

HOUSE BILL REPORT

SHB 1957

As Amended by the Senate

Title: An act relating to food processing.

Brief Description: Requiring licensing of food processing plants.

Sponsor(s): By House Committee on Agriculture & Rural Development (originally sponsored by Representatives Rayburn, Nealey, McLean, Chandler, Roland, Franklin and Rasmussen; by request of Department of Agriculture).

Brief History:

Reported by House Committee on:

Agriculture & Rural Development, February 28, 1991, DPS;
Passed House, March 12, 1991, 96-0;
Amended by Senate.

**HOUSE COMMITTEE ON
AGRICULTURE & RURAL DEVELOPMENT**

Majority Report: *That Substitute House Bill No. 1957 be substituted therefor, and the substitute bill do pass.*
Signed by 9 members: Representatives Rayburn, Chair; Nealey, Ranking Minority Member; P. Johnson, Assistant Ranking Minority Member; Grant; R. Johnson; Lisk; McLean; Rasmussen; and Roland.

Minority Report: *Do not pass.* Signed by 1 member: Representative Kremen, Vice Chair.

Staff: Kenneth Hirst (786-7105).

Background: The state's Food Processing Act requires establishments which process food for distribution or sale by others to be licensed and regulated by the Department of Agriculture. Establishments in operation prior to June 30, 1967 were "grandfathered" into the licensing program with minimum qualifications. A person's first violation of the act is a misdemeanor; each subsequent violation within a period of five years is a gross misdemeanor.

Summary of Bill:

Civil Penalties. The director of the Department of Agriculture is empowered to impose civil penalties for

violations of the state's Food Processing Act. The maximum civil penalty is \$1,000 per violation per day.

Facilities Which Must Be Licensed. The types of facilities which must be licensed for operation under the state's Food Processing Act are broadened beyond those which process food for distribution or resale by others. They now include: a company's food processing facility that transfers its products to another company location for sale; and one which processes food for retail sale but is not regulated under a permit, license, or inspection of a local health authority.

Limitations. If a person desires to process a type of food product other than the type specified in the application supporting a person's current license, the person may have to amend the license accordingly before processing this new type of food product. The amendment is necessary if processing that type of food product would require an addition to or modification of the licensee's facilities or would have a high potential for harm. No person may resell in intrastate commerce any food processed in an unlicensed processing plant once the person has been notified by the director that the plant is unlicensed.

Suspensions. If the director finds that an establishment is operating under conditions which constitute an immediate danger to public health or which allow adulteration of food, the director may summarily suspend the establishment's license and its food processing operations must immediately cease. This suspension authority also applies if the licensee or an employee of the licensee, during an on-site inspection, actively prevents the director or the director's representative from making such a finding. An opportunity for a prompt hearing must be provided to the licensee.

Other. Employees of the department are empowered to take verified statements in enforcing the act. A schedule of dates for renewing food processing licenses is to be provided by rule. Provisions of the act are repealed which "grandfathered" into the licensing program food processing plants which were in operation prior to June 30, 1967.

EFFECT OF SENATE AMENDMENT(S): The categories of wholesale processors for which licensing may be required under the state's Food Processing Act are no longer expanded to include a company's processing facility which transfers food to another location of the same company. Ice is expressly added as a food the processing of which is regulated under the act.

A civil penalty, created by the Substitute House Bill, may be imposed for a violation of the Food Processing Act only if criminal penalties have not been imposed under the act.

A provision of the Substitute House Bill is altered which requires that a person receive approval of a license amendment to engage in processing a type of food product other than the type the person is licensed to process. The provision requires the licensing amendment if the change would require an addition to or modification of the licensee's processing facilities; the Senate amendments require the licensing amendment if the change would require a **major** addition to or modification of the facilities. The grounds for which a license may be summarily suspended no longer include the existence of conditions which allow the adulteration of food.

Fiscal Note: Not requested.

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

Testimony For: (Taken from testimony on the parent bill, HB 1483) (1) The department has found, in its inspections, food pathogens which require immediate action. The bill permits a food processing license to be summarily suspended; currently the department must embargo each day's production from the licensee. (2) Specialty processing of foods by small-scale operations is becoming very popular. The bill will permit the department to issue specialty-specific licenses.

Testimony Against: None.

Witnesses: (Taken from testimony on the parent bill, HB 1483) Mike Schwisow and John Daly, Department of Agriculture.

VOTE ON FINAL PASSAGE:

Yeas 96; Excused 2

Excused: Representatives Heavey, Lisk