



Signature Report

March 12, 2008

R&R

Proposed No. BOH08-01.1

1 An amendment relating to the protection of the public
2 health through the nutrition labeling of food; amending
3 BOH R&R 07-01, Section 1, and BOH 5.10.005, BOH
4 R&R 07-01, Section 2, and BOH 5.10.015 and BOH R&R
5 07-01, Section 3, and BOH 5.10.025 and adding new
6 sections to BOH chapter 5.10; enacted pursuant to RCW
7 70.05.060, including the latest amendments or revisions
8 thereto; and declaring an emergency.

9
10 BE IT ADOPTED BY THE KING COUNTY BOARD OF HEALTH:

11 SECTION 1. Findings:

12 A. On July 19, 2007, the King County Board of Health adopted BOH R&R 07-
13 01, a rule and regulation relating to the protection of public health through the nutrition
14 labeling of food.

15 B. BOH R&R 07-01 requires chain food establishments to provide nutrition
16 information through labeling on menus and menu boards.

17 C. BOH R&R 07-01 takes effect August 1, 2008.

18 D. Three bills related to nutrition labeling in restaurants were introduced in the
19 senate during the 2008 Regular Session of the Washington state legislature and referred
20 to the senate health and long-term care committee. Senate Bill 6505, concerning
21 nutrition labeling of food, would apply menu labeling regulations similar to BOH R&R
22 07-01 statewide. Senate Bill 6786, creating a legislative task force on menu labeling,
23 would study current efforts on menu labeling around the state and the country. Senate
24 Bill 6659, addressing the availability of nutrition information, would require chain food
25 establishments to make nutrition information available upon request and would make null
26 and void BOH R&R 07-01. The bill would also prohibit local boards of health statewide
27 from adopting rules and regulations regarding menu labeling or nutrition information.

28 E. One bill related to nutrition labeling in restaurants was introduced in the house
29 of representatives during the 2008 Regular Session of the Washington state legislature
30 and referred to the house of representatives commerce and labor committee. House Bill
31 3160, addressing the availability of nutrition information, a companion to Senate Bill
32 6659, would require chain food establishments to make nutrition information available
33 upon request and would make null and void BOH R&R 07-01. The bill would also
34 prohibit local boards of health statewide from adopting rules and regulations regarding
35 menu labeling or nutrition information.

36 F. House Bill 3160 was amended and passed out of the house of representatives
37 commerce and labor committee as Substitute House Bill 3160 on February 7, 2008.

38 G. Substitute House Bill 3160 was amended and passed out of the senate rules
39 committee as Engrossed Substitute House Bill 3160 on February 19, 2008.

40 H. Engrossed Substitute House Bill 3160 was adopted by the house of
41 representatives on February 19, 2008. As amended, Engrossed Substitute House Bill
42 3160 would establish a state legislative task force on nutrition information disclosure and
43 place a moratorium on enforcement of BOH R&R 07-01 until April 26, 2009. The bill
44 would also prohibit local boards of health from adopting rules and regulations regarding
45 menu labeling or nutrition information disclosure until April 26, 2009.

46 I. Engrossed Substitute House Bill 3160 was referred to the senate government
47 operations and elections committee on February 21, 2008.

48 J. The King County Board of Health held a regular meeting on February 21,
49 2008. The board was briefed on the various bills and actions in the state legislature with
50 regard to menu labeling and nutrition information disclosure and the possibility that the
51 State could make BOH R&R 07-01 null and void or place a moratorium on its
52 enforcement.

53 K. The senate government operations and elections committee amended
54 Engrossed House Substitute Bill 3160 to remove the moratorium on local rules and
55 regulations and passed it on February 29, 2008.

56 L. The amended bill was placed on second reading in the senate rules committee
57 on March 5, 2008.

58 M. Before any final action that might be taken in the senate on Engrossed
59 Substitute House Bill 3160, the committee or the full senate could choose to amend the
60 bill to place in it provisions which would make null and void BOH R&R 07-01 or would
61 prohibit local boards of health from enacting or enforcing local rules and regulations
62 regarding menu labeling and nutrition information disclosure.

