
SUBSTITUTE HOUSE BILL 1827

State of Washington 63rd Legislature 2014 Regular Session

By House Agriculture & Natural Resources (originally sponsored by Representatives Shea and Crouse)

READ FIRST TIME 02/05/14.

1 AN ACT Relating to pass-through wholesale food distributors;
2 amending RCW 43.20.145; adding a new section to chapter 69.04 RCW; and
3 creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that the availability
6 of affordable, fresh, and nourishing foods is essential for individuals
7 to maintain a healthy lifestyle. The legislature also finds that new
8 methods of purchasing and delivering fresh, nourishing foods are
9 emerging and lowering the costs of these foods. The legislature
10 further finds that the new business models for purchasing and
11 delivering fresh, nourishing foods are being inappropriately classified
12 as food service establishments. Therefore, it is the intent of the
13 legislature to establish a pass-through wholesale food distributor
14 license for businesses that sell prepackaged foods from a food
15 processor certified by the United States department of agriculture and
16 deliver the food directly to consumers.

17 **Sec. 2.** RCW 43.20.145 and 2003 c 65 s 2 are each amended to read
18 as follows:

1 (1) The state board shall consider the most recent version of the
2 United States food and drug administration's food code for the purpose
3 of adopting rules for food service.

4 (2) Pass-through wholesale food distributors that have a license
5 from the department of agriculture under section 3 of this act are
6 exempt from the state board's food service rules and any food service
7 regulations adopted by local health jurisdictions.

8 NEW SECTION. Sec. 3. A new section is added to chapter 69.04 RCW
9 to read as follows:

10 (1) The department shall issue a license to operate as a pass-
11 through wholesale food distributor to any entity that:

12 (a) Submits a completed application on forms approved by the
13 department;

14 (b) Provides the department with a list of all registered vehicles
15 owned and used by the applicant's business to deliver food;

16 (c) When using food storage facilities, attests that the entity
17 only uses food storage facilities that have been certified by the
18 United States department of agriculture;

19 (d) When using rented vehicles, attests that the operator maintains
20 a temperature log or uses a device to monitor the temperature of the
21 packages in real time; and

22 (e) Submits the appropriate fee to the department.

23 (2) The department may charge a fee not to exceed five hundred
24 dollars per license to defray the costs of administering the licensing
25 program created by this section.

26 (3) A licensed pass-through wholesale food distributor shall
27 protect food from contamination while in storage or transport. Food
28 must be stored and transported under conditions that protect food
29 against physical, chemical, and microbial contamination, as well as
30 against deterioration of the food and its container. This includes,
31 but is not limited to, the storing of raw materials in such a fashion
32 that they avoid cross-contamination of finished food products,
33 particularly ready-to-eat food. For example, the storage of raw fish
34 and seafood, meat, poultry, and other food which inherently contains
35 pathogenic and spoilage microorganisms, as well as soil and other
36 foreign material, must not come into direct contact with other food in

1 the same container or in any other cross-contaminating circumstance
2 with finished food products.

3 (4) In the event of a food recall, a licensed pass-through
4 wholesale food distributor shall use its client listserv to notify
5 customers of the recall and any other relevant information.

6 (5) The department shall:

7 (a) Establish procedures to verify the registration of any delivery
8 vehicles or certification of food storage facilities by the United
9 States department of agriculture;

10 (b) Provide for annual inspections of vehicles owned by the entity,
11 food storage facilities, and refrigeration equipment and audits of
12 temperature logs. The department shall provide for inspections of any
13 delivery vehicles at central vehicle distribution locations to review
14 food handling and inspect vehicle food storage areas, refrigeration
15 equipment, and product packaging. The department may not charge any
16 fees for the inspection;

17 (c) Investigate any complaints against a licensed pass-through
18 wholesale food distributor for the failure to maintain food delivery
19 vehicles in good working order; and

20 (d) Adopt rules, in consultation with the department of health and
21 local health jurisdictions, necessary to administer the program.

22 (6) For the purposes of this section:

23 (a) "Department" means the department of agriculture.

24 (b) "Pass-through wholesale food distributor" means an entity that
25 receives prepackaged food from a food processor certified by the United
26 States department of agriculture and that delivers the food directly to
27 consumers who placed an order on the entity's web site, without opening
28 the packaging and without dividing it into smaller packages, by means
29 of refrigerated vehicles that meet United States department of
30 transportation standards. "Pass-through wholesale food distributor"
31 includes an entity that, prior to delivery to the consumer, temporarily
32 stores the prepackaged food in a food storage facility approved by the
33 United States department of agriculture.

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