

1 S.113

2 Introduced by Senators Lyons and Sirotkin

3 Referred to Committee on

4 Date:

5 Subject: Health; public health; food and lodging establishments

6 Statement of purpose of bill as introduced: This bill proposes to update
7 existing regulations on food and lodging establishments and expand the type of
8 lodging establishments currently regulated.

9 An act relating to food and lodging establishments

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. 18 V.S.A. chapter 85 is amended to read:

12 CHAPTER 85. FOOD AND LODGING ESTABLISHMENTS

13 Subchapter 1. Food and Lodging Establishments

14 § 4301. ~~FOOD ESTABLISHMENTS; DEFINITIONS~~

15 (a) As used in this subchapter:

16 (1) ~~“Food” shall include all articles used for food, drink, confectionery,~~
17 ~~or condiment, by man, whether simple, mixed, or compound, and all~~
18 ~~substances and ingredients used in the preparation thereof.~~ “Bakery” means all
19 buildings, rooms, basements, cellars, lofts, or other premises or part thereof,

1 used, occupied, or maintained for the purpose of producing for sale bread,
2 cakes, pies, or other food products made either wholly or partially with flour.

3 (2) “Children’s camp” means any residential camp for children that:

4 (A) offers a combination of programs and facilities established for
5 the primary purpose of providing an experience to children;

6 (B) is operated for five or more consecutive days during one or more
7 seasons of the year; and

8 (C) provides 24-hours-a-day supervision of children.

9 (3) “Commissioner” means the Commissioner of Health.

10 (4) “Department” means the Department of Health.

11 (5) “Establishment” shall include all buildings, rooms, basements,
12 cellars, lofts, or other premises or part thereof, used, occupied, or maintained
13 for the purpose of manufacturing, preparing, packing, canning, bottling,
14 keeping, storing, handling, serving, or distributing in any manner, food for sale
15 means food manufacturing establishments, food service establishments,
16 lodging establishments, children’s camps, seafood vending facilities, and
17 shellfish reshippers and repackers.

18 (6) “Food” means articles of food, drink, confectionery, or condiment
19 for human consumption, whether simple, mixed, or compound, and all
20 substances and ingredients used in the preparation thereof.

1 (7) “Food manufacturing establishment” or “food processor” means all
2 buildings, rooms, basements, cellars, lofts, or other premises or part thereof,
3 used, occupied, or maintained for the purpose of manufacturing, preparing,
4 packing, canning, bottling, keeping, storing, handling, serving, or distributing
5 food for sale. A food manufacturing establishment shall include food
6 processors, bakeries, distributors, and warehouses. A food manufacturing
7 establishment shall not include a place where only maple syrup or maple
8 products, as defined in 6 V.S.A. § 481, are prepared for human consumption.

9 (8) “Food service establishment” means entities that prepare, serve, and
10 sell food to the public, including restaurants, temporary food vendors, caterers,
11 mobile food units, and limited operations as defined in rule.

12 (9) “Lodging establishment” means a place where overnight
13 accommodations are regularly provided to the transient, traveling, or
14 vacationing public, including hotels, motels, inns, and bed and breakfasts.
15 “Lodging establishment” shall not include short-term rentals.

16 (10) “Salvage food” means any food product from which the label on
17 the packaging has been lost or destroyed or which has been subjected to
18 possible damage as the result of an accident, fire, flood, or other cause that
19 prevents the product from meeting the specifications of the manufacturer or the
20 packer, but is otherwise suitable for human consumption.

1 (11) “Salvage food facility” means any food vendor for which salvage
2 food comprises 50 percent or more of gross sales.

3 (12) “Seafood vending facility” means a store, motor vehicle, retail
4 stand, or similar place from which a person sells seafood for human
5 consumption.

6 (13) “Shellfish reshipper and repacker” means an establishment
7 engaging in interstate commerce of molluskan shellfish.

8 (14) “Short-term rental” means a furnished home, condominium, or
9 other dwelling rented to the transient, traveling, or vacationing public for a stay
10 of fewer than 30 consecutive days and for more than 14 days per calendar year.

11 (b) Nothing in this ~~subchapter~~ chapter shall be construed to modify or
12 affect laws or ~~regulations~~ rules of the ~~agency of agriculture, food and markets~~
13 Agency of Agriculture, Food and Markets.

