

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Committee Substitute

for

House Bill 4478

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HORNBUCKLE, WILLIAMS, BYRD, CANESTRARO, R.
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[Originating in the Committee on Education;

February 16, 2018.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §18-5D-5, relating to authorizing public schools to distribute excess food to
3 students and others who suffer from food insecurity; making findings and determination;
4 establishing “The Shared Table” initiative; providing for State Board rule; minimum
5 contents of rule; consistency with health department and Food and Drug Administration
6 requirements and guidelines; compliance and coverage under Good Samaritan Food
7 Donation Act; and requiring county board establishment of program to assist and
8 encourage school participation.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5D. WEST VIRGINIA FEED TO ACHIEVE ACT.

§18-5D-5. Shared table initiative.

1 (a) The Legislature finds and determines that:

2 (1) In West Virginia, one in four children suffer from food insecurity; however, every day
3 each school has a large percentage of food that is left uneaten and thrown away, and in many
4 cases this food can be reused;

5 (2) A new initiative called “The Shared Table” encourages schools to collect unused food
6 appropriate for redistribution, and make that food available throughout the day to students who
7 may be hungry, to provide a method for discrete distribution of that food to be taken home by kids
8 with food insecurity, and to donate any unused food to local food pantries and other entities that
9 distribute food to those in need;

10 (3) This program has begun to catch on nationally and has shown itself to be an effective
11 way to distribute excess school food;

12 (4) The Shared Table initiative can be as simple as designating a table or location in the
13 school for food to be taken by students through the school day, and can also provide a system of
14 discretely placing food in containers in student’s lockers each day to take home, and other creative

15 initiatives to promote consumption of unused food already provided by schools to students and
16 others who have food insecurity at home; and

17 (5) The Shared Table initiative does not require school cafeterias to produce extra food
18 and is only intended to promote the more effective consumption of existing food particularly to
19 students who may otherwise go without. Similar initiatives have been implemented in various
20 states and have been very successful in safely distributing food consistent with U.S. Food and
21 Drug Administration and local health agencies requirements.

22 Therefore, the purpose of this section is to establish a statewide initiative to facilitate this
23 worthwhile program.

24 (b) The state board shall promulgate a rule in accordance with §29A-3B-1 et seq. of this
25 code that provides policy guidance to county boards on the management and distribution of
26 excess school food consistent with state and county health department and United States Food
27 and Drug Administration requirements and guidelines for the distribution of excess foods. The
28 guidance policy at a minimum shall provide a list of food products and methodologies for
29 distribution that include, but are not limited to:

30 (1) The types of foods that may be distributed;

31 (2) Methods of distribution to make excess food available at other times during the school
32 day;

33 (3) Methods of distributing excess food to students to consume after school; and

34 (4) Methods to otherwise donate excess food to persons or organizations providing food
35 to persons or families suffering from food insecurity.

36 (c) The preparation, safety, and donation of food made food available to students during
37 a regular school meal time and donated to a food bank or any other nonprofit charitable
38 organization for distribution, shall comply with and be thereby covered by the Good Samaritan
39 Food Donation Act, §55-7D-1 et seq. of this code.

40 (d) The methods of distributing excess food to students within a school may include a
41 sharing table where food service staff, students and faculty may return appropriate food items
42 consistent with state board guidelines to make those food items available to students during the
43 school day.

44 (e) Each county board of education shall establish a program to assist and encourage
45 schools to participate in The Shared Table initiative.

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