

**Senate Bill No. 243**

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

By Request of the Executive)

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[Introduced January 16, 2015; referred to the Committee on Education; and then to the

Committee on the Judiciary.]

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

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

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

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

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

This section is operative only during the existence of a state of emergency or state of preparedness proclaimed by the Governor or by concurrent resolution of the Legislature. During a

1 state of emergency or state of preparedness, the Governor or the Legislature may, to facilitate  
2 uninterrupted days of instruction, temporarily suspend legislative rules establishing nutrition  
3 standards for foods and beverages distributed to students in public schools during the school day:  
4 *Provided*, That safe alternative foods and beverages are available for distribution to students, and  
5 the temporary suspension of nutrition standards permitted by this section is limited to the geographic  
6 area impacted by the state of emergency or state of preparedness.

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.