

WEST VIRGINIA CODE: §19-35-5

§19-35-5. Potentially hazardous foods.

- (a) Notwithstanding any provision of §16-1-1 *et seq.* of this code or any rules or regulations to the contrary, the department shall regulate potentially hazardous foods sold at farmers markets.
- (b) A vendor of potentially hazardous foods shall apply for and obtain a farmers market vendor permit as required by §19-35-3a of this code.
- (c) A home, farm, community, or commercial kitchen may be used by a potentially hazardous foods vendor, as determined by the department.
- (d) The department shall establish by legislative rule the requirements for obtaining a vendor permit for potentially hazardous foods, including acidified foods, and other categories identified and defined by the department.
- (e) All potentially hazardous foods sold at farmers markets shall be labeled in compliance with the department's labeling standards and provide information about its content and sources.