

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

3 [H 766]

4 Approved

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

7 § 3.1-398.1. Inspections required to operate food establishment.

8 No person shall operate a food manufacturing plant, food storage warehouse, or retail food store until
9 it has been inspected by the Commissioner. This section shall not apply to food manufacturing plants
10 operating under a grant of inspection from the Bureau of Meat and Poultry Inspection or a permit from
11 the Bureau of Dairy Services of the Virginia Department of Agriculture and Consumer Services and
12 Grade A fluid milk manufacturing plants and shellfish and crustacea processing plants operating under a
13 permit from the Virginia Department of Health. This section shall also not apply to: (i) any nonprofit
14 organizations holding one-day food sales, or (ii) any retail establishments that (a) do not prepare or
15 serve food; (b) sell only food or beverages that are sealed in packaging by the manufacturer and have
16 been officially inspected in the manufacturing process; (c) do not sell infant formulas; (d) do not sell
17 salvaged foods; and (e) certify to the Department of Agriculture and Consumer Services that they meet
18 the foregoing provisions of this section. Retail establishments that meet the provisions of clause (ii) shall
19 be exempt from inspection and the inspection fees; however, nothing in this section shall prevent the
20 Department of Agriculture and Consumer Services from inspecting any retail establishment if a
21 consumer complaint is received.

ENROLLED

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