

HB0841/326288/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 841
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Waldstreicher” and substitute “Waldstreicher, Bromwell, Morhaim, and Pendergrass”; in line 2, strike “-Regulations”; strike beginning with “requiring” in line 3 down through “department;” in line 6 and substitute “authorizing a food service facility to operate with the outer doors or outer windows of the facility open unless the local health department finds evidence of certain vermin or flying insects while the facility is operating with the outer doors or outer windows open; requiring a food service facility to take certain actions under certain circumstances; authorizing a local health department to take certain actions under certain circumstances; providing for the application of this Act;”; and in line 7, strike “regulations for”.

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 18 on page 1 through line 2 on page 2, inclusive, and substitute:

“(A) THIS SECTION DOES NOT APPLY TO AN OUTER DOOR OF A FOOD SERVICE FACILITY THAT LEADS FROM THE KITCHEN TO THE OUTSIDE.

(B) A FOOD SERVICE FACILITY MAY OPERATE WITH THE OUTER WINDOWS OR OUTER DOORS OPEN UNLESS, WHILE THE FOOD SERVICE FACILITY IS OPERATING WITH THE OUTER DOORS OR OUTER WINDOWS OPEN, THE LOCAL HEALTH DEPARTMENT:

(1) FINDS EVIDENCE OF VERMIN IN FOOD PREPARATION OR FOOD STORAGE AREAS; OR

(Over)

(2) FINDS EVIDENCE OF FLYING INSECTS IN FOOD PREPARATION OR FOOD STORAGE AREAS THAT POSE A SIGNIFICANT THREAT TO SANITATION OR PUBLIC HEALTH.

(C) IF A LOCAL HEALTH DEPARTMENT FINDS THAT A FOOD SERVICE FACILITY IS OPERATING IN VIOLATION OF SUBSECTION (B) OF THIS SECTION, THE FOOD SERVICE FACILITY SHALL TAKE IMMEDIATE ACTION TO ELIMINATE THE VERMIN OR FLYING INSECTS.

(D) A LOCAL HEALTH DEPARTMENT MAY CLOSE A FOOD SERVICE FACILITY FOUND TO BE OPERATING IN VIOLATION OF SUBSECTION (B) OF THIS SECTION, OR ORDER A TEMPORARY CLOSURE OF THE OUTER WINDOWS AND OUTER DOORS AT THE FOOD SERVICE FACILITY, UNTIL THE VERMIN OR FLYING INSECTS ARE ELIMINATED FROM THE FOOD PREPARATION OR FOOD STORAGE AREAS, OR UNTIL ANOTHER ACTION APPROVED BY THE LOCAL HEALTH DEPARTMENT IS TAKEN.

(E) A FOOD SERVICE FACILITY FOUND TO BE OPERATING IN VIOLATION OF SUBSECTION (B) OF THIS SECTION ON THREE OR MORE SEPARATE OCCASIONS SHALL KEEP THE OUTER WINDOWS AND OUTER DOORS CLOSED AT ALL TIMES UNTIL:

(1) MODIFICATIONS APPROVED BY THE LOCAL HEALTH DEPARTMENT ARE MADE TO THE FOOD SERVICE FACILITY TO EFFECTIVELY PROTECT AGAINST THE ENTRANCE OF VERMIN AND FLYING INSECTS; OR

(2) ANOTHER ACTION APPROVED BY THE LOCAL HEALTH DEPARTMENT IS TAKEN.”.

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AMENDMENT NO. 3

On page 2, in line 4, strike "October" and substitute "July".