

FINAL BILL REPORT

SB 6398

C 20 L 16 E 1
FULL VETO
VETO OVERRIDE
Synopsis as Enacted

Brief Description: Concerning certain cultural foods.

Sponsors: Senators Hasegawa and Chase.

Senate Committee on Commerce & Labor
House Committee on Health Care & Wellness

Background: The U.S. Food and Drug Administration (FDA) publishes the Food Code, a model that provides recent food science, technology, and legal basis for regulating the retail and food service industry. Local, state, tribal, and federal regulators use the FDA Food Code as a model to develop or update their own food safety rules and to be consistent with national food regulatory policy. Alternatives that offer an equivalent level of public health protection to ensure that food at retail and food service is safe are recognized in the Food Code.

The 2013 FDA Food Code edition reflects input from federal agencies regulatory officials, industry, academia, and consumers. The Food Code establishes requirements that prevent food borne illness and injury and eliminates the most important food safety hazards in retail and food service facilities.

The State Board of Health must consider the most recent version of the FDA Food Code for the purpose of adopting rules for food service. Temperature and time safety controls are provided in rules.

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

The act is not intended to create a private right of action or claim on the part of any individual, entity, or agency against the State Board of Health, any contractor of the State Board of Health, or the Department of Health (DOH).

The Legislature finds that:

1. Asian rice-based noodles and Korean rice cakes are cultural foods with different time-temperature safety standards from other foods;

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.

2. Asian rice-based noodles kept at room temperature are safe for consumption:
 - a. within four hours of the time when they first come out of hot holding at temperatures at or above 135 degrees; or
 - b. when they have a pH of 4.6 or below, a water activity of 0.85 or below, or have been determined by the DOH to not be a potentially hazardous food based on formulation and supporting laboratory documentation submitted to the DOH by the manufacturer; and
3. Korean rice cakes are safe for consumption within one day of manufacture.

Definitions are provided for Asian rice-based noodles and Korean rice cake.

Votes on Final Passage:

Senate	49	0
House	96	1

Votes on Veto Override:

First Special Session

Senate	41	0
House	87	7

Effective: June 28, 2016