

Legislation Text

File #: BOH22-01, **Version:** 2

A RULE AND REGULATION relating to retail food establishments and making technical amendments; amending R&R 05-06, Section 4, as amended, and BOH 5.04.020, R&R 15-04, Section 3, as amended, and BOH 5.04.025, R&R 17-01, Section 2, and BOH 5.04.045, R&R 17-01 Section 3, and BOH 5.04.055, R&R 05-06, Section 8, as amended, and BOH 5.04.290, R&R 91, Section 1 (part), as amended, and BOH 5.04.370, R&R 91, Section 1 (part), as amended, and BOH 5.04.390, R&R 05-06, Section 12, as amended, and BOH 5.04.410, R&R 05-06, Section 15, as amended, and BOH 5.04.460, R&R 91, Section 1 (part), as amended, and BOH 5.04.620, R&R 09-05, Section 10, as amended, and BOH 5.04.625, R&R 91, Section 1 (part), as amended, and BOH 5.04.640 and R&R 05-06, Section 23, as amended, and BOH 5.34.030 and repealing R&R 05-06, Section 14, as amended, and BOH 5.04.450, R&R 13-01, Section 18, and BOH 5.34.005, HDR 20, Section 1 (part), and BOH R6.04.010, HDR 20, Section 1 (part), and BOH R6.04.020, HDR 20, Section 1 (part), and BOH R6.04.030, HDR 20, Section 1 (part), and BOH R6.04.040, HDR 20, Section 1 (part), and BOH R6.04.050, HDR 20, Section 1 (part), and BOH R6.04.060, HDR 20, Section 1 (part), and BOH R6.04.070, HDR 29, Section 1, and BOH R6.26.010, HDR 29, Section 2(A, B, C), and BOH R6.26.020, HDR 29, Section 2(D), and BOH R6.26.030, HDR 29, Section 2(E), and BOH R6.26.040, HDR 29, Section 2(F), and BOH R6.26.050 and HDR 29, Section 2(G, H), and BOH R6.26.060;

enacted pursuant to RCW 70.05.060, including the latest amendments or revisions thereto.

BE IT ADOPTED BY THE KING COUNTY BOARD OF HEALTH:

SECTION 1. R&R 05-06, Section 4, as amended, and BOH 5.04.020 are each hereby amended to read as follows:

Bakery. WAC 246-215-01115 is supplemented with the following:

Bakery (WAC 246-215-01115(~~((6.1))~~)(8.1)). "Bakery" means any food establishment in which food or food products are mixed and baked to final form and offered to the ultimate consumer.

SECTION 2. R&R 15-04, Section 3, as amended, and BOH 5.04.025 are each hereby amended to read as follows:

Certified booth operator. WAC 246-215-01115 is supplemented with the following:

Certified booth operator (WAC 246-215-01115(~~((12.1))~~)(14.1)). "Certified booth operator" means an individual who has successfully completed an approved certified booth operator course and holds a current, valid certificate of course completion.

SECTION 3. R&R 17-01, Section 2, and BOH 5.04.045 are each hereby amended to read as follows:

Food safety rating. WAC 246-215-01115 is supplemented with the following: Food safety rating (WAC 246-215-01115(~~((49.1))~~)(51.1)). "Food safety rating" means a food safety inspection performance score issued by the health officer following a routine inspection of a general food service establishment, derived from up to the four most recent routine inspection results at the establishment and compared with establishments of similar food establishment risk category and geographic location as determined by the health officer.

SECTION 4. R&R 17-01 Section 3, and BOH 5.04.055 are each hereby amended to read as follows:

Food safety rating placard. WAC 246-215-01115 is supplemented with the following:

Food safety rating placard (WAC 246-215-01115(~~((49.2))~~)(51.2)). "Food safety rating placard" means a placard displaying the food safety rating score of a general food service establishment as determined by the

health officer in accordance with this title.

SECTION 5. R&R 05-06, Section 8, as amended, and BOH 5.04.290 are each hereby amended to read as follows:

General food service. WAC 246-215-01115 is supplemented with the following:

General food service (WAC 246-215-01115(~~((51.1))~~)(53.1)). "General food service" means any stationary food establishment that provides food to the public, guests, patrons or its personnel for on-premises or off-premises consumption.

SECTION 6. R&R 91, Section 1 (part), as amended, and BOH 5.04.370 are each hereby amended to read as follows:

Grocery store. WAC 246-215-01115 is supplemented with the following:

Grocery store (WAC 246-215-01115(~~((53.1))~~)(54.1)). "Grocery store" means a food establishment selling commercially prepared and prepackaged potentially hazardous foods requiring refrigeration or freezer control, whole produce and/or bulk foods for consumption off-site.

SECTION 7. R&R 91, Section 1 (part), as amended, and BOH 5.04.390 are each hereby amended to read as follows:

Health officer. WAC 246-215-01115 is supplemented with the following:

Health officer (WAC 246-215-01115(~~((56.1))~~)(57.1)). "Health officer" means the director of the Seattle-King County Department of Public Health or any of his or her authorized representatives.

