

2020 -- S 2633

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

A N A C T

RELATING TO HEALTH AND SAFETY -- PESTICIDE CONTROL

Introduced By: Senators Paolino, and Goodwin

Date Introduced: February 27, 2020

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Legislative intent.

2 The health and safety of customers, employees, and the public is better protected only when
3 certified commercial and licensed commercial pesticide applicators are making pesticide
4 applications in and around food service establishments. Requiring professional pest control in food
5 service establishments with certified or licensed applicators to protect customers, food, property,
6 and public health was removed from the RIDOH Food Code during a rulemaking consolidation in
7 2017-2018, where four (4) regulations were repealed into one set of regulations, and RIDOH
8 adopted the 2013 FDA Food Code and 2015 Supplement. In order to improve food safety,
9 sanitation, and public health standards -- professional pest control must be a requirement in food
10 service establishments. This act aims to restore the professional pest control requirement back into
11 law.

12 SECTION 2. Chapter 23-25 of the General Laws entitled "Pesticide Control" is hereby
13 amended by adding thereto the following section:

14 **23-25-40. Pest control in food service establishments.**

15 (a) Pest control in food service establishments.

16 (1) Any food service establishment pursuant to § 21-27-1(9) must contract with a licensed
17 and registered pest control business with employees that are commercial certified or licensed
18 pesticide applicators, who are responsible for the application of all pest and rodent control
19 materials. A contract with a licensed and registered pest control business shall be on file and

1 available through hard copy or electronic means. The contract must include a service frequency of
2 at least once per month. No pesticides or rodenticides may be administered by employees of a food
3 service establishment, unless employees of the food service establishment are certified commercial
4 or licensed commercial applicators pursuant to §§ 23-25-12 or 23-25-13.

5 (b) Tracking powders, pest control and monitoring.

6 (1) Except as specified in subsection (b) of this section, a tracking powder pesticide may
7 not be used in a food service establishment;

8 (2) A nontoxic tracking powder such as talcum or flour can be used, but must not
9 contaminate food, equipment, utensils, linens, and single-service and single-use articles.

10 (c) Pesticides shall be applied according to:

11 (1) Any applicable federal law, rule or regulation, the provisions of this chapter, and any
12 rule or regulation promulgated by the department of health;

13 (2) Manufacturer's use directions included in labeling, and, for a pesticide, manufacturer's
14 label instructions that state that use is allowed in a food service establishment, food establishment
15 or applicable scenario;

16 (3) The conditions of certification, if certification is required, for use of the pest control
17 materials; and

18 (4) Additional conditions that may be established by the director of environmental
19 management applied so that:

20 (i) A hazard to employees or other persons is not constituted; and

21 (ii) Contamination including toxic residues due to drip, drain, fog, splash or spray on food,
22 equipment, utensils, linens, and single-service and single-use articles is prevented, and for a
23 restricted use pesticide, this is achieved by:

24 (A) Removing the items;

25 (B) Covering the items with impermeable covers; or

26 (C) Taking other appropriate preventive actions; and

27 (D) Cleaning and sanitizing equipment and utensils after the application.

28 (d) A restricted use pesticide shall be applied only by an applicator certified as defined in
29 § 7 U.S.C. 136 of the Federal Insecticide, Fungicide and Rodenticide Act, § 23-25-13, or a person
30 under the direct supervision of a certified commercial applicator.

31 (e) The provisions of § 23-25-40 shall not apply to:

32 (1) Special events sponsored by city or town or nonprofit civic organizations such as, but
33 not limited to, school sporting events, firefighter's picnics, little league food booths, grange and
34 church suppers, and fairs;

1 (2) Temporary food services which have a frequency of less than six (6) events a year such
2 as bazaars, bake sales, and suppers. Individuals responsible for temporary food operations
3 preparing potentially hazardous foods shall be required to register with the division, obtain food
4 safety informational brochures, and distribute these materials to the individuals engaged in food
5 preparation for the event;

6 (3) Itinerant vendors and other food establishments that serve only commercially pre-
7 packaged foods, beverages, and commercially precooked potentially hazardous foods requiring no
8 manual handling of the food product such as frankfurters;

9 (4) Retail food stores and delicatessens where only cold foods are prepared;

10 (5) Private homes, and bed and breakfast establishments;

11 (6) Any private or public housing complex designated by the federal government as
12 housing for the elderly located in this state, in connection with limited, not-for-profit sales of food
13 to residents of the complex;

14 (7) Private clubs which do not charge the general public for the sale of food or beverages
15 which serve less than twenty (20) at any one time, and serve less than one hundred (100) meals per
16 month.

17 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO HEALTH AND SAFETY -- PESTICIDE CONTROL

1 This act would require that any food service establishment must contract with a licensed
2 and registered pest control business with employees that are commercially certified or licensed
3 pesticide applicators. It establishes a filing requirement which provides that the contract shall be
4 on file and available through hard copy or electronic means.

5 This act would take effect upon passage.

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