
Local Government Committee

HB 2777

Brief Description: Concerning the operation, authorization, and permitting of microenterprise home kitchens.

Sponsors: Representatives Frame, Peterson, Macri, Gregerson, Hudgins, Ramel, Fitzgibbon, Riccelli, J. Johnson, Senn, Doglio, Davis, Pettigrew, Pollet and Slatter.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Authorizes microenterprise home kitchen operations and creates regulations and licensing standards for such ventures.

Hearing Date: 2/4/20

Staff: Robbi Kesler (786-7153).

Background:

The Washington State Board of Health (Board) establishes 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 United States Food and Drug Administration's (FDA) Food Code when adopting rules for food service.

Summary of Bill:

"Microenterprise home kitchen operation" (MHKO) means a food facility that is operated by a person in the person's primary domestic residence where food is stored, handled, prepared for, and may be served to, consumers. A MHKO may:

- sell food products to be consumed on the premises of the MHKO;

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- sell food products to be consumed at a location other than the premises of the MHKO, whether delivered directly to the consumer by the microenterprise home kitchen or by an intermediary;
- offer cooking classes, and similar educational experiences, that take place on the premises of the MHKO; and
- cater a specific menu and amount of food which is prepared on the premises of the MHKO for service to a customer at a different location.

Restrictions on MHKO include:

- food preparation may not involve processes that require a hazard analysis critical control point plan, the production, service, or sale of raw milk or raw milk products, or the service or sale of raw oysters;
- the MHKO may sell no more than 30 individual meals per day and no more than 150 individual meals per week;
- the MHKO may not engage in indirect sales to consumers;
- food products prepared in a MHKO may not be delivered outside of the state by the operator of the MHKO unless allowed in the state of delivery;
- food produced in a MHKO may not be delivered by a third-party delivery service; and
- an internet food service intermediary must conspicuously post any fees associated with their digital network, as well as a notice whether they offer or provide liability insurance, and MHKO operators in writing 30 days in advance of any fee change exceeding a 2 percent increase.

Additional requirements that may be required for a MHKO include inspections, sanitary procedures, facility, equipment, utensil requirements, labeling procedures, requirements for clean water sources and waste and wastewater disposal, and requirements for washing and other hygienic practices. MHKO are exempt from a number of provisions in the food services code and modified requirements are provided.

A MHKO must obtain a permit from the local health board, and may be required to be renewed annually. The application must include the MHKO's standard operating procedures such as food types that will be prepared, handling procedures, cleaning plans, refuse disposal processes, food storage, and days and times the MHKO may be operated.

The application must be accompanied by an inspection fee. The MHKO must be inspected before initial permitting and may be inspected up to once per year after the initial permitting and at any time in response to a foodborne outbreak or other public health emergency. The inspection must document the findings and those findings must be kept by the local health board. The inspection protocol includes basic standards the MHKO must follow while preparing, handling, or storing food in the MHKO.

A MHKO operating without a valid permit and any MHKO operating in violation of any of the requirements may be issued a warning, be placed on probation, be fined, or have their permit suspended or revoked.

Appropriation: None.

Fiscal Note: Requested on January 27, 2020.

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