Food Service Regulations

A regulation pertaining to the sanitation of food establishments and setting permit requirements, inspection requirements, plan review requirements, fees for same, and penalties for violations.

Section 1: Scope and Purpose

Pursuant to Section 19a-243 of the Connecticut General Statutes the purpose of this regulation is to prevent the spread of disease and safeguard the health, safety, and welfare of the inhabitants of the Farmington Valley Health District and the general public. The Farmington Valley Health District shall, through a program of inspection, education and enforcement of these regulations, the Connecticut Public Health Code or any other applicable code, regulation, or statute of Connecticut State Agencies.

Section 2: Definitions

**Authorized Agent** means an individual who enforces these regulations and the regulations of Connecticut State Agencies under the supervision and/or authority of the Director of Health.

**Base of Operation** means an approved permitted/licensed and inspected commercial kitchen by a local health department/district or Connecticut Department of Consumer Protection used to store, prepare, cook, and hold food and/or drink items with the intent of selling/dispensing/transferring food/drink to another location such as an itinerant food vending truck/trailer or food prepared, dispensed, or sold at a temporary food event.

**Caterer or Catering Food Service** means a person or business that is involved in the following:
Sale or distribution of food and drink prepared in bulk at one geographic location for retail service in individual portions in another location.
Preparation and service of food in a public or private venue that is not under the ownership or control of the operator of such business or service.

**Certified Farmers’ Market** means an organized seasonal market at a fixed location, used by multiple farmers and other non-farm vendors for the sale of whole, cut, or processed produce and farm products as well as other prepared food items.

**Certified Food Inspector (CFI)** means an Authorized Agent who has been certified as a Food Inspector by the State of Connecticut Commissioner of Public Health.

**Certified Food Protection Manager (CFPM)** formally known as “Qualified Food Operator”, means a food operator employed full-time in a supervisory or management position in a food establishment with the responsibility and the authority to direct and control food preparation service and who has demonstrated knowledge of safe food handling techniques and holds a valid Food Protection Managers Certification from one of the recognized training organizations in the Connecticut Public Health Code. A full-time position
means at least thirty (30) hours per week or the number of hours per week that the food establishment is open for business, whichever is less. A CFPM shall be required in those food establishments designated as either a class II, III or IV as defined in Public Act No. 17-93 and regulations of this section.

**Critical Violation** refers to a violation that is more likely than other violations to contribute to contamination, illness, or an environmental hazard. Such violations shall include four (4) point demerit items on the inspection report and any of the risk factors established by the Connecticut Department of Public Health as itemized in Appendix 1.

**Director of Health** means the director of a local health department or district health department appointed pursuant to section 19a-200 or 19a-242 of the Connecticut General Statutes.

**Fee Schedule** refers to the fees specified in the Annual Fiscal Year Budget adopted by the Board of Directors of the Farmington Valley Health District.

**Food** means any raw, cooked or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.

**Food Establishment** refers to an operation that stores, prepares, packages, serves, and/or vend food directly to the consumer or otherwise provides food for human consumption, including but not limited to a restaurant, catering, food service establishment, temporary food service establishment, itinerant food vending establishment, market, or conveyance used to transport people, institution, or food bank. Where consumption is on or off the premises; and regardless of whether there is a charge for the food.

Food Establishment does not include:

1. Vending machine(s) as defined in CGS 21a-34.
2. A private residential dwelling in which food is prepared under CGS 21a-62a referring to a Cottage Food Operation.
3. Food manufacturing establishment as defined in CGS 21a-151.
4. An establishment that only offers prepackaged foods that are not time/temperature controlled (TCS) for safety foods.
5. A produce stand that only offers whole, uncut fresh fruits and vegetables.

**Foodborne Illness** means illness, including, but not limited to, illness due to heavy metal intoxications, staphylococcal food poisoning, botulism, norovirus, salmonellosis, shigellosis, clostridium perfringens intoxication and hepatitis A, acquired through the ingestion of a common-source food or water contaminated with a chemical or infectious agent or the toxic products of a chemical or infectious agent.

