

(Effective until March 1, 2022.)

WAC 246-215-09400 Requirements and exemptions. (1) The PERSON IN CHARGE of a DONATED FOOD DISTRIBUTING ORGANIZATION shall comply with the requirements of this chapter, except as otherwise provided in this section.

(2) A DONATED FOOD DISTRIBUTING ORGANIZATION is exempt from the provisions of WAC 246-215-08600 and Part 8, Subpart C of this chapter, regarding operating with a valid FOOD ESTABLISHMENT PERMIT.

(3) The PERSON IN CHARGE of a DONATED FOOD DISTRIBUTING ORGANIZATION shall notify the REGULATORY AUTHORITY in writing or by another APPROVED manner:

(a) Annually of the nature of its FOOD service activities, including types of FOOD served or distributed; and

(b) Whenever there is a significant change in its FOOD service activities.

(4) A DONATED FOOD DISTRIBUTING ORGANIZATION is exempt from meeting the provisions of WAC 246-215-02315, 246-215-03610, 246-215-04212, 246-215-04214, 246-215-04216, 246-215-04224, 246-215-04228, 246-215-04236, 246-215-04250, 246-215-04254, 246-215-04260, 246-215-04264, 246-215-04315, 246-215-04340, 246-215-04345, 246-215-04405, 246-215-04410, 246-215-04500(1), 246-215-04510, 246-215-04525, 246-215-04545, 246-215-04555, 246-215-04560, 246-215-04575, 246-215-04610, 246-215-04710, 246-215-04940, and 246-215-05240, Part 4, Subpart H; Part 5, Subpart E; and Part 6, if:

(a) All FOODS are donated to needy persons under the provisions of chapter 69.80 RCW;

(b) POTENTIALLY HAZARDOUS FOOD items prepared on-site or at a DONOR KITCHEN are served within eight hours of preparation; and

(c) POTENTIALLY HAZARDOUS FOOD items are not cooled and reheated on-site.

[Statutory Authority: RCW 43.20.050 and 43.20.145. WSR 13-03-109, § 246-215-09400, filed 1/17/13, effective 5/1/13.]

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(3) The PERSON IN CHARGE of a DONATED FOOD DISTRIBUTING ORGANIZATION shall notify the REGULATORY AUTHORITY in writing or by another APPROVED manner:

(a) Initially regarding the nature of its FOOD service activities, including information specified in WAC 246-215-08325; and

(i) A valid 501(c) IRS determination letter; or

(ii) A letter of sponsorship from a 501(c) organization with a copy of its current 501(c) IRS determination letter.

(b) Annually of the nature of its FOOD service activities, including types of FOOD served and distributed; and

(c) Whenever the IRS determination letter is revoked or there is a significant change in its FOOD service activities.

(4) A DONATED FOOD DISTRIBUTING ORGANIZATION is exempt from meeting the provisions of WAC 246-215-02315, 246-215-03610, 246-215-04212,

246-215-04214, 246-215-04216, 246-215-04224, 246-215-04228,
246-215-04236, 246-215-04250, 246-215-04254, 246-215-04260,
246-215-04264, 246-215-04315, 246-215-04340, 246-215-04345,
246-215-04405, 246-215-04410, 246-215-04500(1), 246-215-04510,
246-215-04525, 246-215-04545, 246-215-04555, 246-215-04560,
246-215-04575, 246-215-04610, 246-215-04710, 246-215-04940, and
246-215-05240; Part 4, Subpart H; Part 5, Subpart E; and Part 6, of
this chapter, except as otherwise provided in this subpart.

(5) The REGULATORY AUTHORITY may impose additional requirements to protect against health hazards related to the operation of a DONATED FOOD DISTRIBUTING ORGANIZATION and may:

- (a) Limit the FOOD preparation steps;
- (b) Prohibit some menu items; and
- (c) Restrict the mode of operations when the facilities or EQUIPMENT are inadequate to protect public health.

[Statutory Authority: RCW 43.20.050 and 43.20.145. WSR 21-01-122, § 246-215-09400, filed 12/15/20, effective 3/1/22; WSR 13-03-109, § 246-215-09400, filed 1/17/13, effective 5/1/13.]