

# **WEST VIRGINIA LEGISLATURE**

**2019 REGULAR SESSION**

**Committee Substitute**

**for**

**House Bill 2945**

BY DELEGATES MILEY, CAPUTO, LAVENDER-BOWE,

HOUSEHOLDER, NELSON AND BATES

[Originating in the Committee on Finance, February

21, 2019.]



1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §16-2-17; relating to temporary food service permits issued by a local or  
3 county health departments for selling non-potentially hazardous foods; providing that  
4 permits and fees shall be valid for one year; providing a definition of non-potentially  
5 hazardous foods; providing that permits and fees shall be valid beyond the boundaries of  
6 the county issuing the permit; providing limitations upon an issued permit to assure  
7 compliance; providing that vendors must provide notice to local health departments more  
8 than 14 days prior to an event; providing that permits must be visibly posted at the event;  
9 and requiring the Secretary to review and modernize legislative rules regarding local  
10 boards of health fees.

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

**ARTICLE 2. LOCAL BOARDS OF HEALTH.**

**§16-2-17. Event permit fees good for a year, reciprocity from other state health departments.**

1 (a) A temporary food service permit issued by a local or county health department to an  
2 in-state vendor in their county of residence for preparing and selling non-potentially hazardous  
3 foods at a festival, scheduled event, or similar activity which is valid for any time period less than  
4 annual and any permit fee paid shall be valid for an entire calendar year for the vendor regardless  
5 of the length of time for which the first permit is issued and regardless of the number of subsequent  
6 festivals, events or activities for which the vendor requires the same permit. Non-potentially  
7 hazardous foods mean food that does not require time or temperature control for safety to limit  
8 pathogenic microorganism growth or toxin formation.

9 (b) The permit shall also be valid in the counties that border the vendor's county of  
10 residence or 25 air miles, whichever is greater. No health department within these defined areas  
11 may charge a permit fee to any in-state vendor that has received a temporary food service permit  
12 to prepare and sell non-potentially hazardous foods by the other in-state health department during

13 the same calendar year for the same type of activity, but may place conditions and limitations  
14 upon an issued permit to assure compliance with that health departments rules and standards for  
15 the type of permit being issued. Each vendor must provide notice to the local health department  
16 with jurisdiction at least 14 days prior to the start of the festival, event or activity. The permit must  
17 be visibly posted at the festival, event, or activity or the permit is not valid.

18 (c) The Secretary shall review and modernize legislative rules regarding local boards of  
19 health fees located in 64 CSR 30 in the next filing period.