

# HOUSE BILL REPORT

## HB 2744

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**As Reported by House Committee On:**  
Health Care & Wellness

**Title:** An act relating to cultural foods.

**Brief Description:** Concerning certain cultural foods.

**Sponsors:** Representatives Santos, Ryu, Gregerson and Stanford.

**Brief History:**

**Committee Activity:**

Health Care & Wellness: 2/3/16, 2/5/16 [DP].

**Brief Summary of Bill**

- Requires the State Board of Health to consider scientific data regarding time-temperature safety standards for Asian rice-based noodles and Korean rice cakes.
- Provides definitions for the terms "Asian rice-based noodles" and "Korean rice cake."

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### HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

**Majority Report:** Do pass. Signed by 15 members: Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier, Clibborn, DeBolt, Jinkins, Johnson, Moeller, Robinson, Rodne, Short, Tharinger and Van De Wege.

**Staff:** Ashley Fisher (786-7296) and Chris Blake (786-7392).

**Background:**

Food Service Standards.

The United States Food and Drug Administration (FDA) provides guidance to state and local agencies regarding safe food service practices (Food Code). The FDA developed the Food Code in cooperation with the Centers for Disease Control and Prevention and the United

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States Department of Agriculture to provide current enforcement standards for safe food service practices.

The Washington State Board of Health (Board) is authorized to establish minimum standards for the prevention and control of food borne illnesses. Local jurisdictions may adopt more stringent standards. The Board's rules direct food service establishments in the areas of food supplies, food protection, public health labeling, food preparation, temperature control, personal hygiene, garbage and litter, sanitary equipment, and pest control.

The Board considers the most recent version of the FDA's Food Code when adopting rules for food service.

#### Safety Controls for Potentially Hazardous Foods.

Time and temperature are two safety control methods for potentially hazardous foods. Time can be a safety control method for ready-to-eat potentially hazardous food that is displayed or held for sale or service for immediate consumption. Foods for which time is the safety control must: (1) have an internal temperature of 41 degrees Fahrenheit (5 degrees Celsius) or less when removed from cold-holding temperature control, or 135 degrees Fahrenheit (57 degrees Celsius) or greater when removed from hot-holding temperature control; (2) be marked or otherwise identified to indicate the time that is four hours past the point when the food was removed from temperature control; (3) be cooked and served or discarded within four hours from the point in time when the food is removed from temperature control; and (4) be discarded after the four-hour limit or if in an unmarked container or package.

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#### **Summary of Bill:**

When considering the adoption of rules for food service, the State Board of Health (Board) must consider scientific data regarding time-temperature safety standards for Asian rice-based noodles and Korean rice cakes.

"Asian rice-based noodles" means a rice-based pasta that contains rice powder, water, wheat starch, vegetable cooking oil, and optional ingredients to modify the pH or water activity, or to provide a preservative effect. The ingredients do not include products derived from animals. The rice-based pasta is prepared by using a traditional method that includes cooking by steaming at not less than 130 degrees Fahrenheit, for not less than four minutes.

"Korean rice cake" means a confection that contains rice powder, salt, sugar, various edible seeds, oil, dried beans, nuts, dried fruits, and dried pumpkin. The ingredients do not include products derived from animals. The confection is prepared by using a traditional method that includes cooking by steaming at not less than 275 degrees Fahrenheit, for not less than five minutes, nor more than 15 minutes.

Legislative findings state that, under certain conditions, Asian rice-based noodles kept at room temperature for four hours or longer are nonpotentially hazardous foods. Findings are also made that Korean rice cakes are safe for consumption within one day of manufacture.

The stated intent of the bill is to direct the Board to consider new standards for Asian rice-based noodles and Korean rice cakes, including laws enacted by other states.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) Colleagues in California have already recognized that there is a scientific difference between the safety of rice-based products and other products. Rice noodle producers need a longer variance time so that the products can be cooked and distributed to restaurants. The restaurants can refrigerate the products at that point. California was allowed eight hours for distribution. It would be nice to have that same time frame in Washington.

The Washington State Board of Health works closely with state agencies, local jurisdictions, the food industry, and other interested parties during the rule-making process. The rules need to work in a number of different settings and need to be culturally sensitive. The current rule allows some flexibility regarding time to temperature control for these types of rice-based products. However, the Board will look into this in order to inform the work scheduled for updating the rules in 2018.

(Opposed) None.

**Persons Testifying:** Representative Santos, prime sponsor; Michelle Davis, Washington State Board of Health; and Timothy Louie, Tsue Chong Company.

**Persons Signed In To Testify But Not Testifying:** None.