

Committee on Regulated Industries

CS/HB 401 — Public Lodging and Public Food Service Establishments

by Business and Professions Subcommittee and Rep. Magar (SB 558 by Senator Stargel)

The bill deletes the July 1, 2014 date by which the Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation was required to adopt a rule for risk-based inspection of public food service establishments. The number or frequency of risk-based inspections is based on several risk factors, including the type of food utilized, food preparation methods, and inspection and compliance history. The division adopted the risk-based inspection frequency rule on July 4, 2013. The bill requires the division to reassess the inspection frequency at least annually.

The bill requires the division to notify, rather than provide, each inspected public food service establishment and temporary food service event sponsor that the food recovery brochure is available. The food recovery brochure is developed by the Department of Agriculture and Consumer Services to provide information about food recovery programs that provide surplus food to governmental agencies and local volunteer and nonprofit organizations for distribution to those in need. The division maintains an electronic copy of this brochure on its website.

The bill permits currently-licensed public food service establishments to operate at a temporary food service event for the duration of the event without obtaining an additional temporary food service event license if the event exceeds three days. The bill permits the division to deliver inspection reports to operators of public food service and public lodging establishments by electronic transmittal. The bill requires public food service establishments to maintain a copy of the inspection report and to make the copy available to the division when the establishment is inspected. It deletes the requirement that the establishment maintain a duplicate copy of the inspection report on the premises. The bill maintains the requirement that establishments must make a copy of the inspection report available to the public upon request.

The bill deletes the \$100 delinquent fee for public food service establishments and public lodging establishments that file for renewal more than 30 days but not more than 60 days after the expiration date of the license. Licensees who fail to file a license renewal for 30 days or less after the date the license expires would be assessed a \$50 delinquent fee.

If approved by the Governor, these provisions take effect July 1, 2015.

Vote: Senate 39-0; House 114-0