distributing, or storing such milk or milk products.

All other parts of Chapter 1, Article 1, Section 3 of the West Virginia Grade "A" Pasteurized Milk Regulations remain unchanged and unaffected by the amended portion of said regulation.

Provided, That, grocery stores, restaurants, soda fountains, vending machines, and similar establishments where milk or milk products are served or sold at retail, but not processed, may be exempt from the requirements of this section.

Only a person who complies with the requirements of this Ordinance shall be entitled to receive and retain such a permit. Permits shall not be transferable with respect to persons and/or locations. Permits for milk plants, receiving stations, transfer stations, distribution stations and/or facilities and distributors shall expire June 30th following the date of issuance.

The health officer shall suspend such permit, whenever he has reason to believe that a public health hazard exists; or whenever the permit holder has violated any of the requirements of this Ordinance; or whenever the permit holder has interfered with the health officer in the performance of his duties:




Provided, That the health officer shall, in all cases except where the milk or milk product involved creates, or appears to create, an imminent hazard to the public health; or in any case of a willful refusal to permit authorized inspection, serve upon the holder a written notice of intent to suspend permit, which notice shall specify with particularity the violation(s) in question and afford the holder such reasonable opportunity to correct such violation(s) as may be agreed to by the parties, or in the absence of agreement, fixed by the health officer, before making any order of suspension effective. A suspension of permit shall remain in effect until the violation has been corrected to the satisfaction of the health officer.

Upon written application of any person whose permit has been suspended, or upon application within 48 hours of any person who has been served with a notice of intention to suspend, and in the latter case before suspension, the health officer shall within 72 hours proceed to a hearing to ascertain the facts of such violation or interference and upon evidence presented at such hearing shall affirm, modify, or rescind the suspension or intention to suspend.

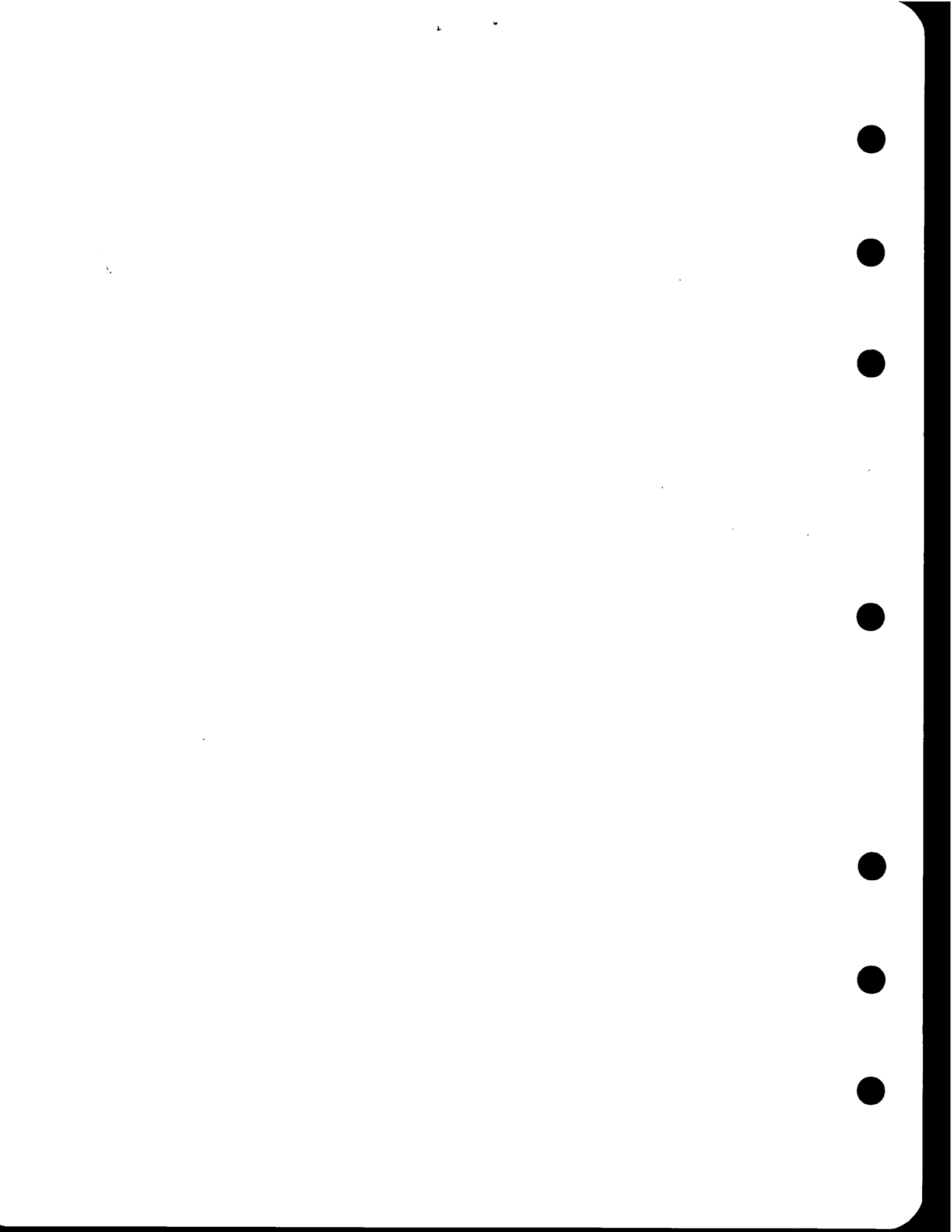
Upon repeated violation(s), the health officer may revoke such permit following reasonable notice to the permit holder and an opportunity for a hearing. This section is not intended to preclude the institution of court action as provided in Sections 5 and 6.

