

2007 -- H 6062 SUBSTITUTE A

LC01918/SUB A/4

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2007

A N A C T

RELATING TO FOOD AND DRUGS -- SANITATION IN FOOD ESTABLISHMENTS

Introduced By: Representatives Pacheco, Shanley, Gorham, Lally, and Walsh

Date Introduced: March 01, 2007

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Legislative findings. -- It is hereby found and declared as follows:

2 The general assembly finds that the historical, architectural, and cultural heritage of the
3 state of Rhode Island should be preserved as a part of our life to enrich the experience of present
4 and future generations, and that the continued expansion of urban development threatens the
5 existence of our historical sites and structures.

6 SECTION 2. Sections 21-27-1 and 21-27-10 of the General Laws in Chapter 21-27
7 entitled "Sanitation in Food Establishments" are hereby amended to read as follows:

8 **21-27-1. Definitions.** -- Unless otherwise specifically provided in this chapter, the
9 following definitions apply to this chapter:

10 (1) "Approved" means approved by the director.

11 (2) "Commissary" means a central processing establishment where food is prepared for
12 sale or service off the premises or by mobile vendor.

13 (3) "Department" means the department of health.

14 (4) "Director" means the director of health or the director's duly appointed agents.

15 (5) "Farmers market" means a market where two (2) or more farmers are selling produce
16 exclusively grown on their own farms on a retail basis to consumers. Excluded from this term is
17 any market where farmers or others are selling produce at wholesale and/or any market in which
18 any individual is selling produce not grown on his or her own farm.

19 (6) "Farm home food manufacture" means the production in accordance with the

1 requirements of section 21-27-6.1 of food for retail sale in a residential kitchen on a farm which
2 produces agricultural products for human consumption and the operator of which is eligible for
3 exemption from the sales and use tax in accordance with section 44-18-30(32).

4 (7) "Food" means: (i) articles used for food or drink for people or other animals, (ii)
5 chewing gum, and (iii) articles used for components of any food or drink article.

6 (8) "Food business" means and includes any establishment or place, whether fixed or
7 mobile, where food or ice is held, processed, manufactured, packaged, prepared, displayed,
8 served, transported, or sold.

9 (9) "Food service establishment" means any fixed or mobile restaurant, coffee shop,
10 cafeteria, short-order cafe, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern; bar,
11 cocktail lounge, night club, roadside stand, industrial feeding establishment, [cultural heritage](#)
12 [education facility](#), private, public or nonprofit organization or institution routinely serving food,
13 catering kitchen, commissary or similar place in which food or drink is prepared for sale or for
14 service on the premises or elsewhere, and any other eating or drinking establishment or operation
15 where food is served or provided for the public with or without charge.

16 (10) "Mobile food service unit" means a unit that prepares and/or sells food products for
17 direct consumption.

18 (11) "Person" means any individual, firm, co-partnership, association, or private or
19 municipal corporation.

20 (12) "Processor" means one who combines, handles, manufactures or prepares, packages,
21 and stores food products.

22 (13) "Operator" in relation to food vending machines means any person who by contract,
23 agreement, lease, rental, or ownership sells food from vending machines.

24 (14) "Retail" means when eighty percent (80%) or more of sales are made directly to
25 consumers.

26 (15) "Retail peddler" means a food business which sells meat, seafood, and dairy
27 products directly to the consumer, house to house or in a neighborhood.

28 (16) "Roadside farmstand" means a stand or location adjacent to a farm where produce
29 grown only on that farm is sold at the time of harvest.

30 (17) "Vending machine site or location" means the room, enclosure, space, or area where
31 one or more vending machines are installed and/or operated.

32 (18) "Warehouse" means a place for the storage of dried, fresh, or frozen food or food
33 products, not including those areas associated within or directly part of a food service
34 establishment or retail market.

1 (19) "Wholesale" means when eighty percent (80%) or more of the business is for resale
2 purposes.

3 (20) "Cultural heritage education facility" means a facility for up to ten (10) individuals
4 who, for a fee, participate in the preparation and consumption of food, limited to an owner-
5 occupied site which is "listed" on the state or federal historic register and whose drinking water
6 shall be obtained from an approved source which meets all of the requirements of chapter 46-13.

7 **21-27-10. Registration of food businesses.** -- (a) No person shall operate a food business
8 as defined in section 21-27-1(8) unless he or she annually registers the business with the state
9 director of health; provided, that food businesses conducted by nonprofit organizations, hospitals,
10 public institutions, farmers markets, roadside farmstands, or any municipality shall be exempt
11 from payment of any required fee. (b) In order to set the registration renewal dates so that all
12 activities for each establishment can be combined on one registration instead of on several
13 registrations, the registration renewal date shall be set by the department of health. The
14 registration period shall be for twelve (12) months commencing on the registration renewal date,
15 and the registration fee shall be at the full annual rate regardless of the date of application or the
16 date of issuance of registration. If the registration renewal date is changed, the department may
17 make an adjustment to the fees of registered establishments, not to exceed the annual registration
18 fee, in order to implement the changes in registration renewal date. Registrations issued under this
19 chapter may be suspended or revoked for cause. Any registration or license shall be posted in a
20 place accessible and prominently visible to an agent of the director. (c) Registration with the
21 director of health shall be based upon satisfactory compliance with all laws and regulations of the
22 director applicable to the food business for which registration is required. (d) The director of
23 health is authorized to adopt regulations necessary for the implementation of this chapter. (e)
24 Classification and fees for registration shall be as follows:

25	(1) Food processors (Wholesale)	\$210.00
26	(2) Food processors (Retail)	90.00
27	(3) Food service establishments:	
28	(i) 50 seats or less	120.00
29	(ii) More than 50 seats	180.00
30	(iii) Mobile food service units	72.00
31	(iv) Industrial caterer or food vending machine commissary	
32	210.00

33 (v) Cultural heritage educational facility 80.00

34 ~~(4)~~ (4) Vending machine sites or location:

1	(A) (i) Three (3) or less machines	36.00
2	(B) (ii) Four (4) to ten (10) machines	72.00
3	(C) (iii) Eleven (11) or more machines	90.00
4	(4) (5) Retail markets:	
5	(i) 1 to 2 cash registers	90.00
6	(ii) 3 to 5 cash registers	180.00
7	(iii) 6 or more cash registers	390.00
8	(5) (6) Retail food peddler (meat, seafood, dairy, and frozen dessert products)	
9	72.00
10	(6) (7) Food warehouses	144.00

11 (f) In no instance where an individual food business has more than one activity eligible
12 under this chapter for state registration within a single location shall the business be required to
13 pay more than a single fee for the one highest classified activity listed in subsection (e) of this
14 section; provided, that where several separate but identically classified activities are located
15 within the same building and under the management and jurisdiction of one person, one fee shall
16 be required. In each of the instances in this subsection, each activity shall be separately registered.

17 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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- 1 This act would require cultural heritage educational facilities to register as a food
- 2 business with the department of health.
- 3 This act would take effect upon passage.

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