

TCHD Policies and Procedures for the Regulation of Food Establishments

- (1) This rule is authorized by Utah Administrative Code 26-1-30(2), 26-15-2 and 26A-1-114
- (2) The Department shall institute such fees as necessary to implement these rules including, but not limited to :
- (A) annual permits
 - (B) temporary permits
 - (C) food establishment applications §8-302.11
 - (D) plan review §8-201.11
 - (E) late submissions of:
 - (1) application §8-302.11
 - (2) plan review §8-201.11
 - (F) Construction or remodeling without plan approval §8-201.11
 - (G) Operating without a permit §8-301.11
 - (H) Food Handler's Permit
 - (I) Food Handler's Permit classes
 - (J) Registration of certified managers R392-101

- (3) The regulation found in Utah Administrative Code R392-100, Utah's Food Service Sanitation Rule is hereby adopted and incorporated by reference with the following amendments;

1-201.10 Statement of Application and Listing of Terms

(B) Terms Defined:

(31) Food Establishment.

(A) "Food establishment" means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption:

(i) Such as a restaurant; satellite or catered feeding location; catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people; market; vending location; conveyance used to transport people; institution; or food bank; and

(ii) That relinquishes possession of food to a consumer directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

(B) "Food establishment" includes:

(i) An element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location *unless the vending or feeding location is permitted by the regulatory authority*; and

(ii) An operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off the premises; and regardless of whether there is a charge for the food, except as provided for in (31) (c) below;

(C) “Food Establishment” does not include:

- (i) An establishment that offers only prepackaged foods that are not potentially hazardous;
- (ii) A produce stand that only offers whole, uncut fresh fruits and vegetables;
- (iii) A food processing plant;
- (iv) A private home where food is prepared or served for private family, religious, or charitable functions where the public is not invited;
- (v) The premises of a church, temple or synagogue where food is normally prepared or served only for private family, religious or charitable functions to which the public (other than members of the church, temple, or synagogue) is not invited;
- (vi) Deleted;
- (vii) A private home that receives catered or home-delivered food; or
- (viii) A noncommercial affair providing foods with a water activity level of 0.85 or less and where a bright colored placard is conspicuously placed stating, “The baked goods (or other particular food) displayed have been prepared in a private home or kitchen not inspected or regulated by TriCounty Health Department.”**
- (ix) An institutional operation with a homestyle common dining area which is licensed for no more than 12 individuals such as a : daycare, retirement home, shelter, long term care facility, custodial youth home, etc.

8-201.11 When Plans Are Required.

A permit applicant or permit holder will submit, to the regulatory authority, properly prepared plans and specifications for review **and consideration for approval in conjunction with the approved fee 30 days prior to:**

- (A) The construction of a food establishment;
- (B) The conversion of an existing structure for use as a food establishment; or
- (C) The remodeling of a food establishment or a change of type of food establishment or food operation as specified in ¶8-302.14(C) if the regulatory authority determines that plans and specifications are necessary to ensure compliance with this Code.

8-201.15 Regulatory Response to Plan/HACCP Plan Submissions

The regulatory authority shall provide a written response to plans submitted as required in §8-201.11 or HACCP Plans submitted as required in §8-201.13. The response shall include, but not be limited to:

- (A) A statement of approval; or**
- (B) A statement of non-approval including the rationale for non-approval.**

8-302.11 Timely Application Submission Before Proposed Opening.

An applicant shall submit an application in conjunction with the approved fee for:

- (A) A Food Establishment Permit at least 30 calendar days before the date planned for opening a food establishment or the expiration date of the current permit for an**

existing facility; (except that a new application need not be submitted if all information remains unchanged from the previous submitted application)
(B) A Temporary Food Establishment Permit at least 10 days prior to the intended date of operation.

8-402.40 Inspection Order to Gain Access.

If denied access to a food establishment for an authorized purpose and after complying with § 8-402.20, the regulatory authority may issue, or apply for the issuance of, an inspection order to gain access as provided under law and may summarily suspend the food establishment permit for failure to comply with ¶8-304.11(f).

8-601-10 Food Safety Manager Certification

To be registered as a Certified Food Safety Manager, in accordance with Utah Administrative Code 26-15A within the jurisdiction of TriCounty Health Department, the person seeking to become a certified manager shall submit:

- (A) a completed application
- (B) the approved fee
- (C) Documentation in the department's prescribed format indicating a passing score on an exam approved under R392-101-5.

8-602.10 Food Handler Permits

All persons working in a food establishment are required to have displayed on the premises a food handler's permit if such persons:

- (A) serve food
- (B) handle food
- (C) prepare food
- (D) wash dishes or food wares or
- (E) clean any portion of the premises where A,B,C or D take place.

8-602.11 Permit Required within 30 Days

An individual required to obtain a Food Handler's Permit under R392-100-8-602-10 shall obtain such permit within 30 days of employment and

- (A) The Food Handler's Permit shall be submitted to the person in charge as is responsible under 2-103.11 and
- (B) thereafter such permit shall be submitted biennially.

8-602.12 Unlawful Employment by a Food Establishment

It shall be unlawful for a food establishment to maintain employment of an individual in a capacity required to have a food handler's permit under §8-602.10 after 30 days without a food handler's permit.

8-602.13 Unlawful Employment by an Individual

It shall be unlawful for any individual to continue in any capacity requiring a food handler's permit as in § 8-602.10 beyond 30 days without a food handler's permit.

8-602.14 Issuance of a Food Handler's Permit

Criteria for issuance of a food handler's permit shall be based on:

(A) Biennial attendance of a Department approved Food Handler's Permit class and successful demonstration of knowledge of acceptable practices in:

- (1) Sanitary preparation, service and storage of food;
- (2) Proper sanitation of equipment and facilities.

(B) Or other department approved means necessary to provide reasonable accommodations in compliance with the American's Disabilities Act.

(C) Food Handler's Permit issued by a local health department in the state of Utah will be considered valid to two years from date of issue.

8-602.15 Examination by a Legally Qualified Physician

The regulatory authority may cause a person engaging in any activity requiring the possession of a Food Handler's Permit of who's activities may be implicated in a food borne illness investigation to:

(A) submit to an examination by a legally qualified physician or

(B) other means necessary for the purpose of determining the presence of a communicable disease suspected as transmitted in a food borne illness outbreak.

8-602.16 Revocation of a Food Handler's Permit

The Food Handler's Permit may be revoked for:

(A) the violation of sanitary practices and proper sanitation as is necessary to maintain in §8-602.14.

(B) or upon diagnosis of any illness specified in 2-201.11(A).

- (i) Except that if the diagnosed food handler can comply with exclusions and restrictions specified in 2-201.12 the permit shall be maintained or

(C) for failure to submit to the requirements specified under §8-602.15

8-602.17 Reinstatement of a Food Handler's Permit

A Food Handler's Permit shall be reinstated with the original date of expiration upon demonstration of correction of cause for revocation such as:

(A) Demonstration of knowledge of acceptable practices as required in 8-602.14 and correction of any violating practices.

(B) Removal of exclusions and restrictions as stated in 2-201.13 imposed according to 2-201.11(A).