

SENATE BILL NO. 141

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Education and Health
on February 8, 2024)

(Patron Prior to Substitute--Senator Mulchi)

A BILL to amend and reenact § 35.1-25 of the Code of Virginia, relating to State Department of Health;
regulation of certain organizations; sale of food.

Be it enacted by the General Assembly of Virginia:

1. That § 35.1-25 of the Code of Virginia is amended and reenacted as follows:

§ 35.1-25. Exemptions.

A. The provisions of this title applicable to restaurants shall not apply to:

- 1. Boardinghouses that do not accommodate transients;
- 2. Cafeterias operated by industrial plants for employees only;
- 3. Churches, fraternal or school organizations, organizations that are exempt from taxation under § 501(c)(3) of the Internal Revenue Code, and volunteer fire departments and volunteer emergency medical services agencies that (i) hold or (ii) not exceeding \$3,000 in gross sales in a calendar year, participate in occasional dinners, bazaars, and other ~~fund-raisers~~ fundraisers of one or two days' duration, at which food ~~(i) (a)~~ prepared in the homes of members; ~~(ii) (b)~~ prepared in the kitchen of the church, school, or organization; or ~~(iii) (c)~~ purchased or donated from a restaurant licensed pursuant to Chapter 3 (§ 35.1-18 et seq.) is offered for sale to the public. Restaurants licensed pursuant to Chapter 3 that donate or sell food to the entities identified in this subdivision shall not be required to apply for any additional permits from, or pay any additional permit application fees to, the Department for the proposed occasional dinner, bazaar, or other fundraiser;

4. Grocery stores, including the delicatessen portion that is a part of a grocery store selling exclusively for off-premises consumption, and places manufacturing or selling packaged or canned goods;

