

ACT 334

S.B. NO. 1794

A Bill for an Act Relating to Sanitation Permits.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 321, Hawaii Revised Statutes, is amended by adding four new sections to be appropriately designated and to read as follows:

“§321- **Sanitation permits; transfer.** Sanitation permits that have not expired as of the effective date of this Act shall be transferable upon the sale of a food establishment; provided that such transfers are subject to the new owner agreeing to abide by the compliance schedule of the department of health.

§321- **Inspection of food establishments.** Inspections of food establishments may be performed only by a registered sanitarian or a food and drug inspector.

§321- Audit of sanitation branch. The department shall perform annual audits of the sanitation branch to be completed by November 30 of each year, and shall include an audit of:

- (1) Fees collected;
- (2) The number and results of sanitation inspections;
- (3) The number of training seminars held; and
- (4) The cost of training personnel in the sanitation branch.

§321- Advisory council on food protection practices; created. (a) There is created within the department for administrative purposes only, an advisory council on food protection practices, whose members shall be appointed by the director of health, consisting of one representative from at least the following:

- (1) An organization representing the restaurant industry;
- (2) An organization representing the hotel industry;
- (3) An organization representing the food manufacturing industry;
- (4) An organization representing the food service industry;
- (5) A registered sanitarian from the department of health;
- (6) The University of Hawaii, food technology department;
- (7) The community college food service program;
- (8) A corporate chain restaurant doing business in Hawaii; and
- (9) A member of the general public.

(b) Each member shall serve for a term of three years; provided that the director shall initially appoint three members to serve for one year, three members to serve for two years, and three members to serve for three years. No member shall serve for more than two consecutive three-year terms.

(c) Vacancies occurring before the expiration of a member's term shall be filled by election of the council. Individuals elected to fill a vacancy shall serve only for the remainder of the unexpired term.

(d) The council shall appoint from its members a chairperson, vice chairperson, secretary, treasurer, and any other officers that the council may deem necessary or desirable to carry out its functions.

(e) Members shall serve without compensation, but may be reimbursed for the necessary expenses, including travel expenses, incurred in the performance of their duties.

(f) The council shall:

- (1) Advise the department on sanitation issues and food protection practices;
- (2) Review and advise the department, in consultation with the department of the attorney general, regarding the adoption of rules relating to sanitation and food protection practices; and
- (3) Advise the department on the incorporation of salient provisions of the most recent version of the United States Food and Drug Administration's Model Food Code into the department's food sanitation rules."

SECTION 2. New statutory material is underscored.¹

SECTION 3. This Act shall take effect upon its approval.

(Approved July 2, 1997.)

Note

1. Edited pursuant to HRS §23G-16.5.