**Foodborne Outbreak** means illness, including, but not limited to, illness due to heavy metal intoxications, staphylococcal food poisoning, botulism, norovirus, salmonellosis, shigellosis, clostridium perfringens intoxications and hepatitis A, in two (2) or more individuals, acquired through the ingestion of common source food or water contaminated with a chemical, infectious agent or the toxic products of a chemical or infectious agent.

**Food Service Classification** under Public Act No. 17-93 means the categorization of a food establishment based on the menu and type of food preparation within the food establishment. The Food Service Classification of food establishments shall be one of the following:

- **Class I Food Establishment** means a retail food establishment that only offers for retail sale (A) prepackaged food in its original commercial package that is time or temperature controlled for
safety, (B) commercially prepackaged, precooked food that is time or temperature controlled for safety and heated, hot held and served in its original commercial package not later than four (4) hours after heating, or (C) food prepared in the establishment that is not time or temperature controlled for safety.

**Class II Food Establishment** means a retail food establishment that does not serve a population that is highly susceptible to foodborne illnesses and offers a limited menu of food that is prepared, cooked, and served immediately, or that prepares and cooks food that is time or temperature controlled for safety and may require hot or cold holding, but that does not involve cooling.

**Class III Food Establishment** means a retail food establishment that (A) does not serve a population that is highly susceptible to foodborne illnesses, and (B) has an extensive menu of foods, many of which are time or temperature controlled for safety and require complex preparation, including but not limited to, handling of raw ingredients, cooking, cooling, and reheating for hot holding.

**Class IV Food Establishment** means a retail food establishment that serves a population that is highly susceptible to foodborne illnesses, including, but not limited to, preschool students, hospital patients and nursing home patients or residents, or conducts specialized food processes for which a variance has already been approved.

**Food Service Permit** means a written document issued by the Director of Health to a person, firm, organization, or corporation serving food or drink to the public that authorizes the operation of a food establishment. A permit shall be issued for a specific period of time, specific activity and/or specific location. Permits are not transferable. Specific types of Food Service Permits are as follows:

**Annual Permit:** refers to a permit, renewed annually, issued for a food establishment.

**Temporary Permit:** refers to a permit issued to a person, firm, corporation, organization, food establishment, caterer, or itinerant vendor operating a temporary food establishment serving a fixed menu. Temporary permits are valid up to fourteen (14) consecutive days in conjunction a single location and/or event or celebration within the Farmington Valley Health District.

**Seasonal Temporary Permit:** refers to a temporary permit issued to a temporary and/or seasonal food establishment or itinerant food vendor who wishes to vend at a fixed location (e.g., brewery, winery, farmers’ market, or temporary event longer than fourteen (14) consecutive days at one (1) locations). This permit is only valid for up to a consecutive one hundred and eighty (180) days for one (1) specific location and only serving a fixed menu that does not change once approved by a FVHD CFI.

**FVHD** means the Farmington Valley Health District.

**Inspection Report** means the report on which the demerit items marked identify the violations found in the food establishment at the time of inspection.

**Itinerant Food Vendor** means a food establishment which serves food or drink from a self-contained, approved mobile conveyance, generally a truck or trailer, without a fixed location and without connection to a water supply or sewage disposal system.

**Late Fee:** refers to a penalty issued to a food establishment submitting its completed food permit annual renewal application, permit fee, and supporting document after the expiration date of the previous annual
food permit. A late fee is also issued to temporary food establishments who submit the temporary permit application, permit fee and supporting document less than fourteen (14) days before the date of the temporary event.

**Market Master:** means the individual or organization who is responsible for the day-to-day operations of a Farmers’ Market as designated by the market cooperative or sponsors.

**Non-Profit Organization:** means (A) an organization holding a tax-exempt status as defined by the U.S. Internal Revenue Code, Section 501(c)(3)(4), (B) a religious group(s), (C) municipal/town schools and buildings, (D) youth organizations.

**Owner** means an individual, firm, partnership, association, corporation, company, governmental agency, institution, club, or organization of any kind, and included the plural, who has ownership of the property or food establishment that is permitted by the Farmington Valley Health District.

