

July 23, 2025

Liz Fordahl, Counsel
North Dakota Legislative Council
State Capitol
Bismarck, ND 58505

RE: Proposed Amendments to N.D. Admin. Code Chapter 33-33-03
Food Vending Rules

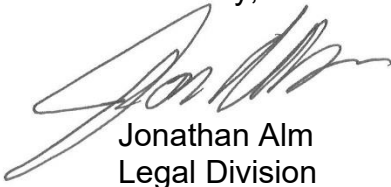
Dear Ms. Fordahl:

Enclosed for filing in the office of the Legislative Council is the Notice of Intent to Amend Administrative Rules concerning the above proposed rules as required by N.D.C.C. section 28-32-10. Also enclosed is a copy of the proposed rules.

We have requested publication of an abbreviated newspaper publication notice once in each official county newspaper which will notify the public that an oral hearing on these rules will be held on Friday, September 12, 2025, beginning at 12:00 p.m. and continuing until 1:30 p.m. or until no further testimony is offered, whichever occurs first.

If you have any questions or concerns, please contact me at 328-2311. Thank you.

Sincerely,



Jonathan Alm
Legal Division

JA/rv

cc: Julie Wagendorf, Food & Lodging
Amy Illg, Food & Lodging
Tim Wiedrich, Health Response & Licensure
Dirk Wilke, Executive Director of Public Health Division

Enclosures

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NOTICE OF INTENT TO AMEND
ADMINISTRATIVE RULES RELATING TO
N.D. ADMIN. CODE CHAPTER 33-33-03
FOOD VENDING RULES

TAKE NOTICE that the North Dakota Department of Health and Human Services will hold a public hearing to address proposed amendments to N.D. Admin. Code chapter 33-33-03 at 12:00 p.m. on Friday, September 12, 2025, in Bismarck, N.D. in Room 210, located on the second floor of the Judicial Wing of the State Capitol.

The proposed amendments to N.D. Admin. Code chapter 33-33-03, Food Vending Rules, are necessary, in part, to comply with the provisions of 2025 House Bill No. 1012.

The proposed changes are as follows:

Section 33-33-03-01 is amended to remove “state department of health” and replace with “department of health and human services”, remove the definition of “potentially hazardous food”, update the definition of “safe temperature”, create a definition for “time and temperature control for safety food”, and update the definition of “vending machine”.

Section 33-33-03-02 is amended to increase the annual license fee for vending machine operators and applicants, establish a plan review fee for vending machine operators and applicants, establish a license application administration fee for vending machine applicants, and update the language and terminology used.

The proposed amendments are not anticipated to have an impact on the regulated community in excess of \$50,000. No taking of real property is involved in this rulemaking action.

Copies of the proposed rules are available for review at the Department of Health and Human Services’ Public Health Division, human service zones, and human service centers/state-operated behavioral health clinics. Copies of the proposed rules and the regulatory analysis relating to these rules, may be requested by telephoning (701) 328-2311. Written or oral data, views, or arguments may be entered at the hearing or sent to: Rules Administrator, North Dakota Department of Health and Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave.,

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Dept. 325, Bismarck, ND 58505-0250. Written data, views, or arguments on the proposed rules must be received no later than 5:00 p.m. on Monday, September 22, 2025.

ATTENTION PERSONS WITH DISABILITIES: If you plan to attend the hearing and will need special facilities or assistance relating to a disability, please contact the Department of Health and Human Services at the above telephone number or address at least two weeks prior to the hearing.

Dated this 23rd day of July, 2025.

July 23, 2025

RE: Proposed Amendments to N.D. Admin. Code chapter 33-33-03
Food Vending Rules

TO WHOM IT MAY CONCERN:

The Department of Health and Human Services is proposing amendments to N.D. Admin. Code chapter 33-33-03, Food Vending Rules. The department has adopted procedures to assure public input into the formulation of the rules prior to adoption.

In conformity with those procedures, we are providing you with a copy of the proposed rules and are requesting that you provide any written data, views, or arguments no later than 5:00 p.m. on Monday, September 22, 2025.

The department has scheduled an oral hearing for Friday, September 12, 2025. Further information concerning the public hearing is included in the attached notice of proposed rulemaking and public hearing.

Your participation is welcomed, as are your suggestions. Please send all written data, views, or arguments to: Rules Administrator, Department of Health and Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Bismarck, ND 58505-0250.

Sincerely,



J. Patrick Traynor
Interim Commissioner

JPT/rv

Enclosures

cc: Liz Fordahl, Legislative Council
Julie Wagendorf, Food & Lodging
Amy Illg, Food & Lodging
Tim Wiedrich, Health Response & Licensure
Dirk Wilke, Executive Director of Public Health Division

OFFICE OF THE COMMISSIONER

GOVERNOR
Kelly Armstrong

INTERIM COMMISSIONER
Pat Traynor