

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

ENROLLED

House Bill 3389

BY DELEGATE W. CLARK

[Passed April 10, 2025; in effect 90 days from
passage (July 9, 2025)]

1 AN ACT to amend and reenact §18-10G-2 of the Code of West Virginia, 1931, as amended,
2 relating to excluding the Department of Tourism from the agencies required to have their
3 food service facilities operated by the Division of Vocational Rehabilitation.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 10G. PROVIDING OF FOOD SERVICE IN PUBLIC OFFICE BUILDINGS BY THE
WEST VIRGINIA DIVISION OF VOCATIONAL REHABILITATION.**

§18-10G-2. Definitions.

1 For the purposes of this article:

2 (a) "Active participation" means an ongoing process of negotiations between the Division
3 of Vocational Rehabilitation and the Committee of Blind Vendors to achieve joint planning of
4 policies, procedures, and standards affecting the overall operation of the Food Services Facilities
5 Program prior to their implementation by the Division of Vocational Rehabilitation. It is understood
6 that the Division of Vocational Rehabilitation bears final responsibility for the administration and
7 operation of the program, including the assurance of active participation by the Committee of Blind
8 Vendors;

9 (b) "Blind person" means a person whose central acuity does not exceed 20/200 in the
10 better eye with correcting lenses or whose visual acuity, if better than 20/200, but is accompanied
11 by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends
12 an angle of not greater than twenty degrees. In determining whether an individual is blind, there
13 shall be an examination by a physician skilled in diseases of the eye or an optometrist, whichever
14 the individual selects;

15 (c) "Blind vendor" means a blind licensee who is operating a food service facility on federal,
16 state, public, or private property;

17 (d) "Committee of Blind Vendors" means an officially constituted body functioning in an
18 advisory capacity of the Division of Vocational Rehabilitation's Food Services Facilities Program.

This committee is composed of licensed blind vendors, elected biennially and established, constituted, and maintained in accordance with applicable federal regulations;

(e) "Food service facility" means and includes a restaurant, cafeteria, snack bar, vending machine for dispensing foods, beverages, confections, tobacco, or other products for human consumption, and other facilities for selling or providing goods and services for the purposes customarily offered in connection with the operation of any of the foregoing. The term "food service facility" does not include goods and services sold, dispensed from, or provided by the Veterans Administration and the facilities for selling, dispensing, or providing thereof;

(f) "Governmental agency" means and includes the State of West Virginia, each instrumentality and agency thereof, and every county, city, and town within, and every political subdivision within the state, except county boards of education, the Higher Education Policy Commission, the Council for Community and Technical College Education, the Department of Health, the Department of Commerce, the Department of Tourism, and the Department of Corrections;

(g) "Licensee" means all persons licensed under the Division of Vocational Rehabilitation to operate food service facilities under the Randolph/Sheppert Act, Title XX, United States Code 107 *et seq.*;

(h) "Public office building" means and includes the State Capitol, all county courthouses, all city and town halls, all buildings used primarily for governmental offices of the state, and any county, city, and town within the state, but does not include buildings used for any state institution of higher education, the Department of Health, the Department of Commerce, the Department of Tourism, or the Department of Corrections;

(i) "Vending machine income" means receipts other than those of a blind licensee from the operation of vending machines on public property after deducting the cost of goods sold when machines are operated, serviced, or maintained by, or with the approval of the Division of Vocational Rehabilitation, or commissions paid to other than a licensee by a commercial vending

45 concern which operates, services, or maintains vending machines on public property for or with
46 the approval of the Division of Vocational Rehabilitation; and

47 (j) "Designee" means an individual or an organization of individuals legally constituted and
48 under the jurisdiction of the Division of Vocational Rehabilitation doing business in the State of
49 West Virginia to assist a state agency with the administration and supervision of the food services
50 facilities program.

The Clerk of the House of Delegates and the Clerk of the Senate hereby
certify that the foregoing bill is correctly enrolled.

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Clerk of the House of Delegates

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Clerk of the Senate

Originated in the House of Delegates.

In effect 90 days from passage.

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Speaker of the House of Delegates

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President of the Senate

The within is this the.....
Day of, 2025.

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Governor