

1 HB462
2 183504-1
3 By Representatives Wilcox, Pringle, Clarke, Bracy,
4 Williams (JW), Buskey, Sessions and Davis
5 RFD: State Government
6 First Read: 04-APR-17

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8 SYNOPSIS: Under existing law, the Alabama Department
9 of Public Health may exercise general control and
10 regulate the enforcement of the laws relating to
11 public health. The Alabama Department of Public
12 Health also has the authority to adopt rules
13 providing proper methods and details for
14 administering the health and quarantine laws of the
15 state, which rules have the force and effect of
16 law.

17 This bill would prohibit the Alabama
18 Department of Public Health from regulating food
19 preparation and distribution by an intermittent
20 food service establishment that otherwise does not
21 prepare, sell, or distribute food on a regular
22 basis or in its regular line of business when that
23 establishment prepares or distributes food in
24 association with a regional celebration or
25 tradition.

26
27 A BILL

1 TO BE ENTITLED

2 AN ACT

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4 Relating to food service operations; to prohibit the
5 Alabama Department of Public Health from regulating or
6 requiring a permit for an intermittent food service
7 establishment that otherwise does not prepare, sell, or
8 distribute food in its regular line of business when that food
9 service establishment prepares or distributes food in
10 association with a regional celebration or tradition.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. (a) For the purposes of this act, the
13 following terms shall have the following meanings:

14 (1) DEPARTMENT. The Alabama Department of Public
15 Health.

16 (2) INTERMITTENT FOOD SERVICE ESTABLISHMENT. Any
17 entity that does not serve food in its regular line of
18 business but prepares and serves food on an intermittent basis
19 for a period of time not to exceed three days per week, at a
20 single, specified or designated location in conjunction with a
21 recurring event such as a local or regional celebration,
22 tradition, custom, or a cultural event.

23 (3) REGIONAL CELEBRATION. Any regional celebratory
24 event or tradition established to involve the area population
25 of a distinctive location with common features of
26 administration, land use, heritage, and tourism identity in a
27 shared experience to their mutual benefit that might also

1 involve food offer events that include but are not limited to
2 crawfish boils, shrimp boils, fish fries, or events recognized
3 by the resolution of a county commission or city council as a
4 localized food event.

5 (b) Neither the Alabama Department of Public Health
6 nor a county health department shall regulate or require any
7 permit for an intermittent food service establishment when
8 that establishment prepares and distributes food in
9 association with a regional celebration or tradition except as
10 provided by this section.

11 (c) As the result of a complaint to the department
12 by a medical professional, after consultation with a
13 complaining patient, the department may issue a stop sale,
14 seize, or hold order for any food suspected of being the cause
15 of a food borne illness.

16 (d) Any intermittent food service entity that
17 provides an offer of food or food for sale as a part of a
18 regional celebration or tradition, shall place a disclaimer or
19 notice on a placard not smaller than 11 inches by 17 inches,
20 in black bold type on a clear white background and in a
21 conspicuous location specifically stating the following:
22 "Under Alabama law, the consumer has the right to know that
23 this establishment does not possess a permit issued by the
24 State Department of Public Health for the preparation and
25 distribution of food at this location. The consumption of any
26 food at this location is at the consumer's own risk."

1 Section 2. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.