

SUBCOMMITTEE: SUBCOMMITTEE #1

1 HOUSE BILL NO. 1663
 2 AMENDMENT IN THE NATURE OF A SUBSTITUTE
 3 (Proposed by the House Committee on General Laws
 4 on _____)
 5 (Patron Prior to Substitute--Delegate Edmonds)

6 A BILL to amend and reenact §§ 35.1-1 and 35.1-25 of the Code of Virginia, relating to restaurants;
 7 certified food protection managers; exemptions.

8 **Be it enacted by the General Assembly of Virginia:**

9 **1. That §§ 35.1-1 and 35.1-25 of the Code of Virginia are amended and reenacted as follows:**

10 **§ 35.1-1. Definitions.**

11 As used in this title, unless the context requires a different meaning:

12 "Bed-and-breakfast operation" means a residential-type establishment that provides (i) two or
 13 more rental accommodations for transient guests and food service to a maximum of 18 transient guests on
 14 any single day for five or more days in any calendar year or (ii) at least one rental accommodation for
 15 transient guests and food service to a maximum of 18 transient guests on any single day for 30 or more
 16 days in any calendar year.

17 "Board" or "State Board" means the State Board of Health.

18 "Campground" means any area, place, parcel, or tract of land, by whatever name called, on which
 19 three or more campsites are occupied or intended for occupancy, or facilities are established or maintained,
 20 wholly or in part, for the accommodation of camping units for periods of overnight or longer, whether the
 21 use of the campsites and facilities is granted gratuitously, or by rental fee, lease, or conditional sale, or by
 22 covenants, restrictions, and easements, including any travel trailer camp, recreation camp, family
 23 campground, camping resort, or camping community. "Campground" does not mean a summer camp,
 24 migrant labor camp, or park for mobile homes as defined in this section and in §§ 32.1-203 and 36-71, or
 25 a construction camp, storage area for unoccupied camping units, or property upon which the individual

26 owner may choose to camp and not be prohibited or encumbered by covenants, restrictions, and conditions
27 from providing his sanitary facilities within his property lines.

28 "Camping unit" means any device or vehicular type structure for use as temporary living quarters
29 or shelter during periods of recreation, vacation, leisure time, or travel, including any tent, tent trailer,
30 travel trailer, camping trailer, pickup camper, or motor home.

31 "Campsite" means any plot of ground within a campground used or intended for occupation by the
32 camping unit.

33 "Certified food protection manager" means a person who has demonstrated proficiency in food
34 safety issues, regulations, and techniques in maintaining a safe-food environment by passing a test and
35 receiving a certification as part of a program that is accredited by the Board.

36 "Commissioner" means the State Health Commissioner.

37 "Department" means the State Department of Health.

38 "Hotel" means any place offering to the public for compensation transitory lodging or sleeping
39 accommodations, overnight or otherwise, including facilities known by varying nomenclatures or
40 designations as hotels, motels, travel lodges, tourist homes, or hostels.

41 "Person" means an individual, corporation, partnership, association, or any other legal entity.

42 "Restaurant" means:

43 1. Any place where food is prepared for service to the public on or off the premises, or any place
44 where food is served, including lunchrooms, short order places, cafeterias, coffee shops, cafes, taverns,
45 delicatessens, dining accommodations of public or private clubs, kitchen facilities of hospitals and nursing
46 homes, dining accommodations of public and private schools and institutions of higher education, and
47 kitchen areas of local correctional facilities subject to standards adopted under § 53.1-68.

48 2. Any place or operation that prepares or stores food for distribution to persons of the same
49 business operation or of a related business operation for service to the public, including operations
50 preparing or storing food for catering services, push cart operations, hotdog stands, and other mobile points
51 of service.

52 3. Mobile points of service to which food is distributed by a place or operation described in
53 subdivision 2 unless the point of service and of consumption is in a private residence.

54 "Restaurant" does not include any place manufacturing packaged or canned foods that are
55 distributed to grocery stores or other similar retailers for sale to the public.

56 "Summer camp" means any building, tent, or vehicle, or group of buildings, tents, or vehicles, if
57 operated as one place or establishment, or any other place or establishment, public or private, together
58 with the land and waters adjacent thereto, that is operated or used in this Commonwealth for the
59 entertainment, education, recreation, religious instruction or activities, physical education, or health of
60 persons under 18 years of age who are not related to the operator of such place or establishment by blood
61 or marriage within the third degree of consanguinity or affinity, if 12 or more such persons at any one
62 time are accommodated, gratuitously or for compensation, overnight and during any portion of more than
63 two consecutive days.

64 **§ 35.1-25. Exemptions.**

65 A. The provisions of this title applicable to restaurants shall not apply to:

- 66 1. Boardinghouses that do not accommodate transients;
- 67 2. Cafeterias operated by industrial plants for employees only;
- 68 3. Churches; fraternal or school organizations; organizations that are exempt from taxation under
69 § 501(c)(3) of the Internal Revenue Code; and volunteer fire departments and volunteer emergency
70 medical services agencies that hold occasional dinners, bazaars, and other fund-raisers of one or two days'
71 duration, at which food (i) prepared in the homes of members; (ii) prepared in the kitchen of the church,
72 school, or organization; or (iii) purchased or donated from a restaurant licensed pursuant to Chapter 3 (§
73 35.1-18 et seq.) is offered for sale to the public. Restaurants licensed pursuant to Chapter 3 that donate or
74 sell food to the entities identified in this subdivision shall not be required to apply for any additional
75 permits from, or pay any additional permit application fees to, the Department for the proposed occasional
76 dinner, bazaar, or other fundraiser;

77 4. Grocery stores, including the delicatessen portion that is a part of a grocery store selling
78 exclusively for off-premises consumption, and places manufacturing or selling packaged or canned goods;

