WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5017

By Delegates Dittmen, Tully, Petitto, and young

[Introduced January 23, 2024; Referred to the Committee on Government Organization]

A BILL to amend and reenact §16-2-18 of the Code of West Virginia, 1931, as amended, relating to mobile food establishment 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.

(a) A local or county health department shall 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. The mobile food establishment reciprocity permit shall be valid for the length of time for which the first permit is issued and regardless of the number of days for which the vendor requires the mobile food establishment reciprocity permit.

(b) ~~No~~ A local or county health department ~~within the state~~ may not charge ~~an additional~~ a fee to ~~any~~ an in-state vendor that has received a mobile food establishment reciprocity permit. ~~but may place conditions upon an issued permit to assure compliance with that health department’s rules and standards for the type of permit being issued. Each vendor must provide notice to the local health department with jurisdiction at least 14 days prior to operating within the jurisdiction~~ A mobile food establishment in compliance with rules of the issuing local or county health department is deemed in compliance in all other counties. The permit ~~must~~ shall be visibly posted while the mobile food establishment is operational.

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

NOTE: The purpose of this bill is to make it easier for food trucks to travel from county to county.

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