

SENATE BILL 1092

By Black

AN ACT to amend Tennessee Code Annotated, Section 68-14-303, relative to the regulation of food service establishments.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-14-303, is amended by deleting subdivision (3) in its entirety and by substituting instead the following:

(3) Prescribe rules and regulations governing the alteration, construction, sanitation, safety and operation of hotels, food service establishments and public swimming pools, as may be necessary to protect the health and safety of the public, and require every hotel, food service establishment and public swimming pool to comply with these rules and regulations and grant variances and waivers for public swimming pools from the requirements of this part or applicable rules and regulations; provided, that such variance or waiver shall not constitute a health or safety hazard as determined by the commissioner. Neither the commissioner nor any county or metropolitan board of health or political subdivision of this state shall enact any ordinance or issue any rule or regulation pertaining to the provision of food nutritional information at food service establishments. As used in this subdivision (3), the term "political subdivision" means any municipality, county, local government authority, board, or commission. The rules or regulations prohibiting live animals in the presence of dining facilities shall be waived if an adequately engineered forced air exhaust system is installed for the permitted facility. The rules or regulations requiring that food be obtained from sources that comply with all laws relating to food and food labeling shall be waived for churches, temples, synagogues or other religious institutions, civic, fraternal, or veteran's organizations, if

the food is served only to the homeless and the food is prepared in a church, temple, synagogue or other religious institution, civic, fraternal, or veteran's organization or in a private home or homes by persons who have successfully completed a training course of at least two (2) hours, conducted by the department, and the consumer is informed by a clearly visible placard, readily understandable to the average person, stating that the food may have been prepared in a facility that is not subject to regulation or inspection by the department. The commissioner shall not prescribe any such rules and regulations in conflict with the minimum statewide building construction standards established by the state fire marshal pursuant to § 68-120-101;

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.