63 N. During hearings on House Bill 3160 on February 7, 2008, the house of
64 representatives commerce and labor committee heard testimony on House Bill 3160.
65 Representatives of the Washington Restaurant Association and Motion Picture Exhibitors
66 testified in support of the bill. Representatives of King County, the King County Board
67 of Health, the Washington state Board of Health, the Washington Association of
68 Counties, the Washington Association of Local Public Health Officials, the Washington
69 Association of Local WIC Agencies, the American Diabetes Association and the
70 American Heart Association testified in opposition to the bill.

71 O. The chair of the house of representatives commerce and labor committee
72 requested that representatives from King County and the Washington Restaurant
73 Association lead an effort to negotiate an agreement among the parties in support and in
74 opposition of the bill.

75 P. The parties met several times beginning on February 14, 2008.

76 Q. The meetings resulted in an agreement that was executed on March 8, 2008,
77 among the chair of the King County Board of Health, the director of the Seattle-King
78 County department of health and the Washington Restaurant Association.

79 R. In the agreement, the Washington Restaurant Association agrees to request
80 that the state legislature not take action on Engrossed Substitute House Bill 3160 and
81 agrees to not be a party to any lawsuit directed at King County regarding rules and
82 regulations established by the King County Board of Health on nutrition labeling in chain
83 food establishments.

84 S. In the agreement, the chair of the King County Board of Health commits to
85 holding a meeting before the end of the 2008 Regular Session of the Washington state

86 legislature to take action on amendments to BOH R&R 07-01 as negotiated with the
87 Washington Restaurant Association.

88 T. The last day of the 2008 Regular Session of the Washington state legislature is
89 Thursday, March 13, 2008.

90 U. A special meeting of the King County Board of Health is scheduled for March
91 12, 2008, in order to comply with the agreement.

92 V. The King County Board of Health finds that immediate action is necessary
93 under the emergency provisions of the King County Board of Health operating rules to
94 comply with the agreement and to avoid action by the state legislature that would make
95 null and void BOH R&R 07-01 or place a moratorium on its enforcement.

96 W. The King County Board of Health intends to take action on the provisions of
97 this rule and regulation under its regular rulemaking authority at its April 17, 2008,
98 regular meeting.

99 SECTION 2. BOH R&R 07-01, Section 1, and BOH 5.10.005 are each hereby
100 amended to read as follows:

101 **Chapter definitions.** In addition to the definitions in BOH ((C))chapter 5.04, the
102 definitions in this section apply throughout this chapter unless the context clearly requires
103 otherwise.

104 A. "Chain food establishment" means any one of at least ((ten)) fifteen food
105 establishments within the United States doing business under the same name and
106 collectively having at least one million dollars in gross annual sales and offering for sale
107 substantially the same menu items, regardless of whether the food establishments are subject
108 to the same ownership or type of ownership. For the purposes of this chapter, "chain food

109 establishment" excludes grocery stores and convenience stores. "Chain food establishment"
110 includes any chain food establishment located within another business, regardless of
111 whether that business is also a chain food establishment or grocery store or convenience
112 store.

113 B. "Condiment" means a sauce or seasoning including but not limited to ketchup,
114 mustard, hot sauce, tartar sauce and similar items offered for general use with or without
115 charge.

116 C. "Menu" means a printed list or pictorial display of a food item or items
117 available for sale from a food establishment and includes menus distributed or provided
118 outside of the establishment for purposes of ordering. "Menu" does not include printed
119 or pictorial materials posted in establishments for the purpose of marketing.

120 D. "Menu board" means any list or pictorial display of a food item or items
121 posted in and visible within a food establishment or outside of a food establishment for
122 the purpose of ordering. "Menu board" does not include printed or pictorial materials
123 posted in establishments for the purpose of marketing.

