

2008 SESSION

HOUSE SUBSTITUTE

083283220

SENATE BILL NO. 272

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Agriculture, Chesapeake and Natural Resources
on February 20, 2008)

(Patron Prior to Substitute—Senator Deeds)

A BILL to amend and reenact § 3.1-398.1 of the Code of Virginia, relating to food inspection.

Be it enacted by the General Assembly of Virginia:

1. That § 3.1-398.1 of the Code of Virginia is amended and reenacted as follows:

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

No person shall operate a food manufacturing plant, food storage warehouse, or retail food store until it has been inspected by the Commissioner. This section shall not apply to food:

1. *Food* manufacturing plants operating under a grant of inspection from the Bureau of Meat and Poultry Inspection or a permit from the Bureau of Dairy Services of the Virginia Department of Agriculture and Consumer Services and Grade A fluid milk manufacturing plants and shellfish and crustacea processing plants operating under a permit from the Virginia Department of Health. This section shall also not apply to: (i) any nonprofit;

2. Nonprofit organizations holding one-day food sales; ~~or (ii) any retail;~~

3. *Private homes where the resident processes and prepares candies, jams, and jellies not considered to be low-acid or acidified low-acid food products and baked goods that do not require time or temperature control after preparation if such products are: (i) sold to an individual for his own consumption and not for resale; (ii) sold at the private home or at farmers markets; and (iii) labeled "NOT FOR RESALE—PROCESSED AND PREPARED WITHOUT STATE INSPECTION."* Nothing in this subdivision shall create or diminish the authority of the Commissioner under § 3.1-399; and

4. Retail establishments that ~~(a)~~ (i) do not prepare or serve food; ~~(b)~~(ii) sell only food or beverages that are sealed in packaging by the manufacturer and have been officially inspected in the manufacturing process; ~~(c)~~(iii) do not sell infant formulas; ~~(d)~~(iv) do not sell salvaged foods; and ~~(e)~~(v) certify to the Department of Agriculture and Consumer Services that they meet the foregoing provisions of this section. Retail establishments that meet the provisions of ~~clause (ii)~~ this subdivision shall be exempt from inspection and the inspection fees; however, nothing in this section shall prevent the Department of Agriculture and Consumer Services from inspecting any retail establishment if a consumer complaint is received.

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