14 § 4302. GENERAL REQUIREMENTS

15 (a) A person shall not manufacture, prepare, pack, can, bottle, keep, store,
16 handle, serve, or distribute in any manner food for the purpose of sale, in an
17 unclean, unsanitary, or unhealthful establishment or under unclean, unsanitary,
18 or unhealthful conditions.

19 (b) A person shall not engage in the business of conducting a lodging
20 establishment or children’s camp under unclean, unsanitary, or unhealthful
21 conditions.

1 § 4303. ~~SPECIAL PROVISIONS~~ RULEMAKING

2 ~~Subject to the provisions of this subchapter,~~ The Commissioner shall adopt
3 rules pursuant to 3 V.S.A. chapter 25 to establish minimum standards for the
4 safe and sanitary operation of food or lodging establishments or children's
5 camps or any combination thereof and their administration and enforcement.

6 The rules shall require that an establishment shall be constructed, maintained,
7 and operated with strict regard for the health of the employees and ~~for the~~
8 ~~purity and wholesomeness of the food therein produced, kept, stored, handled,~~
9 ~~served, or distributed, so far as may be reasonable and necessary in the public~~
10 ~~interest and consistent with the character of the establishment,~~ the public
11 pursuant to the following general requirements:

12 (1) The entire establishment and its immediate appertaining premises,
13 including the fixtures and furnishings, the machinery, apparatus, implements,
14 utensils, receptacles, vehicles, and other devices used in the production,
15 keeping, storing, handling, serving, or distributing of the food, or the materials
16 used in the food, shall be constructed, maintained, and operated in a clean,
17 sanitary, and healthful manner;.

18 (2) The food and the materials used in the food shall be protected from
19 any foreign or injurious contamination ~~which~~ that may render them unfit for
20 human consumption;.

1 (3) The clothing, habits, and conduct of the employees shall be
2 conducive to and promote cleanliness, sanitation, and healthfulness;_

3 (4) There shall be proper, suitable, and adequate toilets and lavatories,
4 constructed, maintained, and operated in a clean, sanitary, and healthful
5 manner;_

6 (5) There shall be proper, suitable, and adequate ~~light~~ water supply,
7 heating, lighting, ventilation, drainage, sewage disposal, and plumbing.

8 (6) There shall be proper operation and maintenance of pools, recreation
9 water facilities, spas, and related facilities within lodging establishments.

10 (7) The Commissioner may adopt any other minimum conditions
11 deemed necessary for the operation and maintenance of a food or lodging
12 establishment in a safe and sanitary manner.

13 § 4304. EMPLOYEES

14 (a) An employer shall not ~~require, permit, or suffer any~~ allow a person
15 affected with any contagious, infectious, or other disease or physical ailment
16 ~~which~~ that may render ~~such~~ employment detrimental to the public health to
17 work in ~~such~~ an establishment, and a person so affected shall not work in ~~any~~
18 ~~such~~ an establishment subject to the provisions of this ~~subchapter~~ chapter.

19 (b) The Commissioner may require a person employed in an establishment
20 subject to the provisions of this chapter to undergo medical testing or an
21 examination necessary for the purpose of determining whether the person is

1 affected by a contagious, infectious, or other disease or physical ailment that
2 may render his or her employment detrimental to public health. The
3 Commissioner may prohibit a person from working in an establishment
4 pursuant to an emergency health order described in section 127 of this title if
5 the person refuses to submit to medical testing or an examination.

6 § 4305. ~~POWERS AND DUTIES OF STATE BOARD OF HEALTH~~

7 ~~The board may require a person proposing to work or working in an~~
8 ~~establishment subject to the provisions of this subchapter, to undergo a~~
9 ~~physical examination for the purpose of ascertaining whether such person is~~
10 ~~affected with any contagious, infectious, or other disease or physical ailment,~~
11 ~~which may render his or her employment detrimental to the public health. The~~
12 ~~examination shall be made at the time and pursuant to conditions which shall~~
13 ~~be prescribed by the board. A person who refuses to submit to such~~
14 ~~examination shall not work or be required, permitted, or suffered to work in~~
15 ~~any such establishment. [Repealed.]~~

16 § 4306. INSPECTION

17 (a) It shall be the duty of the ~~board~~ Commissioner to enforce the provisions
18 of this ~~subchapter~~ chapter and of 6 V.S.A. § 3312(d), and ~~if he or she~~ shall be
19 permitted to inspect through ~~its~~ his or her duly authorized officers, inspectors,
20 agents, or assistants, at all reasonable times, an establishment, an

1 establishment's records, and a salvage food facility subject to the provisions of
2 this subchapter chapter.

