

**HENRY COUNTY HEALTH CENTER
REGULATION NO. 98-1
REGULATING THE
OPERATION OF FOOD ESTABLISHMENTS
AND RETAIL FOOD STORES
AND PROVIDING FOR ENFORCEMENT
IN THE COUNTY OF HENRY, STATE OF MISSOURI**

PURPOSE:

To establish up-to-date sanitation standards for food-service establishments and retail food stores designated in section 196.010 and 196.190, RSMO and Missouri regulation 19 CSR 20, using the most current recommendations of the Association of Food and Drug Officials, the Food and Drug Administration and the Missouri Department of Health and Senior Services.

AUTHORITY:

This regulation is enacted pursuant to Section 192.300, RSMO, which provides, in part, as follows:

The county commissions and the county health center boards of the several counties may make and promulgate orders, ordinances, rules or regulations, respectively as will tend to enhance the public health and prevent the entrance of infectious, contagious, communicable or dangerous diseases into such county, but any orders, ordinances, rules or regulations shall not be in conflict with any rules or regulations authorized and made by the department of health and senior services. . . [t]he county commission or county health board of any such county has full power and authority to initiate the prosecution of any action under this section.

Section 1. DEFINITIONS

As used in this regulation the following words and phrases have the following meaning:

1.1. Environmental Public Health Specialist (EPHS). A Person who has graduated from an accredited four year college with major specialization in one or a combination following: biology, chemistry, bacteriology, food science, soil science, sanitary service, or environmental health (or years of experience in qualifying areas may be substituted for deficiencies in the stated education) and taken courses and training required by the Missouri Department of Health and Senior Services.

1.2. Code. Henry County Food Service Regulations, attached hereto as Exhibit A, which are based on the current Missouri Department of Health and Senior Services Regulations and the most recent Food Code of the United States Public Health Service - Food and Drug Administration.

1.3. HCHC. Henry County Health Center.

1.4. Food Establishment. An operation that stores, prepares, packages, processes, serves, vends, or otherwise provides food for sale for human consumption, with these exceptions:

- A. A produce stand that offers only whole, uncut, fresh fruit and vegetables.
- B. A kitchen in a private home if only food that is not potentially hazardous is prepared for sale or service at a function such as a religious or charitable organization's bake sale and if the consumer is informed by a clearly visible placard at the sale location that the food is prepared in a kitchen that is not subject to inspection.

1.5. County Health Officer. The Administrator of the Henry County Health Center.

1.6. Mobile Food Vendor. A vehicle-mounted food service vendor designed to be readily moveable. A mobile food vendor at a fixed location for more than 14 consecutive days or at anything other than a single event is not considered a Temporary Food Vendor.

1.7. Permit. A written authorization issued by the Henry County Health Center which authorizes the operation of a Food Establishment or vendor.

1.8. Person. An association, corporation, individual partnership, other legal entity, government, or governmental subdivision or agency.

1.9. Potentially Hazardous Foods. A food that is natural or synthetic and is capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.

1.10. Retail Food Store. Any establishment or section of an establishment where food and food products are offered to the consumer and intended for off-premise consumption. The term includes delicatessens that offer prepared food in bulk quantities only.

1.11. Seasonal Food Vendor. A food vendor that operates for a period of less than 30 days per six months.

1.12. Temporary Food Vendor. A food vendor that operates for a period of less than 14 consecutive days in conjunction with a single event or celebration.

1.13. Other Definitions. All other definitions as listed in the most current Food Code of the United States Public Health Service - Food and Drug Administration and the most current recommendations of the Association of Food and Drug Officials are adopted for use in enforcement of this regulation.

Section 2. PERMIT APPLICATIONS

2.1. Requirements. A Person may not operate a Food Establishment without a valid Permit to operate issued by HCHC.

2.2. Applications.

- A. An applicant shall submit an application for a Permit at least thirty (30) calendar days before the date planned for opening a new Food Establishment.
- B. A Person desiring to operate a Food Establishment shall submit to HCHC a written application for a Permit on a form provided by HCHC.

Section 3. ISSUANCE OF PERMITS

3.1. New, Converted, or Remodeled Establishments. HCHC may issue a Permit to an applicant after applicant has completed and submitted the following:

- A. a properly completed application;
- B. the required fee pursuant to Section 5 of this regulation;
- C. the required plans specifications and information for review and approval;
- D. proof of approval from the appropriate regulatory agencies; and
- E. a preoperational inspection, which must show that the establishment is built and/or remodeled in accordance with the approved plans specifications and that the establishment is in compliance with the Code and this regulation.