**Person in Charge (PIC)** refers to an individual present at a food establishment who is responsible for the operation at the time of the inspection. The PIC shall also hold a Food Protection Managers Certification from one the approved testing organizations in the Connecticut Public Health Code. There shall always be a PIC on site at the food establishment when the CFPM is not present.

**Permit Reinstatement Fee** refers to a fee that shall be required whenever a permit to operate a food establishment has been suspended.

**Rating** means an appraisal of a Class II, III or IV Food Establishment.

**Ready-to-Eat Food** means food or drink that is in a form that is edible without additional preparation to achieve food safety.

**Re-inspection Fee** refers to a fee implemented whenever a food establishment requests that a re-inspection be performed to improve the rating or inspection score.

**Temporary Event Sponsor/Coordinator** refers to the individual organization who is responsible for hosting Temporary Event and coordinating temporary food establishments/itinerant food vendors operating at the temporary event.

**Temporary Event** refers to an event that operates at a fixed location for a temporary period, not to exceed fourteen (14) consecutive days, in conjunction with a single event or celebration that is advertised and open to the public, with or without admission fee.

**Temporary Food Establishment** refers to a food establishment or itinerant food vendor that operates at a fixed location for a temporary period, not to exceed fourteen (14) days, in conjunction with a single event or celebration that is advertised and open to the public, with or without admission fee.

**Time and Temperature Control for Safety (TCS)** refers to food that is required to be maintained at a certain temperature or maintained for a certain length of time, or both, to prevent microbial growth and toxin production.

**Variance** means a written document issued by the Commissioner of Public Health that authorizes a modification or waiver of one or more requirements of the food code under Public Act No. 17-93 as they pertain to the special processes of sous vide and the acidification of sushi rice.
Section 3: Annual Permit Requirements/Annual Permit Renewal Requirements

A. No person, corporation, establishment, or firm shall operate a food establishment within FVHD unless a valid permit has been issued to them by the Director of Health. A permit will be issued to and permitted to continue in effect for only those persons, corporations, establishments, or firms who comply with the requirements of these regulations, the Connecticut Public Health Code and/or any other applicable code, regulation, or statute of Connecticut State Agencies.

B. Annual Permits shall not be transferable to one person, corporation, establishment, firm, or place to another person, corporation, establishment, firm, or place.

C. Any person desiring to own or operate a food establishment within FVHD shall make written application for an Annual Permit on forms provided by FVHD. Such application shall include but not be limited to:
   1. The name, mailing address, phone number, email address and signature of each owner.
   2. The location of the establishment.
   3. The name, phone number and email address and proof current Food Protection Managers Certification for the CFP and PIC(s) as applicable.
   4. The appropriate permit fee as outlined on the FVHD fee schedule must be paid prior to permitting.

D. In the case that a food establishment is served by an onsite well, conformance with the requirements established by the Connecticut Public Health Code shall be demonstrated and a copy of a well water bacterial analysis (total coliform) dated within the last twelve (12) months must be submitted with the annual permit application. Food establishments that are classified by the CT Department of Public Health Drinking Water Section as a “public water system” must be registered with that agency and comply with their required testing frequencies and acceptable results and provide results as requested by the Director of Health or CFI.

E. If the food establishment is served by an onsite septic system, verification that the system has the capability of adequately treating and dispersing the anticipated wastewater flows must be demonstrated in accordance with the Connecticut Public Health Code.

F. All new food establishments must be served by a grease recovery or grease interceptor unit(s) as approved by the applicable local town Building and/or Engineering Officials and/or applicable town Water Pollution Control Authority (WPCA).

G. All permits shall be renewed annually on or before July 1st. Permit holders shall file the renewal application, permit fee and documentation as specified in Section 3 (C) and (D) of these regulations with the FVHD prior to the expiration date on the previous year’s permit.

H. In the case that any part of an annual food permit renewal application, permit fee and supporting documentation as specified in Section 3 (C) and (D) of these regulations are submitted after the previous permit expiration date, a late fee shall be implemented in accordance with the FVHD fee schedule. If a permit is not renewed within thirty (30) days of the expiration date, orders to close the food establishment may be issued by the Director of Health.