3 (b) Whenever an inspection demonstrates that the establishment or salvage
4 food facility is not operated in accordance with the provision of this chapter,
5 the officer, inspector, agent, or assistant shall notify the licensee of the
6 conditions found and direct necessary changes.

7 § 4307. HEARING; ORDERS

8 ~~When it appears upon such an~~ inspection demonstrates that any
9 establishment is being maintained or operated in violation of the provisions of
10 ~~this subchapter chapter or any related rules,~~ the ~~board~~ Commissioner shall
11 ~~cause provide~~ written notice ~~thereof,~~ together with an order commanding ~~an~~
12 ~~both~~ abatement of ~~such the~~ violation and a compliance with this ~~subchapter~~
13 ~~chapter~~ within a reasonable period of time to be fixed in the order, ~~to be served~~
14 ~~by a proper officer upon the person violating such provisions.~~ Under ~~such any~~
15 ~~related~~ rules ~~and regulations as may be prescribed~~ adopted by the ~~board~~
16 Commissioner, a person upon whom ~~such the~~ notice and order are served shall
17 be given an opportunity to be heard and to show cause as to why ~~such the~~ order
18 should be vacated or amended. When, upon ~~such a~~ hearing, it appears that the
19 provisions of this ~~subchapter chapter~~ have not been violated, the ~~board~~
20 Commissioner shall immediately vacate ~~such the~~ order, but without prejudice.
21 When, however, it appears that ~~such the~~ provisions have been violated and

1 ~~such~~ the person fails to comply with an order issued by the ~~board~~
2 Commissioner under the provisions of this section, the ~~board~~ Commissioner
3 shall, ~~forthwith, certify the facts to the proper prosecuting officer~~ revoke,
4 modify, or suspend the person's license or enforce a civil penalty.

5 § 4308. REGULATIONS

6 ~~The board shall make uniform and necessary rules and regulations for~~
7 ~~carrying out the provisions of this subchapter. [Repealed.]~~

8 § 4309. PENALTY

9 A person who violates a provision of this ~~subchapter~~ chapter or 6 V.S.A.
10 § 3312(d), ~~for which no other penalty is provided, shall be fined not more than~~
11 ~~\$300.00 for the first offense and, for each subsequent offense, not more than~~
12 ~~\$500.00~~ shall be fined a civil penalty not to exceed \$10,000.00 for each
13 violation. In the case of a continuing violation, each subsequent day in
14 violation may be deemed a separate violation.

15 Subchapter 2. Licensing Food and Lodging Establishments

16 § 4351. LICENSE FROM DEPARTMENT OF HEALTH

17 (a) A person shall not operate or maintain a ~~hotel, inn, restaurant, tourist~~
18 ~~camp~~ food manufacturing facility, retail food establishment, lodging
19 establishment, children's camp, seafood vending facility, or any other place in
20 which food is prepared and served, or lodgings provided or furnished to the
21 transient traveling or vacationing public, or a seafood vending facility, unless

1 he or she ~~shall have first obtained and holds~~ obtains and holds from the
2 ~~department~~ Commissioner a license authorizing such operation. ~~The secretary~~
3 ~~may prescribe rules or conditions within which he or she may issue a~~
4 ~~temporary license for a period not to exceed 60 days. The license shall state~~
5 ~~the rules or conditions under which it is issued. However, nothing herein shall~~
6 ~~apply to any person who occasionally prepares and serves meals or provides~~
7 ~~occasional lodgings. The license shall be displayed in such a way as to be~~
8 ~~easily viewed by the patrons. All licenses shall be displayed in a manner as to~~
9 ~~be easily viewed by the public.~~

10 (b) ~~For purposes of this section, “seafood vending facility” includes a store,~~
11 ~~motor vehicle, stand, or similar place from which a person sells seafood for~~
12 ~~consumption at another location.~~

13 (1) A person shall not knowingly and willingly sell or offer for sale a
14 bulk product manufactured by a bakery, regardless of whether the bakery is
15 located inside or outside the State, unless the operator of the bakery holds a
16 valid license from the Commissioner.

