

1 COMMITTEE SUBSTITUTE

2 FOR

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4 FOR

5 **Senate Bill No. 243**

6 (By Senators Cole (Mr. President) and Kessler,

7 By Request of the Executive)

8 _____
9 [Originating in the Committee on the Judiciary;

10 reported February 9, 2015.]

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14 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
15 designated §15-5-6a, relating to school nutrition standards during a state of emergency or
16 state of preparedness; authorizing Governor or Legislature to temporarily suspend legislative
17 rules establishing nutrition standards for foods and beverages served to students in public
18 schools during a state of emergency or state of preparedness; providing limitations thereon;
19 and requiring reporting to the Joint Committee on Government and Finance.

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

21 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
22 section, designated §15-5-6a, to read as follows:

23 **ARTICLE 5. DIVISION OF HOMELAND SECURITY AND EMERGENCY**

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MANAGEMENT.

§15-5-6a. Temporary suspension of nutrition standards in public schools.

3 This section is operative only during the existence of a state of emergency or state of
4 preparedness proclaimed by the Governor or by concurrent resolution of the Legislature. During a
5 state of emergency or state of preparedness, the Governor or the Legislature may, to facilitate
6 uninterrupted days of instruction, temporarily suspend legislative rules establishing nutrition
7 standards for foods and beverages distributed to students in public schools during the school day:
8 *Provided, That safe alternative foods and beverages are available for distribution to students:*
9 *Provided, however, That the temporary suspension of nutrition standards permitted by this section*
10 *is limited to the geographic area affected by the state of emergency or state of preparedness and a*
11 *report of any such action be made to the Joint Committee on Government and Finance.*