

2021 -- H 5152

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO FOOD AND DRUGS -- SANITATION IN FOOD ESTABLISHMENTS

Introduced By: Representative David A. Bennett

Date Introduced: January 25, 2021

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 21-27 of the General Laws entitled "Sanitation in Food
2 Establishments" is hereby amended by adding thereto the following section:

3 **21-27-13. Multi-use containers.**

4 (a) Definitions. Unless otherwise specifically provided in this chapter, the following
5 definitions apply to this chapter:

6 (1) "Consumer-owned beverage containers" means storage containers designed and
7 constructed for reusable beverage storage.

8 (2) "Consumer-owned multi-use containers" means storage containers designed and
9 constructed for reusable food storage.

10 (b) Except as specified in subsections (b)(1) and (b)(2) of this section, returned empty
11 multi-use containers intended for filling with food or beverage shall be cleaned in an approved
12 facility.

13 (1) Clean consumer-owned containers provided or returned to the food facility for filling
14 may be filled and returned to the same customer if the container is filled by either an employee of
15 the food facility or the owner of the container and the dispensing system includes a contamination-
16 free transfer process.

17 (2) The food facility shall either isolate the consumer-owned containers from the serving
18 surface or sanitize the serving service after each filling as required under § 3-304.17 of the Food
19 and Drug Administration's 2017 food code.

1 (c) The food facility shall prepare, maintain, and adhere to written procedures to prevent
2 cross-contamination, such as described in § 3-304.17 of the Food and Drug Administration's 2017
3 food code. The food facility shall make the written procedures available to the enforcement agency
4 upon request or at the time of inspection.

5 (d) Consumer-owned containers that are not food specific may be filled at water vending
6 machines or systems and with beverages that are not potentially hazardous such as those that are
7 time or temperature controlled for safety.

8 (e) No food facility shall be held liable for food safety related issues associated with the
9 use of consumer multi-use containers, unless there is a showing of gross negligence on the part of
10 the food facility in failing to adhere to the food safety standards set forth above and in the Food and
11 Drug Administration's 2017 food code.

12 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO FOOD AND DRUGS -- SANITATION IN FOOD ESTABLISHMENTS

- 1 This act would define what constitutes a multi-use food and beverage storage container and
- 2 would provide for sanitary use of said containers.
- 3 This act would take effect upon passage.

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