

FINAL BILL REPORT

ESSB 6388

C 98 L 14
Synopsis as Enacted

Brief Description: Creating a direct seller license for businesses that sell prepackaged foods directly to consumers through a web site.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senator Padden).

Senate Committee on Commerce & Labor

Senate Committee on Ways & Means

House Committee on Agriculture & Natural Resources

House Committee on Appropriations Subcommittee on General Government & Information Technology

Background: The Washington State Board of Health (WSBH) must consider the most recent version of the United States Food and Drug Administration's food code for the purpose of adopting rules for food services in Washington State. WSBH must adopt rules controlling public health related to environmental conditions, such as heating, lighting, ventilation, sanitary facilities, and cleanliness in public facilities, including food service establishments.

Upon the request of a local health officer, the Secretary of Health may take legal action to enforce the public health state laws, rules, and regulations, or the local rules and regulations, and may institute any civil legal proceeding authorized by the laws of the state of Washington.

The Washington State Department of Agriculture (WSDA) regulates food processors and other food-related businesses, and administers a variety of agriculture-related programs.

Summary: Direct seller is defined as an entity that receives prepackaged food from a food processor licensed or inspected by a state or federal regulatory agency or by WSDA and delivers, by refrigerated vehicle, the food directly to consumers. The direct seller delivers the food without opening the packaging, dividing the food into smaller packages, or using interim storage.

WSDA must issue a direct seller license to an entity that:

- submits a completed application on forms approved by WSDA and the required fees;
- provides WSDA with a list of all vehicles, except for vehicles that are rented for less than 45 days, used by the applicant to deliver food;

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- maintains all records of vehicles that are rented for less than 45 days for at least 12 months following the termination of the renewal period; and
- maintains a temperature log or uses a device to monitor the temperature of the food.

WSDA must:

- inspect delivery vehicles, food handling areas, refrigeration equipment, and product packaging;
- conduct audits of temperature logs and other food handling records;
- investigate any complaints against a licensed direct seller for failing to maintain food safety; and
- adopt rules necessary to administer the program.

The director of WSDA may deny, suspend, or revoke a direct seller license if an applicant or licensee refuses, neglects, or fails to comply with the laws, rules, regulations, or any order of the director of WSDA relating to direct seller licenses.

Fees under the program must be paid into the Food Processing Inspection Account within the Agricultural Local Fund and must be used for this program.

Direct sellers that have a license from WSDA are exempt from WSBH's food service rules and any food service regulations adopted by local health jurisdictions.

Votes on Final Passage:

Senate	46	1	
House	94	2	(House amended)
Senate	48	1	(Senate concurred)

Effective: June 12, 2014