

2009 -- H 5252

LC00863

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2009

A N A C T

RELATING TO FOOD AND DRUGS -- SANITATION IN FOOD ESTABLISHMENTS

Introduced By: Representative Edwin R. Pacheco

Date Introduced: January 29, 2009

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 21-27-1 of the General Laws in Chapter 21-27 entitled "Sanitation
2 in Food Establishments" is hereby amended to read as follows:

3 **21-27-1. Definitions.** -- Unless otherwise specifically provided in this chapter, the
4 following definitions apply to this chapter:

5 (1) "Approved" means approved by the director.

6 (2) "Commissary" means a central processing establishment where food is prepared for
7 sale or service off the premises or by mobile vendor.

8 (3) "Department" means the department of health.

9 (4) "Director" means the director of health or the director's duly appointed agents.

10 (5) "Farmers market" means a market where two (2) or more farmers are selling produce
11 exclusively grown on their own farms on a retail basis to consumers. Excluded from this term is
12 any market where farmers or others are selling produce at wholesale and/or any market in which
13 any individual is selling produce not grown on his or her own farm.

14 (6) "Farm home food manufacture" means the production in accordance with the
15 requirements of section 21-27-6.1 of food for retail sale in a residential kitchen on a farm which
16 produces agricultural products for human consumption and the operator of which is eligible for
17 exemption from the sales and use tax in accordance with section 44-18-30(32).

18 (7) "Food" means: (i) articles used for food or drink for people or other animals, (ii)
19 chewing gum, and (iii) articles used for components of any food or drink article.

1 (8) "Food business" means and includes any establishment or place, whether fixed or
2 mobile, where food or ice is held, processed, manufactured, packaged, prepared, displayed,
3 served, transported, or sold.

4 (9) "Food service establishment" means any fixed or mobile restaurant, coffee shop,
5 cafeteria, short-order cafe, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern; bar,
6 cocktail lounge, night club, roadside stand, industrial feeding establishment, cultural heritage
7 education facility, private, public or nonprofit organization or institution routinely serving food,
8 catering kitchen, commissary or similar place in which food or drink is prepared for sale or for
9 service on the premises or elsewhere, and any other eating or drinking establishment or operation
10 where food is served or provided for the public with or without charge.

11 (10) "Mobile food service unit" means a unit that prepares and/or sells food products for
12 direct consumption.

13 (11) "Person" means any individual, firm, co-partnership, association, or private or
14 municipal corporation.

15 (12) "Processor" means one who combines, handles, manufactures or prepares, packages,
16 and stores food products.

17 (13) "Operator" in relation to food vending machines means any person who by contract,
18 agreement, lease, rental, or ownership sells food from vending machines.

19 (14) "Retail" means when eighty percent (80%) or more of sales are made directly to
20 consumers.

21 (15) "Retail peddler" means a food business which sells meat, seafood, and dairy
22 products directly to the consumer, house to house or in a neighborhood.

23 (16) "Roadside farmstand" means a stand or location adjacent to a farm where produce
24 grown only on that farm is sold at the time of harvest.

25 (17) "Vending machine site or location" means the room, enclosure, space, or area where
26 one or more vending machines are installed and/or operated.

27 (18) "Warehouse" means a place for the storage of dried, fresh, or frozen food or food
28 products, not including those areas associated within or directly part of a food service
29 establishment or retail market.

30 (19) "Wholesale" means when eighty percent (80%) or more of the business is for resale
31 purposes.

32 (20) "Cultural heritage education facility" means a facility for up to ten (10) individuals
33 who, for a fee, participate in the preparation and consumption of food, limited to an owner-
34 occupied site ~~which is "listed" on the state or federal historic register~~ documented to be at least

1 [one hundred fifty \(150\) years old](#) and whose drinking water shall be obtained from an approved
2 source which meets all of the requirements of chapter 46-13.

3 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
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1 This act would amend the definition of a "cultural heritage education facility" for
2 purposes of chapter 21-27, "Sanitation in Food Establishments," and would require such a site to
3 be at least one hundred fifty (150) years old in order to be within the definition.

4 This act would take effect upon passage.

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