**South Carolina General Assembly**

119th Session, 2011-2012

**H. 4059**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Viers

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Companion/Similar bill(s): 3751

Introduced in the House on April 12, 2011

Currently residing in the House Committee on **Medical, Military, Public and Municipal Affairs**

Summary: Retail food establishments

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/12/2011 House Introduced and read first time ([House Journal‑page 9](file:///h:\hj%20archive\2011\04-12-11.docx))

4/12/2011 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 9](file:///h:\hj%20archive\2011\04-12-11.docx))

**VERSIONS OF THIS BILL**

[4/12/2011](file:///p:\pprever\2011-12\4059_20110412.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑1‑147 SO AS TO REQUIRE A RETAIL FOOD ESTABLISHMENT TO SEMI‑ANNUALLY SCREEN ITS EMPLOYEES TO DETERMINE IF AN EMPLOYEE HAS A COMMUNICABLE DISEASE THAT CAN BE TRANSMITTED BY FOOD OR CARRIES AN ORGANISM THAT CAUSES A COMMUNICABLE DISEASE THAT CAN BE CARRIED BY FOOD, MAY NOT EMPLOY SUCH A PERSON IN A MANNER IN WHICH THERE IS A LIKELIHOOD OF THE PERSON CONTAMINATING FOOD OR FOOD‑CONTACT SURFACES WITH PATHOGENIC ORGANISMS OR TRANSMITTING A COMMUNICABLE DISEASE TO OTHER PEOPLE, AND TO MAINTAIN DOCUMENTATION OF ITS EMPLOYEE SCREENING RESULTS FOR A PERIOD OF FIVE YEARS; TO AMEND SECTION 45‑4‑40, RELATING TO STANDARDS FOR FOOD PRODUCTS AND HYGIENE PRACTICES FOR INNKEEPERS AND EMPLOYEES, SO AS TO PROVIDE AN INNKEEPER SEMI‑ANNUALLY MUST SCREEN HIS EMPLOYEES AND HIMSELF TO DETERMINE IF AN EMPLOYEE OR HE HAS A COMMUNICABLE DISEASE THAT CAN BE TRANSMITTED BY FOOD OR CARRIES AN ORGANISM THAT CAUSES A COMMUNICABLE DISEASE THAT CAN BE CARRIED BY FOOD, MAY NOT EMPLOY SUCH A PERSON IN A MANNER IN WHICH THERE IS A LIKELIHOOD OF THE PERSON CONTAMINATING FOOD OR FOOD‑CONTACT SURFACES WITH PATHOGENIC ORGANISMS OR TRANSMITTING A COMMUNICABLE DISEASE TO OTHER PEOPLE OR ACT IN SUCH A MANNER HIMSELF, AND SHALL MAINTAIN DOCUMENTATION OF ITS EMPLOYEE SCREENING RESULTS FOR A PERIOD OF FIVE YEARS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 1, Title 44 of the 1976 Code is amended by adding:

“Section 44‑1‑147. In addition to the requirements imposed under Section 44‑1‑140(2) and regulations promulgated under that section, a retail food establishment as defined in Regulation 61‑25:

(1) semi‑annually shall screen all employees to determine if an employee is infected with a communicable disease that can be transmitted by food or carries an organism that causes a communicable disease that can be carried by food;

(2) may not employ a person known to be infected with a communicable disease that can be transmitted by food or who carries an organism that causes a disease that can be carried by food to work in the retail food establishment in a manner in which there is a likelihood of the person contaminating food or food contact surfaces with pathogenic organisms or transmitting a communicable disease to other people; and

(3) shall maintain documentation of its employee screening results for a period of five years from the date of screening.”

SECTION 2. Section 45‑4‑40(C) of the 1976 Code, as added by Act 300 of 1998, is amended to read:

“(C)(1) Food ~~shall~~ must be prepared with a minimum of manual contact and ~~shall~~ must be prepared on food contact surfaces and with utensils that are clean and have been sanitized.

(2) Foods ~~shall~~ must be cooked and immediately served to guests. The following food handling practices ~~shall be~~ are prohibited:

(a) cooling and reheating prior to service;

(b) hot holding for more than two hours; and

(c) service of previously‑served foods.

(3) Frozen food ~~shall~~ must be thawed:

(a) in a refrigerator at a temperature not to exceed forty‑five degrees Fahrenheit; or

(b) under potable running water with sufficient water velocity to agitate and float off loose food particles; or

(c) in a microwave oven only or as part of the conventional cooking process.

(4)(a) ~~Innkeepers and employees~~ An innkeeper or his employee engaged in food preparation shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices during all food service and food handling periods. ~~No innkeeper or employee who is infected with, or who is a carrier of, a disease that can be transmitted by foods may work with or handle food.~~

(b) In addition to the requirements of item (a), an innkeeper:

(i) semi‑annually shall screen all employees and himself to determine if an employee or the innkeeper is infected with a communicable disease that can be transmitted by food or carries an organism that causes a communicable disease that can be carried by food;

(ii) may not employ a person known to be infected with a communicable disease that can be transmitted by food or who carries an organism that causes a disease that can be carried by food to work in the retail food establishment in a manner in which there is a likelihood of the person contaminating food or food‑contact surfaces with pathogenic organisms or transmitting a communicable disease to other people, or act in this manner himself; and

(iii) shall maintain documentation of its screening results for a period of five years from the date of screening.

(5) Innkeepers and employees shall not use tobacco in bed and breakfast kitchens and food preparation areas.

(6) Food preparation areas, equipment, and utensils ~~shall~~ must be constructed and repaired with safe materials, ~~shall~~ must be corrosion resistant, nonabsorbent, and easily cleanable and durable under conditions of normal use. Equipment, utensils, and single service articles shall not impart odors, color, taste, nor contribute to the contamination of food.”

SECTION 3. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 4. This act takes effect upon approval by the Governor.

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