

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Councilmember Mary M. Cheh introduced the following bill, which was referred to the Committee on _____.

To require the posting of food inspection reports online; and to require the development of a restaurant grading system.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Restaurant Hygiene Transparency Act of 2011."

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Clearly visible" shall mean:

(A) Posted in the front window of the establishment within five (5) feet of the front door;

(B) Posted in a display case mounted on the outside front wall of the establishment within five (5) feet of the front door; or

(C) Posted in a display case or on the menu board of a food establishment such as a market or grocery store selling prepared food, as determined by the discretion of the Department, to ensure proper notice to the general public and to patrons.

(2) "Department" shall mean the District of Columbia Department of Health.

(3) "Food establishment" shall have the same meaning as in section 25-9901 of the District of Columbia Municipal Regulations.

1 (4) "Food Official Inspection Report" means the written notice prepared and issued by the
2 Department after conducting an inspection of a food establishment to determine compliance with all
3 applicable federal and District laws and regulations relating to the public health.

4 (5) "Grading" means the letter grade issued by the Department at the conclusion of the
5 routine inspection of a food establishment. The grade shall be based upon the scoring method set
6 forth in this act resulting from the inspection report and shall reflect the food establishment's degree
7 of compliance with all applicable federal and District laws and regulations relating to the public
8 health.

9 (6) "Letter Grade Card" means a card that shall be posted by the Department at a food
10 establishment upon completion of a routine inspection indicating the letter grade of the food
11 establishment as determined by the Department using the scoring method set forth under this act.

12 Sec. 3. Electronic posting of food inspection reports.

13 The Department of Health shall make food inspection reports accessible to the general public
14 in an electronic format and posted on its website.

15 Sec. 4. Posting requirements; penalty for non-compliance; documents available for public
16 review.

17 (a) The Department shall develop a grading system for food service establishments where
18 the letters "A", "B", "C", or "F" are assigned to each establishment depending on each food service
19 establishment's degree of compliance with the Food Safety Code as determined in the Food Official
20 Inspection Report.

21 (b) Upon completion of each inspection of a food service establishment, the Department
22 shall assign a grade to the food service establishment in accordance with the finding of the Food
23 Official Inspection Report.

24 (c) The letter grade for each food service establishment shall be posted on the premises of
25 the food service establishment in accordance with subsection (d).

1 (d)(1) The letter grade shall be posted so as to be clearly visible.

2 (2) In the event that a food service establishment operates in the same building or
3 space as a separately licensed or permitted food service establishment, or in the event that a food
4 service establishment shares a common patron entrance with such a separately licensed or permitted
5 business, such as a shopping mall food court, the Department shall post the Letter Grade Card in the
6 initial patron contact area, on the menu board or counter of the establishment, or in a location as
7 determined in the discretion of the Department to ensure proper notice to the general public.

8 (e) The Letter Grade Card shall not be defaced, marred, camouflaged, hidden, or removed.
9 It shall be unlawful to operate a food service establishment unless the Letter Grade Card is in place
10 as set forth hereunder. Removal of the Letter Grade Card is a violation of this chapter and may result
11 in the suspension or revocation of the public health permit and shall be punishable as specified in
12 section 25-4720 of the District of Columbia Municipal Regulations.

13 (f) In the event that the Letter Grade Card is stolen, the food service establishment shall
14 notify the Department within 24 hours from the time that the food service establishment knew or
15 should have known about the theft of the Letter Grade Card. The Department shall make available a
16 replacement Letter Grade Card within one business day from the date of a request. Failure to request
17 a replacement card within 24 hours of the theft of the Letter Grade Card is a violation of this chapter
18 and may result in the suspension or revocation of the public health permit and shall be punishable as
19 specified in section 25-4720 of the District of Columbia Municipal Regulations.

20 (g) The Food Official Inspection Report upon which the Letter Grade Card is based and all
21 subsequent reports issued by the Department shall be maintained at the food service establishment
22 and shall be available to the general public for review upon request. The food service establishment
23 shall keep the Food Official Inspection Report until such time as the Department completes the next
24 routine inspection of the establishment and issues a new Food Official Inspection Report.

1 (h) A Letter Grade Card shall remain valid until such time as the Department completes the
2 next routine inspection of the food service establishment and issues a new Food Official Inspection
3 Report.

4 Sec. 4. Letter Grade Card; right of appeal.

5 (a) A food service establishment may contest the results of a Food Official Inspection Report
6 by filing a written request for re-inspection within seven (7) calendar days after receipt of the Letter
7 Grade Card. The written request for re-inspection must show cause why the Letter Grade Card
8 awarded is inappropriate. Failure to request a re-inspection within seven (7) calendar days after
9 receipt of the Letter Grade Card shall be deemed a waiver of the right to re-inspection.

10 (b) A re-inspection granted under this chapter shall be performed within fifteen (15) calendar
11 days of the receipt of a proper request for re-inspection.

12 Sec. 5. Rulemaking.

13 Within 120 days of the enactment of the Restaurant Hygiene Transparency Act of 2011, the
14 Mayor shall promulgate rules to implement this act.

15 Sec. 6. Fiscal impact statement.

16 The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal
17 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
18 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

19 Sec. 7. Effective date.

20 This act shall take effect following approval by the Mayor (or in the event of veto by the
21 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
22 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24,
23 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia
24 Register.