WEST virginia legislature

2023 regular session

Introduced

House Bill 2518

By Delegate Keaton

[Introduced January 12, 2023; Referred to the Committee on Agriculture and Natural Resources then Education]

A BILL to amend and reenact §19-37-2 of the Code of West Virginia, 1931, as amended, relating to providing a minimum percentage requirement of food from in-state producers for purposes of the West Virginia Fresh Food Act.

Be it enacted by the Legislature of West Virginia:

ARTICLE 37. West VIRGINIA FRESH FOOD ACT.

§19-37-2. State-funded institutions to purchase food from in-state sources; exception.

(a) Beginning July 1, 2019, each state-funded institution, including, but not limited to, schools, colleges, correctional facilities, governmental agencies, and state parks, shall obtain a minimum of five percent of its food from in-state producers: *Provided*, that beginning January 1st, 2025, each state-funded institution, including, but not limited to, schools, colleges, correctional facilities, governmental agencies, and state parks, shall obtain a minimum of ten percent of its food from in-state producers. Beginning July 1st, 2027, each state-funded institution, including, but not limited to, schools, colleges, correctional facilities, governmental agencies, and state parks, shall obtain a minimum of fifteen percent of its food from in-state producers. Beginning January 1st, 2029, each state-funded institution, including, but not limited to, schools, colleges, correctional facilities, governmental agencies, and state parks, shall obtain a minimum of twenty percent of its food from in-state producers. Beginning July 1st, 2032, each state-funded institution, including, but not limited to, schools, colleges, correctional facilities, governmental agencies, and state parks, shall obtain a minimum of twenty five percent of its food from in-state producers.

(b) To satisfy this requirement, state-funded institutions may purchase, either directly or indirectly fresh produce, meat and poultry products, milk and other dairy products, and other foods grown, produced, or processed by in-state producers.

(c) The commissioner shall establish by legislative rules the criteria for a food or food product to satisfy the requirements of this section, and may further identify food and food products that are eligible to be considered for in-state food credit.

(d) The commissioner shall further establish the criteria for determining when exceptions or exemptions should be granted to state institutions, including, but not limited to, situations in which the desired food, such as produce, meat and poultry products, milk and other dairy products, cannot be grown or is not available from in-state producers.

(e) The state-funded institution shall ensure that all contracts for the purchase of food, or that include the purchase of food as a component of the contract, contain provisions to ensure that the institution complies with the provisions of this article and any legislative rule promulgated pursuant thereto.

(f) The Commissioner of Agriculture may petition for a writ of mandamus against any state-funded institution for violations of this article, in either the circuit court of Kanawha County, or the circuit court in which the violation took place.

NOTE: The purpose of this bill is to provide a minimum percentage requirement of food from in-state producers for purposes of the West Virginia Fresh Food Act.

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