

084316220

SENATE BILL NO. 272

Offered January 9, 2008

Prefiled January 8, 2008

A BILL to amend and reenact §§ 3.1-398.1 and 3.1-399 of the Code of Virginia, relating to food inspection.

Patrons—Deeds; Delegate: Cole

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.1-398.1 and 3.1-399 of the Code of Virginia are 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 food products, provided that such products (i) are sold to an individual for his own consumption; (ii) are labeled "NOT FOR RESALE—PROCESSED AND PREPARED WITHOUT STATE INSPECTION"; and (iii) do not require a license for production or sale; 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.

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

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

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

(2) Of securing samples or specimens of any food after paying or offering to pay for such sample. It shall be the duty of the Commissioner to make or cause to be made examinations of samples secured under the provisions of this section to determine whether or not any provision of this article is being violated.

This section shall not apply to nonprofit organizations holding one-day food sales *or private homes where the resident processes and prepares food products, provided that such products (i) are sold to an individual for his own consumption; (ii) are labeled "NOT FOR RESALE—PROCESSED AND PREPARED WITHOUT STATE INSPECTION"; and (iii) do not require a license for production.*

INTRODUCED

SB272