124 E. "Point of ordering" means the location at a chain food establishment where
125 consumers place their orders for menu items.

126 F. "Reasonable basis" or "reasonable bases" means any reliable and verifiable
127 calorie and nutrient analysis of a standard menu item, which may include the use of
128 calorie and nutrient databases, cookbooks, laboratory analyses and other reliable and
129 verifiable methods of analysis.

130 G. "Standard menu item" means food offered for sale for more than ((sixty))
131 ninety days per year(~~(, except for foods offered in a salad bar, buffet line, cafeteria~~

132 ~~service or similar self-serve arrangement, and condiments))~~ and includes only those items
133 served in at least fifteen locations of a chain. "Standard menu item" does not include:

134 1. Food offered for sale identified only by one or more food tags. "Food tags"
135 means labels or tags that identify any food item displayed for sale such as in a display
136 case;

137 2. Unopened prepackaged foods;

138 3. Condiments;

139 4. Unique or location-specific food or meal items offered at fewer than fifteen
140 locations of a chain;

141 5. Foods offered in a salad bar, buffet line, cafeteria service or similar self-serve
142 arrangement. "Similar self-serve arrangement" means a food service location where
143 consumers may themselves take foods from a counter, display case or hot or cold holding
144 containers;

145 6. Foods served by weight or custom-ordered quantity;

146 7. Customized orders requested by consumers that change the standard menu
147 item;

148 8. Garnishes, such as a slice of lemon or a sprig of parsley.

149 H. "Standard recipe" means a recipe or formula used in preparing a menu item or
150 meal that is consistent from one establishment to the next in a chain.

151 I. "Substantially the same menu items" means eighty percent or more of the menu
152 items served in at least fifteen locations of a chain food establishment are the same and are
153 prepared using a standard recipe. Beverages that are prepared on site using a chain's
154 standard recipe are to be included as menu items for the purposes of calculating whether a

155 chain food establishment meets the definition of serving substantially the same menu items.

156 Other types of beverages are not included in this calculation.

157 SECTION 3. BOH R&R 07-01, Section 2, and BOH 5.10.015 are each hereby
158 amended to read as follows:

159 **Food nutrition labeling requirements.**

160 A. Nutrition labeling of food required. Each chain food establishment shall make
161 nutrition labeling of food available to consumers for all standard menu items as required
162 by this ~~((section))~~ chapter. The nutrition labeling of food shall include, but not be limited
163 to, the total number of calories and nutrients as follows, per standard menu item, as
164 usually prepared and offered for sale, including condiments routinely added to a menu
165 item as part of a standard recipe:

- 166 1. Total number of calories;
- 167 2. ~~((Total number of grams of trans fat;~~
- 168 ~~3-))~~ Total number of grams of saturated fat;
- 169 ~~((4-))~~ 3. Total number of grams of carbohydrate; and
- 170 ~~((5-))~~ 4. Total number of milligrams of sodium.

171 B. Nutrition labeling of food on menus. Each chain food establishment that
172 provides a menu shall provide the nutrition labeling of food required under subsection A,
173 of this section next to each standard menu item on the menu. The nutrition labeling shall
174 be easily readable, in a ~~((size and))~~ typeface similar to other information about each
175 standard menu item, and in a font no less than nine point. The menu shall include, in a
176 clear and conspicuous manner, the following statement: "~~Recommended limits for a~~
177 2,000-calorie daily diet For a typical adult who consumes 2,000 calories a day, the

178 recommended limits are 20 grams of saturated fat and 2,300 milligrams of sodium."
179 ~~((Each chain food establishment offering standard menu items containing artificial trans~~
180 ~~fat shall addend the statement to include: "Eating artificial trans fat increases risk of heart~~
181 ~~disease."))~~

182 C. Nutrition labeling of food on menu boards. Each chain food establishment
183 that uses a menu board shall post on the menu board the total number of calories per
184 standard menu item. The nutrition labeling shall be in a size that is easily readable and a
185 typeface similar to other information on the menu board about the item. This type of
186 chain food establishment shall make the other nutrition labeling of food required under
187 subsection A. of this section and the statement under subsection B. of this section
188 available on printed menus, pamphlets, brochures, posters or similar documents that are
189 plainly visible to consumers at the point of ordering.

