

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3092

By Delegates Foster, Longanacre and Young

[Introduced January 26, 2023; Referred to the
Committee on Health and Human Resources]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §16-2-18, relating to in-state food service permit reciprocity.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. LOCAL BOARDS OF HEALTH.

§16-2-18. In-state food service permit reciprocity.

1 (a) A local or county health department shall issue a mobile food establishment reciprocity
2 permit to a mobile food service establishment that is operating within the State of West Virginia
3 and holds a valid mobile food establishment permit from the vendor’s county of residence. The
4 mobile food establishment reciprocity permit shall be valid for the length of time for which the first
5 permit is issued and regardless of the number of days for which the vendor requires the mobile
6 food establishment reciprocity permit.

7 (b) No health department within the state may charge an additional fee to any in-state
8 vendor that has received a mobile food establishment permit but may place conditions upon an
9 issued permit to assure compliance with that health department’s rules and standards for the type
10 of permit being issued. Each vendor must provide notice to the local health department with
11 jurisdiction at least 14 days prior to operating within the jurisdiction. The permit must be visibly
12 posted while the mobile food establishment is operational.

13 (c) The secretary shall review and modernize legislative rules regarding local boards of
14 health fees located in 64 CSR 30 in the next filing period.

NOTE: The purpose of this bill is to require local and county health departments to issue a mobile food establishment reciprocity permit to a mobile food service establishment that is operating within the State of West Virginia and holds a valid mobile food establishment permit from the vendor’s county of residence.

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