SECTION 8. R&R 05-06, Section 12, as amended, and BOH 5.04.410 are each hereby amended to read as follows:

Local health officer. WAC 246-215-01115(~~((68))~~)(70) is not adopted and the following is substituted:

Local health officer (WAC 246-215-01115(~~((68))~~)(70)). "Local health officer" means the director of the Seattle-King County Department of Public Health or any of the director's authorized representatives.

SECTION 9. R&R 05-06, Section 15, as amended, and BOH 5.04.460 are each hereby amended to read

as follows:

Nonprofit institution. WAC 246-215-01115 is supplemented with the following:

Nonprofit institution (WAC 246-215-01115(~~((75.1))~~)(79.1)). "Nonprofit institution" means a food establishment with valid, current United States Internal Revenue Code section 501(c)(3) nonprofit status, Washington State Commission for the Blind status, or a municipal jail.

SECTION 10. R&R 91, Section 1 (part), as amended, and BOH 5.04.620 are each hereby amended to read as follows:

School kitchen. WAC 246-215-01115 is supplemented with the following:

School kitchen (WAC 246-215-01115(~~((109.1))~~)(111.1)). "School kitchen" means a food establishment in an institution for learning limited to the K-12 grades.

SECTION 11. R&R 09-05, Section 10, as amended, and BOH 5.04.625 are each hereby amended to read as follows:

School lunch program. WAC 246-215-01115 is supplemented with the following:

School lunch program (WAC 246-215-01115(~~((109.2))~~)(111.2)). "School lunch program" means a school kitchen participating in the United States Department of Agriculture National School Lunch Program under the Healthy Hunger-Free Kids Act of 2010 (Public Law 111-296).

SECTION 12. R&R 91, Section 1 (part), as amended, and BOH 5.04.640 are each hereby amended to read as follows:

Seasonal food establishment. WAC 246-215-01115 is supplemented with the following:

Seasonal food establishment (WAC 246-215-01115(~~((110.1))~~)(112.1)). "Seasonal food establishment" means a food establishment that routinely operates for less than twelve consecutive months each year.

SECTION 13. R&R 05-06, Section 23, as amended, and BOH 5.34.030 are each hereby amended to read as follows:

Mobile food units - Requirements and restrictions - requirements. WAC 246-215-09100 is (~~not~~

~~adopted and the following is substituted))~~ supplemented with the following:

Mobile food units - Requirements restrictions - requirements (WAC 246-215-09100).

~~((1) The owner, permit holder and person in charge of a mobile food unit shall comply with the requirements of this chapter, except as otherwise provided in this section.~~

~~(2) The owner, permit holder or person in charge of a mobile food unit shall obtain approval from other applicable regulating agencies prior to operating a mobile food unit, including the Washington state department of labor and industries.~~

~~(3) The owner, permit holder or person in charge of a mobile food unit operating in King County shall operate the mobile food unit from a commissary kitchen or servicing area located in King County and approved by the health officer, and shall return to such location for supplies, thorough cleaning, and other servicing activities, as approved in a plan of operation. The owner, permit holder or person in charge shall store the mobile food unit at a servicing area or other location approved by the health officer while the mobile food unit is not in operation.~~

~~((4))~~ (6) The owner of a mobile food unit shall obtain a single, separate mobile food unit permit for each mobile food unit.

~~((5) Except for limited food services, the owner of a mobile food unit shall obtain a single, separate commissary permit for each commissary kitchen used, regardless of whether any other mobile food unit owner uses the same commissary kitchen.~~

~~(6) The owner, permit holder or person in charge of a mobile food cart shall ensure the cart body size is limited to three feet by six feet with each extension no longer than eighteen inches.))~~

SECTION 14. The following are hereby repealed:

A. R&R 05-06, Section 14, as amended, and BOH 5.04.450;

B. R&R 13-01, Section 18, and BOH 5.34.005;

C. HDR 20, Section 1 (part), and BOH R6.04.010;

- D. HDR 20, Section 1 (part), and BOH R6.04.020;
- E. HDR 20, Section 1 (part), and BOH R6.04.030;
- F. HDR 20, Section 1 (part), and BOH R6.04.040;
- G. HDR 20, Section 1 (part), and BOH R6.04.050;
- H. HDR 20, Section 1 (part), and BOH R6.04.060;
- I. HDR 20, Section 1 (part), and BOH R6.04.070;
- J. HDR 29, Section 1, and BOH R6.26.010;
- K. HDR 29, Section 2(A, B, C), and BOH R6.26.020;
- L. HDR 29, Section 2(D), and BOH R6.26.030;
- M. HDR 29, Section 2(E), and BOH R6.26.040;
- N. HDR 29, Section 2(F), and BOH R6.26.050; and
- O. HDR 29, Section 2(G, H), and BOH R6.26.060.

SECTION 15. Severability. If any provision of this rule or its application to any person or circumstance is held invalid, the remainder of the rule or the application of the provision to other persons or circumstances is not affected.