190 D. Other methods of providing nutrition information. In lieu of the placement
191 requirements for nutrition labeling in sections B. and C. of this section, a chain food
192 establishment may provide nutrition labeling through an approved alternative or approved
193 substantially equivalent method as described in section 4 or section 5 of this regulation.

194 E. Additional nutrition labeling of food permitted. Nothing in this section
195 precludes food establishments from providing additional nutrition labeling of food
196 voluntarily.

197 ~~((E. Substantially equivalent methods of providing notice to consumers of~~
198 ~~nutrition information. The health officer may allow chain food establishments to provide~~
199 ~~nutrition labeling of food in a format that, in the discretion of the health officer, provides~~

200 substantially equivalent notice to consumers, at the point of ordering, of nutrition
201 information as is required by subsections B or C of this section.))

202 F. Standards for calorie and nutrient analysis. Chain food establishments shall
203 perform or obtain the required calorie and nutrient analysis using reasonable bases ((;
204 including nutrient data bases, cookbooks, or other analyses that assure the accuracy of the
205 nutrition labeling)). Calorie and nutrient analysis using reasonable bases is required once
206 per standard food item, provided that portion size is reasonably consistent and the food
207 service establishment follows a standard recipe and trains to a consistent method of
208 preparation. Chain food establishment owners or operators shall provide to the health
209 officer, if requested, ((information documenting the accuracy of the nutrition labeling
210 provided to consumers)) documentation of the reasonable bases of calorie and nutrient
211 analysis for purposes of enforcement of this regulation. ((A nutrition label shall be
212 deemed out of compliance with this section if it bears, for calories or any nutrient for
213 which labeling is required under subsection A of this section, a total number value that is
214 more than twenty percent lower or higher than nutrient analysis shows as the content of
215 the menu item.))

216 G. Disclaimer for nutrition content variation. The nutrition labeling of food
217 required under subsection A₂ of this section may be presented with a disclaimer stating
218 that there may be variations in nutrition content across servings, based on slight
219 variations in overall serving size or quantity of ingredients, or based on special ordering.

220 H. Identification of chain food establishment status. Each food establishment
221 shall identify whether or not it is a chain food establishment by a method approved by the
222 health officer.

223 NEW SECTION. SECTION 4. There is hereby added to BOH chapter 5.10 a
224 new section to read as follows:

225 **Approved alternative methods of nutrition labeling.**

226 A. Approved alternative methods of nutrition labeling for chain food
227 establishments that provide menus. A chain food establishment that provides a menu
228 may provide nutrition labeling through one of the approved alternative methods listed in
229 this subsection in lieu of the placement requirements in BOH 5.10.015.B., but only if a
230 statement clearly and prominently appears on each page of the menu stating the location
231 and specific method through which nutrition information is available and only if the
232 alternative method of nutrition labeling is available at each point of ordering.

233 1. Approved alternative methods for nutrition labeling on the menu are:

234 a. a menu insert. A menu insert shall be placed within each menu or shall be
235 presented by the server with the menu. A menu insert shall provide the nutrition
236 information required by this chapter next to each standard menu item. The nutrition
237 information shall be easily readable and in a font no less than nine point. A menu insert
238 shall list food categories and food items in the same order as these appear on the menu.
239 A menu insert is not required to contain photos or menu item descriptions that appear on
240 the menu;

241 b. a menu appendix. A menu appendix shall be attached in the back of the
242 menu. A menu appendix shall provide the nutrition information required by this chapter
243 next to each standard menu item. The nutrition information shall be easily readable and
244 in a font no less than nine point. A menu appendix shall list food categories and food

