

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2518

By Delegate Keaton

[Introduced January 12, 2023; Referred to the
Committee on Agriculture and Natural Resources
then Education]

1 A BILL to amend and reenact §19-37-2 of the Code of West Virginia, 1931, as amended, relating to
2 providing a minimum percentage requirement of food from in-state producers for purposes
3 of the West Virginia Fresh Food Act.

Be it enacted by the Legislature of West Virginia:

ARTICLE 37. WEST VIRGINIA FRESH FOOD ACT.

§19-37-2. State-funded institutions to purchase food from in-state sources; exception.

1 (a) Beginning July 1, 2019, each state-funded institution, including, but not limited to,
2 schools, colleges, correctional facilities, governmental agencies, and state parks, shall obtain a
3 minimum of five percent of its food from in-state producers: Provided, that beginning January 1st,
4 2025, each state-funded institution, including, but not limited to, schools, colleges, correctional
5 facilities, governmental agencies, and state parks, shall obtain a minimum of ten percent of its food
6 from in-state producers. Beginning July 1st, 2027, each state-funded institution, including, but not
7 limited to, schools, colleges, correctional facilities, governmental agencies, and state parks, shall
8 obtain a minimum of fifteen percent of its food from in-state producers. Beginning January 1st,
9 2029, each state-funded institution, including, but not limited to, schools, colleges, correctional
10 facilities, governmental agencies, and state parks, shall obtain a minimum of twenty percent of its
11 food from in-state producers. Beginning July 1st, 2032, each state-funded institution, including,
12 but not limited to, schools, colleges, correctional facilities, governmental agencies, and state
13 parks, shall obtain a minimum of twenty five percent of its food from in-state producers.

14 (b) To satisfy this requirement, state-funded institutions may purchase, either directly or
15 indirectly fresh produce, meat and poultry products, milk and other dairy products, and other foods
16 grown, produced, or processed by in-state producers.

17 (c) The commissioner shall establish by legislative rules the criteria for a food or food
18 product to satisfy the requirements of this section, and may further identify food and food products
19 that are eligible to be considered for in-state food credit.

20 (d) The commissioner shall further establish the criteria for determining when exceptions

21 or exemptions should be granted to state institutions, including, but not limited to, situations in
22 which the desired food, such as produce, meat and poultry products, milk and other dairy
23 products, cannot be grown or is not available from in-state producers.

24 (e) The state-funded institution shall ensure that all contracts for the purchase of food, or
25 that include the purchase of food as a component of the contract, contain provisions to ensure that
26 the institution complies with the provisions of this article and any legislative rule promulgated
27 pursuant thereto.

28 (f) The Commissioner of Agriculture may petition for a writ of mandamus against any state-
29 funded institution for violations of this article, in either the circuit court of Kanawha County, or the
30 circuit court in which the violation took place.

NOTE: The purpose of this bill is to provide a minimum percentage requirement of food from in-state producers for purposes of the West Virginia Fresh Food Act.

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