

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 2252**

4 (By Delegates J. Miller and Overington)

5
6 (Originating in the House Committee on the Judiciary)

7
8 [February 24, 2012]

9
10 A BILL to amend the Code of West Virginia, 1931, as amended by
11 adding thereto a new section, designated §55-7D-6; relating to
12 limiting liability for persons donating and charitable
13 organizations accepting certain food and grocery items; and
14 directing the Department of Health to promulgate a legislative
15 rule establishing exceptions from commercial food preparation
16 and distribution requirements for certain prepared and donated
17 food stuffs that comply with the promulgated rule.

18 *Be it enacted by the Legislature of West Virginia:*

19 That the Code of West Virginia, 1931, as amended, be amended
20 by adding thereto a new section, designated §55-7D-6, to read as
21 follows:

22 **ARTICLE 7D. GOOD SAMARITAN FOOD DONATION ACT.**

23 **§55-7D-6. Standards for food preparation and donation by good**
24 **samaritans.**

1 The Department of Health shall propose a rule for legislative
2 promulgation, pursuant to article three, chapter twenty-nine-a of
3 this code, providing for special requirements that establish
4 criteria that allow non-commercially prepared and distributed food
5 be consumed as part of food distribution programs as provided for
6 in this article, that assures healthy wholesome food preparation
7 and distribution of food prepared and distributed as part of a free
8 food distribution program. The rule shall provide alternative
9 standards and criteria that recognize that wholesome food
10 preparation in private or non-commercial public locations that meet
11 certain minimum standards is healthy and wholesome, although food
12 preparation techniques may not meet commercial industry practices
13 and standards. The rule shall include alternative minimum
14 standards for food preparation areas that allow private individuals
15 to comply with these standards using non-commercial cooking and
16 preparation equipment and practices. The rule shall also include
17 minimum standards that persons preparing in residential kitchens
18 shall comply with to be afforded the protections of this section
19 and to be authorized to distribute the food as part of a free food
20 distribution program. This rule shall be promulgated by the first
21 day of July, two thousand and twelve and persons complying with
22 such rule shall be afforded the protections of this article.