

# **WEST VIRGINIA LEGISLATURE**

## **2021 REGULAR SESSION**

**Introduced**

### **House Bill 2705**

BY DELEGATE J. PACK

[Introduced February 23, 2021; Referred to the  
Committee on Government Organization]

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

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

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

6 '3.1.h Chapter 6, section 6-501.15 is not appliable if the following conditions are met:

7 3.1.h.1. The dog is prohibited from entering any areas where food is being prepared.

8 3.1.h.2. An exterior play area is available for the dog;

9 3.1.h.3. A waiver is signed by anyone entering the establishment;

10 3.1.h.4. A double fence entrance system is in place for the dog;

11 3.1.h.6. The establishment is licensed a private club, brew pub, or micro distillery;

12 3.1.h.7. The establishment has liability insurance for dog related incidents;

13 3.1.h.8. Dog accidents are cleaned and sanitized. Dog waste stations are available;

14 3.1.h.9. Signage is present indicating that the establishment is dog friendly;

15 3.1.h.10. Dog friendly food is available; and

16 3.1h.11. Dog rules are provided to customers upon entrance.

17 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.