

# WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENROLLED

Committee Substitute

for

**House Bill 3092**

BY DELEGATES FOSTER, LONGANACRE AND YOUNG

[Passed March 9, 2023; in effect ninety days from passage.]

FILED

2023 MAR 29 P 1:16

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

HB 3092

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1 AN ACT 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.

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

*Steve Harris*

Clerk of the House of Delegates

*Dee Linn*  
Clerk of the Senate

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

2023 MAR 29 P 1:16

FILED

Originated in the House of Delegates.

In effect ninety days from passage.

*Rep. Harshbarger*

Speaker of the House of Delegates

*C. P. B. S.*  
President of the Senate

The within is approved this the 29<sup>th</sup>  
Day of March 2023.

*James O. Eastman*  
Governor

PRESENTED TO THE GOVERNOR

MAR 21 2023

Time 3:10 pm