I. In the case of a transfer of ownership of an existing food establishment to new ownership, the existing establishment is required to comply with these regulations, the Connecticut Public Health Code and/or any other applicable code, regulation, or statute of Connecticut State Agencies before an annual permit
will be issued. New ownership in a food establishment is required to undergo the plan review process as specified in Section 8 (C) of these regulations.

J. New food establishments or food establishments with a change of owner will have a pre-operation inspection conducted prior to the issuance of the annual permit to determine compliance with the approved plans and specifications, these regulations, the Connecticut Public Health Code and/or any other applicable code, regulation, or statute of Connecticut State Agencies.

K. Whenever a food establishment changes to a different class as determined by the CFI, the food establishment annual permit shall be reclassified. No food establishment should change their operations to a different classification without prior written approval from the CFI. At the time of reclassification, a written application as specified in Section 3(C) to reflect this change and the appropriate fee shall accompany the application.

L. Itinerant food vendors with an annual FVHD permit must be inspected each year by a FVHD CFI prior to the issuance of the new annual permit with additional inspections based on Food Service Classification throughout the annual permitting year.

M. Permits shall be posted in the food establishment in a conspicuous location clearly visible to the public.

**Section 4: Temporary Permits/Temporary Events**

A. Temporary Permits as defined in these regulations are issued to temporary food establishments or itinerant food vendors who wish to prepare and/or serve food to the public at a temporary event as specified in these regulations.

B. A completed application and appropriate temporary permit fee shall be submitted to FVHD no less than fourteen (14) days prior to the date of the temporary event. The application should include but may not be limited to:
1. Contact information for the temporary food establishment and owner and the applying for the temporary permit (if not the owner).
2. The date(s) and time(s) of the event.
3. Names of primary food handlers onsite at the event.
4. The proposed menu including the sources of food.
5. A sketch of the temporary food establishment showing the location of food storage and dispensing/cooking equipment,
6. A completed base of operation form,
7. All other applicable items as requested on the application form.

C. If the water source of the temporary food establishment from base of operation and/or at event location, is served by a well, a copy of an acceptable well water bacterial analysis (total coliform) dated within the last twelve (12) months demonstrating compliance with the Connecticut Public Health Code must accompany the application.

D. Temporary permit applications, fees, and all applicable items listed in Section 4 (B) that are received less than the fourteen (14) days prior to the date of the temporary event are subject to a late fee in accordance with the FVHD fee schedule and may still be subject to denial of a temporary permit for the specific temporary event.
E. Permits issued to a temporary food establishment may be issued for a period not to exceed fourteen (14) consecutive days for one (1) specific fixed location or event. In the case that multiple distinct menus will be offered by the same applicant during the fourteen (14) consecutive days then separate applications and fee(s) as applicable are required.

F. The Director of Health or CFI may limit, restrict, or modify menu items offered by a temporary food establishment at a temporary event and may also restrict or modify food preparation methods.

G. Temporary Event Coordinators/Sponsors are required to submit a Temporary Event Coordinator/Sponsor form to FVHD at least twenty-one (21) days prior to the date of the event and should include the name(s) and contact information for the event coordinator(s), location and date/time of the event, and all other items listed on the form including a list of all food vendors scheduled to be onsite for the temporary event.

Section 5: Seasonal Temporary Permits

A. A food establishment or itinerant food vendor who wishes to apply for a Seasonal Temporary Permit as defined in Section 2 of these regulations must submit the Seasonal Temporary Food Permit application to FVHD no less than fourteen (14) days prior to the start date of the event or initial operation start date. The application provided by FVHD should include but not be limited to:
   1. Contact information for the food establishment owner and primary onsite food handler.
   2. Food Safety Managers certification for the onsite food handler(s).
   3. Dates and times of onsite vending.
   4. Proposed menu, including sources of food.
   5. A sketch showing the location of food storage and dispensing/cooking equipment.
   6. A completed Base of Operation form is required to be submitted and all other items as requested on the application form and Base of Operation form.
   7. The appropriate fee as specified on the FVHD fee schedule must accompany the application.

