
SENATE BILL 6388

State of Washington

63rd Legislature

2014 Regular Session

By Senator Padden

Read first time 01/23/14. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to pass-through wholesale food distributors;
2 amending RCW 43.20.145; adding a new section to chapter 43.24 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 licensing are exempt from the state board's food
6 service rules and any food service regulations adopted by local health
7 jurisdictions.

8 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.24 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 a fee not to exceed five hundred
24 dollars per license to defray the costs of administering the program.

25 (3) The department shall:

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

29 (b) Inspect any delivery vehicles, including refrigeration
30 equipment, and food storage facilities. The department must give
31 thirty days' notice of any inspection, may not exceed one inspection
32 per year, and may not charge any fees for the inspection;

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

36 (d) Adopt rules necessary to administer the program.

1 (4) For the purposes of this section, "pass-through wholesale food
2 distributor" means an entity that receives prepackaged food from a food
3 processor certified by the United States department of agriculture and
4 that delivers the food directly to consumers, without opening the
5 packaging and without dividing it into smaller packages, by means of
6 refrigerated vehicles that meet United States department of
7 transportation standards. "Pass-through wholesale food distributor"
8 includes an entity that, prior to delivery to the consumer, temporarily
9 stores the prepackaged food in a food storage facility approved by the
10 United States department of agriculture.

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