

# **WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**Committee Substitute**

**for**

**House Bill 3092**

By Delegates Foster, Longanacre and Young

[Originating in the Committee on Government

Organization; reported on February 15, 2023]



1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §16-2-18, relating to in-state food service permit reciprocity; providing no  
3 additional fees; clarifying application procedure and conditions; and providing a  
4 requirement to review and modernize legislative rules.

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

**ARTICLE 2. LOCAL BOARDS OF HEALTH.**

**§16-2-18. In-state food service permit reciprocity.**

1 (a) A local or county health department shall issue a mobile food establishment reciprocity  
2 permit to a mobile food service establishment that is operating within the State of West Virginia  
3 and holds a valid mobile food establishment permit from the vendor's county of residence. The  
4 mobile food establishment reciprocity permit shall be valid for the length of time for which the first  
5 permit is issued and regardless of the number of days for which the vendor requires the mobile  
6 food establishment reciprocity permit.

7 (b) No health department within the state may charge an additional fee to any in-state  
8 vendor that has received a mobile food establishment permit but may place conditions upon an  
9 issued permit to assure compliance with that health department's rules and standards for the type  
10 of permit being issued. Each vendor must provide notice to the local health department with  
11 jurisdiction at least 14 days prior to operating within the jurisdiction. The permit must be visibly  
12 posted while the mobile food establishment is operational.

13 (c) The secretary shall review and modernize legislative rules regarding local boards of  
14 health fees located in 64 CSR 30 in the next filing period.