



**Connecticut Department of Public Health**

**Testimony Presented Before the Public Health Committee**

**February 24, 2016**

**Commissioner Raul Pino, M.D., M.P.H.  
860-509-7101**

**House Bill # 5212 An Act Concerning Licensing of Food Vendors**

The Department of Public Health (DPH) is opposed to House Bill # 5212.

At this time, licensing of foodservice vendors falls under the jurisdiction of the individual local health departments and municipality where the vendor operates. This bill will have a significant negative impact on local health departments that utilize licensing fees to support their food protection program activities including those associated with conducting plan reviews, pre-operational inspections, compliance inspections, as well as enforcement actions to address observed violations. As a result of the loss of licensing fees, the ability of the local health department to conduct the necessary inspections and enforcement activities would be jeopardized and result in increased risk of foodborne illness to the public.

While the local health department may still retain authority to regulate the vendor regardless of which jurisdiction issued the license, this bill may supersede local health departments enforcement procedures, such as fining for reinspections conducted, and suspending or revoking a license, unless explicitly stated by the language in the bill. This bill would create jurisdictional conflicts among the local health departments. Additionally, many towns have specific vendor requirements with regard to planning and zoning and other agencies that may differ from that of the town where the license was issued creating further conflict regarding licensing approval and enforcement.

The language of this bill does not account for the need for a vendor to conduct the exact same operation within additional health jurisdictions as was approved by the licensing health department. Plan reviews are conducted by the licensing authority to determine if the operator is conducting the business in conformance with the Connecticut state regulations. As the bill is written, the additional health departments where the vendor operates would not be involved in this process. Plan review allows the licensing entity and operator to adjust the plan to avoid future conflicts and violations. As part of this plan review there would need to be verification

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that there would be no deviation with regard to the menu and preparation practices regardless of where the vendor operates.

Currently, the DPH does not have the infrastructure to develop and support a state-wide process that will allow for licensure of food vendors and foodservice establishments by reciprocity. Creating such a process would be burdensome on current resources and require IT services at a significant cost to the State. As Governor Malloy stated in his 2016 State of the State Address, we must reset our expectations of what we can afford in light of the new economic reality facing Connecticut. Because an unbudgeted fiscal impact would result from the creation of a new licensure category, the Department cannot support this proposal.

Thank you for your consideration of the DPH's view of this proposal.