

2010 -- H 7742

LC01972

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO FOOD AND DRUG -- SANITATION IN FOOD ESTABLISHMENTS

Introduced By: Representative Joseph M. McNamara

Date Introduced: February 25, 2010

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 21-27-11.6 of the General Laws in Chapter 21-27 entitled
2 "Sanitation in Food Establishments" is hereby amended to read as follows:

3 **21-27-11.6. Requirements of food establishments.** -- (a) Food establishments which
4 prepare potentially hazardous foods shall employ at least one fulltime manager certified in food
5 safety. Establishments who employ ten (10) or more full-time equivalent employees directly
6 involved in food preparation shall be required to employ two (2) managers certified in food
7 safety.

8 (1) Establishments that serve or sell only pre-packaged, non-potentially hazardous foods,
9 prepare only non-potentially hazardous foods, or heat only commercially processed potentially
10 hazardous foods for hot holding shall be considered to be Risk Category 1 and shall not be
11 required to have a certified food safety manager on site. In the event the food establishment is
12 engaged in activities considered to be a Risk Category 2, 3 or 4, hereafter defined, then the
13 certified food safety manager(s) shall be required to be present whenever food preparation is in
14 progress:

15 (i) Risk Category 2: Food products are prepared and served immediately, may involve hot
16 and cold holding of potentially hazardous foods after preparation or cooking; or complex
17 preparation of potentially hazardous foods requiring cooking, cooling, and reheating for hot
18 holding.

19 (ii) Risk Category 3: Preparation of an extensive menu and handling raw ingredients;

1 complex preparation including cooling, cooling and reheating for hot holding involving many
2 potentially hazardous foods; preparation requiring a variety of processes requiring hot and cold
3 holding of potentially hazardous food.

4 (iii) Risk Category 4: Preschools, hospitals, nursing homes, and establishments
5 conducting processing at retail level; establishments serving a highly susceptible population or
6 that conduct specialized processes including, but not limited to, smoking and curing, or reduced
7 oxygen packaging for extended shelf-life.

8 (2) Establishments who primarily serve the elderly and individuals with diminished
9 immune systems shall have a manager certified in food safety present during preparation of all
10 hot potentially hazardous foods.

11 (b) Notwithstanding subsection (a) of this section, assisted living residences, licensed by
12 the director of health pursuant to chapter 17.4 of title 23, which have a licensed capacity of
13 twenty-five (25) or fewer residents and which employ five (5) or fewer full-time equivalent
14 employees involved in preparation and serving of food, shall only be required to employ one full-
15 time manager certified in food safety.

16 (c) Once a manager certified in food safety terminates employment, establishments shall
17 have sixty (60) days to employ a new manager certified in food safety, or have an individual
18 enrolled in a division approved food manager certification program in food safety.

19 (d) Notwithstanding subsection (a) of this section, assisted living residences, licensed by
20 the director of health pursuant to chapter 17.4 of title 23, which have a licensed capacity of
21 twenty-five (25) or fewer residents and which employ five (5) or fewer full-time equivalent
22 employees involved in preparation and serving of food, shall only have fifteen (15) days to
23 employ a new manager certified in food safety. However said time period may be extended by the
24 division.

25 SECTION 2. This act shall take effect on January 1, 2011.

=====
LC01972
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO FOOD AND DRUG -- SANITATION IN FOOD ESTABLISHMENTS

- 1 This act would assign risk categories for food establishment. The categories would be
- 2 based upon the type of food prepared and the manner of preparation, at the food establishment.
- 3 The act would also revise the requirements for food safety managers at these establishments.
- 4 This act would take effect on January 1, 2011.

=====
LC01972
=====