

JAN 18 2008

A BILL FOR AN ACT

RELATING TO HEALTH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that food borne illness
2 is more prevalent with increased human contact during food
3 preparation. Simple measures such as hand washing, rodent
4 control, and maintaining adequate refrigeration temperatures
5 would vastly reduce the potential for food borne illness
6 proliferation. Under existing law, the department of health is
7 responsible for conducting inspections of food establishments
8 for sanitation purposes. The legislature finds that the
9 department should also inspect food establishments to reduce the
10 likelihood of food borne illness.

11 The purpose of this Act is to require the department of
12 health to inspect for food borne illness and grade retail food
13 establishments and restaurants on food handling.

14 SECTION 2. Section 321-4.5, Hawaii Revised Statutes, is
15 amended to read as follows:

16 " [+] §321-4.5 [+] Inspection of food establishments[-]; food
17 borne illness; grading of retail food establishments and



1 restaurants. (a) Inspections of food establishments may be
2 performed only by a registered sanitarian or a food and drug
3 inspector. The inspections shall include, but not be limited
4 to, observations and evaluation of food handling practices at
5 retail food establishments and restaurants to reduce the
6 potential for food borne illness.

7 (b) Pursuant to an inspection under subsection (a), the
8 department shall grade a retail food establishment or restaurant
9 for food handing practices, as follows:

10 (1) Grade A for a score of 90 to 100 points;

11 (2) Grade B for a score of 80 to 89 points;

12 (3) Grade C for a score of 70 to 79 points;

13 (4) Grade D for a score of 60 to 69 points; and

14 (5) Grade F for a score of 59 and lower.

15 A retail food establishment receiving a grade of F shall be
16 prohibited from operating as a retail food establishment until
17 such time as the establishment implements the recommendations of
18 the department that rectifies the conditions that caused the
19 failing grade. The department shall re-inspect the retail food
20 establishment at the request of the owner or operator of the
21 establishment within a reasonable time after the request for re-
22 inspection is made. The cost of the re-inspection shall be



1 borne by the requestor and shall be paid to the department prior
2 to the re-inspection. If a retail food establishment receives a
3 failing grade for the re-inspection, the establishment shall not
4 be entitled to a refund for the cost of the re-inspection. The
5 grade for every retail food establishment or restaurant shall be
6 deemed a public record for purposes of public access to the
7 scores. A retail food establishment or restaurant shall be
8 graded not less than once in a two-year period; provided that
9 the department may establish an alternative schedule for
10 inspection or re-inspection that is not less frequent than once
11 in every two year period.

12 (c) The department shall issue to the inspected retail
13 food establishment or restaurant an adhesive sticker with the
14 department's seal, name of the retail food establishment or
15 restaurant, date of the inspection, and the letter grade
16 received. The adhesive sticker shall measure at least three
17 inches by four inches and the letter grade received shall be in
18 bold print and at least one hundred fifty point font.

19 (d) Each retail food establishment or restaurant shall
20 post its adhesive sticker with the grade received by the
21 department on the front door of the establishment or restaurant
22 in a location clearly visible to the general public and to



1 patrons, and shall continue to post its grade until a new grade
2 is issued by the department.

3 (e) Failure of a retail food establishment or restaurant
4 to comply with this section shall result in civil fines of no
5 less than \$500 per day for each day the retail food
6 establishment or restaurant is in violation.

7 (f) Fraudulent misuse of the adhesive sticker issued by
8 the department shall result in the permanent closure of the
9 offending retail food establishment or restaurant by the
10 department.

11 (g) The department of health shall adopt rules in
12 accordance with chapter 91 to effectuate the purposes of this
13 section.

14 (h) For the purposes of this section, "food-borne illness"
15 means a disease, usually infectious or toxic in nature,
16 resulting from the consumption of contaminated food arising
17 usually from improper food handling, preparation, or storage, or
18 from poor hygiene practices."

19 SECTION 3. The department of health shall adopt
20 administrative rules pursuant to chapter 91, Hawaii Revised
21 Statutes, to implement this Act within six months of the
22 effective date of this Act.



1 SECTION 4. There is appropriated out of the general
 2 revenues of the State of Hawaii the sum of \$30,000 or so much
 3 thereof as may be necessary for fiscal year 2008-2009 for the
 4 department of health to establish a cleanliness statewide
 5 grading system of restaurants.

6 SECTION 5. The sum appropriated shall be expended by the
 7 department of health for the purposes of this Act.

8 SECTION 6. Statutory material to be repealed is bracketed
 9 and stricken. New statutory material is underscored.

10 SECTION 7. This Act shall take effect on July 1, 2008.

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Report Title:

Health Inspections; Food-borne Illness; Restaurants;
Appropriation

Description:

Requires the department of health to establish a grading system and grade retail food establishments and restaurants on food handling. Makes an appropriation.