HCHC shall issue a Permit to the applicant if its inspection reveals that the proposed Food Establishment complies with the requirements of the Code and this regulation. The Food Establishment shall receive a priority rating of High, Medium, or Low according to the Public Health Food Service Establishment Priority Assessment guidelines as stated by the Department of Health and Senior Services in the Environmental Health Operational Guidelines. Food Establishments shall have at least one employee on duty during all hours of operation that has successfully completed an approved food safety training course.

3.2. Existing Establishments, Permit Renewal and Change of Ownership. HCHC may renew a Permit for an existing Food Establishment or may issue a Permit to a new owner of an existing Food Establishment after a properly completed application is submitted, reviewed and approved, the fees are paid, and the current inspection shows that the establishment is in compliance with the Code and this regulation.

3.3. Temporary Food Vendor. HCHC may issue a Permit for a Temporary Food Vendor after a properly completed application is submitted, reviewed and approved and the fees are paid. An on-site inspection may be conducted at the discretion of the EPHS.

3.4. Permits Not Transferable. A Permit may not be transferred from one Person to another Person, from one Food Establishment to another, or from one type of operation to another.

3.5. Denial of Application for Permit – Notice. If an application for a Permit to operate is denied, HCHC shall provide the applicant with a notice that includes:

- A. The specific reasons and or Code violations supporting the Permit denial;
- B. The actions, if any, that the applicant must take to qualify for a Permit; and
- C. A description of the applicant’s right of appeal, the appeal process, and time frames for appeal that are provided for under this regulation.

3.6 Permit Period. A Permit issued pursuant to this regulation shall be valid for the period requested in the application.

Section 4. RESPONSIBILITIES OF THE PERMIT HOLDER

4.1. Requirements for Retaining Permit. Upon acceptance of the Permit issued by HCHC, the Permit holder shall:

- A. Post the Permit in a location in the facility that is conspicuous to consumers;
- B. Comply with the provisions of the Code, regulations, rules and orders of HCHC and shall operate the Food Establishment in accordance to the Code and this regulation, including the conditions of any granted variance and approved plans as specified in this regulation;
- C. Comply with applicable state regulations including without limitation, 19 CSR 20-1.025;
- D. Sign the acknowledgment of receipt of inspection findings;
- E. Immediately contact HCHC to report a communicable illness of an applicant or employee with the following diseases:
 - Hepatitis A
 - Salmonella

- Shigella
- Norwalk
- Escherichia Coli

as specified in the current Food Code for the State of Missouri;

- F. Immediately discontinue operations and notify HCHC if an imminent health hazard may exist;
- G. Comply with directives of HCHC including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by HCHC or the Department of Health and Senior Services in regard to the Permit holder's Food Establishment or in response to community emergencies
- H. Accept notices issued and served by HCHC according to this regulation;
- I. The Permit holder shall be the Person in charge or shall designate such a Person and shall assure that the Person in charge or designated Person in charge is present at the Food Establishment during all hours of operation. The Person in charge or designated Person(s) in charge must attend food handler's training annually and/or have a Food Handler Card (as defined in Section 4.2 of this regulation); and
- J. Allow representatives of HCHC, bearing proper credentials and identification, access to the Food Establishment for the purpose of inspection and investigation in accordance with this regulation.

4.2. Basic Food Sanitation Card ("Food Handler Card"). A document provided by the HCHC when a Person provides evidence of satisfactory completion of a Basic Food Safety Sanitation Course offered by the HCHC on its web site and in the classroom and has successfully passed an examination provided by the HCHC on its web site. The Food Handler Card shall be renewed every year or when the card expires for a maximum of three (3) years.

- A. *Food Handlers, Food Handler Card Required.* No Person shall prepare, handle, or dispense food for human consumption, or come into contact with food or food preparation utensils, at any Food Establishment, unless that Person has applied for and obtained a Food Handler Card from HCHC within sixty (60) days of commencement of employment or operation of a Food Establishment.
- B. *Food Handler Card, Standards.* The issuance of Food Handler Cards shall be governed by the standards imposed by the HCHC as to fee, required training, and duration that is in effect at the time of application.

