

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 38

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE FOOD SAFETY MODERNIZATION ACT; AMENDING SECTION 22-113,
2 IDAHO CODE, TO REVISE A DATE BY WHICH CERTAIN CONTRACTS AND CONTRACTING
3 AUTHORITY SHALL TRANSITION TO THE IDAHO STATE DEPARTMENT OF AGRICUL-
4 TURE.
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6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 22-113, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 22-113. UNITED STATES FOOD AND DRUG ADMINISTRATION FOOD SAFETY MOD-
10 ERNIZATION ACT -- REGULATIONS FOR HUMAN FOOD PROCESSING. The Idaho legisla-
11 ture hereby directs that the Idaho state department of agriculture shall be
12 the contracting agency for inspections in the state of Idaho that are con-
13 tracted by the United States food and drug administration for the inspec-
14 tion of nonretail activities subject to registration under section 415 of
15 the federal food, drug and cosmetic act. Any existing contracts and con-
16 tracting authority shall transition to the Idaho state department of agri-
17 culture by September 29, ~~2019~~ 2021. Processors conducting nonretail activ-
18 ities and not subject to registration under section 415 of the federal food,
19 drug and cosmetic act shall not be subject to regulation by the Idaho state
20 department of agriculture pursuant to the provisions of this section. Prior
21 to the Idaho state department of agriculture engaging in the regulation of
22 any activities pursuant to the provisions of this section, the Idaho state
23 department of agriculture, in consultation and cooperation with the depart-
24 ment of health and welfare, shall conduct negotiated rulemaking to provide
25 for the implementation of such regulation.