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House Bill 5196 (Substitute H-2 as reported by the Committee of the Whole)

Sponsor: Representative Ruth Johnson

House Committee: Health Policy

Senate Committee: Agriculture

CONTENT

The bill would create the "Food Law of 2000" to consolidate and revise current State laws regarding the sale of food, including its manufacture, production, processing, and packing; holding food for sale; and the service of food by food service establishments, by doing the following:

- Adopting by reference the Federal Food and Drug Administration 1999 Food Code.
- Establishing four categories of licensing for mobile and temporary food service establishments.
- Establishing an April 30 expiration date for licenses.
- Create the "Consumer Safety Education Fund" to provide funding for statewide training and education to consumers on food safety.
- Permit a licensee to implement practices and procedures alternative to those in the Food Code on handling ready-to-eat foods with bare hands.
- Specify that conditions warranting administrative fines would be limited to critical or repeated violations that were uncorrected beyond an approved or ordered time frame.
- Provide that a decision or order in a contested case would be subject to court review when a licensee had exhausted all administrative remedies.
- Repeal and rescind certain acts and rules concerning food service establishments.

The bill would take effect six months after its date of enactment. Until then, compliance with the standards of design, construction, and equipment of a food service establishment approved under the Public Health Code would be considered compliance under the bill.

Legislative Analyst: L. Arasim

FISCAL IMPACT

The bill would result in an increase in State licensing fee revenue and in administrative costs. The fee increases would generate approximately \$630,000 in new license revenue annually, bringing total licensing fees for retail processing establishments to nearly \$1,600,000. In addition, the \$3 fee added to each food establishment license would generate between \$150,000 and \$165,000 per year; and the \$2 fee added to each food service license would generate approximately \$75,000 per year.

The Department of Agriculture estimates that the increase in administrative, training, and inspection costs associated with the bill would be approximately \$1,250,000 annually. The consumer education and local health department and industry training portions of these costs would be covered by the \$3 and \$2 fees added to food establishment and food service licenses.

Date Completed: 4-4-00

Fiscal Analyst: P. Graham