

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

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

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

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

6 (b) Notwithstanding AS 03, AS 17, or (a) of this section, the Department of
7 Environmental Conservation may not inspect a mobile food unit that serves only
8 beverages and prepackaged food that are from an approved source and are not
9 potentially hazardous, as determined under regulations of the department, unless a
10 complaint has been made to the department about the mobile food unit with respect
11 to matters within the jurisdiction of the department. In this subsection, "mobile food
12 unit" means a type of food service located in a vehicle, trailer, or cart that is capable
13 of easily moving daily for servicing of water and wastewater holding tanks, that
14 operates out of an approved commissary, unless it is a self-contained mobile food unit,

1 and that has a menu that is usually restricted to service of specific food; a mobile food
2 unit, other than a pushcart, must be capable of being licensed by the state as a motor
3 vehicle and must be capable of moving without special conditions, such as a pilot car,
4 flagging, restricted hours of movement, or a state motor vehicle permit; except for one
5 ice chest and one barbecue grill placed immediately adjacent to a pushcart, a unit is
6 not considered as a "mobile food unit" if it does not completely retain its mobility or
7 is connected to water or sewer.

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

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

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

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

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

23 (b) In this section,

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

30 (2) "food service establishment" means a food establishment where
31 food intended for service to individuals for consumption is prepared and provided, or

1 simply provided ready to eat, whether consumption is on or off the premises, with or
2 without charge.

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

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

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

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

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

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

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

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

31 * **Sec. 4.** Section 3 of this Act takes effect immediately under AS 01.10.070(c).

1 * **Sec. 5.** Sections 1 and 2 of this Act take effect January 1, 2001.