- C. *Food Handler Card, Disposition and Display.* Each holder of a Food Handler Card required under this section shall keep said Food Handler Card on his or her person at all times while working in a Food Establishment.
- D. *Food Handler Card, Failure to Produce.* Failure of any Person to produce a valid Food Handler Card upon the demand of the County Health Officer shall be presumptive evidence that such Person is not a permitted food handler.
- E. *Food Establishment Operator Not to Permit Violation.* No holder of a Permit to operate a Food Establishment shall allow any Person to prepare, handle, or dispense food for human consumption, or come into contact with food or food preparation utensils, unless that Person has applied for and obtained, within sixty (60) days of commencement of employment or operation of the establishment, a Food Handler Card from HCHC.
- F. *Food Establishment Operator, Maintenance of Listing Required.* Each Permit holder shall maintain a listing of all Food Establishment employees who possess Food Handler Cards. This listing shall be updated at least once every three months.

Section 5. FEES

5.1. Permit Fees. Permit fees will be collected at the time the Permit is issued. The Permit fee will include the cost of annual inspection. Fee schedule is as follows.

- A. Food Establishments - per year:

High Priority	\$100.00
Medium Priority	\$75.00
Low Priority	\$50.00
Catering-per year	\$50.00
- B. Seasonal permit - per six months \$40.00
- C. Temporary permit - per event \$20.00
- D. Temporary permit-per event non-profit \$5.00

5.2. Training Fees. HCHC shall charge a training fee of \$10.00 per Person per year for training employees and charge Persons, plus a charge may be made for the cost of materials and supplies.

- A. *Individual Training.* At the request of the owner/manager, HCHC will provide special on-site training for employees for a fee of \$100.00 plus \$10.00 per Person per year.
- B. *Nationally Recognized Training* – Persons who have taken a Serv Safe, Prometric and/or National Registry of Food Safety Professionals class will be charged a fee of \$5 per person per year.

5.3. Additional Inspection Fees. Following any regular inspection, an additional fee of \$25.00 will be charged on the **First** follow-up inspection. If more than one follow-up inspection is required a \$50.00 fee will be charged for each inspection. In addition, a \$25.00 fee will be charged for each written complaint that is subsequently substantiated by an inspection.

5.4. Amount of Fees. The amount of fees shall not be more than the cost of administering this regulation.

5.5 Delinquent fee payments: Inspection fees, follow-up fees and training fees are due at the time of service. If the manager or person in charge is not able to provide the fee payment at the time of the service, the food establishment will have thirty calendar days to submit payment. If the payment is not received within the thirty calendar days a \$25.00 late fee will be charged each month that it is late, on top of the initial fees that were due. The notice of this late payment will be sent out via US Postal Service. If the payment remains outstanding for an additional ninety calendar days, the HCHC will send out a press release and post on the HCHC Facebook page that the food establishment is currently operating without a Health Center Food Permit. If payment is submitted after the initial ninety day period, all initial fees plus the \$25 per month late fee will be due before the food permit will be reissued.

Section 6. RESPONSIBILITIES OF HCHC

6.1. Copy of Regulation. At the time a Permit is issued, HCHC shall provide to the Permit holder one copy of the Code and the regulation so the Permit holder is notified of the compliance requirements and the conditions of retention.

6.2. Training. HCHC shall schedule food handler training classes at such times to make them available to all food service and retail food staff. Training classes will be held at least quarterly during regular office hours. Requests for sessions at other times may be made to the County Health Officer or EPHS.

Section 7. INSPECTIONS

7.1. Inspections Conducted By. All inspections shall be conducted by an EPHS of the HCHC.

7.2. Inspections Conducted When. The frequency of Food Establishment inspections shall be determined according to public health priority, which is calculated using the Food Establishment Public Health Priority Assessment Worksheet. Food Establishments in the high-risk category should be inspected on a more frequent basis than medium risk facilities, which in turn, should be inspected on a more frequent basis than low risk facilities. The priority schedule is as follows:

High Priority:	Inspection 2 times per year (6 months)
Medium Priority:	Inspection every twelve (12) months
Low Priority:	Inspection every twelve (12) months

Additional inspections of Food Establishments shall be performed as often as necessary for the enforcement of this regulation. HCHC shall inspect a food establishment at least annually. Frequency of complaint and compliance inspections will be determined by HCHC.

