

2018 Regular Session

HOUSE BILL NO. 846

BY REPRESENTATIVE SIMON

SANITARY CODE: Provides relative to water system testing at certain businesses which apply for or hold retail food permits

1 AN ACT

2 To amend and reenact R.S. 40:4(A)(1)(c), relative to the state sanitary code; to provide  
3 relative to retail food establishments regulated by the state health officer; to provide  
4 limitations on water system testing requirements for certain retail food  
5 establishments; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:4(A)(1)(c) is hereby amended and reenacted to read as follows:

8 §4. Sanitary Code

9 A. The state health officer acting through the office of public health of the  
10 Louisiana Department of Health shall prepare, promulgate, and enforce rules and  
11 regulations embodied within the state's Sanitary Code covering all matters within his  
12 jurisdiction as defined and set forth in R.S. 40:5. The promulgation of this Sanitary  
13 Code shall be accomplished in strict accordance with the provisions of the  
14 Administrative Procedure Act, and further, in conformity with the following  
15 guidelines and directives:

16 (1)

17 \* \* \*

18 (c)(i) In order to protect the public health, the state health officer shall  
19 promulgate rules and regulations relative to retail food establishments.

1           (ii) ~~The Such~~ rules and regulations required by this Subparagraph shall not  
 2           require a retail food establishment which serves alcoholic beverages and consists of  
 3           five hundred square feet or less of usable floor area which is accessible to customers  
 4           to have more than one restroom facility consisting of one water closet and one  
 5           lavatory. Such limit of the required number of restroom facilities and fixtures shall  
 6           not apply to retail food establishments which contain wet bars. For the purposes of  
 7           this ~~Section~~ Subparagraph, "wet bar" shall be defined as a bar within a food service  
 8           establishment at which patrons may walk up to, order, and receive an alcoholic  
 9           beverage directly from a bartender.

10           (iii) The rules and regulations required by this Subparagraph shall provide  
 11           that a retail food establishment which is open to the public for fewer than one  
 12           hundred eighty days per year and has a water system with fewer than fifteen service  
 13           connections shall not be required to have tests, inspections, or other procedures  
 14           performed on its water system more frequently than required by federal law or  
 15           regulation relative to safe drinking water in order to obtain or renew a retail food  
 16           permit.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 846 Original

2018 Regular Session

Simon

**Abstract:** Provides that water system testing at certain businesses which apply for or hold retail food permits shall not occur more frequently than required by federal law or regulation.

Present law provides that in order to protect the public health, the state health officer shall promulgate rules and regulations relative to retail food establishments.

Proposed law retains present law and stipulates that the rules and regulations promulgated in accordance with present law shall provide that a retail food establishment which is open to the public for fewer than 180 days per year and has a water system with fewer than 15 service connections shall not be required to have tests, inspections, or other procedures performed on its water system more frequently than required by federal law or regulation in order to obtain or renew a retail food permit.

(Amends R.S. 40:4(A)(1)(c))