B. If the water source of the seasonal temporary food establishment from base of operation and/or at event location, is served by a well, a copy of an acceptable well water bacterial analysis (total coliform) dated within the last twelve (12) months demonstrating compliance with the Connecticut Public Health Code must accompany the application.

C. Failure to submit applications and all-other requested items and permit fee prior to the fourteen (14) days in advance may result in denial of the permit or may be subject to a later permit issuance date than originally proposed.

D. Seasonal Temporary Permits are issued for up to one hundred and eighty (180) consecutive days per one (1) event OR one (1) specific fixed location AND is only approved for a fixed menu. In the case that multiple distinct menus will be offered by the same applicant during the approved permitting period, subsequent approval is required and may require separate applications, and fees as applicable.

E. The Director of Health or CFI may limit, restrict, or modify menu items offered by a Seasonal Temporary food establishment and may also restrict or modify onsite food preparation methods.

F. Failure to comply with Section 5 (A)(B)(C) of these regulations may result in the food establishment or itinerant vendor being denied a permit to operate or permit revocation as defined in Section 17 of these regulations.
Section 6: Certified Farmers Markets

A. Farmers’ Market participants that are farmers will not be required to obtain a permit from FVHD unless the farmer engages in food preparation as defined in these regulations as a temporary food establishment.

B. Individual persons or food establishments which engage in food preparation as defined in these regulations as a food establishment or temporary food establishment shall apply for a temporary permit or seasonal temporary permit as outlined Section(s) 4 and 5 of these regulations.

C. Market Masters/Coordinators of a Farmers’ Market must submit a completed Temporary Event Coordinator/Sponsor Form for the Farmers’ Market to FVHD at least twenty-one (21) days prior to the start of the market.

Section 7: Itinerant Food Vendors

A. An itinerant food vendor that is a Class II or III and has an annual permit, temporary permit or seasonal temporary permit must have an approved and permitted/licensed and inspected Base of Operation for conducting food storage, cooking or preparation that is not on the approved conveyance. An itinerant food vendor who has an annual, temporary, or seasonal temporary permit with FVHD may require approval from the Police Department, Zoning Department and/or Fire Marshal’s office of each town within the FVHD in which vending is conducted. It is the responsibility of the itinerant food vendor owner or person in charge to obtain additional town department approval as applicable.

B. The itinerant food vendor owner or person in charge is required to submit an application an applicable requested documentation and permitting fee as provided by the FVHD for an annual permit, temporary permit, seasonal temporary permit.

C. Itinerant food vendors applying for an annual permit, or a seasonal temporary permit are subject to written plan approval from the Director of Health or CFI once the Itinerant Food Vendor Plan Review/Application Form and applicable documents as required on the application have been submitted to FVHD.

D. Itinerant food vendors who have more than one (1) truck or trailer shall have one (1) annual permit, temporary permit, or seasonal temporary permit per truck/trailer. Itinerant food vendors cannot have more than one truck/trailer per permit.

E. Itinerant food vendors found to be operating within the FVHD without a permit issued by FVHD will be subject to a thirty (30) day period before they can apply for a future annual, temporary, or seasonal temporary permit from FVHD. Itinerant food vendors who are repeatedly found to be operating without a FVHD permit may be subject to denial of any future annual, temporary, or seasonal temporary permit permanently.

Section 8: Plan Reviews

A. When food establishments are constructed, or existing structures are converted for use as a food establishment, properly prepared plans and specifications for such construction shall be submitted to FVHD for written plan approval before construction, remodeling or alteration has begun.
B. Properly prepared plans and specifications shall include but not be limited to:
1. The proposed layout, arrangement, and construction of all areas within the food establishment including basement/storage area(s) drawn to scale (1/4” per foot) and include construction materials.
2. Proposed menu(s).
3. Type and model number of proposed equipment, which must be National Safety Foundation (NSF®)/ANSI approved or equivalent.
4. Completed plan review application as provided by FVHD with appropriate fee as stipulated on the FVHD fee schedule.

