

# WEST VIRGINIA LEGISLATURE

## 2021 REGULAR SESSION

**Introduced**

### **House Bill 3238**

**FISCAL  
NOTE**

BY DELEGATES YOUNG AND WORRELL

[Introduced March 16, 2021; Referred to the  
Committee on Health and Human Resources then  
Government Organization]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
2 designated §16-63-1, relating to establishing the food waste task force.

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

**ARTICLE 63. FOOD WASTE TASK FORCE.**

**§16-63-1. Food Waste Task Force established.**

1 (a) There is established in the Department of Health and Human Resources the Food  
2 Waste Task Force, which shall be responsible for identifying and examining and making  
3 recommendations for legislative or executive action with regard to reducing food waste in this  
4 state, including, but not limited to the factors that lead to food waste in the state, and identifying  
5 strategies, policies, and legislative and executive actions that may be used to:

- 6 (1) Prevent food waste;
- 7 (2) Increase food donations;
- 8 (3) Provide consumers with education on food storage;
- 9 (4) Lower unreasonably high cosmetic standards for fruit and vegetables;
- 10 (5) Cease or significantly reduce the rejection of even marginally imperfect-looking food;
- 11 (6) Build statewide systems to distribute surplus edible food to charities;
- 12 (7) Eliminate unnecessary state statutes or regulations that contribute to food waste; and
- 13 (8) Modify “best by” food labels, consistent with uniform national standards, to inform  
14 consumers the latest possible date food can be safely consumed.

15 (b) The work undertaken by the task force shall supplement and be consistent with existing  
16 efforts and commitments to reduce food waste, including food donation efforts, composting  
17 efforts, date labeling efforts, and effective inventory management practices, which have been, or  
18 are being, undertaken at the national level pursuant to a uniform, nationwide model.

19 (c) The task force shall consist of 12 members to be appointed representatives from the  
20 Department of Health and Human Resources, the Department of Agriculture, the Legislature, and  
21 member of the public representing organizations combating hunger or food waste in the state.

22 (d) The task force shall organize as soon as practicable following the appointment of its  
23 members and shall select a chairperson from among its membership. The chairperson shall  
24 appoint a secretary who need not be a member of the task force.

25 (e) Members of the task force shall serve without compensation but shall be reimbursed  
26 for necessary expenses incurred in the performance of their duties as members of the task force,  
27 within the limits of funds appropriated or otherwise made available to the task force for its  
28 purposes.

29 (f) The task force shall be entitled to call to its assistance and avail itself of the services of  
30 the employees of any state, county, or municipal department, board, bureau, commission, or  
31 agency as it may require and as may be available to it for its purposes.

32 (g) The Department of Human Services shall provide staff support to the task force.

33 (h) No later than one year after organization, the task force shall submit to the Governor,  
34 and to the Legislature a report of its findings and recommendations for legislative, executive, or  
35 other action as may be appropriate to reduce food waste in this state. The task force shall expire  
36 upon submission of its report.

NOTE: The purpose of this bill is to establish the food waste task force.

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