



Hundredth Legislature - First Session - 2007  
**Introducer's Statement of Intent**  
**LB 74**

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**Chairperson:** Philip Erdman  
**Committee:** Agriculture  
**Date of Hearing:** January 23, 2007

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 74 amends the Nebraska Pure Food Act to incorporate the 2005 recommendations of the United States Public Health Service, Food and Drug Administration (2005 Food Code). The Food Code provides model regulatory standards pertaining to food preparation, storage, presentation and sanitation practices of retail food establishments. The Code is periodically updated to incorporate regulatory experience and advancements in the knowledge of mitigating risk factors for foodborne illness. The Nebraska Pure Food Act currently incorporates the 2001 Food Code.

The bill would also raise maximum fees paid by food establishments to allow the department's inspection program to continue at the current level while maintaining the overall funding mix of approximately 50% general funds and 50% cash funds. Certain fee setting and cash fund management principles first made a part of the Pure Food Act by enactment of LB 250 in 2003 are continued to avoid excessive cash fund buildup while maintaining sufficient resources to carry out the Department of Agriculture's regulatory responsibilities relating to food establishments. Overall, the new fees will generate an increase in cash funds which is needed to account for inflation that has occurred since fees were last statutorily set and to maintain an equitable allocation of costs between the cash fund and general funds. The bill has an emergency clause and an operative date of July 1, 2007, so that the new fees may be assessed this year.

The bill adds a definition for itinerant food vendor to clarify the difference between this type of operation and a 'Convenience Store'. An Itinerant Vendor is one that provides prepackaged foods from temporary locations while a Convenience Store is a fixed location.

**Principal Introducer:**

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**Senator Philip Erdman**