245 items in the same order as these appear on the menu. A menu appendix is not required to
246 contain photos or menu item descriptions that appear on the menu;

247 c. a supplemental menu. A supplemental menu similar in general appearance
248 to the menu shall be available at each point of ordering or shall be presented by the server
249 with the menu. A supplemental menu shall provide the nutrition information required by
250 this chapter next to each standard menu item. The nutrition labeling shall be easily
251 readable, in a typeface similar to the menu, and in a font no less than nine point. A
252 supplemental menu shall list food categories and food items in the same order as these
253 appear on the menu. A supplemental menu is not required to contain photos or menu
254 item descriptions that appear on the menu; and

255 d. electronic kiosks. An electronic kiosk shall be available at each point of
256 ordering. An electronic kiosk shall provide the nutrition information required by this
257 chapter for each standard menu item. The nutrition labeling shall be easily readable and
258 shall be presented in a manner such that consumers can easily view in one place and
259 compare nutrition information for similar menu items. An electronic kiosk shall present
260 food categories and food items in the same order as they appear on the menu.

261 2. Each of the approved alternative methods for nutrition labeling on the menu
262 shall include, in a clear and conspicuous manner, the following statement: "For a typical
263 adult who consumes 2,000 calories a day, the recommended limits are 20 grams of
264 saturated fat and 2,300 milligrams of sodium."

265 3. A chain food establishment that provides a menu and uses an approved
266 alternative method for nutrition labeling on the menu shall also provide consumers in the

267 establishment who are ordering menu items for carryout with access to nutrition labeling
268 that is equivalent to that provided for all other consumers.

269 B. Approved alternative methods of nutrition labeling for chain food
270 establishments that use menu boards. A chain food establishment that uses a menu board
271 may provide nutrition labeling through one of the approved alternative methods listed in
272 this subsection in lieu of the placement requirements in BOH 5.10.015.C.

273 1. Approved alternative methods for labeling of calories. A chain food
274 establishment may use one of the following approved alternative methods in lieu of
275 posting calorie information on menu boards, but only if the chain food establishment
276 provides the other nutrition labeling in accordance with the provisions for nutrient
277 labeling in this chapter.

278 a. a sign adjacent to the menu board. A sign adjacent to the menu board shall
279 appear on the same wall as the menu board and shall be in the same field of vision as the
280 menu board viewed by consumers at the point of ordering. A sign adjacent to the menu
281 board shall provide the calorie labeling required by this chapter next to each standard
282 menu item. A sign adjacent to the menu board shall be easily readable and shall list food
283 categories and food items in the same order as these appear on the menu board; and

284 b. a sign in queue at eye level. A sign in queue at eye level shall be no less
285 than two feet by three feet and shall be in clear view to consumers in queue, whether
286 standing or in a drive-through, before the point of ordering. A sign in queue shall provide
287 the calorie labeling required by this chapter next to each standard menu item. A sign in
288 queue shall be easily readable, in a typeface similar to the menu board, and in a font no
289 less than forty point.

290 2. Approved alternative method for providing nutrition information other than
291 calories to consumers in a drive-through. A chain food establishment may provide the
292 other nutrition labeling to consumers in queue in a drive-through at the first window of
293 the drive-through or at another location where it is easily accessible to drive-through
294 consumers in lieu of the requirement in BOH 5.10.015.C. that it be plainly visible to
295 consumers at the point of ordering, but only if the chain food establishment provides
296 calorie labeling to consumers in a drive-through in accordance with the provisions for
297 calorie labeling in this chapter.

298 C. Other approved alternative methods of nutrition labeling.

299 1. Approved alternative method of nutrition labeling for alcoholic beverages.
300 An approved alternative method for nutrition labeling of each alcoholic beverage is to
301 collectively label alcoholic beverages in a clear and prominent position using the average
302 nutritional values for beers, wines and spirits. Nutrition labeling of alcoholic beverages
303 collectively shall otherwise be in accordance with the provisions for calorie and nutrient
304 labeling in this chapter.

