



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

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: §16-5P-6

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) Senate Bill 182

Section §64-9-17 Passed On 3/23/2021 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

April 14, 2021

This rule shall terminate and have no further force or effect from the following date:

August 01, 2026

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. Senior citizens may not always want to consume certain food or beverage items included in their meal.

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

1.3. Filing Date. -- April 14, 2021.

1.4. Effective Date. -- April 14, 2021.

1.5. Sunset Provision. -- This rule shall terminate and have no further force on August 1, 2026.

§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 done 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).

2.6. "Sharing tables" are tables or stations at senior centers or other locations where congregate meals are provided to senior citizens 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.

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

3.1. Any unopened pre-packaged items, including, but not limited to pretzels, crackers, bags of fruits and vegetables stored in a cooling bin, wrapped whole fruit, such as apples and bananas and unopened milk which has been stored in a cooling bin maintained at 41 degrees Fahrenheit or below may be distributed at a sharing table. Nutrition providers shall be aware of and comply with all Federal, state, and local laws, rules, regulations, and codes regarding standards for the preparation and distribution of food and beverages.

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

4.1. Food and beverages which may be distributed under section three of this rule may be distributed at sharing table or to senior citizens who receive 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 the food or beverage item may be provided as an extra serving to home delivered meal recipients. Food or beverage items left on the share table 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. Senior centers or other locations where congregate meals are provided to senior citizens which receive, prepare, or donate food and beverages to a food bank or other nonprofit charitable organization under this rule, shall comply with and are subject to the Good Samaritan Food Donation Act, W. Va. Code §55-7D-1 *et seq.*