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**Agriculture & Ecology  
Committee**

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**ESSB 6588**

**Brief Description:** Requiring exclusive statewide food service rules for food service establishments.

**Sponsors:** Senate Committee on Agriculture & International Trade (originally sponsored by Senators Rasmussen and Swecker).

**Brief Summary of Engrossed Substitute Bill**

- Requires the state board of health to adopt updated food service rules by December 31, 2004, by which date the state board is granted sole authority to adopt food service rules.
- Allows local health departments to adopt certain temporary deviations from the state rules to respond to public health or safety emergencies, but requires board review of the deviations.

**Hearing Date:** 2/26/02

**Staff:** Kenneth Hirst (786-7105).

**Background:**

The State Board of Health's standards for food service in this state are codified as Chapter 246-215 WAC. These rules regulate a wide range of activities and facilities in the food service industry including: food supplies and protection; labeling; food preparation; temperature control; personal hygiene; the design, installation and cleaning of equipment and utensils; poison and toxic materials; pests and pest control; garbage and litter; and inspections, investigations, and enforcement. Local boards of health are authorized to adopt more stringent rules.

The Food Code of U. S. Food and Drug Administration (FDA) has been developed in conjunction with the Centers for Disease Control and Prevention and the Department of Agriculture's Food Safety and Inspection Service. The Code was first published in 1993 and

has updated every two years. According to the FDA, the Code ". . . provides practical, science-based guidance and manageable, enforceable provisions for mitigating risk factors known to cause foodborne illness. The Code is a reference document for regulatory agencies that oversee food safety in food service establishments, retail food stores, other food establishments at the retail level, and institutions, such as nursing homes and child care centers." (2001 Food Code, Introduction)

**Summary of Bill:**

Effective December 31, 2004, the State Board of Health is granted the sole authority to adopt food service rules for food service establishments. Its standards and rules are then exclusive for these establishments. The Department of Health has the exclusive authority to interpret the rules.

By December 31, 2004, the state board must adopt updated food service rules. It must report its progress to the Legislature by January 31, 2003. The state board must periodically review and update the rules in consultation with local boards of health and the regulated community.

A local board of health is not prohibited from adopting a temporary deviation from the state rules to respond to an emergency that threatens the public health or safety of the citizens of its community. The deviation may be in force for not more than 180 days, unless the state board grants a temporary or permanent extension based on demonstrated need. The state board must review such a local emergency action within 120 days after the action is taken to determine if the state board should adopt a state-wide rule.

**Appropriation:** None.

**Fiscal Note:** Not Requested.

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