305 a. Chain food establishments that collectively label alcoholic beverages shall
306 use the following average nutritional values:

307 (1) wine – 5 ounces: 122 calories; 4 grams carbohydrate; 7 milligrams
308 sodium;

309 (2) regular beer – 12 ounces: 153 calories; 13 grams carbohydrate; 14
310 milligrams sodium;

311 (3) light beer – 12 ounces: 103 calories; 6 grams carbohydrate; 14 milligrams
312 sodium; and

313 (4) distilled spirits (80 proof gin, rum, vodka, or whiskey) – 1.5 ounces: 96
314 calories.

315 b. Chain food establishments that collectively label alcoholic beverages may
316 add to the nutrition labeling the following statement: "Signature drinks or liqueurs with
317 added ingredients may increase caloric content."

318 2. Approved alternative method of nutrition labeling for combination meals that
319 are posted on a menu board. A combination meal means a standard menu item that is
320 comprised of two or more food items with options of food items. Chain food
321 establishments may use the following approved alternative method of nutrition labeling
322 for combination meals that are posted on a menu board. An approved alternative method
323 for nutrition labeling of calories and nutrient values for each possible combination of
324 food items offered in a combination meal is to provide nutrition labeling for a
325 combination meal that uses a range of the lowest and highest values of calorie and
326 nutrient content among all possible combinations of food items offered in a combination
327 meal. Nutrition labeling using calorie and nutrient ranges shall otherwise be in
328 accordance with the provisions for calorie and nutrient labeling in this chapter.

329 NEW SECTION. SECTION 5. There is hereby added to BOH chapter 5.10 a
330 new section to read as follows:

331 **Approval process for proposed substantially equivalent methods of nutrition**
332 **labeling.**

333 A. A chain food establishment may propose a method of nutrition labeling not
334 otherwise identified in BOH chapter 5.10 for approval by the health officer as a
335 substantially equivalent method for use in lieu of requirements in BOH 5.10.015.B or C.

336 A chain food establishment shall obtain approval from the health officer of any proposed
337 substantially equivalent method for nutrition labeling before implementation.

338 B. A chain food establishment shall seek approval of a proposed substantially
339 equivalent method by submitting a written proposal to the health officer that
340 demonstrates how the proposed method is expected to allow for consumers at the point of
341 ordering to:

- 342 1. Perceive that nutrition information is readily available;
- 343 2. Encounter nutrition information routinely and automatically; and
- 344 3. Access nutrition information in a manner that does not interrupt the normal
345 flow of business.

346 C. The written proposal shall include documentation of at least one of the
347 following:

- 348 1. Sample nutrition labeling materials or other documents such as photographs
349 that demonstrate that the form in which nutrition information would be provided to
350 consumers is substantially equivalent to BOH 5.10.015.B. or C.
- 351 2. Existing data and other evidence from customer surveys that demonstrate that
352 the proposed nutrition labeling method results in a percentage of consumers who see
353 nutrition information before placing their order that is equal to or higher than the
354 percentage in the menu labeling equivalency benchmark established in accordance with
355 this subsection.

356 a. Customer surveys used to support a proposed substantially equivalent
357 method must be conducted independently by professionals using scientifically valid

358 survey methods, including the use of random sampling methods to conduct customer
359 assessments.

360 b. Pending the results of menu labeling research, the health officer establishes
361 a preliminary menu labeling equivalency benchmark as seventy-five percent or more of
362 consumers see nutrition information in the chain food establishment before placing their
363 orders. The health officer shall collaborate with the restaurant industry in revising the
364 preliminary benchmark based on scientifically valid menu labeling research.

365 3. A plan for evaluation of the proposed method and timeline for the submittal
366 to the health officer of the data and other results of the evaluation. The evaluation plan
367 shall be based on scientifically valid customer surveys that meet the requirements of
368 subsection C.2.a. of this section.

