

Dear Senator Westman and Representative Branagan –

Thank you for your inquiry today to the Vermont Department of Health regarding the fee bill. As included in the bill language, *“On or before January 15, 2016, the Commissioner of Health shall submit to the House Committee on Human Services, the House Committee on Ways and Means, and the Senate Committee on Finance a report with recommendations designed to achieve licensing efficiencies, including risk-based inspections and combination licenses for food retailers and food and lodging establishments. For fiscal year 2017, the Commissioner of Health shall submit a new fee schedule for combination licenses for food and lodging establishments to the Senate Committee on Finance and the House Committee on Ways and Means.”*

Here are answers to your questions:

- The Administration has proposed fees that are reasonably related to the cost of performing the regulatory function, as required by [32 V.S.A. § 603](#). For your suggestion of expanding the existing lodging categories, the department is unable to provide programmatic justification for setting a differential rate for lodging establishments with capacity >50. The “Lodging IV – Capacity of over 50” data looks like this:

51-100 capacity	111 establishments
101-200 capacity	77 establishments
201+ capacity	64 establishments
Total	252

- VFW’s, Legions and other member organizations serving food to the public for events more than once a month do have restaurant category licenses. DLC also requires a Health Department license to serve alcohol. These establishments are inspected routinely by the department and expected to uphold the same food safety standards as other establishments. The department has investigated complaints and foodborne illness outbreaks associated with meals served at this type of establishment, and proper food safety is still a priority.
- Lodging establishments have a restaurant license if they are preparing food, such as breakfast for guests (cooking eggs, making pancakes, cutting fruit, etc.). It should be noted that motels serving “continental breakfasts” of pre-packaged food where food preparation is not required (such as cereal, coffee, juice, or guests making toast) are **not** currently required to have a food license.

The Health Department does not have data available for estimating how many establishments might fall into your inquiry of a proposed new category to reflect “limited” food activities in motels. The food license categories are defined in the *Health Regulations for Food Service Establishments* (http://healthvermont.gov/regs/03food_estab.pdf). These rules also identify the requirements (equipment and exemptions) for the license categories. The department has concerns about adding a new license category to the fee structure at this time that is not defined in rule, and we don’t have data available now to identify how it would affect the overall fee bill. This is a specific area in the above required report and proposal that we need to evaluate further.

Please let me know if you have additional questions. Thank you for your consideration of the food safety and sanitation program work that goes on behind the scenes to protect public health.

Thanks,
Liz

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