

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

ENROLLED

House Bill 4447

BY DELEGATES LAVENDER-BOWE, LOVEJOY, CAMPBELL,
PACK, EVANS, ZUKOFF, BOGGS, WALKER, GRAVES,
PAYNTER AND ESTEP-BURTON

[Passed March 6, 2020; in effect ninety days from
passage.]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §16-5S-9a, relating to creation of the shared table initiative for senior citizens
3 who suffer from food insecurity; stating findings; acknowledging the success of a similar
4 initiative in public schools; stating the purpose of the bill; granting rule-making authority
5 with certain minimum contents; stating certain requirements for guidelines and guidance
6 policies; stating certain requirements regarding health guidelines, compliance, and
7 coverage; authorizing certain collaboration; and authorizing the Bureau for Senior
8 Services to make certain requirements.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5S. OLDER WEST VIRGINIANS ACT.

§16-5S-9a. Shared table initiative for senior citizens.

1 (a) The Legislature finds and determines that:

2 (1) The enactment of §18-5D-5 of this code, creating the shared table initiative in West
3 Virginia Schools has been a major success;

4 (2) Shared table initiatives can be successful in other settings;

5 (3) Senior citizens are often some of our most vulnerable citizens; and

6 (4) There is no reason for food already produced by senior centers and other services
7 aiding seniors to be wasted when that could help improve the living conditions of senior citizens
8 in need.

9 (b) Therefore, the purpose of this section is to establish a statewide initiative to facilitate
10 shared tables at senior centers and similar facilities where congregate meals are provided to
11 seniors in need. The Bureau for Senior Services shall promulgate a rule in accordance with §29A-
12 3B-1, *et seq.* of this code that provides guidelines to senior centers and other locations where
13 congregate meals are provided to senior citizens on the management and distribution of excess
14 food consistent with state and county health department and United States Food and Drug
15 Administration requirements and guidelines for the distribution of excess food. The guidance

16 policy at a minimum shall provide a list of food products and methodologies for distribution that
17 include, but are not limited to:

18 (1) The types of foods that may be distributed;

19 (2) Methods of distribution to make excess food available;

20 (3) Methods of distributing excess food to persons or organizations providing food to
21 seniors suffering from food insecurity; and

22 (4) Methods to otherwise donate excess food to persons or organizations providing food
23 to persons or families suffering from food insecurity.

24 (c) The preparation, safety, and donation of food made available to senior citizens during
25 a congregate meal and donated to a food bank or any other nonprofit charitable organization for
26 distribution shall comply with and be thereby covered by the Good Samaritan Food Donation Act,
27 §55-7D-1 *et seq.* of this code.

28 (d) The methods of distributing excess food to senior citizens may include a sharing table
29 where food service staff, senior citizens, and volunteers may return appropriate food items
30 consistent with the promulgated rule to make those food items available to senior citizens during
31 the day.

32 (e) The Bureau for Senior Services may coordinate with the State Department of
33 Education to obtain best practices advice on implementation and the rules promulgated by the
34 Bureau for Senior Services may require some or all locations where congregate meals are served
35 to senior citizens to participate in the shared table initiative.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

The within this the.....
day of, 2020.

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Governor