

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Committee Substitute

for

House Bill 5017

By Delegates Dittman, Tully, Petitto, Young, Kump

and Hornbuckle

[Originating in the Committee on Government

Organization; Reported on February 14, 2024]

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

Be it enacted by the Legislature of West Virginia:

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 2. LOCAL BOARDS OF HEALTH.

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

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 A local or county health department within the state may not charge an additional a~~
8 ~~fee to any an in-state vendor that has received a mobile food establishment reciprocity permit. but~~
9 ~~may place conditions upon an issued permit to assure compliance with that health department's~~
10 ~~rules and standards for the type of permit being issued. Each vendor must provide notice to the~~
11 ~~local health department with jurisdiction at least 14 days prior to operating within the jurisdiction A~~
12 ~~mobile food establishment in compliance with rules of the issuing local or county health~~
13 ~~department is deemed in compliance in all other counties. The permit must shall be visibly posted~~
14 ~~while the mobile food establishment is operational.~~

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

17 (a) A local or county health department shall issue a mobile food establishment statewide
18 permit to a mobile food service establishment that is operating within the State of West Virginia.
19 The permit will be issued from the vendor's county of residence local or county health department.

20 The mobile food establishment statewide permit shall be valid for up to one year from the date
21 which the permit is issued and regardless of the number of days for which the vendor requires the
22 mobile food establishment.

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

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.