WEST VIRGINIA CODE: §18-5D-5

§18-5D-5. Shared table initiative.

(a) The Legislature finds and determines that:

(1) In West Virginia, one in four children suffer from food insecurity; however, every day each school has a large percentage of food that is left uneaten and thrown away, and in many cases this food can be reused;

(2) A new initiative called “The Shared Table” encourages schools to collect unused food appropriate for redistribution, and make that food available throughout the day to students who may be hungry, to provide a method for discrete distribution of that food to be taken home by kids with food insecurity, and to donate any unused food to local food pantries and other entities that distribute food to those in need;

(3) This program has begun to catch on nationally and has shown itself to be an effective way to distribute excess school food;

(4) The Shared Table initiative can be as simple as designating a table or location in the school for food to be taken by students through the school day, and can also provide a system of discretely placing food in containers in student’s lockers each day to take home, and other creative initiatives to promote consumption of unused food already provided by schools to students and others who have food insecurity at home; and

(5) The Shared Table initiative does not require school cafeterias to produce extra food and is only intended to promote the more effective consumption of existing food particularly to students who may otherwise go without. Similar initiatives have been implemented in various states and have been very successful in safely distributing food consistent with U.S. Food and Drug Administration and local health agencies requirements.

Therefore, the purpose of this section is to establish a statewide initiative to facilitate this worthwhile program.

(b) The state board shall promulgate a rule in accordance with §29A-3B-1 et seq. of this code that provides policy guidance to county boards on the management and distribution of excess school food consistent with state and county health department and United States Food and Drug Administration requirements and guidelines for the distribution of excess foods. The guidance policy at a minimum shall provide a list of food products and methodologies for distribution that include, but are not limited to:

(1) The types of foods that may be distributed;

(2) Methods of distribution to make excess food available at other times during the school

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day;

(3) Methods of distributing excess food to students to consume after school; and

(4) Methods to otherwise donate excess food to persons or organizations providing food to persons or families suffering from food insecurity.

(c) The preparation, safety, and donation of food made available to students during a regular school meal time and donated to a food bank or any other nonprofit charitable organization for distribution, shall comply with and be thereby covered by the Good Samaritan Food Donation Act, §55-7D-1 et seq. of this code.

(d) The methods of distributing excess food to students within a school may include a sharing table where food service staff, students and faculty may return appropriate food items consistent with state board guidelines to make those food items available to students during the school day.

(e) Each county board of education shall establish a program to assist and encourage schools to participate in the Shared Table initiative.

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