

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2074

By Delegate Butler

[Introduced February 12, 2025; referred
to the Committee on Government Organization]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §16-6-11a, relating to ventilation and fire suppression for limited use food
3 preparation facilities; providing for legislative findings; creating definitions; providing for
4 enactment of the section; and establishing rulemaking.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. HOTELS AND RESTAURANTS.

§16-6-11a. Ventilation and fire suppression for limited use food preparation facilities.

1 (a) Legislative findings. – The Legislature finds that rules governing commercial food
2 preparation in restaurants have unfairly impacted limited use food preparation facilities in this state
3 such as county fair food booths, church and non-profit food vendors, volunteer fire department
4 kitchens, and other limited use food preparation areas. Presently, these organizations must abide
5 by very stringent fire codes for food preparation. Specifically, to abide by existing code, these
6 facilities must invest in costly "hoods" with certain air flow requirements and automatic fire
7 suppression over frying equipment. These requirements are expected for full use commercial food
8 preparation facilities, but an exception should be established for limited use facilities, as defined
9 below.

10 (b) Definitions. – "Limited use food preparation facilities" are defined as stationary, stand-
11 alone or individual food preparation booths which cook and serve food for short periods of time
12 throughout the year, not to exceed 15 days per year: Provided, That an individual food preparation
13 booth may not be attached to any larger structure where persons reside.

14 (c) Enactment. –

15 (1) Existing fire code rules for the installation of ventilation hoods and automatic fire
16 suppression may not apply to limited use food preparation facilities.

17 (2) There is hereby established an equipment requirement for each limited use food
18 preparation facility, including but not limited to an appropriate number of fire extinguishers for the
19 correct fire suppression type for the conditions of the limited use food preparation facility. These

20 requirements include, but are not limited to, the following:

21 (A) The requirement of a handheld fire extinguisher for grease fires if cooking grease is
22 used;

23 (B) A fully charged fire extinguisher for each 1000 square feet of floor space where cooking
24 is done, with a minimum of two;

25 (C) Persons working in a limited use food preparation facility shall be minimally trained in
26 the dangers of cooking fires use of the fire extinguishers;

27 (D) The cooking equipment of the limited use food preparation facility shall be constantly
28 monitored any time it is in operation;

29 (E) A reasonable amount of ventilation and air flow shall be utilized to disperse fumes and
30 "vaporized grease" from any cooking activities; and

31 (F) Any other requirements deemed necessary by the West Virginia State Fire Marshal.

32 (d) *Establishment of rules.* – The West Virginia State Fire Marshal, in conjunction with local
33 fire departments and health departments, shall promulgate rules to carry out the provisions of this
34 section.

NOTE: The purpose of this bill relates to ventilation and fire suppression for limited use food preparation facilities. The bill provides for legislative findings. The bill creates definitions. The bill provides for enactment of the section. Finally, the bill establishes rulemaking.

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