CS FOR SENATE BILL NO. 271(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 4/7/00
Referred: Rules
Sponsor(s): SENATOR TAYLOR

A BILL

FOR AN ACT ENTITLED

"An Act relating to oversight of food establishments by the Department of Environmental Conservation; establishing a Food Safety Advisory Group; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 44.46.020 is amended by adding a new subsection to read:

(b) Notwithstanding AS 03, AS 17, or (a) of this section, the Department of Environmental Conservation may not inspect a mobile food unit that serves only beverages and prepackaged food that are from an approved source and are not potentially hazardous, as determined under regulations of the department, unless a complaint has been made to the department about the mobile food unit with respect to matters within the jurisdiction of the department. In this subsection, "mobile food unit" means a type of food service located in a vehicle, trailer, or cart that is capable of easily moving daily for servicing of water and wastewater holding tanks, that operates out of an approved commissary, unless it is a self-contained mobile food unit,
and that has a menu that is usually restricted to service of specific food; a mobile food
unit, other than a pushcart, must be capable of being licensed by the state as a motor
vehicle and must be capable of moving without special conditions, such as a pilot car,
flagging, restricted hours of movement, or a state motor vehicle permit; except for one
ice chest and one barbecue grill placed immediately adjacent to a pushcart, a unit is
not considered as a "mobile food unit" if it does not completely retain its mobility or
is connected to water or sewer.

* Sec. 2. AS 44.46 is amended by adding a new section to read:

Sec. 44.46.026. Fees related to food establishments. (a) Notwithstanding
AS 44.46.025, the department may not

(1) with respect to a food establishment owned or operated by an
organization that is exempt from taxation under 26 U.S.C. 501(c) (Internal Revenue
Code), charge more than 50 percent of the fee charged to an organization that is not
exempt from taxation under 26 U.S.C. 501(c) (Internal Revenue Code) for the cost of
inspection, permit preparation and administration, plan review and approval, or other
service provided by the department under AS 17.20 for a similar food establishment;

(2) charge more than one inspection fee when the department inspects
more than one food service establishment if the food service establishments are
contained in one building and share the same kitchen;

(3) exempt a food establishment or type of food establishment from a
fee under AS 44.46.025 unless authorized by a law specifically referring to
exemptions.

(b) In this section,

(1) "food establishment" means the premises where an activity occurs
that is related to the preparation, processing, packaging, storage, transportation, display,
sale, service, or salvaging of food for human consumption, except that "food
establishment" does not include a private dwelling, including a vessel used solely as
a private dwelling, where food is prepared for consumption by family members or
nonpaying guests;

(2) "food service establishment" means a food establishment where
food intended for service to individuals for consumption is prepared and provided, or
simply provided ready to eat, whether consumption is on or off the premises, with or
without charge.

* Sec. 3. The uncodified law of the State of Alaska is amended by adding a new section
to read:

FOOD SAFETY ADVISORY GROUP. (a) There is established in the Department
of Environmental Conservation a Food Safety Advisory Group composed of five members
appointed by the president of the senate and the speaker of the house with one member
appointed from each of the following:

(1) the Cabaret, Hotel, Restaurant and Retailers Association;
(2) a company that has a food establishment in a rural area of the state;
(3) child care facility operators;
(4) an organization that represents seafood processors in the state;
(5) an organization that represents small businesses in the state.

(b) The Administrative Regulation Review Committee shall provide staff for the Food
Safety Advisory Group. This staff shall, at the direction of the Food Safety Advisory Group,
prepare the written report required under (c) of this section.

(c) The Food Safety Advisory Group and the Department of Environmental
Conservation shall meet during the interim in order to jointly develop written
recommendations to be given to the legislature by January 15, 2001, concerning the following
matters:

(1) the appropriate time interval between the department’s routine inspections
of food establishments;
(2) the appropriate level of fees that each type of food establishment should
pay toward the cost of the department’s oversight of the establishment; and
(3) whether a flat fee should be assessed on different types of food
establishments based on the risk level of their operations.

(d) Members of the Food Safety Advisory Group are not entitled to compensation for
services with the group, but are entitled to per diem and travel expenses authorized for boards
under AS 39.20.180.

(e) In this section, "food establishment" has the meaning given in AS 44.46.026.

* Sec. 4. Section 3 of this Act takes effect immediately under AS 01.10.070(c).
* Sec. 5. Sections 1 and 2 of this Act take effect January 1, 2001.