

1 SB137
2 202808-1
3 By Senator Whatley
4 RFD: Agriculture, Conservation and Forestry
5 First Read: 06-FEB-20

SYNOPSIS: Under current law, vending machines are regulated by the Department of Agriculture and Industries, and certain items sold via unattended self-checkout establishments, commonly known as micro markets, may fall under the regulatory authority of the Department of Public Health.

This bill would exempt micro markets and vending machines offering certain types of food from regulation by the Department of Public Health. Vending machines and micro markets would instead be regulated by the Department of Agriculture and Industries.

A BILL
TO BE ENTITLED
AN ACT

Relating to self-service food vendors; to define micro markets and vending machines; to exempt vending machines and certain micro markets from the regulatory authority of the

1 Department of Public Health; and to authorize the Department
2 of Agriculture and Industries to regulate micro markets and
3 vending machines.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. For purposes of this act, the following
6 terms shall have the following meanings:

7 (a) MICRO MARKET. An unstaffed, self-checkout retail
8 food service facility that does all of the following:

9 (1) Includes one or more micro market displays.

10 (2) Has an automated payment kiosk or other device
11 designed to accept electronic payments that is operated by the
12 consumer.

13 (3) Is located indoors and within a separate
14 business.

15 (4) Is generally accessible only to individuals
16 within the building in which the food service facility is
17 located.

18 (b) MICRO MARKET DISPLAY. The place where the food
19 being sold by a micro market is displayed, including any of
20 the following:

21 (1) An open rack.

22 (2) A refrigerator, refrigerated cooler, or freezer
23 that has an automated self-locking feature that prevents a
24 consumer from accessing the food on the occurrence of any
25 condition that results in the failure of the refrigerator,
26 refrigerated cooler, or freezer.

27 (3) A vending machine.

1 (4) A beverage dispenser.

2 (5) A single-serve coffee brewer.

3 (c) VENDING MACHINE. A self-service machine that,
4 upon insertion of a coin, paper currency, token, card, or key,
5 or by optional manual operation, dispenses servings of food in
6 bulk or in packages, or prepared by the machine, without the
7 necessity of replenishing the machine between each vending
8 operation.

9 Section 2. Notwithstanding any provision of law to
10 the contrary, the regulatory authority provided to the
11 Department of Public Health shall not apply to the regulation
12 of a micro market or vending machine or to any food and
13 beverages sold by a micro market or vending machine as defined
14 in this act.

15 Section 3. Except as provided in Sections 11-51-98,
16 20-1-7, 21-1-41, and 40-12-176, Code of Alabama 1975, and as
17 otherwise provided by general and local law, the Department of
18 Agriculture and Industries shall regulate micro markets and
19 vending machines.

20 Section 4. This act shall become effective on the
21 first day of the third month following its passage and
22 approval by the Governor, or its otherwise becoming law.