It is enacted by the General Assembly as follows:

SECTION 1. Legislative intent.

The health and safety of customers, employees, and the public is better protected only when certified commercial and licensed commercial pesticide applicators are making pesticide applications in and around food service establishments. Requiring professional pest control in food service establishments with certified or licensed applicators to protect customers, food, property, and public health was removed from the RIDOH Food Code during a rulemaking consolidation in 2017-2018, where four (4) regulations were repealed into one set of regulations, and RIDOH adopted the 2013 FDA Food Code and 2015 Supplement. In order to improve food safety, sanitation, and public health standards -- professional pest control must be a requirement in food service establishments. This act aims to restore the professional pest control requirement back into law.

SECTION 2. Chapter 23-25 of the General Laws entitled "Pesticide Control" is hereby amended by adding thereto the following section:

23-25-40. Pest control in food service establishments.

(a) Pest control in food service establishments.

(1) Any food service establishment pursuant to § 21-27-1(9) must contract with a licensed and registered pest control business with employees that are commercial certified or licensed pesticide applicators, who are responsible for the application of all pest and rodent control materials. A contract with a licensed and registered pest control business shall be on file and
available through hard copy or electronic means. The contract must include a service frequency of
at least once per month. No pesticides or rodenticides may be administered by employees of a food
service establishment, unless employees of the food service establishment are certified commercial
or licensed commercial applicators pursuant to §§ 23-25-12 or 23-25-13.

(b) Tracking powders, pest control and monitoring.

(1) Except as specified in subsection (b) of this section, a tracking powder pesticide may
not be used in a food service establishment:

(2) A nontoxic tracking powder such as talcum or flour can be used, but must not
contaminate food, equipment, utensils, linens, and single-service and single-use articles.

(c) Pesticides shall be applied according to:

(1) Any applicable federal law, rule or regulation, the provisions of this chapter, and any
rule or regulation promulgated by the department of health;

(2) Manufacturer's use directions included in labeling, and, for a pesticide, manufacturer's
label instructions that state that use is allowed in a food service establishment, food establishment
or applicable scenario;

(3) The conditions of certification, if certification is required, for use of the pest control
materials; and

(4) Additional conditions that may be established by the director of environmental
management applied so that:

(i) A hazard to employees or other persons is not constituted; and

(ii) Contamination including toxic residues due to drip, drain, fog, splash or spray on food,
equipment, utensils, linens, and single-service and single-use articles is prevented, and for a
restricted use pesticide, this is achieved by:

(A) Removing the items;

(B) Covering the items with impermeable covers; or

(C) Taking other appropriate preventive actions; and

(D) Cleaning and sanitizing equipment and utensils after the application.

(d) A restricted use pesticide shall be applied only by an applicator certified as defined in
§ 7 U.S.C. 136 of the Federal Insecticide, Fungicide and Rodenticide Act, § 23-25-13, or a person
under the direct supervision of a certified commercial applicator.

(e) The provisions of § 23-25-40 shall not apply to:

(1) Special events sponsored by city or town or nonprofit civic organizations such as, but
not limited to, school sporting events, firefighter's picnics, little league food booths, grange and
church suppers, and fairs;
(2) Temporary food services which have a frequency of less than six (6) events a year such as bazaars, bake sales, and suppers. Individuals responsible for temporary food operations preparing potentially hazardous foods shall be required to register with the division, obtain food safety informational brochures, and distribute these materials to the individuals engaged in food preparation for the event;

(3) Itinerant vendors and other food establishments that serve only commercially pre-packaged foods, beverages, and commercially precooked potentially hazardous foods requiring no manual handling of the food product such as frankfurters;

(4) Retail food stores and delicatessens where only cold foods are prepared;

(5) Private homes, and bed and breakfast establishments;

(6) Any private or public housing complex designated by the federal government as housing for the elderly located in this state, in connection with limited, not-for-profit sales of food to residents of the complex;

(7) Private clubs which do not charge the general public for the sale of food or beverages which serve less than twenty (20) at any one time, and serve less than one hundred (100) meals per month.

SECTION 3. This act shall take effect upon passage.
EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO HEALTH AND SAFETY -- PESTICIDE CONTROL

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1 This act would require that any food service establishment must contract with a licensed
2 and registered pest control business with employees that are commercially certified or licensed
3 pesticide applicators. It establishes a filing requirement which provides that the contract shall be
4 on file and available through hard copy or electronic means.
5 This act would take effect upon passage.

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