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**Agriculture & Natural Resources  
Committee**

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**HB 1827**

**Brief Description:** Concerning pass-through wholesale food distributors.

**Sponsors:** Representatives Shea and Crouse.

**Brief Summary of Bill**

- Creates a license for pass-through wholesale food distributors that deliver prepackaged food directly to the consumer.

**Hearing Date:** 1/17/14

**Staff:** Megan Mulvihill (786-7291). Jason Callahan (786-7117).

**Background:**

The Food Distribution Process

Wholesale food distributors purchase products from a manufacturer or other food processor and sell and distribute the food products to food service companies and retailers. The process for distributors includes purchasing food products, taking inventory, storing the products until ready for transport, finding a buyer for the products, and transporting the products to the buyer or retailer.

The Washington Food Code and Applicable Definitions

Every four years, the U.S. Food and Drug Administration (FDA) publishes the Food Code for all levels of government to use as a model. The Washington Department of Health adopted the FDA's Food Code with some modifications to create the Washington Retail Food Code (Food Code). Local Boards of Health are required to follow the minimum standards outlined in the Food Code, but may adopt more stringent provisions.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The Food Code defines a "food establishment" as: (1) an element of operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location; and (2) an operation that is conducted in a mobile, stationary, temporary, or permanent facility or location where consumption is on or off the premises regardless of whether there is a charge for the food. An entity is not considered a food establishment if the food is not categorized as potentially hazardous. Food is considered potentially hazardous if it requires time and temperature control for safety and is prepackaged in a licensed food establishment or food processing plant. In addition, the Food Code defines a "mobile food unit" as a food establishment that is readily moveable.

**Summary of Bill:**

A "pass-through wholesale food distributor" is defined as an entity that receives prepackaged food from a food processor certified by the U.S. Department of Agriculture (USDA) and delivers the food directly to consumers, without opening the packaging and without dividing it into smaller packages, by means of refrigerated vehicles that meet U.S. Department of Transportation standards. A pass-through wholesale food distributor may be exempt from the State Board of Health's food service rules and food service regulations adopted by local health jurisdictions if they have a license from the Department of Licensing (DOL). A pass-through wholesale food distributor may temporarily store prepackaged food in a food storage facility approved by the USDA.

In order to receive a pass-through wholesale food distributor license from the DOL, an entity needs to submit the following:

- an approved, completed application;
- a list of all registered vehicles owned and used to deliver food; and
- the appropriate fee which shall not exceed five hundred dollars per license.

The wholesale food distributor must attest to: (1) only using food storage facilities that are certified by the USDA; and (2) maintaining a temperature log or using a device to monitor the temperature of the packages in real time.

The DOL must establish procedures to verify registration of delivery vehicles or the certification of food storage facilities. The DOL may not exceed one inspection per year or charge an inspection fee, and the DOL must provide thirty days' notice before an inspection. The DOL must investigate complaints and adopt rules necessary to administer the program.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.