



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Senior Services

TITLE-SERIES: 76-06

RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No

RULE NAME: Shared Table Initiative for Senior Citizens

CITE STATUTORY AUTHORITY: W.Va. Code 16-5S-9a

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 08/24/2020 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Commissioner Robert E. Roswall

ADDRESS: 1900 Kanawha Blvd., East

Charleston, WV 25305

EMAIL: robert.e.roswall@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

Rule establishes the Shared Table at Senior Nutrition sites funded by the WV Bureau of Senior Services. Allows for donation of foods and produce and use of excess food to target seniors at risk of food insecurity by providing extra items at site or to take home.

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

No changes because it is a new rule. The circumstances requiring the rule was the 2020 Legislative House Bill 4447.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

None.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

None.

C. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

None.

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2020 Increase/Decrease (use "-")	2021 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs and Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	0.00	0.00	0.00

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

No cost but the positive is feeding the Seniors of West Virginia.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Robert E Roswall -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 76
LEGISLATIVE RULE
SENIOR SERVICES

SERIES 6
SHARED TABLE INITIATIVE FOR SENIOR CITIZENS

§76-6-1. General.

1.1. Scope. -- This rule details methods, establishes and affirms the creation of the shared table initiative for senior citizens who suffer from food insecurity. The purpose is to establish a statewide initiative to facilitate shared tables at senior centers and similar facilities where congregate and home delivered meals are provided to seniors in need via the WV Bureau of Senior Services contracted nutrition providers. Senior meal participants may not always want to consume certain food or beverage items included in their meal. Share tables are tables or stations where senior citizens may return unopened prepackaged items, whole fruit and unopened beverage items they choose not to eat. These food and beverage items are then available to other senior citizens who may need additional nutritional servings.

1.2. Authority. -- W. Va. Code §16-5S-9a.

1.3. Filing Date. --

1.4. Effective Date. --

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect upon the termination of 5 years from its effective date.

§76-6-2. Definitions.

2.1. "Apparently fit grocery product" means a grocery product that meets all quality and labeling standards imposed by federal, state and local laws and regulations even though the produce may not be readily marketable due to appearance, age, freshness, grade, size, surplus or other conditions.

2.2. "Apparently wholesome food" means food that meets all quality and labeling standards imposed by federal, state and local laws and regulations even though the food may not be readily marketable due to appearance, age, freshness, grade, size, surplus or other conditions.

2.3. "Donate" means to give without requiring anything of monetary value from the recipient, except that the term includes donations by one nonprofit organization to another nonprofit organization, notwithstanding that the donor organization has charged a nominal fee to the donee organization, if the ultimate recipient or user is not required to give anything of monetary value.

2.4. "Gleaner" means a person who harvests a donated agricultural crop for free distribution to the needy or for donation to a nonprofit organization for ultimate distribution to the needy.

2.5. "Good Samaritan Food Donation Act" means a law providing a statutory framework to protect food donors from liability for their good faith efforts (W. Va. Code §55-7D-1).

§76-6-3. Types of Food That May Be Distributed.

3.1. All unopened pre-packaged items, such as pretzels, crackers, a bag of baby carrots or slice apples stored in a cooling bin, whole fruit (apples, bananas – all must be wrapped), unopened milk, if immediately stored in a cooling bin maintained at 41 degrees Fahrenheit or below. As with all foods and beverages prepared by nutrition providers must follow and adhere to the food safety requirements outline by the government food standards. All nutrition providers must be aware of all applicable local and State health and food safety codes to ensure their use of share tables does not violate any of those codes. Nutrition providers must ensure that their policies for saving and sharing food or beverage items are consistent with State and Federal regulations on maintaining food standards.

§76-6-4. Methods of Distribution to Make Food Available.

4.1. Includes a sharing table at the senior center congregate meal setting where food service staff, senior citizens, and volunteers may return appropriate food items consistent with this rule to make those food items available to senior citizens and the availability for distribution of appropriate food items to senior citizens who are recipients of home delivered meals.

§76-6-5. Methods of Distributing Excess Food to Persons or Organizations Providing Food to Seniors Suffering from Food Insecurity.

5.1. Senior citizens may take an additional helping of a food or beverage item from the share table during congregate serving times or may be provided as an extra serving to home delivered meal recipients. Food or beverage items left on the share table, where the Federal and State standards have been maintained, may be served for reimbursement during another meal service time if maintained at the appropriate storage standards.

§76-6-6. Methods to Otherwise Donate Excess Food to Persons or Organizations Providing Food to Persons or Families Suffering from Food Insecurity.

6.1. The preparation, safety, and receipt of donated food and donations of food made available to senior citizens for distribution shall comply with and be thereby covered by the Good Samaritan Food Donation Act, W. Va. Code §55-7D-1 *et seq.*, as well as foods donated by the senior center or other charitable non-profit organization.

6.2. The methods of distributing excess food to senior citizens shall include a sharing table where food service staff, senior citizens, and volunteers may return appropriate food items consistent with the covered method to make those food items available to senior citizens during the day.