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## Summary of Policies for 2018 Legislative Session

### Institutional Price Preference for Local Food

Summary: This price-percentage preference would permit government institutions to purchase higher priced products from an in-state producer, so long as the higher price is within a certain percentage range of a lower priced item offered by an out-of-state producer. By giving local farmers and food aggregators a local preference, they will be better able to compete with wholesale markets and grow their businesses to reach those markets.

Other states: Price-percentage preference legislation for food products has been enacted in 8 states and is pending in two. Most states with price-percentage preference also stipulate that the local food must be of a similar quality to out of state alternatives. In Alaska, if out-of-state products are purchased, the purchasing officer is required to certify in writing the reasons in-state products were not purchased<sup>1</sup>.

Feasibility: The bill may receive more support if the price preference or the goal of 15% of all state institutional purchasing by 2025 was phased in. There seems to be no precedent for this in other states, with regards to food or other price-preference measures. Massachusetts allows each governmental body to establish its own price preference<sup>2</sup>. Washington has a clause instructing governmental bodies to “implement policies and procedures to facilitate and maximize *to the extent practicable*, purchases of Washington-grown food”<sup>3</sup>. These caveats would allow more leeway for departments to phase the preference in over time, but would also weaken the policy’s effectiveness.

### Agritourism

Summary: Currently, agritourism operations in WV do not have protection against civil liability for visitors to their operations. Most states surrounding WV have passed legislation that limits liability. Agritourism operators have requested that a similar bill be introduced to the WV Legislature.

Other states: North Carolina, a nearby state which has similar agricultural characteristics, passed legislation in 2005 limiting the liability of agritourism operations. The businesses are required to post signs at the entrance of their operations warning visitors of the risks they might encounter.

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<sup>1</sup> ALASKA STAT. § 36.15.050 (1986).

<sup>2</sup> MASS. GEN. LAWS ANN. ch. 30B § 20 (2006)

<sup>3</sup> WASH. REV. CODE ANN. § 28A.335.190 (2008)



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Feasibility: The first step to make this happen would be to provide a working definition of agritourism. North Carolina's definition of agritourism reads as follows- "Any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historical, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity"<sup>4</sup>. There seems to be little reason WV wouldn't join its neighbors to protect the interests of these small businesses.

### Incentives for Schools that Purchase Local Produce

This bill is in the process of being drafted at the Capitol. At this point in the process, the bill would add approximately \$250,000 to the WV Dept. of Agriculture's budget for the purpose of incentives to schools that purchase locally grown produce in their school cafeterias. The schools receiving the funds would likely have to go through a competitive process in order to receive them.

### \*Food Sampling Permits at Farmers Markets - streamline current permitting procedures

Summary: Senate Bill 304, from the 2015 legislative session, created a single, statewide permitting process for farmers market vendors, improving and clarifying the permitting process for these vendors. The legislation, however, does not currently apply to those offering food tastings/demonstrations. These vendors are still charged highly variable fees, depending on the county in which they are offering the demos. A uniform fee for offering food demonstrations throughout the state would be a boon to these vendors.

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<sup>4</sup> NC Gen Statutes § 99E-30