

Regular Session, 2010

HOUSE BILL NO. 1192

BY REPRESENTATIVE RICHMOND

PUBLIC HEALTH: Implements a new grading system for inspection results of food service establishments and requires that the grades be posted in certain establishments

1 AN ACT

2 To enact R.S. 40:5.5.4, relative to restaurant inspections; to provide for a system of grading  
3 and classifying inspection results for food service establishments; to provide for  
4 posting requirements for food establishments in cities with certain population levels;  
5 to provide for procedures for issuing grade cards; to provide for the Department of  
6 Health and Hospitals to create an adjudicative procedure; to establish subsequent  
7 requirements; to provide that proposed law shall not conflict with existing authority  
8 for the department to protect public health; to provide for authority for the  
9 department to promulgate rules and regulations; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 40:5.5.4 is hereby enacted to read as follows:

12 §5.5.4. Grading of inspection results in food service establishments

13 A. The Department of Health and Hospitals shall establish and implement  
14 a system for grading and classifying inspection results for food service  
15 establishments, both fixed and mobile, using letters to identify and represent an  
16 establishment's compliance with the provisions of the state's sanitary code. The  
17 letter "A" shall be the grade representing the highest degree of compliance with the  
18 sanitary code. The department shall provide each operating establishment that it  
19 inspects with a letter grade card indicating the establishment's inspection grade.

1       except that no grade card shall be provided when the department orders an  
2       establishment closed after an inspection.

3               B. Upon receipt, food establishments in cities with populations of at least  
4       two hundred thousand people shall conspicuously post a letter grade card so that it  
5       is visible to the general public and to patrons prior to entering the establishment.  
6       The letter grade card shall not be defaced, marred, camouflaged or hidden from  
7       public view.

8               C. For any food service establishment receiving an "A" grade, the  
9       department shall provide the establishment with a letter grade card at the conclusion  
10       of the inspection where such grade is determined. The grade card shall be posted  
11       immediately.

12               D. For any food service establishment receiving a grade lower than an "A",  
13       the department shall advise the establishment of its inspection grade and the findings  
14       upon which it was based. The department shall conduct a subsequent inspection of  
15       the establishment no sooner than seven days after the first inspection. At the  
16       conclusion of the second inspection, the department shall provide the establishment  
17       with a letter grade card indicating the inspection grade that the establishment  
18       received on that inspection.

19               E. The department shall promulgate rules and regulations to establish an  
20       adjudicative procedure, including an opportunity for a hearing, for any food service  
21       establishment wishing to contest a grade given after the second inspection. Any food  
22       service establishment receiving a grade lower than an "A" at a second inspection  
23       conducted pursuant to Subsection D of this Section may defer posting the letter grade  
24       card provided by the department until the hearing date established under the  
25       adjudicative procedure pursuant to this Subsection. If an establishment does not  
26       appear at the hearing, the establishment shall immediately post the letter grade card  
27       issued by the department at the second inspection conducted pursuant to Subsection  
28       D of this Section. If the establishment appears at the proceeding and the hearing is  
29       unable to proceed for any reason, or if the establishment makes a timely request for

1        adjournment and such adjournment is granted, the establishment may continue to  
 2        defer posting the letter grade card until the adjourned hearing date. In no event shall  
 3        an establishment defer posting the letter grade card after the adjourned hearing date  
 4        if the establishment is not able to proceed on such date.

5                F. Nothing in this Section shall affect the department's authority to take any  
 6        other action necessary to protect the public health or to enforce the provisions of the  
 7        sanitary code or any other law or rule applicable to the operation of a food service  
 8        establishment.

9                G. The department shall promulgate rules and regulations according to the  
 10        Administrative Procedure Act as necessary to implement the provisions of this  
 11        Section.

#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Richmond

HB No. 1192

**Abstract:** Provides for the Dept. of Health and Hospitals (DHH) to establish and implement a system for grading and classifying inspection results for food service establishments. Provides that establishments in cities with populations of at least two hundred thousand people shall conspicuously post a letter grade card so that it is visible to the general public and to patrons before entering the establishment. Provides for DHH to create an adjudicative procedure for food service establishments wishing to contest a grade and for requirements after the adjudicative hearing. Provides for DHH to promulgate other necessary rules and regulations to implement the new grading system.

Proposed law provides for DHH to establish and implement a system for grading and classifying inspection results for food service establishments.

Proposed law provides that establishments in cities with populations of at least 200,000 people shall conspicuously post a letter grade card so that it is visible to the general public and to patrons before entering the establishment.

Proposed law provides that any food service establishment that receives a grade of "A" shall post the grade card immediately upon receipt.

Proposed law provides that for any food service establishment that receives a grade lower than an "A", DHH shall conduct a second inspection no earlier than seven days after the first inspection. The food service establishment shall receive another grade card at the end of the second inspection.

Proposed law provides for DHH to create an adjudicative procedure for food service establishments wishing to contest a grade after the second inspection and provides that the

establishment may defer posting the grade card until after the hearing date. Proposed law further provides for rules and exceptions to posting the grade card after the hearing date.

Proposed law provides that nothing in proposed law shall affect DHH's authority to take other action necessary to protect public health as it pertains to the sanitary code.

Proposed law provides for DHH to promulgate other necessary rules and regulations to implement the new grading system.

(Adds R.S. 40:5.5.4)