

COMMITTEE SUBSTITUTE

FOR

**H. B. 2252**

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(BY DELEGATES J. MILLER AND OVERINGTON)

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(Originating in the House Committee on the Judiciary)  
[February 24, 2012]

A BILL to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated §55-7D-6; relating to limiting liability for persons donating and charitable organizations accepting certain food and grocery items; and directing the Department of Health to promulgate a legislative rule establishing exceptions from commercial food preparation and distribution requirements for certain prepared and donated food stuffs that comply with the promulgated rule.

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

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §55-7D-6, to read as follows:

**ARTICLE 7D. GOOD SAMARITAN FOOD DONATION ACT.**

**§55-7D-6. Standards for food preparation and donation by good samaritans.**

1        The Department of Health shall propose a rule for  
2        legislative promulgation, pursuant to article three, chapter  
3        twenty-nine-a of this code, providing for special requirements  
4        that establish criteria that allow non-commercially prepared  
5        and distributed food be consumed as part of food distribution  
6        programs as provided for in this article, that assures healthy  
7        wholesome food preparation and distribution of food  
8        prepared and distributed as part of a free food distribution  
9        program. The rule shall provide alternative standards and  
10       criteria that recognize that wholesome food preparation in  
11       private or non-commercial public locations that meet certain  
12       minimum standards is healthy and wholesome, although food  
13       preparation techniques may not meet commercial industry  
14       practices and standards. The rule shall include alternative  
15       minimum standards for food preparation areas that allow  
16       private individuals to comply with these standards using non-

17 commercial cooking and preparation equipment and  
18 practices. The rule shall also include minimum standards that  
19 persons preparing in residential kitchens shall comply with to  
20 be afforded the protections of this section and to be  
21 authorized to distribute the food as part of a free food  
22 distribution program. This rule shall be promulgated by the  
23 first day of July, two thousand and twelve and persons  
24 complying with such rule shall be afforded the protections of  
25 this article.