

# SENATE BILL REPORT

## SB 5336

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As Reported By Senate Committee On:  
Health & Long-Term Care, February 28, 1995

**Title:** An act relating to food sanitation and safety.

**Brief Description:** Regulating food industry safety.

**Sponsors:** Senators McAuliffe, Moyer, Fairley and Winsley; by request of Department of Health.

**Brief History:**

**Committee Activity:** Health & Long-Term Care: 2/16/95, 2/28/95 [DPS].

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### SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

**Majority Report:** That Substitute Senate Bill No. 5336 be substituted therefor, and the substitute bill do pass.

Signed by Senators Quigley, Chair; Wojahn, Vice Chair; C. Anderson, Fairley, Franklin, Winsley and Wood.

**Staff:** Don Sloma (786-7319)

**Background:** The Washington State Department of Agriculture, the Department of Health and local health departments are responsible for establishing food safety standards as well as monitoring the safety of food in Washington State.

Washington State currently requires each food and beverage worker to obtain a permit (health card) if they will be handling unwrapped or unpackaged food in a restaurant or other food service establishment. The purpose for requiring food workers to obtain a permit is to motivate them to learn basic principles of safe food handling and provide some reasonable assurance that food safety standards are maintained. These permits are issued by any local public health agency and are valid statewide. In order to obtain a permit, a food worker pays a nominal fee, is given a manual to read, is required to attend a short class in some jurisdictions, and finally must pass a multiple choice test. Most local health agencies use a standardized test for permits. The initial permit is valid for two years and renewed permits are valid for five years. Approximately 125,000 food worker permits are issued each year in Washington State.

Although permits are valid statewide, local health agencies are not required to provide a uniform or consistent amount or level of training before workers take the test. Concerns have been also raised by health agencies about the need for providing alternative testing and training methods for non-English speaking, functionally illiterate, and developmentally disabled food workers.

Public demand for food safety services have increased significantly in the past two years, due in part to concerns raised by E. coli. It is estimated that approximately 250,000 cases of foodborne illness occur in Washington State each year.

**Summary of Substitute Bill:** The renewal period for food and beverage worker permits is reduced from five years to three years.

A limited duty food and beverage worker permit is created for a person with a learning or cognitive disability. The State Board of Health must determine specific duties for which a limited permit may be issued.

Food services establishments must have a certified food safety manager by July 1, 1998, if they prepare, cook, cool, reheat, hot hold or cold hold any unpackaged potentially hazardous foods. The manager must be employed at least 30 hours per week unless the establishment is in operation for fewer hours.

Retail food stores need not have a food safety manager unless they operate delicatessens, salad bars, cafes, or restaurants. Schools, higher learning facilities, jails, prisons and institutions under the regulation of the Department of Social and Health Services or the Department of Health may be operated with minimal food safety manager coverage. Food service establishments which only hold completely cooked food which has been prepared in any establishment under regulation by the state or federal Departments of Agriculture or by the federal Food and Drug Administration need not have a food safety manager.

The Board of Health must establish rules to define the food safety manager program and set uniform fees for certificates and approval of training programs. Fees for reviewing training programs may not exceed \$300.

The Department of Health must approve training and certification programs which may be offered by any of several entities named in the bill. The Department of Health must issue food safety manager certificates to successful trainees, and otherwise administer the program. State or local health agencies may suspend or revoke certificates in several specific circumstances.

**Substitute Bill Compared to Original Bill:** The Board of Health, instead of the Department of Health, writes rules for the program and sets fees. A \$300 cap is set on fees to review training programs. Certificate fees must be uniform statewide, and programs existing prior to July 1, 1997, must be initially reviewed by the state for free.

The date for food safety managers to be in place is changed from July 1997 to July 1998.

Local health agencies are authorized to suspend or revoke food safety manager certificates.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Food safety managers are needed to improve supervision of food handling. The bill represents minimal regulation of the private sector and is needed for food safety.

**Testimony Against:** None.

**Testified:** PRO: Karen Van Dusen, DOH; Gene Vosberg, WA State Restaurant Assn.; Darrell Cochran, Thurston County Health Dept.; Val Hillers, WSU; Betty Marcelynas, OSPI; Fritz Fuchs, FDA; Lisa Thatcher, WA State Food Dealers.