



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Bill J. Crouch
Cabinet Secretary

FILED

2020 MAY -8 P 4:14

OFFICE WEST VIRGINIA
SECRETARY OF STATE

MEMORANDUM

DATE: May 8, 2020

TO: Mac Warner
Secretary of State

FROM: Bill J. Crouch, Cabinet Secretary
Department of Health and Human Resources

RE: Food Establishments - W. Va. C.S.R. § 64-17

The Bureau for Public Health of the Department of Health and Human Resources requests that W. Va. C.S.R. §64-17, *Food Establishments*, be temporarily suspended, in part, effective immediately pursuant to W. Va. Code §15-5-6(c)(7) and the State of Emergency declared by Governor Justice on March 16, 2020.

W. Va. C.S.R. §64-17 establishes and sets forth the requirements for the operation of food establishments in West Virginia. Strict compliance with the following provisions will hinder and delay necessary action in coping with the emergency declared by the Governor:

W. Va. C.S.R. §64-17.3.1 incorporates by reference the Federal Department of Agriculture 2013 Food Code (the "Food Code"), which establishes minimum inspection frequencies for food establishments in section 8-401.10. Regular inspections will be suspended through June 30, 2020. However, there will be no suspension of inspections in response to complaints or imminent public health hazard investigations.

W. Va. C.S.R. §64-17.3.1 incorporates by reference section 8-303.20 of the Food Code, requiring that an inspection be performed prior to renewal of permit. Because regular inspections are suspended until June 30, 2020, the Food Code requirement for a current year inspection will be temporarily suspended for permit renewals to be issued in 2020.

W. Va. C.S.R. §64-17-3.1.b establishes a deadline of July 1, 2019, to engage a certified food protection manager, and this deadline is extended to December 31, 2020.

If granted, the Bureau for Public Health further requests that the rule be suspended as described above until such time as the State of Emergency is lifted.