

HOUSE BILL No. 2582

By Committee on Agriculture and Natural Resources

2-7

1 AN ACT concerning food establishments; relating to licensure; creating an
2 exemption for churches; amending K.S.A. 2013 Supp. 65-689 and
3 repealing the existing section.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2013 Supp. 65-689 is hereby amended to read as
7 follows: 65-689. (a) It shall be unlawful for any person to engage in the
8 business of conducting a food establishment or food processing plant
9 unless such person shall have in effect a valid license therefor issued by
10 the secretary.

11 (b) Applications for such licenses shall be made on forms prescribed
12 by the secretary, and each such application shall be accompanied by an
13 application fee and by a license fee. Prior to the issuance of any such
14 license, the secretary shall inspect or cause to be inspected the food
15 establishment or food processing plant designated in the application, to
16 determine that it complies with rules and regulations adopted pursuant to
17 the food, drug and cosmetic act, and amendments thereto. If the food
18 establishment or food processing plant is found to be in compliance, and
19 the completed application and accompanying fees have been submitted,
20 the secretary shall issue the license. If the food establishment or food
21 processing plant is found not to be in compliance, the secretary shall deny
22 the application for a license after providing notice and opportunity for a
23 hearing in accordance with the provisions of the Kansas administrative
24 procedure act.

25 (c) Every license issued hereunder shall be displayed conspicuously
26 in the food establishment or food processing plant for which it is issued,
27 and no such license shall be transferable to any other person or location.
28 Whenever any such license is lost, destroyed or mutilated, a duplicate
29 license shall be issued to any otherwise qualified licensee upon application
30 therefor and the payment of a fee in the amount of \$5.

31 (d) A license shall not be required by:

32 (1) A plant or facility registered or licensed by the department of
33 agriculture pursuant to article 7 of chapter 65 of the Kansas Statutes
34 Annotated, and amendments thereto, or licensed or registered by the
35 department of agriculture pursuant to article 6a of chapter 65 of the Kansas
36 Statutes Annotated, and amendments thereto, shall not be required to

1 obtain a separate license pursuant to this section if the inspections
2 conducted under the respective acts encompass all operations of the
3 facility.

4 (2) A registered nonprofit organization that provides food without
5 charge solely to people who are food insecure, including, but not limited to,
6 soup kitchens and food pantries.

7 (3) A location where prepackaged individual meals are distributed to
8 persons eligible under the federal older Americans act.

9 (4) A person who produces food for distribution directly to the end
10 consumer, if such food does not require time and temperature control for
11 safety or specialized processing, as determined by the secretary.

12 (5) A person who serves food exclusively on interstate conveyances
13 or common carriers.

14 (6) A person operating a food establishment for less than seven days
15 in any calendar year.

16 (7) A person who prepares, serves or sells food for the sole purpose
17 of soliciting funds to be used for community or humanitarian purposes or
18 educational or youth activities.

19 (8) A person operating a food vending machine, if the food vending
20 machine company:

21 (A) Is licensed as a food establishment, or if located in another state,
22 licensed according to the laws of such state;

23 (B) maintains, and makes available to the secretary, a current record
24 of the location of each food vending machine it operates or services; and

25 (C) conspicuously displays the company name, phone number and
26 any additional information the secretary may require on each such vending
27 machine.

28 (9) A person providing only complimentary coffee to its patrons
29 whose primary business is unrelated to operating a food establishment or
30 food processing plant.

31 (10) A person operating a farm winery, as defined in K.S.A. 41-102,
32 and amendments thereto, who does not produce or offer any food products
33 other than wine produced at such farm winery.

34 (11) A retailer, as defined in K.S.A. 41-102, and amendments thereto,
35 that sells only alcoholic liquors and cereal malt beverages.

36 (12) A food establishment that sells or offers for sale only packaged
37 foods that are non-hazardous and are received directly from a licensed
38 food production facility in packaged form, if such food establishment
39 contains less than 200 cubic feet as measured pursuant to subsection (e) of
40 K.S.A. 65-688, and amendments thereto.

41 (13) A person who provides food samples, without charge, to
42 promote, advertise or compliment the sale of food or associated food
43 preparation equipment.

1 (14) A guest house, as defined in K.S.A. 36-501, and amendments
2 thereto.

3 (15) *A nonprofit church or other religious organization sponsoring*
4 *food sales.*

5 (e) The exemption provided to those entities provided in subsection
6 (d) shall not be exempt from inspection or regulation when a violation is
7 observed or reported to the secretary.

8 (f) A food establishment operated in connection with any premises
9 licensed, registered or permitted by the secretary of health and
10 environment, the secretary of social and rehabilitation services, the
11 secretary of corrections or the secretary of aging, which is inspected and
12 regulated pursuant to the respective law or rule and regulation of such
13 secretary, shall not require a license, and the secretary of agriculture shall
14 not be authorized to inspect or cause such premises to be inspected. This
15 subsection shall not apply to a food establishment whose primary function
16 is not in connection with any premises licensed, registered or permitted
17 pursuant to the respective law or rule and regulation of such secretary.

18 Sec. 2. K.S.A. 2013 Supp. 65-689 is hereby repealed.

19 Sec. 3. This act shall take effect and be in force from and after its
20 publication in the statute book.