I hereby certify that the foregoing regulations constitute the official regulations adopted by the State Board of Health on May 16, 1973, and filed pursuant to law in the office of Secretary of State, State of West Virginia.



N. H. DYER, M. D., M. P. H.
STATE DIRECTOR OF HEALTH

FILED IN THE OFFICE
EDGAR F. HEISKELL II
SECRETARY OF STATE
THIS DATE 5/27/73



SM-104-S

AMENDED
CHAPTER 1, ARTICLE 1, SECTION 3
WEST VIRGINIA
GRADE "A"
PASTEURIZED-----
MILK
REGULATION



Adopted by the West Virginia State Board of Health
EFFECTIVE SEPTEMBER 1, 1973

FILED IN THE OFFICE
EDGAR F. HEISKELL III
SECRETARY OF STATE
THIS DATE 7-19-73



SECTION 3 PERMITS: Effective September 1, 1973 it shall be unlawful for any person who does not possess a permit from the State Department of Health or in the case of a raw producer dairy (direct shippers) possess a permit from the health officer of the county receiving the milk for processing to send, bring, receive, have for sale, sell, offer for sale, or to have in storage in the State of West Virginia any milk or milk product as defined in this regulation. Application(s) for such permit(s) shall be made to the appropriate Department of Health on a form prescribed and furnished by the State Department of Health.

Food service establishments, vending machines and similar establishments including grocery stores where milk or milk products are served or sold at retail, but not processed, are exempt from this requirement unless they are acting as a (1) "bobtailer" or (2) are distributing or selling private labeled milk and/or milk products or (3) engaged in "platform pickup" of milk and/or milk products.

All other parts of Chapter 1, Article 1, Section 3 of the West Virginia Grade "A" Pasteurized Milk Regulations remain unchanged and unaffected by the amended portion of said regulation.

Only a person who complies with the requirements of this Ordinance shall be entitled to receive and retain such a permit. Permits shall not be transferable with respect to persons and/or locations. Permits for milk plants, receiving stations, transfer stations, distribution stations and/or facilities and distributors shall expire June 30th following the date of issuance.

The health officer shall suspend such permit, whenever he has reason to believe that a public health hazard exists; or whenever the permit holder has violated any of the requirements of this Ordinance; or whenever the permit holder has interfered with the health officer in the performance of his duties: Provided, That the health officer shall, in all cases except where the milk or milk product involved creates, or appears to create, an imminent hazard to the public health; or in



any case of a willful refusal to permit authorized inspection, serve upon the holder a written notice of intent to suspend permit, which notice shall specify with particularity the violation(s) in question and afford the holder such reasonable opportunity to correct such violation(s) as may be agreed to by the parties, or in the absence of agreement, fixed by the health officer, before making any order of suspension effective. A suspension of permit shall remain in effect until the violation has been corrected to the satisfaction of the health officer.

Upon written application of any person whose permit has been suspended, or upon application within 48 hours of any person who has been served with a notice of intention to suspend, and in the latter case before suspension, the health officer shall within 72 hours proceed to a hearing to ascertain the facts of such violation or interference and upon evidence presented at such hearing shall affirm, modify, or rescind the suspension or intention to suspend.

Upon repeated violation(s), the health officer may revoke such permit following reasonable notice to the permit holder and an opportunity for a hearing. This section is not intended to preclude the institution of court action as provided in Sections 5 and 6.

I hereby certify that the foregoing regulations constitute the official regulations adopted by the State Board of Health on July 18, 1973, and filed pursuant to law in the office of Secretary of State, State of West Virginia.


N. H. DYER, M.D., M.P.H.
STATE DIRECTOR OF HEALTH

Filed in the office of the Honorable Edgar F. Heiskell, III, Secretary of State this the 19th day of July, 1973.

SEAL

