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OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF EMERGENCY RULE DECISION BY THE SECRETARY OF STATE

AGENCY: Department of Agriculture
RULE: 61 CSR 10. Fresh Food Act
AUTHORITY: W. Va. Code § 19-37-3
DATE FILED: 7/31/2019

Following review under W. Va. Code §29A-3-15a, which requires the Secretary of State to determine that the agency filing such emergency rule: 1) has not exceeded the scope of law authorizing or directing the promulgation thereof; 2) has shown that an emergency exists justifying the promulgation of an emergency rule; and 3) filed the emergency rule in compliance with W. Va. Code §29A-3-15, it is the decision of the Secretary of State that the above emergency rule is **Approved**.

It is the determination of the Secretary of State that this proposal qualifies under the definition of an emergency as defined in §29A-3-15(f):

- (1) For the immediate preservation of the public peace, health, safety and welfare;
- (2) to comply with a time limitation established by the W. Va. Code or by a federal statute or regulation; or
- (3) to prevent substantial harm to the public interest.

Additional notes or comments: HB 2396 (2019) added a new article, which requires all state-funded institutions (*i.e.* schools, colleges, correctional facilities, governmental agencies and state parks) to purchase a minimum of 5% of its fresh produce, meat and poultry products from in-state producers beginning July 1, 2019. Therefore creating a statutory duty to promulgate this emergency rule prior to the regular legislative session in 2020.

Mac Warner, Secretary of State