

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 243**

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

5 By Request of the Executive)

6 _____
7 [Originating in the Committee on Education;

8 reported January 30, 2015.]
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12 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
13 designated §15-5-6a, relating to school nutrition standards during a state of emergency or
14 state of preparedness; authorizing Governor or Legislature to temporarily suspend legislative
15 rules establishing nutrition standards for foods and beverages served to students in public
16 schools during a state of emergency or state of preparedness; and providing limitations.

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

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

20 **ARTICLE 5. DIVISION OF HOMELAND SECURITY AND EMERGENCY**
21 **MANAGEMENT.**

22 **§15-5-6a. Temporary suspension of nutrition standards in public schools.**

23 This section is operative only during the existence of a state of emergency or state of

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

NOTE: The purpose of this bill is to facilitate educational instruction during a state of emergency or state of preparedness where approved school meals are not available for distribution to students, but safe alternative meals are available for distribution.

This section is new; therefore, strike-throughs and underscoring have been omitted.