There will be no advance notification of inspections. All inspections will be unannounced.

Section 8. RESTRICTION OR EXCLUSION FROM FOOD HANDLING

8.1. Restriction or Exclusion. Any food handler who tests positive for a communicable disease shall be restricted or excluded from a food handling procedure until the disease is no longer in the communicable stage.

- A. *Release from Restriction or Exclusion.* The determination that the communicable stage has lapsed shall be confirmed by the nursing staff of HCHC in accordance with the Missouri Department of Health and Senior Services, “Policy and Procedure Manual for General Communicable Disease.” HCHC nursing staff shall consult with Missouri Department of Health – Northwest District consultants at their discretion.

Section 9. CLOSURE

9.1. Automatic Closure. Any Food Establishment that has at least 6 Critical Items indicated on the inspection sheet shall automatically cease operations until such time as the critical items are determined, by re-inspection, to be corrected. A “Critical Item” shall be defined as a provision of state regulations, the Code or this regulation, noncompliance with which “is more likely than other violations to contribute to food contamination, illness, or environmental health hazard.” See Chapter 1-201.10(B)(17) of the Food and Drug Administration 1999 Food Code, as adopted pursuant to 19 CSR 20-1.025.

9.2. Other Closure. Any Food Establishment that is found to have a condition or situation that is an imminent public health hazard shall be required to cease operations until the condition or situation is corrected.

9.3. Re-Inspection. Re-inspection will be done within 24 business hours of HCHC's receipt of notification from the Permit holder that Critical Items or imminent public health hazards have been corrected.

9.4. Re-Training. The Permit holder and all employees of a food service or retail food establishment that is served an automatic closure order shall renew their basic food handlers training.

Section 10. ENFORCEMENT

10.1. Notice of Violation. HCHC shall serve any Person found to be violating any provision of this regulation with a written notice, via certified mail, or in person, stating the nature of the violation and indicating a mandated time limit for the satisfactory correction thereof. HCHC shall provide a minimum of 15 days notice, except when immediate or automatic closure is warranted pursuant to Section 9 of this regulation. The offender shall, within the period of time stated in such notice, permanently cease all violation.

10.2 Continued Violation. Any Person who shall continue a violation of this regulation beyond the time limit provided in Section 10.1 shall be subject to revocation of his or her Permit or Food Handler Card, as applicable. Upon revocation of any Permit, the holder of the revoked permit shall cease operation of the Food Establishment. Thereafter, HCHC shall require such permit holder to apply for a new permit and to complete all of the requirements of a new application under Section 3.1 of this regulation before resuming operation of a Food Establishment.

10.3. Violation of Provisions. Any Person violating any of the provisions of this section shall become liable to HCHC for any expense, loss or damage incurred by HCHC by reason of such violation.

Section 11. APPEALS

11.1. Appeal Hearings. Any Person aggrieved by a decision of HCHC may appeal to the Henry County Health Center Board of Trustees by filing a written application with the County Health Officer within thirty (30) days after being notified of the decision. Appeal hearings to the Board of Trustees shall be conducted in accordance with the Board's adopted rules and procedures.

Section 12. INJUNCTION

12.1. HCHC shall file a petition in the Circuit Court of Henry County, Missouri seeking an order enjoining a Person from operating a Food Establishment within the jurisdiction of HCHC without a Permit in violation of this regulation.

Section 13. MOST STRINGENT PROVISION APPLIES

13.1. To the extent that the requirements of the Code and this regulation are more stringent than the provisions of applicable state regulations, then the Code and this regulation shall apply.

Section 14. SEVERABILITY

14.1. If any section, clause, or phrase of this regulation is, for any reason, held to be invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this regulation or the Code.

Section 15. AMENDMENTS

15.1. This regulation may be amended at any time pursuant to RSMo 192.300.

It is hereby ordered that all provisions of this regulation regulating food service and retail food establishments; Regulation No 98-1; and any rules and regulations connected therewith, be printed and available for distribution to the public in the office of the County Clerk, and this order shall be published in the Daily Democrat for three successive weeks, not later than 30 days after date of this order.

Revised and Amended:
HENRY COUNTY HEALTH CENTER BOARD OF TRUSTEES
BY:

Chair

Vice-Chair

Trustee

Attest: _____
Secretary

Treasurer

