WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5086

By Delegate Brooks

[By Request]

[Introduced January 25, 2024; Referred to the

Committee on Health and Human Resources then the

Judiciary]

1   A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,

2   designated §19-39-1, all relating to the Food Safety Act of 2024; prohibiting persons or

3   entities from offering for human consumption food products that contain certain

4   substances; and establishing civil penalties for violation of section.

Be it enacted by the Legislature of West Virginia:

ARTICLE 39.   FOOD SAFETY ACT OF 2024.

§19-31-1. Prohibited substances on food products; penalties.

1   (a) Commencing January 1, 2027, a person or entity shall not manufacture, sell, deliver,

2   distribute, hold, or offer for sale, in commerce a food product for human consumption that contains

3   any of the following substances:

4   (1) Brominated vegetable oil;

5   (2) Potassium bromate;

6   (3) Propylparaben; and

7   (4) Red dye 3.

8   (b) (1) Upon an action brought by the Attorney General, a municipal attorney, or a

9   prosecuting attorney, a person or entity that violates subsection (a) of this section shall be liable for

10   a civil penalty not to exceed $5,000 for a first violation, and not to exceed $10,000 for each

11   subsequent violation.

12   (2) This section does not impair or impede any other rights, causes of action, claims, or

13   defenses available under any other law. The remedies provided in this section are cumulative with

14   any other remedies available under any other law.

NOTE: The purpose of this bill is to all relating to the Food Safety Act of 2024; prohibiting persons or entities from offering for human consumption food products that contain certain substances; and establishing civil penalties for violation of section.

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