



SPONSOR: Sen. Walsh & Rep. K. Williams

DELAWARE STATE SENATE  
150th GENERAL ASSEMBLY

SENATE BILL NO. 167

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO INSPECTIONS OF FOOD ESTABLISHMENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fifths of all members elected to each house thereof concurring therein):

1 Section 1. Amend § 122, Title 16 of the Delaware Code by making deletions as shown by strike through and  
2 insertions as shown by underline as follows:

3 § 122. Powers and duties of the Department of Health and Social Services.

4 The Department shall have the following general powers and duties:

5 (3) Adopt, promulgate, amend, and repeal regulations consistent with law, which regulations shall not extend,  
6 modify, or conflict with any law of this State or the reasonable implications thereof, and which shall be enforced by all  
7 ~~state~~ State and local public health officials, ~~to do all of the following:~~

8 u.1.A. Promulgate and enforce standards to regulate food ~~establishments which may include, but are not~~  
9 ~~limited to,~~ establishments. For purposes of this paragraph (3)u.1. of this section, "food establishment" includes  
10 restaurants, caterers, temporary food vendors, grocery stores, food vending machines, ice ~~manufacturers~~  
11 manufacturers, and cottage industries that prepare or handle food for human consumption whenever it is  
12 determined that said food represents a hazard to the public health.

13 B. The standards under paragraph (3)u.1.A. of this section must include a system for grading and  
14 classifying inspection results for food establishments. The system must include a mechanism that  
15 identifies and represents a food establishment's degree of compliance with the standards.

16 Section 2. Amend § 122, Title 16 of the Delaware Code by making deletions as shown by strike through and  
17 insertions as shown by underline as follows:

18 § 122. Powers and duties of the Department of Health and Social Services.

19 The Department shall have the following general powers and duties:

20 (3) Adopt, promulgate, amend, and repeal regulations consistent with law, which regulations shall not extend,  
21 modify, or conflict with any law of this State or the reasonable implications thereof, and which shall be enforced by all  
22 ~~state~~ State and local public health officials, ~~to do all of the following:~~

23 u.3. ~~For~~ The fee for each facility required by regulations to hold a permit, ~~the following fee shall be~~  
24 ~~assessed:~~ permit under this paragraph (3)u. of this section is assessed as follows:

25 FOOD ESTABLISHMENT PERMIT

26 <b>Type of Establishment</b>	<b>Fee</b>
27 Public Eating Place	<del>\$400</del> <u>\$150</u>

28 Section 3. The Department shall form a stakeholder panel for the sole purpose of advising the Department on the  
29 content of the system for grading and classifying inspection results for food establishments promulgated under §  
30 122(3)u.1.B. of Title 16. The stakeholder panel must complete work on the initial regulations by February 1, 2020. The  
31 stakeholder panel is composed of the following members or a designee appointed by a member serving by virtue of  
32 position:

33 (1) A State Representative from the majority caucus, appointed by the Speaker of the House of  
34 Representatives.

35 (2) A State Representative from the minority caucus, appointed by the Speaker of the House of  
36 Representatives.

37 (3) A State Senator from the majority caucus, appointed by the President Pro Tempore of the Senate.

38 (4) A State Senator from the minority caucus, appointed by the President Pro Tempore of the Senate.

39 (5) The Secretary of the Department of Health and Social Services, who serves as chair.

40 (6) The President of the Delaware Restaurant Association.

41 (7) Three restaurant owners, 1 from each county, appointed by the Delaware Restaurant Association.

42 (8) Three members representing the Division of Public Health, appointed by the Director of the Division of  
43 Public Health.

44 Section 4. Section 2 of this Act is effective on July 1, 2020.

45 Section 5. Section 1 of this Act is effective on July 1, 2021.

SYNOPSIS

This Act requires that the State food safety standards include a system for grading and classifying inspection results that identifies and represents a food establishment's degree of compliance with the standards. This Act also requires that the Department of Health and Social Services form a stakeholder panel to provide advice regarding the content of the system for grading and classifying inspection results for food establishments, which will be effective on July 1, 2021.

This Act also increases the fee for a food establishment permit for a public eating place to \$150 effective July 1, 2020 to support the enforcement of the State of Delaware Food Code, including plan review.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Author: Senator Walsh