

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

Senate Bill 671

FISCAL
NOTE

BY SENATOR WELD

[Introduced January 31, 2020; referred
to the Committee on Health and Human Resources]

1 A BILL to amend and reenact §16-2-17 of the Code of West Virginia, 1931, as amended, relating
 2 to temporary food service permits issued by a local or county health department;
 3 permitting in-state and out-of-state vendors to use the same permitting process; removing
 4 the restriction that the permit be limited to nonpotentially hazardous foods; and decreasing
 5 notification time frame.

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

9 (b) The permit shall also be valid in ~~the~~ all counties ~~that border the vendor's county of~~
 10 ~~residence or 25 air miles, whichever is greater~~ of this state. No local or county health department
 11 within ~~these defined areas~~ the state may charge a permit fee to any ~~in-state~~ vendor that has
 12 received a temporary food service permit to prepare and sell ~~non-potentially hazardous foods by~~
 13 ~~the~~ foods by any other in-state health department during the same calendar year for the same
 14 type of activity, but may place conditions and limitations upon an issued permit to assure
 15 compliance with that health departments rules and standards for the type of permit being issued.
 16 Each vendor must provide notice to the local health department with jurisdiction at least 44 seven
 17 days prior to the start of the festival, event or activity. The permit must be visibly posted at the

- 18 festival, event, or activity or the permit is not valid.
- 19 (c) The secretary shall review and modernize legislative rules regarding local boards of
- 20 health fees located in 64 CSR 30 in the next filing period.

NOTE: The purpose of this bill is to allow, with regard to temporary food service permits issued by a local or county health department, in-state and out of state vendors to go through the same permitting process. It also allows this process to be used for additional foods, and decreases the notification process period.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.