

Model Restaurant Food Safety Grading Bill

STATE OF _____

Raised Committee Bill No. _____
Referred to Committee on _____

Page 1

LCO No.

General Assembly
February

Session, A.D., 2008

Introduced by _____

AN ACT CONCERNING RESTAURANT INSPECTION GRADING.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SECTION 1. This Act may be cited as the "Restaurant Inspection and Grading Act of 2008."

SECTION 2. FINDINGS.

(a) According to the Centers for Disease Control and Prevention, 76 million Americans get sick, 325,000 are hospitalized, and 5,000 die from foodborne hazards each year in the United States.

(b) Over the past two decades, there has been a significant increase in the number of meals prepared and/or eaten outside the home, with an estimated one-third of calories and almost half (46 percent) of total food dollars being spent on food purchased from and/or eaten at restaurants and other food-service establishments.

(c) Restaurants are the single greatest control point for foodborne illness. Forty-one percent (41%) of foodborne illness outbreaks between 1990 and 2006 can be traced to restaurants. Only twenty-two percent (22%) of outbreaks are linked to food prepared in private homes, and the remaining thirty-seven (37%) are linked to schools, hospitals, nursing homes, or other sources.

(d) Restaurant foodborne illness outbreaks affect larger numbers of people than outbreaks in private households because the volume of food prepared in restaurants and the number of people involved in food preparation are greater. The risks of cross-contamination, improper food handling, and poor hygiene in restaurants are thus increased.

(e) Recent foodborne illness outbreaks have caused a decline in consumer confidence in the safety of restaurant food to forty-three percent (43%) in 2007, according to the Food Marketing Institute.

(f) A restaurant grading system implemented in Los Angeles County, California in 1998 has resulted in a twenty percent (20%) decrease in hospitalizations due to foodborne illness in the county.

(g) Foodborne pathogens linked to restaurants in the last 15 years include: *Salmonella*, norovirus, *Clostridium*, *Scrombrotoxin*, *Staphylococcus*, *Bacillus*, *E. coli* 0157:H7, and others.

(h) For at-risk populations, including young children, older adults, pregnant women, and those with compromised immune systems, foodborne illness can have serious and/or long-term consequences, and may be life-threatening.

(i) The annual cost of foodborne illness in terms of pain and suffering, reduced productivity, and medical costs are estimated to be \$10 - \$83 billion.

Sec. 21a-102 of the General Statutes related to Food Establishment Inspection are amended by adding to the end, the following:

SECTION 3. DEFINITIONS.

(1) "Food establishment" means an operation that prepares, packages, serves, vends, or otherwise provides FOOD for human consumption:

(a) Such as a restaurant; school; hospital; nursing home or other residential care facility; satellite or catered feeding location; catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people; market; vending location; conveyance used to transport people; institution; or food bank; and

(b) That relinquishes possession of prepared food to a consumer directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

(2) "Food establishment" includes:

(a) An element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the regulatory authority; and

(b) An operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off the premises; and regardless of whether there is a charge for the food.

(3) "Food establishment" does not include:

(a) An establishment that offers only prepackaged foods that are not potentially hazardous (time/temperature control for safety) foods;

(b) A produce stand that only offers whole, uncut fresh fruits and vegetables;

(c) A food processing plant;

(d) A kitchen in a private home if only food that is not potentially hazardous (time/temperature control for safety) foods, is prepared for sale or service at a function such as a religious or charitable organization's bake sale if allowed by law and if the consumer is informed by a clearly visible placard at the sales or service location that the FOOD is prepared in a kitchen that is not subject to regulation and inspection by the regulatory authority;

(e) An area where food that is prepared as specified in Subparagraph (3) (d) of this definition is sold or offered for human consumption;

(f) A kitchen in a private home, such as a small family day-care provider; or a bed-and-breakfast operation that prepares and offers food to guests if the home is owner occupied, the number of available guest bedrooms does not exceed 6, breakfast is the only meal offered, the number of guests served does not exceed 18, and the consumer is informed by statements contained in published advertisements, mailed brochures, and placards posted at the registration area that the food is prepared in a kitchen that is not regulated and inspected by the regulatory authority; or

(g) A private home that receives catered or home-delivered food.

(4) "Food Official Inspection Report" means the written notice prepared and issued by the county health officer after conducting an inspection of a food establishment to determine compliance with all applicable federal, state and local statutes, orders, ordinances, quarantines, rules, regulations or directives relating to the public health.

(5) "Grading" means the letter grade issued by the county health officer at the conclusion of the routine inspection of a food establishment. The grade shall be based upon the scoring method set forth in the following section resulting from the Food Official Inspection Report and shall reflect the food establishment's degree of compliance with all applicable federal, state and local statutes, orders, ordinances, quarantines, rules, regulations or directives relating to the public health.

