

# SENATE BILL REPORT

## SB 6398

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As Passed Senate, February 10, 2016

**Title:** An act relating to cultural foods.

**Brief Description:** Concerning certain cultural foods.

**Sponsors:** Senators Hasegawa and Chase.

**Brief History:**

**Committee Activity:** Commerce & Labor: 1/29/16, 1/29/16 [DP].  
Passed Senate: 2/10/16, 49-0.

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### SENATE COMMITTEE ON COMMERCE & LABOR

**Majority Report:** Do pass.

Signed by Senators Braun, Vice Chair; Hasegawa, Ranking Minority Member; Conway, Keiser, King and Warnick.

**Staff:** Susan Jones (786-7404)

**Background:** The U.S. Food and Drug Administration (FDA) publishes the Food Code, a model that provides recent food science, technology, and legal basis for regulating the retail and food service segment of the industry - restaurants and grocery stores and institutions such as nursing homes. Local, state, tribal, and federal regulators use the FDA Food Code as a model to develop or update their own food safety rules and to be consistent with national food regulatory policy. Alternatives that offer an equivalent level of public health protection to ensure that food at retail and food service is safe are recognized in this model.

The 2013 FDA Food Code edition reflects input from regulatory officials, industry, academia, and consumers that participated in the 2012 meeting of the Conference for Food Protection (CFP). The CFP and the U.S. Department of Agriculture's Food Safety and Inspection Service and the Centers for Disease Control and Prevention of the U.S. Department of Health and Human Services collaborated to help ensure the Food Code establishes sound requirements that prevent food borne illness and injury and eliminates the most important food safety hazards in retail and foodservice facilities.

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The State Board of Health must consider the most recent version of the FDA Food Code for the purpose of adopting rules for food service. Temperature and time safety controls are provided in rules.

**Summary of Bill:** In considering the adoption of rules for food service, the State Board of Health must consider scientific data regarding time-temperature safety standards for Asian rice-based noodles and Korean rice cakes.

The Legislature does not intend to create a private right of action or claim on the part of any individual, entity, or agency against the State Board of Health, any contractor of the State Board of Health, or the DOH.

The Legislature finds that:

1. Asian rice-based noodles and Korean rice cakes are cultural foods with different time-temperature safety standards from other foods;
2. Asian rice-based noodles kept at room temperature are safe for consumption:
  - a. within four hours of the time when it first comes out of hot holding at temperatures at or above 135 degrees; or
  - b. when it has a pH of 4.6 or below, a water activity of 0.85 or below, or has been determined by the Department of Health (DOH) to not be a potentially hazardous food based on formulation and supporting laboratory documentation submitted to the DOH by the manufacturer; and
3. Korean rice cakes are safe for consumption within one day of manufacture.

Definitions are provided for Asian rice-based noodles and Korean rice cake.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony:** PRO: This bill is the noodle bill. It was brought to the Representative of the 37th District by the owner of a fortune cookie factory who has done the entrepreneurial action and diversified into the rice products business rather than just wheat-based products. They have a different spoilage rate than wheat-based noodle products. The rice-based products have no animal products but they are being held to the standard of the other products, which is not necessary or relevant to rice-based products. California has already addressed this issue. The bill asks the State Board of Health to look at some rule-making to make an adjustment for these rice-based products.

**Persons Testifying:** PRO: Senator Bob Hasegawa, prime sponsor.

**Persons Signed In To Testify But Not Testifying:** No one.