17 (2) The Commissioner shall not grant a license to a bakery located
18 outside the State unless:

19 (A) the person operating the bakery:

20 (i) has consented in writing to the Department’s inspection and
21 paid the required fee; or

1 (ii) has presented to the Department satisfactory evidence of
2 inspection and approval from the proper authority in his or her state and paid
3 the required fee; and

4 (B) inspection of the bakery confirms that it meets the laws and rules
5 of this State.

6 (c) The Commissioner may issue a temporary license for no more than 90
7 days. The temporary license shall state the conditions under which it is issued.

8 (d) If the Commissioner does not renew a license, he or she shall provide
9 written notice to the licensee. The notice shall specify any changes necessary
10 to conform with State rules and shall state that if compliance is achieved within
11 the time designated in the notice, the license shall be renewed. If the licensee
12 fails to achieve compliance within the prescribed time, the licensee shall have
13 an opportunity for a hearing.

14 (e) Any licensee or applicant aggrieved by a decision or order of the
15 Commissioner may appeal to the Board of Health within 30 days of that
16 decision. Hearings by the Board under this section shall be subject to the
17 provisions of 3 V.S.A. chapter 25 relating to contested cases. The Board shall
18 consider the matter de novo and all persons, parties, and interests may appear
19 and be heard. The Board shall issue an order within 30 days following the
20 conclusion of the hearing.

1 (f) If a licensee fails to renew his or her license within 60 days of its
2 expiration date, a licensee shall apply for a new license and meet all licensure
3 requirements anew.

4 § 4352. APPLICATION

5 ~~A person desiring to operate a place~~ Prior to operating an establishment in
6 which food is prepared and served or in which three or more lodging is units
7 are offered to the public, a person shall apply to the ~~board~~ Commissioner upon
8 forms supplied by the ~~board~~ Department and shall pay a license fee as provided
9 by section 4353 of this title. An application for licensure shall be submitted no
10 fewer than 30 days prior to the opening of a food or lodging establishment.

11 Upon receipt of such license fee and when satisfied that the premises are
12 sanitary and healthful in accordance with the provisions of this chapter and
13 related rules, the ~~board~~ Commissioner shall issue a license to the applicant with
14 respect to the premises described ~~therein~~ in the application.

15 § 4353. FEES

16 (a) The Commissioner may establish by rule any requirement the
17 Department needs to determine the applicable categories or exemptions for
18 licenses. The following license fees shall be paid annually to the ~~Board~~
19 Department at the time of making the application according to the following
20 schedules:

1 (1) ~~Restaurant~~ Restaurants

2 I — Seating capacity of 0 to 25; \$105.00

3 II — Seating capacity of 26 to 50; \$180.00

4 III — Seating capacity of 51 to 100; \$300.00

5 IV — Seating capacity of 101 to 200; \$385.00

6 V — Seating capacity of 201 to 599; \$450.00

7 VI — Seating capacity 600 or over; \$1,000.00

8 VII — Home Caterer; \$155.00

9 VIII — Commercial Caterer; \$260.00

10 IX — Limited Operations; \$140.00

11 X — Fair Stand; \$125.00; if operating for four or more
12 days per year; \$230.00

13 (2) Lodging establishments

14 I — Lodging capacity of 1 to 10; \$130.00

15 II — Lodging capacity of 11 to 20; \$185.00

16 III — Lodging capacity of 21 to 50; \$250.00

17 IV — Lodging capacity of 51 to 200; \$390.00

18 V — Lodging capacity of over 200; \$1,000.00

19 (3) Food ~~processor~~ manufacturing establishment — a fee for any

20 person or persons that process food for resale to restaurants, stores, or

21 individuals according to the following schedule:

1 (A) Food manufacturing establishments; nonbakeries

2 I — Gross receipts of \$10,001.00 to \$50,000.00;

3 \$175.00

4 ~~(B)~~II — Gross receipts of over \$50,000.00; \$275.00

5 III — Gross receipts of \$10,000.00 or less are exempt

6 pursuant to section 4358 of this title

7 (B) Food manufacturing establishment; bakeries

8 I — Home bakery; \$100.00

9 II — Small commercial; \$200.00

10 III — Large commercial; \$350.00

11 (4) Seafood vending facility — \$200.00, unless operating pursuant to
12 another license issued by the Department of Health and generating ~~less than~~
13 \$40,000.00 or less in seafood gross receipts annually. If generating more than
14 \$40,000.00 in seafood gross receipts annually, the fee is to be paid regardless
15 of whether the facility is operating pursuant to another license issued by the
16 Department of Health.