369 D. The health officer may request that additional information be submitted before
370 a proposal is considered for approval.

371 E. The health officer may approve a substantially equivalent method conditional
372 on changes to the proposed method.

373 F. The health officer may limit approval of a substantially equivalent method to
374 use in one chain and for a limited time.

375 G. Where an approved method may be applicable to several chain food
376 establishments, the health officer shall propose these methods to the Board of Health for
377 inclusion in this regulation as approved substantially equivalent methods of nutrition
378 labeling.

379 H. Any changes in form to an approved substantially equivalent method require
380 submittal of a new written proposal and approval by the health officer before
381 implementation.

382 SECTION 6. BOH R&R 07-01, Section 3, and BOH 5.10.025 are each hereby
383 amended to read as follows:

384 **Enforcement – Nutrition labeling.**

385 A. The director of the Seattle-King County department of public health or his or
386 her authorized representative is authorized to enforce the nutrition labeling requirements
387 of this chapter in accordance with the food establishment inspection and other
388 enforcement provisions of BOH chapters 5.02 and 5.60 (~~of this title~~).

389 B. If the health officer questions the accuracy of nutrition labeling for a menu
390 item, the health officer may refer a nutrition professional from the Seattle-King County
391 department of public health to the establishment to review and determine if the nutrition
392 information requires correcting. The health officer shall verify any required corrections
393 at the next regular inspection.

394 C. From August 1, 2008, through December 31, 2008, a chain food establishment
395 shall not be deemed to be in violation of BOH 5.10.015.B. and C. if the establishment
396 provides documentation that it has taken steps to obtain calorie and nutrient analysis of
397 standard menu items and create nutrition labeling on its menus or menu boards.

398 D. From August 1, 2008, through August 1, 2009, a chain food establishment
399 shall not be deemed to be in violation of BOH 5.10.015.B. and C. as it applies to drive-
400 through menu boards.

401 SECTION 7. The King County Board of Health intends to encourage the county
402 and cities and towns in the county to review and streamline, where appropriate, their
403 permitting requirements, including costs, that could apply to signage needed for the
404 purposes of complying with this regulation.

405 SECTION 8. If any provision of this regulation or its application to any person or
406 circumstance is held invalid, the remainder of the regulation or the application of the
407 provision to other persons or circumstances is not affected.

408

409 SECTION 9. The Board of Health finds as a fact and declares that an emergency exists and
410 that the immediate adoption of this regulation is necessary for the preservation of the public
411 health, safety or general welfare, and that the observance of requirements of notice and
412 hearing would be contrary to the public interest.

413 SECTION 10. Sections 2 through 6 of this regulation take effect August 1, 2008.

414

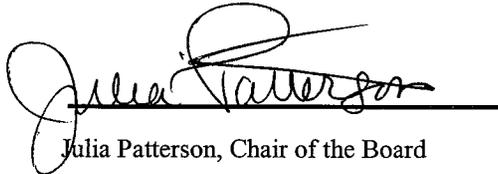
R&R Board of Health 08-01 was introduced on and passed by the Board of Health on 3/12/2008, by the following vote:

Yes: 9 - Mr. Ferguson, Ms. Lambert, Ms. Patterson, Mr. Dunn, Ms. Clark,
Mr. Rasmussen, Ms. Frisinger, Dr. Nicola and Mr. Gossett

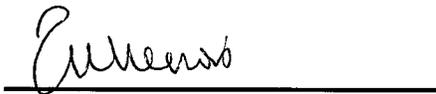
No: 0

Excused: 5 - Mr. von Reichbauer, Mr. Hutchinson, Ms. Manning, Dr. Counts
and Mr. Licata

KING COUNTY BOARD OF HEALTH
KING COUNTY, WASHINGTON


Julia Patterson, Chair of the Board

ATTEST:



Anne Noris, Clerk to the Board

Attachments None