

**H. B. 2859**

(By Delegates Howell, Storch, A. Evans. Williams, Hanshaw,  
R. Phillips, Trecost, Folk, Hill, Miller and Arvon)

[Introduced February 20, 2015; referred to the  
Committee on Health and Human Resources.]

**FISCAL  
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-6-3a, relating to exempting certain food establishments from inspection; providing notice to consumers and authorizing inspections based upon probable cause to believe unsanitary conditions may exist.

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

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §16-6-3a, to read as follows:

**ARTICLE 6. HOTELS AND RESTAURANTS.**

**§16-6-3a. Food establishments not subject to inspection, required notice to consumers.**

(a) The provisions of this article and the rules promulgated thereunder do not apply to the food establishments identified in this section. No inspection may be required of the food preparation areas in these establishments and no licensing may be required of the persons preparing food therein:

(1) Kitchens or other facilities operated by a charitable or nonprofit organization or by volunteers where food is processed or prepared to be provided without cost to the consumer; or

1           (2) A private home, curtilage or farm where food is prepared or processed by the resident or  
2 owner thereof and sold directly to the end consumer.

3           (b) Food prepared or processed by the establishments identified as exempt in subsection (a)  
4 of this section shall be clearly labeled at the point of sale or the relevant point of service:  
5 "PROCESSED AND PREPARED WITHOUT GOVERNMENT INSPECTION."

6           (c) The provisions of this section do not preclude an inspection by a state or county health  
7 department of an otherwise exempt establishment when there is probable cause to believe unsafe or  
8 unsanitary conditions may exist.

NOTE: The purpose of this bill is to exempt charitable food services and direct retail home and farm producers from food establishment regulations requiring inspections of facilities or licensing of food preparation staff.

This section is new; therefore, it has been completely underscored.