17 (5) Shellfish reshippers and repackers — \$375.00.

18 (6) Children's camps — \$150.00.

19 (b) The Commissioner of Health ~~will~~ shall be the final authority on
20 definition of categories contained ~~herein~~ in this section.

1 (c) All fees received by the ~~Board~~ Department under this section shall be
2 credited to a special fund and shall be available to the Department to offset the
3 cost of providing the services.

4 § 4354. TERM OF LICENSE

5 Licenses ~~A license~~ shall expire annually on a date established by the
6 ~~department~~ Department and ~~shall be renewable~~ may be renewed upon the
7 payment of a new license fee if the licensee is in good standing with the
8 Department.

9 § 4355. REGULATIONS; REPORTS

10 ~~(a) The board may prescribe such rules and regulations as may be~~
11 ~~necessary to ensure the operation in a sanitary and healthful manner of places~~
12 ~~in which food is prepared and served to the public or in which lodgings are~~
13 ~~provided. All reports which such board may require shall be on forms~~
14 ~~prescribed by it.~~

15 ~~(b) The board shall not adopt any rule requiring food establishments that~~
16 ~~operate less than six months of the year and provide outdoor seating for no~~
17 ~~more than 16 people to provide toilet facilities to patrons, and any such rule or~~
18 ~~portion thereof now in effect is repealed. [Repealed.]~~

19 § 4356. INSPECTION, REVOCATION

20 ~~The members of the board and any person in its employ and by its direction,~~
21 ~~at reasonable times, may enter any place operated under the provisions of~~

1 ~~sections 4351-4355 of this title, so far as may be necessary in the discharge of~~
2 ~~its duties. Whenever upon such inspection it is found that the premises are not~~
3 ~~being conducted in accordance with the provisions of the above named~~
4 ~~sections or the regulations adopted in accordance therewith, such board shall~~
5 ~~notify the licensee of the conditions found and direct such changes as are~~
6 ~~necessary. If such licensee shall fail within a reasonable time to comply with~~
7 ~~such orders, rules, or regulations adopted under the provisions of such sections,~~
8 ~~the board shall revoke the license. [Repealed.]~~

9 § 4357. ~~PENALTY~~

10 ~~A person who violates any provision of this subchapter shall be fined not~~
11 ~~more than \$500.00. [Repealed.]~~

12 § 4358. EXEMPTIONS

13 (a) The provisions of this subchapter shall apply only to such those hotels,
14 inns, restaurants, tourist camps, and other places as that solicit the patronage of
15 the public by advertising by means of signs, notices, placards, radio, electronic
16 communications, or printed announcements.

17 (b) The provisions of this subchapter shall not apply to an individual
18 manufacturing and selling bakery products from his or her own home kitchen
19 whose average gross retail sales do not exceed \$125.00 per week.

20 (c) Any food manufacturing establishment claiming a licensing exemption
21 shall provide documentation as required by rule.

1 (d) The Commissioner shall not adopt a rule requiring food establishments
2 that operate less than six months of the year and provide outdoor seating for
3 fewer than 16 people at one time to provide toilet and hand washing facilities
4 for patrons.

5 * * *

6 ~~Subchapter 4. Bakeries~~

7 ~~§ 4441. BAKERY PRODUCTS; DEFINITION~~

8 ~~For the purposes of this subchapter,~~

9 ~~(1) The word “bakery” is defined as a building or part of a building~~
10 ~~wherein is carried on as a principal occupation the production of bread, cakes,~~
11 ~~pies, or other food products made either wholly or in part of flour and intended~~
12 ~~for sale.~~

13 ~~(2) The word “person” shall extend and be applied to bodies corporate,~~
14 ~~and to partnerships and unincorporated associations. [Repealed.]~~

15 ~~§ 4442. RULES AND INSPECTION BY STATE BOARD OF HEALTH~~

16 ~~The Board shall adopt and enforce rules as the public health may require in~~
17 ~~respect to the sanitary conditions of bakeries as defined herein. The Board is~~
18 ~~hereby authorized to inspect any such bakery at all reasonable times through its~~
19 ~~duly appointed officers, inspectors, agents, or assistants. [Repealed.]~~