(6) "Letter Grade Card" means a card that shall be posted by the county health officer at a food establishment upon completion of a routine inspection; the card indicates the letter grade of the establishment as determined by the county health officer using the scoring method set forth in the following section.

SECTION 4. GRADING AND LETTER GRADE CARD.

(1) The letter grade shall be based upon the final numerical percentage score set forth in the Food Official Inspection Report, as follows:

(a) A grade of "A" shall indicate a final score of ninety percent (90%) or higher as determined by the county health officer;

(b) A grade of "B" shall indicate a final score of less than ninety percent (90%) but not less than eighty percent (80%) as determined by the county health officer;

(c) A grade of "C" shall indicate a final score of less than eighty percent (80%) but not less than seventy percent (70%) as determined by the county health officer;

(2) The county health officer, in his discretion, may immediately close any food establishment which, upon completion of the routine inspection, does not achieve a "C" grade or better as defined herein. Nothing in this provision shall prohibit the county health officer from immediately closing any food establishment if, in his discretion, immediate closure is necessary to protect the public health.

(3) The letter grade card shall be provided by the county health department and shall comply with the standard design as provided by addendum herein.

SECTION 6. POSTING REQUIREMENTS - PENALTY FOR NON-COMPLIANCE - DOCUMENTS AVAILABLE FOR PUBLIC REVIEW.

(1) Upon completion of the routine inspection and issuance of a percentage score, the health officer shall post at every food establishment the applicable Letter Grade Card so as to be visible to the general public and to patrons entering the establishment. "Clearly visible to the general public and to patrons" shall mean:

(a) Posted in the front window of the establishment within five (5) feet of the front door;

(b) Posted in a display case mounted on the outside front wall of the establishment within five (5) feet of the front door;

(c) Posted on the drive-through menu board of a drive-through establishment, in addition to posting in locations (a) or (b) of this section;

(d) Posted in a display case or on the menu board of a food establishment such as a market or grocery store selling prepared food, as determined by the discretion of the county health officer to ensure proper notice to the general public and to patrons.

(2) In the event that a food establishment is operated in the same building or space as a separately licensed or permitted business, or in the event that a food establishment shares a common patron entrance with such a separately licensed or permitted business, such as a shopping mall food court, the county health officer shall post the Letter Grade Card in the initial patron contact area, on the menu board or counter of the establishment, or in a location as determined in the discretion of the county health officer to ensure proper notice to the general public and to patrons.

(3) The Letter Grade Card shall not be defaced, marred, camouflaged, hidden, or removed. It shall be unlawful to operate a food establishment unless the Letter Grade Card is in place as set forth hereunder. Removal of the Letter Grade Card is a violation of this chapter and may result in the suspension or revocation of the public health permit and shall be punishable as specified in Section ____.

(4) In the event that the Letter Grade Card is stolen, the food establishment shall notify the local health inspection office immediately. A replacement Letter Grade Card will be available within one business day from the date of a request. Failure to request a replacement card within 24 hours of the theft of the Letter Grade Card is a violation of this chapter and may result in the suspension or revocation of the public health permit and shall be punishable as specified in Section ____.

(5) The Food Official Inspection Report upon which the Letter Grade Card is based and all subsequent reports issued by the county health officer shall be maintained at the food establishment and shall be available to the general public and to patrons for review upon request. The food establishment shall keep the Food Official Inspection Report until such time as the county health officer completes the next routine inspection of the establishment and issues a new Food Official Inspection Report.

SECTION D. Period of Validity.

(1) A Letter Grade Card shall remain valid until such time as the county health officer completes the next routine inspection of the establishment and issues a new Food Official Inspection Report.

SECTION E. Letter Grade Card - Right to Appeal.

(1) Any food establishment wishing to contest the results of a Food Official Inspection Report that has led to a Letter Grade Card lower than the establishment believes is warranted may make a written request for re-inspection within seven (7) calendar days after receipt of the Letter Grade Card. The written request for re-inspection must show cause why the Letter Grade Card awarded is inappropriate. Failure to request a re-inspection within seven (7) calendar days after receipt of the Letter Grade Card shall be deemed a waiver of the right to re-inspection.

(2) A re-inspection granted under this chapter shall be performed within fifteen (15) calendar days of the receipt of a proper request for re-inspection.

(3) Re-inspections will not be granted for food establishments receiving an "A" grade, but for which the numerical score on the Food Official Inspection Report is lower than desired:

(a) For example, a food establishment receiving a Letter Grade Card of "A" with a numerical score of 92 is not eligible for re-inspection.