

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**

**16.02.19 - FOOD SAFETY AND SANITATION STANDARDS FOR FOOD ESTABLISHMENTS  
(THE IDAHO FOOD CODE)**

**DOCKET NO. 16-0219-1501**

**NOTICE OF INTENT TO PROMULGATE RULES - (SECOND) NEGOTIATED RULEMAKING**

**AUTHORITY:** In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 37-121 and 39-1603, Idaho Code.

**MEETING SCHEDULE:** Public meetings on the negotiated rulemaking will be held as follows:

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**ALL MEETINGS WILL BE HELD ON LOCAL TIME**

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**SOUTHWEST DISTRICT HEALTH  
13307 Miami Lane  
Canyon Room (100) and Owyhee Room (101)  
Caldwell 83607**

**MAY 4, 2015  
COTTAGE FOOD RULES  
(3 meetings)  
1st Meeting - 8:00 am - 11:00 am  
2nd Meeting - 12:00 pm - 3:00 pm  
3rd Meeting - 4:00 pm - 7:00 pm**

**MAY 5, 2015  
IDAHO FOOD CODE RULES  
(2 meetings)  
1st Meeting - 9:00 am - 12:00 pm  
2nd Meeting - 12:30 pm - 3:30 pm**

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**TWIN FALLS  
La Quinta Inn  
539 Pole Line Road  
Sawtooth South Room  
Twin Falls, ID 83301**

**MAY 6, 2015  
COTTAGE FOOD RULES  
(3 meetings)  
1st Meeting - 8:00 am - 11:00 am  
2nd Meeting - 12:00 pm - 3:00 pm  
3rd Meeting - 4:00 pm - 7:00 pm**

**MAY 7, 2015  
IDAHO FOOD CODE RULES  
(2 meetings)  
1st Meeting - 9:00 am - 12:00 pm  
2nd Meeting - 12:30 pm - 3:30 pm**

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**EASTERN IDAHO PUBLIC HEALTH  
1250 Hollipark Drive  
Conference Room  
Idaho Falls, ID 83401**

**MAY 11, 2015  
COTTAGE FOOD RULES  
(3 meetings)  
1st Meeting - 8:00 am - 11:00 am  
2nd Meeting - 12:00 pm - 3:00 pm  
3rd Meeting - 4:00 pm - 7:00 pm**

**MAY 12, 2015  
IDAHO FOOD CODE RULES  
(2 meetings)  
1st Meeting - 9:00 am - 12:00 pm  
2nd Meeting - 12:30 pm - 3:30 pm**

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**SOUTHEASTERN IDAHO PUBLIC HEALTH**  
1901 Alvin Ricken Drive,  
Assembly Rooms 1 and 2  
Pocatello, ID 83201

**MAY 13, 2015**  
**COTTAGE FOOD RULES**  
(3 meetings)  
1st Meeting - 8:00 am - 11:00 am  
2nd Meeting - 12:00 pm - 3:00 pm  
3rd Meeting - 4:00 pm - 7:00 pm

**MAY 12, 2015**  
**IDAHO FOOD CODE RULES**  
(2 meetings)  
1st Meeting - 9:00 am - 11:00 am  
2nd Meeting - 11:30 pm - 2:30 pm

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**METHOD OF PARTICIPATION:** Persons wishing to participate in the negotiated rulemaking must do the following:

1. Attend the negotiated rulemaking meetings and participate in the negotiation process;
2. Provide oral or written recommendations, or both, at the negotiated rulemaking meetings;
3. Submit written recommendations and comments to this address on or before May 29, 2015:

Patrick Guzzle, Food Protection Program Manager  
Idaho Department of Health and Welfare  
450 W. State Street - 4th Floor  
P.O. Box 83720, Boise, ID 83720-0036

**DESCRIPTIVE SUMMARY:** The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

These rules govern food safety standards in Idaho which currently are based on the 2001 FDA Food Code. The Department intends to update these rules to be based on current industry practices provided in the 2013 FDA Food Code. Negotiations are being held for input from businesses within Idaho's retail food establishments, that will bring the Idaho Food Code to current best practices with the 2013 FDA Food Code. The Department intends to negotiate rules regarding the standards for management level staff and their knowledge of food safety practices, communicable disease prevention, and control within food establishments as provided in the 2013 FDA Code.

There will be separate negotiated rulemaking meetings to discuss the "Cottage Foods Industry" or "Home Kitchen Operations" and how Idaho addresses these types of business models to provide a safe food supply to Idaho citizens. The Department intends to solicit information from stake holders to implement consistent standards and interpretations throughout Idaho.

**CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning this negotiated rulemaking, contact Patrick Guzzle at (208) 334-5938. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Department's web site at the following web address: [www.foodsafety.idaho.gov](http://www.foodsafety.idaho.gov)

All written comments on the negotiated rules must be directed to the contact person above and must be delivered on or before May 29, 2015.

DATED this 3rd Day of April, 2015.

Tamara Prisock  
Tel: (208) 334-5500  
Fax: (208) 334-6558  
E-Mail: [dhwrules@dhw.idaho.gov](mailto:dhwrules@dhw.idaho.gov)

DHW - Administrative Rules Unit  
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P.O. Box 83720  
Boise, ID 83720-0036