1 § 4443. ~~SLEEPING ROOMS SEPARATE~~

2 ~~The sleeping rooms for persons employed in a bakery shall be separated~~
3 ~~from the rooms where food products or any ingredient thereof are~~
4 ~~manufactured or stored. [Repealed.]~~

5 § 4444. LICENSE

6 ~~(a) No person shall operate a bakery in this state without having obtained~~
7 ~~from the department a license describing the building used as a bakery,~~
8 ~~including the post office address of the same, which license shall be posted by~~
9 ~~the owner or operator of such bakery in a conspicuous place in the shop~~
10 ~~described in such license or in the sales room connected therewith.~~

11 ~~(b) No person shall knowingly and willfully sell or offer for sale in this~~
12 ~~state any bulk product manufactured by a bakery, whether such a bakery is~~
13 ~~located within or without the state, unless the operator of such bakery shall~~
14 ~~hold a valid license, as prescribed, from the department, which license shall in~~
15 ~~no case be granted covering a bakery located outside the state unless the person~~
16 ~~operating such bakery shall have consented in writing to its inspection and paid~~
17 ~~the fee as herein provided, or shall have paid the fee and received a license~~
18 ~~after presenting to the department satisfactory evidence of inspection and~~
19 ~~approval from the proper authority of his or her own state, and such bakery~~
20 ~~shall have been found by the inspection to meet the requirements of the laws of~~

1 ~~this state and rules and regulations of the secretary relating thereto.~~

2 [Repealed.]

3 § 4445. ~~RENEWAL OF LICENSE~~

4 ~~The holder of such a license who desires to continue to operate a bakery~~
5 ~~shall annually, commencing on or before January 31, 1974, and thereafter on~~
6 ~~or before January 31, renew his or her license, pay the renewal fee, and receive~~
7 ~~a new license provided the licensee is entitled thereto. [Repealed.]~~

8 § 4446. ~~FEE~~

9 ~~(a) A person owning or conducting a bakery as specified in sections 4441~~
10 ~~and 4444 of this title shall pay to the Board a fee for each certificate and~~
11 ~~renewal thereof in accordance with the following schedule:~~

12 ~~Bakery I—Home Bakery; \$55.00~~

13 ~~II—Small Commercial; \$125.00~~

14 ~~III—Large Commercial; \$250.00~~

15 ~~IV—Camps; \$90.00~~

16 ~~(b) The Commissioner of Health will be the final authority on definition of~~
17 ~~categories contained herein.~~

18 ~~(c) All fees received by the Board under this section shall be credited to a~~
19 ~~special fund and shall be available to the Department to offset the cost of~~
20 ~~providing the services. [Repealed.]~~

1 § 4447. ~~REVOCATION~~

2 ~~Such license may be suspended or revoked by the board for cause after~~
3 ~~hearing. [Repealed.]~~

4 § 4448. ~~NEW BAKERY~~

5 ~~No person shall open a new bakery in this state without having given at~~
6 ~~least 15 days' notice to the department of intention to open such bakery which~~
7 ~~notice shall contain a description and location of the building proposed to be~~
8 ~~used as such bakery. Upon receipt of such notice, the department shall cause~~
9 ~~such premises to be examined and, if found to comply with the provisions and~~
10 ~~statutes relating to bakeries and the rules and regulations prescribed by the~~
11 ~~secretary, a license shall be issued upon payment of the fee as herein provided.~~
12 ~~[Repealed.]~~

13 § 4449. ~~LOCAL REGULATIONS~~

14 ~~The provisions of this subchapter shall not prevent local health authorities~~
15 ~~from making and enforcing orders or regulations concerning the sanitary~~
16 ~~condition of bakeries and the sale of bakery products, except that such orders~~
17 ~~and regulations shall be suspended to the extent necessary to give effect to the~~
18 ~~provisions of this subchapter and the rules and regulations prescribed pursuant~~
19 ~~thereto. [Repealed.]~~

1 § 4450. ~~PENALTY~~

2 ~~A person who violates any provisions of this subchapter shall be fined not~~
3 ~~more than \$500.00. [Repealed.]~~

4 § 4451. ~~EXCEPTIONS~~

5 ~~The provisions of this subchapter shall not apply to individuals~~
6 ~~manufacturing in and selling from their own private home kitchens bread,~~
7 ~~eakes, pies, or other food products made either wholly or in part from flour~~
8 ~~whose average gross retail sales of such products do not exceed \$125.00 a~~
9 ~~week, nor to restaurants, inns, or hotels subject to the provisions of subchapter~~
10 ~~2 of this chapter, nor to church, fraternal, or charitable food sales. [Repealed.]~~

