

SENATE BILL REPORT

ESSB 6588

As Passed Senate, February 19, 2002

Title: An act relating to food service rules.

Brief Description: Requiring exclusive statewide food service rules for food service establishments.

Sponsors: Senate Committee on Agriculture & International Trade (originally sponsored by Senators Rasmussen and Swecker).

Brief History:

Committee Activity: Agriculture & International Trade: 1/30/02, 2/1/02 [DPS-WM].
Passed Senate: 2/19/02, 29-20.

SENATE COMMITTEE ON AGRICULTURE & INTERNATIONAL TRADE

Majority Report: That Substitute Senate Bill No. 6588 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Parlette, Snyder, Spanel and Swecker.

Staff: Bob Lee (786-7404)

Background: The State Board of Health adopted food service rules for food service establishments in 1992. Food service establishments are defined in rule to include: restaurants; retail food stores; institutions such as schools, hospitals, and prisons; caterers; mobile food units; bed and breakfasts; and others. The rules exclude private homes, and commercial food processing establishments licensed and regulated by the United States Department of Agriculture, federal Food and Drug Administration and the Washington State Department of Agriculture.

The rules provide that a local health board may adopt more stringent regulations than those contained in these regulations.

Local boards of health have supervision over all matters pertaining to the preservation of the life and health of the people within their jurisdictions and are required to enforce public health statutes of the state and rules promulgated by the State Board of Health and the Secretary of the Department of Health. Local boards of health also have authority to enact local rules necessary to protect public health.

The federal Food and Drug Administration has recently developed and updated a model food code to serve as a guide to states. The State Board of Health has formed an advisory committee to review the current food service rules including an evaluation of the federal model food code.

Summary of Bill: Legislative findings are made that the public health interest requires that there be uniform rules food service rules for food service establishments to assure safe food and to facilitate effective training of food handlers.

The State Board of Health must adopt updated food service rules no later than December 31, 2004, in consultation with local boards of health and the regulated community. At that time, the State Board of Health has sole rule-making authority to adopt food service rules for food service establishments, and the Department of Health has exclusive authority to interpret the rules. Local health departments administer the state food service rules, except that local health departments are not prohibited from adopting a temporary deviation from the state rules for a limited period of time to respond to an emergency that threatens the public health or safety. A temporary deviation shall not be in force for more than 180 days unless the State Board of Health grants a further temporary or permanent extension based on demonstrated need. Within 120 days of the time that the local emergency action is taken, the State Board of Health must determine if the state board should adopt a statewide rule.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: What is required to assure safe food should not be different from one local jurisdiction to another. Science should guide the rules. Employers and associations that provide employee training on food safety rules have difficulty when local rules and interpretations of those rules are different from county to county. The current food service rules need to be updated and then there needs to be greater consistency with the state rules.

Testimony Against: Local boards of health are concerned about loss of local flexibility and their ability to address local cultural issues. 30 of 34 local health districts exclusively use the state code but maintaining the ability of locals to modify rules to allow for innovation and to address local needs is important.

The deadlines in the bill for updating the rules would cause a shift of staff from existing projects unless the deadlines are extended. Too tight of deadlines may compromise the quality of the revised rules and reduce input on them. The time for the Board of Health to review the possible incorporation of local health departments' deviations needs to be longer than 60 days because the State Board of Health's meeting schedule will be every other month.

Testified: Jennifer Tebaldi, WA Dept. of Health (concerns); Marianne Seifer, WA State Board of Health (neutral, concerns); Art Starry, WA Env. Health Directors and Thurston Co. (concerns); Rick Porso, WA Env. Health Directors and Tacoma-Pierce Co. Health (con); Kim Clawson, WA Restaurant Assn. (pro); Tom Krueger, Great Western Dining (pro); Jan Gee, WA Retail Assn., WA Food Industry (pro); Amy Brackenbury, WA Food Industry (pro).