

**SSB 6388 - S AMD 504**

By Senators Padden, Conway

ADOPTED 02/18/2014

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that the availability  
4 of affordable, fresh, and nourishing foods is essential for individuals  
5 to maintain a healthy lifestyle. The legislature also finds that new  
6 methods of purchasing and delivering fresh, nourishing foods are  
7 emerging and lowering the costs of these foods. The legislature  
8 further finds that the new business models for purchasing and  
9 delivering fresh, nourishing foods are being inappropriately classified  
10 as food service establishments. Therefore, it is the intent of the  
11 legislature to establish a pass-through food distributor license for  
12 businesses that sell and collect payment only through a web site for  
13 prepackaged foods obtained from a food processor either licensed or  
14 inspected, or both, by a state or federal regulatory agency and that  
15 deliver the food directly to consumers without any interim storage.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 69.04 RCW  
17 to read as follows:

18 (1) The department shall issue a license to operate as a pass-  
19 through wholesale food distributor to any entity that:

20 (a) Submits a completed application on forms approved by the  
21 department;

22 (b) Provides the department with a list of all leased, rented, or  
23 owned vehicles used by the applicant's business to deliver food;

24 (c) Maintains food temperature logs or uses a device to monitor the  
25 temperature of the packages in real time for all food while in  
26 transport; and

27 (d) Submits all the appropriate fees to the department.

28 (2) By rule, the department shall develop an annual license and  
29 renewal fee to defray the costs of administering the licensing and

1 inspection program created by this section. All moneys received by the  
2 department under the provisions of this section must be paid into the  
3 food processing inspection account within the agricultural local fund  
4 and must be used solely to carry out the provisions of this section.

5 (3) A licensed pass-through wholesale food distributor shall  
6 protect food from contamination while in transport. Food must be  
7 transported under conditions that protect food against physical,  
8 chemical, and microbial contamination, as well as against deterioration  
9 of the food and its container. This includes, but is not limited to,  
10 the separation of raw materials in such a fashion that they avoid  
11 cross-contamination of other food products, particularly ready-to-eat  
12 food. For example, during the transport of raw fish and seafood, meat,  
13 poultry, and other food which inherently contains pathogenic and  
14 spoilage microorganisms, as well as soil and other foreign material,  
15 must not come into direct contact with other food in the same container  
16 or in any other cross-contaminating circumstance.

17 (4) In the event of a food recall or when required by the  
18 department, a federal, state, or local health authority in response to  
19 a food borne illness outbreak, a licensed pass-through food distributor  
20 shall use its client listserv to notify customers of the recall and any  
21 other relevant information.

22 (5) The department shall:

23 (a) Conduct inspections of vehicles used by the entity, storage,  
24 food handling areas, refrigeration equipment, and product packaging  
25 used by the entity;

26 (b) Audits of temperature logs and other food handling records as  
27 appropriate;

28 (c) Investigate any complaints against a licensed pass-through  
29 wholesale food distributor for the failure to maintain food safety; and

30 (d) Adopt rules, in consultation with the department of health and  
31 local health jurisdictions, necessary to administer and enforce the  
32 program consistent with federal regulations.

33 (6) For the purposes of this section:

34 (a) "Department" means the department of agriculture.

35 (b) "Pass-through food distributor" means an entity that receives  
36 prepackaged food from a food processor either licensed or inspected, or  
37 both, by a state or federal regulatory agency or department and that  
38 delivers the food directly to consumers who only placed and paid for an

1 order on the entity's web site, without opening the packaging and  
2 without dividing it into smaller packages and no interim storage by the  
3 pass-through food distributor, and is delivered, by means of vehicles  
4 that are equipped with either refrigeration or freezer units, or both,  
5 and that meet the requirements of rules authorized by this chapter.  
6 "Pass-through food distributor" includes an entity that, prior to  
7 delivery to the consumer, temporarily stores the prepackaged food in a  
8 food storage facility either licensed or inspected, or both, by a state  
9 or federal regulatory agency or department.

10 (7) Pass-through food distributors that have a license from the  
11 department under section 2 of this act are exempt from the permitting  
12 requirements of food service rules adopted by the state board of health  
13 and any local health jurisdiction."

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14 On page 1, line 1 of the title, after "Relating to" strike the  
15 remainder of the title and insert "pass-through food distributors;  
16 adding a new section to chapter 69.04 RCW; and creating a new section."

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