11 ~~Subchapter 5. Salvage Food Facilities~~

12 § 4461. ~~DEFINITIONS~~

13 ~~For the purposes of this subchapter:~~

14 ~~(1) “Salvage food” means any food product from which the label on the~~
15 ~~packaging has been lost or destroyed or which has been subjected to possible~~
16 ~~damage as the result of accident, fire, flood, or other cause which may prevent~~
17 ~~the product from meeting the specifications of the manufacturer or the packer,~~
18 ~~but is otherwise suitable for human consumption.~~

19 ~~(2) “Salvage food facility” means a food vendor for which salvage foods~~
20 ~~comprise 50 percent or more of gross sales. [Repealed.]~~

1 § 4462. ~~REGULATIONS AND INSPECTION~~

2 ~~The state board of health is authorized to inspect any salvage food facility at~~
3 ~~all reasonable times through its officers, inspectors, agents, or assistants.~~

4 [Repealed.]

5 ~~Subchapter 6. Temporary Outdoor Seating~~

6 § 4465. ~~LIMITED FOOD ESTABLISHMENTS; TEMPORARY OUTDOOR~~
7 ~~SEATING~~

8 ~~A food establishment that prepares and serves food for off premises uses~~
9 ~~may provide temporary outdoor seating for up to 16 persons from May 1 to~~
10 ~~October 31 without providing patron toilet or handwashing facilities.~~

11 [Repealed.]

12 ~~Subchapter 7. Short-Term Rentals~~

13 § 4466. REGISTRATION OF SHORT-TERM RENTALS

14 (a) A person shall not operate or maintain a short-term rental unless he or
15 she registers with the Department and obtains and holds a valid certificate of
16 compliance.

17 (b) Prior to offering for rent a short-term rental, a person shall register with
18 the Commissioner by completing forms published by the Department and
19 paying a registration fee as provided in 4469 of this title.

20 (c) A person registering shall certify that the short-term rental is in
21 compliance with:

1 (1) all local zoning laws;

2 (2) all public safety laws, including any rules established by the

3 Department of Public Safety's Division of Fire Safety; and

4 (3) minimum public health sanitation requirement established by the

5 Commissioner in rule.

6 (d) A registration application shall be submitted no fewer than 60 days

7 prior to opening a short-term rental.

8 (e) All certificates of compliance shall be displayed in a manner so as to be

9 easily viewed by the public.

10 (f) Any perspective certificate holder aggrieved by a decision of the

11 Department may appeal to the Board of Health pursuant to subsection 4351(e)

12 of this title.

13 § 4467. TERM; CERTIFICATE OF COMPLIANCE

14 A certificate of compliance shall expire five years after its date of issuance

15 any may be renewed upon the payment of a new compliance certificate fee if

16 the certificate holder is in good standing with the Department.

17 § 4468. RULEMAKING

18 The Commissioner may adopt rules pursuant to 3 V.S.A. chapter 25 to

19 establish specific standards for the safe and sanitary operation of short-term

20 rentals.

1 § 4469. FEES; REGISTRATION

2 The following fee shall be paid to the Department at the time of registration
3 or registration renewal:

4 Short-term rental — \$150.00.

5 § 4470. ENFORCEMENT

6 (a) If a person is found to be in violation of this subchapter or any related
7 rules, the Commissioner shall issue a written notice and an order requiring both
8 abatement of the violation and compliance with this subchapter and related
9 rules within a reasonable period of time.

10 (b) A person upon whom the notice and order are served shall have an
11 opportunity for a hearing at which he or she may show cause for vacating or
12 amending the order. If it appears that the provisions of this chapter and related
13 rules have not been violated, the Commissioner shall immediately vacate the
14 order without prejudice. Conversely, if it appears that the provisions of this
15 chapter and related rules have been violated and the person fails to comply
16 with the order issued by the Commissioner, the Commissioner shall revoke,
17 modify, or suspend the person's certificate of compliance or enforce a civil
18 penalty pursuant to section 4309 of this title or both.

19 Sec. 2. EFFECTIVE DATE

20 This act shall take effect on July 1, 2017.