

CONCISE EXPLANATORY STATEMENT

In accordance with the Administrative Procedures Act, R.I. Gen. Laws § 42-35-2.6, the following is a concise explanatory statement:

AGENCY: Rhode Island Department of Health

DIVISION: N/A

RULE IDENTIFIER: 216-RICR-50-10-1

RULE TITLE: Food Code

REASON FOR RULEMAKING:

This regulation is being promulgated to update the incorporated by reference to the FDA Food Code from the 2013 version to the 2017 version; create various new definitions; provide procedures for excluding employees when they have Salmonella; provide procedures for food establishments to obtain drinking water for their establishments' provide details on how food donations are to be made and to provide details on obtaining romaine lettuce.

ANY FINDINGS REQUIRED BY LAW AS A PREEQUISITE TO THE EFFECTIVENESS OF THE RULE: N/A

TESTIMONY AND COMMENTS: No comments or testimony were received.

CHANGES TO THE TEXT OF THE RULE:

§ 1.1.2 (Purpose) Removes this section as it is redundant

§ 1.3 (A) Revises language to conform with standard RIDOH regulatory language.

§ 1.3 (A)(2) Creates a definition of "approved source".

§ 1.3 (A)(5) Revises language to conform with standard RIDOH regulatory language.

§ 1.3 (A)(6) Removed the definition of "cultural heritage education facility" definition as it does not appear in the regulation.

§ 1.3 (A)(15) Creates a definition of "good hygiene practices".

§ 1.3 (A)(16) Creates a definition of "Hazard analysis critical control point"

§ 1.3 (A)(17) Creates a definition of "highly susceptible population"

§ 1.3 (A)(24) Removed the definition of "retail" definition as it is defined in statute and is statutory duplication.

§ 1.3 (A)(27) Removed the definition of “R.I. Gen. Laws”.

§ 1.3 (A)(6) Removed the definition of “these regulations”.

§ 1.3 (A)(36) Removed the definition of “wholesale” definition as it is defined statute and is statutory duplication.

§ 1.4.2 Creates new section to detail the procedure for handling a food employee who is diagnosed with nontyphoidal Salmonella.

§ 1.5.3 (A)(1)(a) Adds more specificity regarding temperature control for food.

§ 1.5.5 Creates new section to detail procedures of obtaining drinking water at a food establishment. And requires drinking water to clean food contact surfaces of equipment and utensils.

§ 1.5.6 Creates new section to detail procedures for food donations.

§ 1.5.7 Creates new section to detail procedures for obtaining romaine lettuce.

§ 1.6.1 (A)(1)(c) Revises language for clarity regarding service animals.

REGULATORY ANALYSIS:

In development of this rule, consideration was given to:

- 1) Alternative approaches;
- 2) Overlap or duplication with other statutory and regulatory provisions; and
- 3) Significant economic impact on small business

No alternative approach, duplication or overlap was identified based on available information. RIDOH has determined that the benefits of the rule justify its costs.