

JAN 18 2013

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# 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, in the spirit of  
2 the public's right-to-know, the disclosure of restaurant  
3 inspection results creates a powerful economic incentive for all  
4 types of restaurants to improve public health and safety.  
5 Consumers deserve to eat in clean and safe establishments.  
6 Having access to inspection reports online will enable consumers  
7 to make informed choices for their health and safety. In  
8 addition, a positive report will create greater economic  
9 incentives and increase a restaurant's willingness to provide a  
10 safe and healthy eating establishment.

11           Certain publications have stated that there are nearly  
12 seven thousand five hundred food establishments in Hawaii that  
13 must be inspected every year. The department of health has a  
14 limited number of sanitarians island-wide, who are additionally  
15 tasked with inspecting tattoo parlors, beauty salons, massage  
16 parlors, laundromats, public pools, and mortuaries. These state  
17 sanitarians are responsible for an average of three hundred



1 fifty food establishments each, twice the number recommended by  
2 the United States Food and Drug Administration.

3 The purpose of this Act is to require all food  
4 establishment inspections to be performed only by registered  
5 sanitarians or food and drug inspectors, to require the  
6 department of health to publish food establishment violations on  
7 its website each month, to appropriate funds for a minimum of  
8 ten additional sanitarians, and to appropriate funds for the  
9 enhancement of the environmental health services division  
10 information management system.

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

13 "[+]§321-4.5[+] **Inspection of food establishments.** (a)  
14 Inspections of food establishments [~~may~~] shall be performed only  
15 by a registered sanitarian or a food and drug inspector.

16 (b) An inspection report shall be issued for each food  
17 establishment and shall be submitted to the department of health  
18 and the owner of the establishment.

19 (c) Each inspection report that includes a violation of  
20 the sanitation rules adopted by the department of health shall  
21 be posted monthly on the department's website. The owner of the  
22 food establishment may request in writing one follow-up



1 inspection to cure the violation posted. The follow-up  
2 inspection shall be conducted within thirty days of the receipt  
3 of the written request on an unspecified date during regular  
4 business hours. The report shall remain on the website until  
5 the violation has been cured by a positive inspection report."

6 SECTION 3. There is appropriated out of the general  
7 revenues of the State of Hawaii the sum of \$ or so  
8 much thereof as may be necessary for fiscal year 2013-2014 and  
9 the same sum or so much thereof as may be necessary for fiscal  
10 year 2014-2015 for a minimum of ten new sanitarian positions.

11 The sums appropriated shall be expended by the department  
12 of health for the purposes of this Act.

13 SECTION 4. There is appropriated out of the general  
14 revenues of the State of Hawaii the sum of \$ or so  
15 much thereof as may be necessary for fiscal year 2013-2014 and  
16 the same sum or so much thereof as may be necessary for fiscal  
17 year 2014-2015 for the enhancement of the environmental health  
18 services division information management system.

19 The sums appropriated shall be expended by the department  
20 of health for the purposes of this Act.

21 SECTION 5. Statutory material to be repealed is bracketed  
22 and stricken. New statutory material is underscored.

1 SECTION 6. This Act shall take effect on July 1, 2013.

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INTRODUCED BY:

A handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to read "J. D. ...".

# S.B. NO. 228

**Report Title:**

Public Health; Food Establishments; Inspections; Violations; Appropriations

**Description:**

Requires all food establishment inspections to be performed only by registered sanitarians or food and drug inspectors. Requires the department of health to post monthly on its website each food establishment inspection report that includes a violation of the sanitation rules established by the department; appropriates funds for at least ten new sanitarian positions; appropriates funds for the enhancement of the environmental health services division information management system.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

