WEST virginia legislature

2021 regular session

Committee Substitute

for

House Bill 2705

By Delegate J. Pack

[Originating in the Committee on Government Organization; reported on March 10, 2021]

A BILL to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to food establishments.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. AUTHORIZATION FOR DEPARTMENT OF HEALTH AND HUMAN RESOURCES TO PROMULGATE LEGISLATIVE RULES.

[§64-5-1](http://code.wvlegislature.gov/64-5-1). Department of Health and Human Resources.

The legislative rule effective of July 1, 2019, authorized under the authority of §16-1-4 of this code, relating to the Department of Health and Human Resources (food establishments, 64 CSR 17), is authorized with the following amendments:

On page 2, section 3, subsection 3.1, by inserting a new subdivision 3.1.h, to read as follows:

‘3.1.h Chapter 6, section 6-501.115 is not appliable if the following conditions are met:

3.1.h.1. The dog is prohibited from entering any areas where food is being prepared.

3.1.h.2. An exterior play area is available for the dog;

3.1.h.3. A waiver is signed by anyone entering the establishment;

3.1.h.4. A double fence entrance system is in place for the dog;

3.1.h.6. The establishment is licensed a private club, brew pub, or micro distillery;

3.1.h.7. The establishment has liability insurance for dog related incidents;

3.1.h.8. Dog accidents are cleaned and sanitized. Dog waste stations are available;

3.1.h.9. Signage is present indicating that the establishment is dog friendly;

3.1.h.10. Dog friendly food is available; and

3.1.h.11. Dog rules are provided to customers upon entrance.’

And renumbering the remaining subdivisions accordingly.

NOTE: The purpose of this bill is to authorize the Department of Health and Human Resources to promulgate a legislative rule relating to regulating food establishments.

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