

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5027

By Delegate Hornby, Burkhammer, Chiarelli,

McGeehan, Phillips, and Foggin

[Introduced January 23, 2024; Referred to the

Committee on Government Organization then

Finance]

1 A BILL to amend and reenact §19-37-2 of the Code of West Virginia, 1931, as amended, relating to
 2 increasing the minimum amount of food purchased from in-state producers; and creating
 3 penalties for noncompliance and breach of contract.

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.

1 (a) Beginning July 1, 2019 2024, each state-funded institution, including, but not limited to,
 2 schools, colleges, correctional facilities, governmental agencies, and state parks, shall obtain a
 3 minimum of ~~five~~ ten percent of its food from in-state producers.

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

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

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

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

18 (f) The failure of any state-funded institution to comply with this section shall, upon
 19 passage of the next fiscal budget, have its budget reduced by ten percent.

20 (g) Any food purchasing contractor who, by contract, purchases food from state-funded

21 institutions and does not comply with this section shall be deemed in breach of contract, and its
22 contract shall be terminated effective the end of any fiscal quarter of noncompliance and shall not
23 be renewed, nor may a new contract be entered into with such noncomplying contractor, for a
24 period of six years.

NOTE: The purpose of this bill is to increase the minimum amount of food purchased from in-state producers. The bill creates penalties for noncompliance and breach of contract.

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