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**Agriculture & Ecology  
Committee**

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**HB 2596**

**Brief Description:** Requiring exclusive statewide food service rules for retail food facilities.

**Sponsors:** Representatives Linville, Schoesler, Grant and Roach.

**Brief Summary of Bill**

- Requires the state board of health to adopt updated food service rules by December 2003 and grants the state board sole authority to adopt food service rules beginning the following July.
- Allows local health departments to adopt certain temporary deviations from the state rules to respond to public health or safety emergencies, but requires board review of the deviations.

**Hearing Date:** 1/29/02

**Staff:** Kenneth Hirst (786-7105).

**Background:**

The State Board of Health's standards for food service in this state are codified as Chapter 246-215 WAC. These rules regulate a wide range of activities and facilities in the food service industry including: food supplies and protection; labeling; food preparation; temperature control; personal hygiene; the design, installation and cleaning of equipment and utensils; poison and toxic materials; pests and pest control; garbage and litter; and inspections, investigations, and enforcement. Local boards of health are authorized to adopt more stringent rules.

The Food Code of U. S. Food and Drug Administration (FDA) has been developed in conjunction with the Centers for Disease Control and Prevention and the Department of Agriculture's Food Safety and Inspection Service. The Code was first published in 1993 and has updated every two years. According to the FDA, the Code:

". . . provides practical, science-based guidance and manageable, enforceable

provisions for mitigating risk factors known to cause foodborne illness. The Code is a reference document for regulatory agencies that oversee food safety in food service establishments, retail food stores, other food establishments at the retail level, and institutions, such as nursing homes and child care centers." (2001 Food Code, Introduction)

**Summary of Bill:**

By December 1, 2003, the state board of health must adopt updated food service rules. Beginning the following July 1st, the state board of health is granted the sole authority to adopt food service rules for retail food facilities. The standards and rules adopted by state board and its interpretations are then exclusive for food service at retail food facilities.

After June 30, 2004, local health departments are to administer the state food service rules and interpretations. However, a local board of health is not prohibited from adopting a temporary deviation from the state rules to respond to an emergency that threatens the public health or safety of the citizens of its community. The state board must review such a local emergency action within 60 days after the action is taken to determine if the state board should adopt a state-wide rule.

The state board of health must periodically review and update its food service rules in consultation with local boards of health and the regulated community.

**Appropriation:** None.

**Fiscal Note:** Requested.

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