

1 HB347
2 187371-1
3 By Representative Wilcox (N & P)
4 RFD: Mobile County Legislation
5 First Read: 01-FEB-18

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Mobile County; to establish the
14 regulatory authority for the Mobile County Health Department
15 to regulate intermittent food service establishments that
16 prepare food in association with a temporary exempt event that
17 is a regional celebration, tradition, or cultural event that
18 is designated as such by Mobile County, if the intermittent
19 food service establishment does not prepare, sell, or
20 distribute food on a regular basis in its regular line of
21 business.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. For the purposes of this act, the
24 following terms shall have the following meanings:

25 (1) INTERMITTENT FOOD SERVICE ESTABLISHMENT. Any
26 entity that has a physical address within Mobile County that
27 does not prepare or serve food in its regular line of business

1 but prepares and serves food on an intermittent basis for a
2 period of time not to exceed three consecutive days per week.

3 (2) TEMPORARY EXEMPT EVENT. A special occurrence or
4 celebration that is community wide in conjunction with a local
5 or regional celebration, tradition, or cultural event.

6 Section 2. (a) An intermittent food service
7 establishment shall complete an online application on the
8 Mobile County Health Department web page at no charge, not
9 later than five business days prior to the event for an
10 exemption of food service at a temporary exempt event.

11 (b) The following information shall be provided in
12 the online application to the Mobile County Health Department
13 for any temporary exempt event:

14 (1) The event site location.

15 (2) The name of each food vendor.

16 (3) A general description list of foods to be sold
17 from each food vendor.

18 (c) An exemption shall not be construed as allowing
19 the sale of low acid foods in a hermetically sealed container,
20 such as home-canned vegetables, when such food is not prepared
21 in a permitted establishment.

22 (d) Any operator of a temporary exempt event shall
23 have a food handlers card issued by the Mobile County Health
24 Department, a handwashing facility, and a plan for adequate
25 garbage and waste containment.

26 (e) An intermittent food service establishment may
27 not be granted more than four exemptions in any calendar year,

1 at a single, specified location in conjunction with a
2 recurring temporary exempt event.

3 (f) Other than as provided for in this section, the
4 Mobile County Health Department shall not regulate an
5 intermittent food service establishment that prepares food in
6 association with a regional celebration, tradition, or
7 cultural event, when approved by a local municipality as such,
8 or in the case of an area not located in an incorporated area,
9 when approved by the county commission, when the establishment
10 does not prepare, sell, or distribute food on a regular basis
11 or in its regular line of business.

12 Section 3. Notwithstanding Section 2, a church that
13 is tax exempt and that conducts intermittent food sales for
14 fund raisers, and not as an ongoing or continuous food sales
15 operation, shall be exempt from the regulatory requirements of
16 the Mobile County Health Department, provided that all such
17 food sales are conducted on the premises of the church.

18 Section 4. Notwithstanding Section 2, food
19 establishments, including bars that serve only beverages and
20 ice, may boil whole crawfish, for public consumption, outside
21 on the premises of the establishment. The permitted
22 establishment shall be issued an exemption by the Mobile
23 County Health Department when the requirements of subsections
24 (b) and (d) are met.

25 Section 5. This act shall become effective
26 immediately following its passage and approval by the
27 Governor, or its otherwise becoming law.

