

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

House Bill 4478

FISCAL
NOTE

BY DELEGATES LOVEJOY, ROHRBACH, HANSHAW,
HORNBUCKLE, WILLIAMS, BYRD, CANESTRARO, R.
MILLER, ROBINSON, ROWE AND ISNER

[Introduced February 8, 2018; Referred
to the Committee on Education then Finance.]

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; providing for establishing “The
 4 Shared Table” initiative; providing for the State Board of Education to provide policies to
 5 guide county schools to provide excess food to students and others; assuring all food
 6 distribution meets federal and local health requirements; and providing that this section is
 7 covered by the Good Samaritan Food Donation Act.

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 program to facilitate this
23 worthwhile program.

24 (b) The Department of Education shall establish a policy providing directives and
25 guidelines for management and distribution of excess school food. The policy shall provide
26 guidance to county school boards on state or county health departments and United States Food
27 and Drug Administration requirements and guidelines for distribution of unused foods. The
28 guidance policy shall at a minimum provide a list of food products and methodology for distribution
29 that includes, but is not limited to, the types of foods that may be distributed, methods for
30 distribution to make products available at other times during the school day, distribution to
31 students to consume after school, and otherwise donate to persons or organizations providing
32 food to persons or families suffering from food insecurity.

33 (c) Each county board of education shall establish a program to assist and encourage
34 schools to participate in the Shared Table initiative. Each school may provide sharing tables
35 where food service staff, pupils, and faculty may return appropriate food items consistent with
36 state board guidelines and make those food items available to pupils during a regular school day.
37 When a local educational agency makes food available to pupils during a regular school meal
38 time or donates food to a food bank or any other nonprofit charitable organization for distribution,
39 the preparation, safety, and donation of food shall comply with and be thereby covered by the
40 Good Samaritan Food Donation Act, §55-7D-1 et seq. of this code.

NOTE: The purpose of this bill is to authorize public schools to create a Shared Table

program to allow for distribution of excess school food to students and others who have food insecurities.

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