C. Whenever an existing food establishment changes ownership OR an existing food establishment conducts a remodel, renovation or alteration the new owner, current permit holder or person in charge of obtaining approval of such plans from FVHD as referred in the plan review process outlined in Section 8(A)(B) must be completed to confirm that the existing food establishment is in compliance with the requirements of these regulations, the Connecticut Public Health Code and/or any other applicable code, regulation or statute of Connecticut State Agencies. Additional requirements for plan reviews in this Section may include but not be limited to:
1. The installation of additional handwashing sinks.
2. The installation of a food preparation sink.
3. The installation of a mop sink.
4. Updating and/or replacing noncommercial/NSF® approved equipment and/or refrigeration.
5. Repairing or replacing food establishment equipment, floors, walls, or ceilings that are in deteriorated condition and/or are no longer capable of being maintained in a sanitary condition.

D. Inspections conducted by the CFI may occur at any time during the construction of the food establishment to verify compliance of the written plan review approval and compliance with these regulations and the Connecticut Public Health Code and/or any other applicable code, regulation, or statute of Connecticut State Agencies.

E. The plan review process may take up to fourteen (14) days to begin once all applicable requirements, forms, and fees of this Section have been received by FVHD.

Section 9: Inspections

A. All food establishments shall be inspected by the CFI. Additional inspections and re-inspections shall be conducted as many times as necessary to enforce these regulations, the Connecticut Public Health Code and/or any other applicable code, regulation, or statute of Connecticut State Agencies.
1. Class I Food Establishments shall be inspected at intervals not to exceed 360 days.
2. Class II Food Establishments shall be inspected at intervals not to exceed 180 days.
3. Class III Food Establishments shall be inspected at intervals not to exceed 120 days.
4. Class IV Food Establishments shall be inspected at intervals not to exceed 90 days.
5. Temporary Food Establishments may be inspected prior to the issuance of a permit to operate to ensure compliance and as many times as deemed necessary if the temporary event is more than one (1) day.
6. A Seasonal Temporary Food Establishment may be inspected prior to the issuance of a permit to operate and may be inspected at least one time during the 180 days, or as many times as deemed necessary by the Director of Health or CFI.

B. Every person operating a food establishment within the FVHD shall grant access during business hours, or in the case of a public health hazard, upon notification of the Director of Health or CFI, to all parts of
the food establishment to determine compliance with these regulations, the Connecticut Public Health Code and/or any other applicable code, regulation, or statute of Connecticut State Agencies.

C. If the Director of Health or the CFI discover violations of these regulations or the Connecticut Public Health Code, they shall notify the permit holder or person in charge in writing of the condition(s) found, a reasonable time frame for corrections, and explain that failure to correct violations within the specified time frame may result in permit suspension or revocation as specified in Section 16 and 17 of these regulations.

D. All food establishments shall maintain a copy of the most recent inspection report at the permitted food establishment. Upon request, the report shall be available for review by the CFI.

Section 10: Ratings

A. A rating shall be provided by the CFI to the food establishment's owner, CFPM or person in charge with the inspection report during each inspection. Ratings are based in sum or in part on the following factors:
   1. The absence/presence of critical violations that are likely to cause foodborne illness.
   2. The absence/presence chronic repeat violations of these regulations, the Connecticut Public Health Code and/or any other applicable regulation, code, or statute of Connecticut State Agencies.
   3. The food establishment inspection history and efforts to correct previously noted violations.
   4. The training and demonstrable knowledge of food establishment personnel.
   5. The overall sanitary conditions of the facility at the time of inspection.

B. A food establishment shall receive a rating during inspection as follows:
   **GOOD:** A food establishment shall receive a good rating when safe food handling practices were observed at the time of inspection and the facility was found to be in considerable compliance with the factors outlined in Section 10(A) of these regulations.

   **FAIR:** A food establishment shall receive a fair rating when the minimum requirements of the Connecticut Public Health Code and these regulations were observed at the time of inspection, but improvements were needed in the food handling practices of food establishment personnel and the items outlined in Section 10(A) of these regulations and/or the presence of chronic repeat violations.

