
SUBSTITUTE SENATE BILL 6388

State of Washington **63rd Legislature** **2014 Regular Session**

By Senate Ways & Means (originally sponsored by Senator Padden)

READ FIRST TIME 02/11/14.

1 AN ACT Relating to pass-through wholesale food distributors;
2 amending RCW 43.20.145; adding a new section to chapter 69.04 RCW; and
3 creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that the availability
6 of affordable, fresh, and nourishing foods is essential for individuals
7 to maintain a healthy lifestyle. The legislature also finds that new
8 methods of purchasing and delivering fresh, nourishing foods are
9 emerging and lowering the costs of these foods. The legislature
10 further finds that the new business models for purchasing and
11 delivering fresh, nourishing foods are being inappropriately classified
12 as food service establishments. Therefore, it is the intent of the
13 legislature to establish a pass-through wholesale food distributor
14 license for businesses that sell prepackaged foods from a food
15 processor certified by the United States department of agriculture and
16 deliver the food directly to consumers.

17 **Sec. 2.** RCW 43.20.145 and 2003 c 65 s 2 are each amended to read
18 as follows:

1 (1) The state board shall consider the most recent version of the
2 United States food and drug administration's food code for the purpose
3 of adopting rules for food service.

4 (2) Pass-through wholesale food distributors that have a license
5 from the department of agriculture under section 3 of this act are
6 exempt from the state board's food service rules and any food service
7 regulations adopted by local health jurisdictions.

8 NEW SECTION. Sec. 3. A new section is added to chapter 69.04 RCW
9 to read as follows:

10 (1) The department shall issue a license to operate as a pass-
11 through wholesale food distributor to any entity that:

12 (a) Submits a completed application on forms approved by the
13 department;

14 (b) Provides the department with a list of all registered vehicles
15 owned and used by the applicant's business to deliver food;

16 (c) When using food storage facilities, attests that the entity
17 only uses food storage facilities that have been certified by the
18 United States department of agriculture;

19 (d) When using rented vehicles, attests that the operator maintains
20 a temperature log or uses a device to monitor the temperature of the
21 packages in real time; and

22 (e) Submits the appropriate fee to the department.

23 (2) The department may charge an annual fee to defray the costs of
24 administering the licensing program created by this section.

25 (3) A licensed pass-through wholesale food distributor shall
26 protect food from contamination while in storage or transport. Food
27 must be stored and transported under conditions that protect food
28 against physical, chemical, and microbial contamination, as well as
29 against deterioration of the food and its container. This includes,
30 but is not limited to, the storing of raw materials in such a fashion
31 that they avoid cross-contamination of finished food products,
32 particularly ready-to-eat food. For example, the storage of raw fish
33 and seafood, meat, poultry, and other food which inherently contains
34 pathogenic and spoilage microorganisms, as well as soil and other
35 foreign material, must not come into direct contact with other food in
36 the same container or in any other cross-contaminating circumstance
37 with finished food products.

1 (4) In the event of a food recall, a licensed pass-through
2 wholesale food distributor shall use its client listserv to notify
3 customers of the recall and any other relevant information.

4 (5) The department shall:

5 (a) Establish procedures to verify the registration of any delivery
6 vehicles or certification of food storage facilities by the United
7 States department of agriculture;

8 (b) Provide for inspections of vehicles owned by the entity, food
9 storage facilities, and refrigeration equipment and audits of
10 temperature logs. The department shall provide for inspections of any
11 delivery vehicles at central vehicle distribution locations to review
12 food handling and inspect vehicle food storage areas, refrigeration
13 equipment, and product packaging;

14 (c) Investigate any complaints against a licensed pass-through
15 wholesale food distributor for the failure to maintain food delivery
16 vehicles in good working order; and

17 (d) Adopt rules, in consultation with the department of health and
18 local health jurisdictions, necessary to administer the program.

19 (6) For the purposes of this section:

20 (a) "Department" means the department of agriculture.

21 (b) "Pass-through wholesale food distributor" means an entity that
22 receives prepackaged food from a food processor certified by the United
23 States department of agriculture and that delivers the food directly to
24 consumers who placed an order on the entity's web site, without opening
25 the packaging and without dividing it into smaller packages, by means
26 of refrigerated vehicles that meet United States department of
27 transportation standards. "Pass-through wholesale food distributor"
28 includes an entity that, prior to delivery to the consumer, temporarily
29 stores the prepackaged food in a food storage facility approved by the
30 United States department of agriculture.

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