



February 11, 2011

Senate Public Health, Welfare and Safety Committee  
Senator Jason Priest, Chairman

PUBLIC HEALTH, WELFARE & SAFETY

Exhibit No. 3  
Date 2/11/11  
Bill No. HB191

Re: HB 191 (Representative Flynn)

Mr. Chairman and Members of the Committee:

My name is Laurel Riek and I am an Environmental Health Specialist for Lewis and Clark County. I have worked in this field for 27 years. The Lewis and Clark City-County Health Department and the Association of Montana Public Health Officials would like to go on record in opposition of HB 191.

We are not opposed to community fund raising events by nonprofit groups. Our opposition to the bill is the proposed change to 50-50-202 that eliminates registration with the health department for a nonprofit event.

Registration allows food safety experts at the health department to provide education and guidance that is particular to preparing large amounts of food. Large volumes of food must be handled differently than what is needed for home and family. When discussed with the health department, we can suggest safe methods of preparation that will manage the risk of food borne illness. Training is the key to understanding food safety and preventing a food borne illness. This is imperative for the health of our communities. Non-profit events can create high risk for food borne illness due to the food and volume prepared.

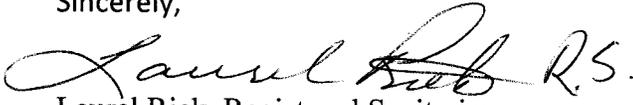
People are wonderfully creative with their fundraising ideas. One such idea was to cook a whole buffalo on a barbecue spit. Sometimes people add the idea of stuffing with chickens. This is an incredibly difficult way to get safe cooking temperatures and prevent food borne illness. Another idea was a huge pizza cooked outside. Without our input, there could be large outbreaks of foodborne illness.

We have also had requests for making salsa to sell as a fundraising event. This is a food that can be a botulism risk and requires production by those trained in food processing. To produce a high risk food without the appropriate equipment and process review can be a risk to public health.

Please do not remove our ability to provide education to those that wish to provide food safely to the public.

We would support this bill if the proposed deletions for 50-50-202 (2) (b) were eliminated.

Sincerely,

  
Laurel Riek, Registered Sanitarian  
Lewis & Clark City-County Health Department

# Montana Environmental Health Association



February 10, 2011

Senator Jason Priest, Chair  
Public Health, Welfare and Safety  
Montana Senate  
P.O. Box 200500  
Helena, MT 59620-0500

RE: **HB 191 Comments and Suggested Amendments**  
**HB 191-** Revising licensing and registration provisions for retail food establishments

Dear Senator Priest, Chair, and Members of the Committee:

The Montana Environmental Health Association is an organization of public health professionals such as registered sanitarians, environmental consultants, hydrologists, health educators and others dedicated to protecting public health as it relates to our everyday environment. Many of our professionals work in areas such as food safety, water/wastewater management, air quality and public health complaints. A very important area of focus for registered sanitarians is to ensure that the public is ensured safe food.

**This organization does not support changes proposed in 50-50-202 (2)(b).** By removing the requirement for nonprofit organizations to register with the local health department prior to an event, public health and safety are greatly compromised. Many non-profit events include benefit dinners such as spaghetti feeds and turkey dinners for hundreds or more people; potentially hazardous foods are served at these events. If potentially hazardous foods are prepared without guidance on food safety practices and in unsanitary facilities, a great risk of foodborne illness is present.

**When deciding your vote please consider the following information:**

1. **Registration for non-profit events simply allows the non-profit organization to receive free guidance from the local sanitarian in order to determine if potentially hazardous foods will be served.** If so, specific instruction will be given on proper food safety techniques.
2. **Potentially hazardous foods are very different than non-potentially hazardous foods in the way that they must be handled.** Proper food worker hygiene must be adhered to, cooking times and temperatures are critical, and proper refrigeration must be met, to name a few areas of concern. Baked goods such as cookies have much different food handling requirements than turkey dinners.
3. **By removing the existing language in 50-50-202 (2), there will be significantly more risk to the public in the form of foodborne illness.** The costs associated with foodborne illness are substantial in any size of community. Lost wages, expenses, negative press and death may occur. Foodborne illness is completely preventable when proper measures are taken to prevent it.

**Additionally, a simple amendment to this bill could facilitate local fundraisers.**

Add and define *nonprofit group* for those that may not qualify as a non-profit 501 (c) (3). For example, a community group may wish to hold a benefit dinner to alleviate medical expenses, but is not a true 501(c) (3) nonprofit organization.

**Nonprofit group** could be defined as: *an organization, entity, or person providing food to the public solely for a charitable community purpose; or similar agreed upon definition.*

**Insert non-profit group in 50-50-103 (2) (a):** *The department and local health authorities may not adopt rules prohibiting the sale of baked goods and preserves by nonprofit organizations, nonprofit groups or by person's at farmer's markets.*

**Insert nonprofit group in 50-50-202 (2):** *A license is not required to operate an establishment if it is operated by a nonprofit organization or nonprofit group for a period of less than 14 days in 1 calendar year.*

**Please consider the health of the public when voting on House Bill 191. The existing requirement for nonprofit organizations to register prior to an event should remain in the statute.** The removal of the requirement for non-profit organizations to register a food event is detrimental to the public and has many potential negative impacts to communities. Foodborne illness is completely preventable, and by removing this language, are communities will be more at risk.

Sincerely,

Christine Hughes  
Registered Sanitarian  
MEHA President