

SENATE BILL NO. 146

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Finance and Appropriations

on \_\_\_\_\_)

(Patron Prior to Substitute--Senator Suetterlein)

A BILL to amend and reenact § 35.1-14 of the Code of Virginia, relating to restaurants; on-site certified food protection managers.

**Be it enacted by the General Assembly of Virginia:**

**1. That § 35.1-14 of the Code of Virginia is amended and reenacted as follows:**

**§ 35.1-14. Regulations governing restaurants; advisory standards for exempt entities.**

A. Regulations of the Board governing restaurants shall include but not be limited to the following subjects: (i) a procedure for obtaining a license; (ii) the safe and sanitary maintenance, storage, operation, and use of equipment; (iii) the sanitary maintenance and use of a restaurant's physical plant; (iv) the safe preparation, handling, protection, and preservation of food, including necessary refrigeration or heating methods; (v) procedures for vector and pest control; (vi) requirements for toilet and cleansing facilities for employees and customers; (vii) requirements for appropriate lighting and ventilation not otherwise provided for in the Uniform Statewide Building Code; (viii) requirements for an approved water supply and sewage disposal system; (ix) personal hygiene standards for employees, particularly those engaged in food handling; (x) the appropriate use of precautions to prevent the transmission of communicable diseases; and (xi) training standards that address food safety and food allergy awareness and safety.

B. In its regulations, the Board may classify restaurants by type and specify different requirements for each classification.

C. The Board may adopt any edition of the Food and Drug Administration's Food Code, or supplement thereto, or any portion thereof, as regulations, with any amendments as it deems appropriate. In addition, the Board may repeal or amend any regulation adopted pursuant to this subsection. No regulations adopted or amended by the Board pursuant to this subsection, however, shall establish

27 requirements for any license, permit, or inspection unless such license, permit, or inspection is otherwise  
28 provided for in this title. The provisions of the Food and Drug Administration's Food Code shall not apply  
29 to farmers selling their own farm-produced products directly to consumers for their personal use, whether  
30 such sales occur on such farmer's farm or at a farmers' market, unless such provisions are adopted in  
31 accordance with the Administrative Process Act (§ 2.2-4000 et seq.).

32 D. The Board may issue advisory standards for the safe preparation, handling, protection, and  
33 preservation of food by entities exempt from the provisions of this title pursuant to § 35.1-25 or 35.1-26.

34 E. The provisions of the Administrative Process Act (§ 2.2-4000 et seq.) shall not apply to the  
35 adoption of any regulation pursuant to subsection C if the Board of Agriculture and Consumer Services  
36 adopts the same edition of the Food Code, or the same portions thereof, pursuant to subsection B of § 3.2-  
37 5121 and the regulations adopted by the Board and the Board of Agriculture and Consumer Services have  
38 the same effective date. In the event that the Board of Agriculture and Consumer Services adopts  
39 regulations pursuant to § 2.2-4012.1, the effective date of the Board's regulations may be any date on or  
40 after the effective date of the regulations adopted by the Board of Agriculture and Consumer Services.

41 Notwithstanding any exemption to the contrary, a regulation promulgated pursuant to subsection  
42 C shall be subject to the requirements set out in §§ 2.2-4007.03, 2.2-4007.04, and 2.2-4007.05, and shall  
43 be published in the Virginia Register of Regulations. After the close of the 60-day comment period, the  
44 Board may adopt a final regulation, with or without changes. Such regulation shall become effective 15  
45 days after publication in the Virginia Register, unless the Board has withdrawn or suspended the  
46 regulation, or a later date has been set by the Board. The Board shall also hold at least one public hearing  
47 on the proposed regulation during the 60-day comment period. The notice for such public hearing shall  
48 include the date, time and place of the hearing.

49 F. The Board shall adopt regulations pursuant to subsection C that allow the receipt for sale or  
50 service of rabbits that are slaughtered or processed in a facility that complies with regulations adopted by  
51 the Board of Agriculture and Consumer Services pursuant to the provisions of subsection H of § 3.2-5121.

