

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 3.1-398.1 and 3.1-399 of the Code of Virginia, relating to food*
3 *inspections.*

4 [H 2074]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That §§ 3.1-398.1 and 3.1-399 of the Code of Virginia are amended and reenacted as follows:**

8 § 3.1-398.1. Inspections required to operate food establishment.

9 No person shall operate a food manufacturing plant, food storage warehouse, or retail food store until
10 it has been inspected by the Commissioner. This section shall not apply to food manufacturing plants
11 operating under a grant of inspection from the Bureau of Meat and Poultry Inspection or a permit from
12 the Bureau of Dairy Services of the Virginia Department of Agriculture and Consumer Services and
13 Grade A fluid milk manufacturing plants and shellfish and crustacea processing plants operating under a
14 permit from the Virginia Department of Health. *This section shall also not apply to nonprofit*
15 *organizations holding one-day food sales.*

16 § 3.1-399. Commissioner to have access to factories, warehouses and other places; examination of
17 samples.

18 The Commissioner, acting through his duly authorized agents, shall have free access at all reasonable
19 hours to any factory, warehouse, or establishment in which foods are manufactured, processed, packed,
20 or held for introduction into commerce, or to enter any vehicle being used to transport or hold such
21 foods in commerce, or any store, restaurant or other place in which food is being offered for sale, for
22 the purpose:

23 (1) Of inspecting such factory, warehouse, establishment, or vehicle to determine if any of the
24 provisions of this article are being violated; and

25 (2) Of securing samples or specimens of any food after paying or offering to pay for such sample. It
26 shall be the duty of the Commissioner to make or cause to be made examinations of samples secured
27 under the provisions of this section to determine whether or not any provision of this article is being
28 violated. *This section shall not apply to nonprofit organizations holding one-day food sales.*

ENROLLED

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