

2018 General Assembly Legislation CHANGES TO FOOD ESTABLISHMENT PERMIT EXEMPTIONS AT BED AND BREAKFAST OPERATIONS

House Bill 552 (HB 552), passed during the 2018 General Assembly Session, exempts certain bed-and-breakfast operations from the requirements of obtaining a food establishment permit and expands the type of food service a bed-and-breakfast operation can provide in limited circumstances. This change is effective July 1, 2018. This guide will provide an overview of how this change will affect bed-and-breakfast operators.

What's New...?

Bed-and-breakfast operation now means, “a residential-type establishment that provides (i) two or more rental accommodations for transient guests and food service to a maximum of 18 transient guests on any single day for five or more days in any calendar year or (ii) at least one rental accommodation for transient guests and food service to a maximum of 18 transient guests on any single day for 30 or more days in any calendar year.”

Bed-and-breakfast operations are not limited to serving breakfast. HB 552 removes the limitation that breakfast is the only meal offered. Meal service is allowed at any time under certain conditions.

Am I Exempt From Obtaining a Food Establishment Permit?

A bed-and-breakfast operation is *not* required to obtain a food establishment permit when...

- the premises of the bed-and-breakfast operation is owner occupied or owner-agent occupied;
- the bed-and-breakfast operation prepares food for, and offers food only to, individuals who are guests of the bed-and-breakfast ;
- 18 guests or less are served at the bed-and-breakfast operation on any given day; and
- the bed-and-breakfast operation informs guests, in a manner outlined in the Food Regulations (12VAC5-421 et seq.), that the food is prepared in a kitchen not permitted as a food establishment.

Prior to renewal of your food establishment permit, local health department staff will conduct an inspection. If it is determined, the bed-and-breakfast operation meets the exemption requirements and a food establishment permit is not required, the bed-and-breakfast operation may opt **not to renew** their permit.

Bed-and-breakfast operations that do not meet the exemption may require:



... the employment of a certified food protection manager after July 1, 2018.



... renovations to meet building code requirements such as fire safety provisions.



... compliance with requirements outlined in local ordinance in addition to those in the Food Regulations.

It is the responsibility of the bed-and-breakfast operator to comply with applicable state laws, regulations, or local ordinances governing food service.

If you have additional questions regarding this change please contact <insert contact information of local health department>