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**HOUSE BILL NO. 1940**

House Amendments in [ ] - February 7, 2011

A *BILL to amend and reenact § 35.1-26 of the Code of Virginia, relating to an exemption from restaurant regulations.*

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Patron Prior to Engrossment—Delegate Pollard

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Referred to Committee on General Laws**Be it enacted by the General Assembly of Virginia:****1. That § 35.1-26 of the Code of Virginia is amended and reenacted as follows:**

§ 35.1-26. Cities, counties, and towns may by ordinance exempt certain fairs, youth athletic activities and fund-raisers.

The governing body of any county, city, or town may provide by ordinance that this title shall not apply to:

1. Food booths at fairs, if such booths are promoted or sponsored by any political subdivision of the Commonwealth or by any charitable nonprofit organization or group thereof.

2. Concession stands at youth athletic activities, if such stands are promoted or sponsored by either a youth athletic association or by any charitable nonprofit organization or group thereof which has been recognized as being a part of the recreational program of the political subdivision where the association or organization is located by an ordinance or resolution of such political subdivision.

3. [ ~~Nonprofit organizations~~ *Organizations that are exempt from taxation under § 501(c)(3) of the Internal Revenue Code* ] *that hold occasional fund-raisers [ of one or two days' duration for the duration of the event ] at which food is prepared by [ the nonprofit organization on site such organization ] and is offered for sale to the public.*

The ordinance shall provide that the health officer of the county, city, or town in which the fair or activity is held, or a qualified person designated by him, shall exercise such supervision of the sale of food as the ordinance may prescribe.

ENGROSSED

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