

Nicholas County Health Department
Charitable Food Sales Policy

In order to be exempt from the requirements of the WV Food Regulation and the Food Code, a food sale must meet the following requirements.

1. All sales must meet the definition of temporary food service
 - A. Must be in duration not exceeding 14 consecutive days.
 - B. Must be in conjunction with a single event or celebration (fair/festival, church activity, etc.) that occurs only once a year.
2. The sale must be conducted by a religious, educational, charitable, or nonprofit organization.

-If the sale is not in conjunction with a single event, but meets the definition of temporary food service, the organization must obtain a temporary food service permit.

-If the sale occurs regularly..

..and travels to different locations, the organization must obtain a mobile food service permit.

..and stays in a fixed location, the organization must obtain a standard food establishment permit.

If the sale is exempt from the Food Regulations, it must meet the following requirements.

1. An agent or member of the organization must read and sign the affidavit claiming exempt status for each sale at least 30 days prior to the planned sale.
2. The organization must register at least 30 days prior to the planned sale. The organization must Provide the following information:
 - A. The name, address, and phone number of the organization
 - B. The name, address, and phone number of the Person In Charge
 - C. The location of the sale
 - D. The duration of the sale
 - E. The hours of operation
 - F. The menu
 - 1) If Potentially Hazardous Foods are on the menu, a list of equipment that will be used to control bacterial growth in foods must be submitted (Hot plate, gas grill, ice chest, etc.)
3. At least one person with a food handler's card should be present during the operation of the sale and designated the Person In Charge (PIC). This person should be responsible for making sure foods are prepared and held at proper temperatures.
4. There must be a sign posted in plain view to the public stating that "This Food Was Not Prepared in a Kitchen Subject to Regulation and Inspection by the Health Department."

