

HOUSE BILL 174 – FOOD SAFETY CERTIFICATION

House Bill 174 was passed by the House on June 10, 2009 and is currently pending in the Senate. House Bill 174 would require all retail food facilities to have a person holding a valid food certification onsite during all hours of operation. The current law simply requires that one supervisory level employee in each retail food facility hold a valid certification. There is no requirement for that person to be onsite during operations.

Under the current bill there would be no charge for an initial follow-up inspection to determine whether or not a noncompliant condition that was discovered on a prior inspection had been corrected. The bill would require the retail food facility pay a fee of \$150.00 for a second re-inspection and a fee of \$300.00 for a third re-inspection if additional inspections are necessary.

House Bill 174 would establish exempted categories for some retail food establishments. Charitable and nonprofit entities would be exempt from the requirements of the bill.

Since all Article IV retail liquor licenses must have a food/restaurant component to their establishments, almost all retail liquor licensees would be subject to the new law if passed. Holders of catering club and club liquor licensees would be exempt from the requirements.

A violation of the food safety certification law could have an effect on a liquor license. Section 471 of the Liquor Code allows the Bureau of Liquor Control Enforcement to issue a citation to a liquor licensee for “other significant cause.” “Other significant cause” is held to mean a violation of any municipal, state, or federal law or regulation. Therefore a holder of a restaurant liquor license can be cited and issued a rule by a Pennsylvania Liquor Control Board Administrative Law Judge to show cause why it should not be penalized for a violation of the non-liquor code violation.

For more information on House Bill 174 or any other liquor code or licensing matter, please contact me to schedule a free consultation, 717.657.7770.

Frank C. Sluzis
Liquor Attorney
Former Prosecutor for the PLCB
Scaringi & Scaringi, PC

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