   **POOR:** A food establishment shall receive a poor rating when chronic and/or critical violations that are likely to cause foodborne illness were evident at the time of inspection, or the food establishment received a score below eighty (80) or had one (1) or more four (4) demerit items in violation or was not in compliance with the items listed in Section 10(A) of these regulations.

C. All food establishments shall post their most current rating, provided during the inspection by the CFI. The rating shall be posted in a conspicuous location in the food establishment that is clearly visible to the public and remain posted until the next inspection. Ratings are also posted on the FVHD website. The owner or the person in charge may request a re-inspection in accordance with Section 10 (D) of these regulations if they are unsatisfied with the inspection score and/or rating.

D. The owner or person in charge of any food establishment may at any time request an inspection for the purpose of improving the inspection score and/or the rating of the food establishment. Within ten (10) days following receipt of the written request, including a signed statement itemizing the corrective measures that have been taken and the appropriate re-inspection fee per the FVHD fee schedule, then the CFI shall inspect to ensure that the owner or person in charge is complying with the requirements of
these regulations. There can only be one (1) request for re-inspection made for every routine inspection. The current rating is required to be posted until the requested re-inspection.

E. Ratings are not given with inspections performed for temporary or seasonal temporary food establishments, annually permitted non-profit food establishments, Class I food establishments or annually permitted itinerant vendors.

Section 11: Enforcement

A. If a food establishment receives a poor rating or a score below eighty (80) or has one (1) or more four (4) demerit items at the time of inspection, the authorized agent shall itemize those items of violation to be corrected within fourteen (14) days, whereupon the CFI shall make a complete re-inspection and issue a new inspection report and rating.

B. If a food establishment receives a poor rating or receives a score below eighty (80) or has one (1) or more four (4) demerit items in violation on its re-inspection, the food establishment shall be subject a Show Cause Hearing in accordance with Section 18 (F) of these regulations. If upon failure of the second re-inspection the food establishment may be subject to permit suspension in accordance with Section 16 of these regulations.

C. If a food establishment fails a routine inspection or receives a poor rating more than once within a twelve (12) month time period, the Director of Health or their authorized agent shall hold a Show Cause Hearing in accordance with Section 18 (F) of these regulations. Methods for correcting the violations and a timetable for achieving compliance shall be submitted in writing by the permit holder or person in charge at the hearing. If correction is not made in the specified time, the permit may be subject to suspension in accordance with Section 16 of these regulations.

D. If a food establishment fails to post the most current rating in accordance with Section 10 (C) of these regulations, the Director of Health shall order the food establishment to post its most current rating. If the order is not followed, the Director of Health may suspend the annual permit until such time as the rating is properly posted.

E. If a food establishment receives a poor rating and/or fails an inspection within twenty-four (24) months of a previous permit suspension, the permit may be subject to revocation in accordance with Section 17 of these regulations.

F. In the case that a Certified Food Protection Manager is not employed on-site, per these regulations, Public Act No. 17-93, and the Connecticut Public Health Code the food establishment has sixty (60) days to comply. If compliance is not achieved within this period, the Director of Health may take immediate steps to close the food establishment and suspend the permit in accordance with Section 16 of these regulations. The owner of the food establishment may request in writing an extension of reasonable time for compliance.

Section 12: Right of Entry to Inspect

A. The Director of Health or authorized agent, after proper identification, shall be permitted to enter the food establishment during business hours or at any other reasonable time as requested by the Director of Health or authorized agent, for the purpose of conducting inspections to determine compliance with these regulations, the Connecticut Public Health Code and/or any other regulation, code, or statute of Connecticut State Agencies. The Director of Health or authorized agent may examine records of the
food establishment to obtain information pertaining to food and supplies purchased, received, or used, persons' employed, and employee training records, but not including financial records. Refusal of the owner or person in charge to allow entry to inspect shall result in a presumption that the food establishment presents an immediate and substantial threat or hazard to public health, and the Director of Health may issue orders that require immediate access to the food establishment, or the food establishment will be ordered to close with permit suspension as specified in Section 16 of these regulations.

Section 13: Procedure When Infection is Suspected

A. Per Public Act No. 17-93 and the Connecticut Public Health Code when the Director of Health has reasonable cause to suspect disease transmission by an employee of a food establishment and/or the possibility of a foodborne illness or foodborne outbreak within the food establishment, the Director of Health or authorized agent shall complete an investigation and take action to control the illness or outbreak. Such action may include but may not be limited to:

1. The immediate exclusion of employee(s) and/or immediate closure of a food establishment until in their judgement, no further danger of disease outbreak exists
2. Securing employee morbidity histories, and/or requiring medical and laboratory examination of employee(s).
3. Modification of food establishment menu(s) and procedures as they pertain to handwashing, equipment sanitization/disinfection, and food preparation.
4. Any additional restriction or action deemed necessary by the Director of Health to control the illness or outbreak.

Section 14: Variance Requests/Written Procedure Approvals

A. Food establishments that are requesting to utilize Time as a Public Health Control for TCS food items are required to submit a written procedure on the form provided by FVHD or equivalent to the CFI for written approval. Once approved, the written procedure and/or form must be kept in the food establishment and made available to the CFI upon request. The procedure should be submitted by the owner, permit holder, or CFPM and must be amended or updated anytime there are changes to the procedure or person in charge who applied for approval.

B. If upon routine inspection the CFI does not have access to the food establishments approved written procedure and/or food item(s) documented for use a Time as a Public Health Control are found to be out of temperature control and not properly logged or documented as approved, then the food establishment shall fail their inspection and be subject to applicable enforcement procedures in these regulations, the Connecticut Public Health Code and/or any other applicable code, regulation or statute of Connecticut State Agencies. Additionally, the CFI may revoke the food establishments approved procedure to utilized Time as a Public Health Control.

C. Food establishments requesting a variance to implement special processes, limited to only sous vide and the acidification of sushi rice per Public Act No. 17-93, shall go through the appropriate process with the State Health Department to obtain the applicable variance from the Commissioner of Public Health. Once approved, the food establishment is required to submit their variance approval in writing to FVHD and at this time have their classification changed to a class IV as stated in Sections 2 and 3 (K) of these regulations.

D. If upon routine inspection the CFI finds the food establishment does not comply with conditions of their approval for their special process variance, then the food establishment may be subject to applicable
enforcement procedures in these regulations, the Connecticut Public Health Code and/or any other applicable code, regulation, or statute of Connecticut State Agencies. Additionally, the CFI may revoke the food establishments approved variance and require a Show Cause Hearing as specified in Section 18 (F) of these regulations.

**Section 15: Sources of Food, Examination, Hold Order and Condemnation of Food**

**Approved Source.** All food and drink in a food establishment shall be from sources approved or considered satisfactory by the Director of Health.

**Examination.** Food may be examined or sampled by the Director of Health or authorized agent as often as necessary for enforcement of these regulations, the Connecticut Public Health Code and/or any other applicable code, regulation, or statute of Connecticut State Agencies.

**Hold Order.** The Director of Health, upon written notice to the permit holder or person in charge of the food establishment, place a hold order or embargo on any food or beverage which he/she believes is adulterated or otherwise unfit for human consumption. The Director of Health or authorized agent shall tag, label, or otherwise identify any food subject to the hold order. No food subject to the hold order shall be used, served, or moved from the food establishment. The Director of Health shall direct storage of the food under conditions specified in the hold order without risk to the public health. The hold order shall state that a request for hearing may be filed with the Director of health within forty-eight (48) hours, and that if no hearing is requested, the food shall be destroyed. Within forty-eight (48) hours following receipt of a request for hearing the Director of Health shall hold a hearing. On the basis of evidence procured at that hearing, the hold order may be rescinded or the permit holder or person in charge of the food may be directed, by written order, to denature or destroy such food or bring it into compliance with the provisions of these regulations or the Connecticut Public Health Code.

**Condemnation.** Food shall be subject to immediate condemnation by the Director of Health or authorized agent when it is found to be unfit for human consumptions by reason of the appearance or odor of decomposition, adulteration, or by having been contaminated by exposure to water, smoke, fire, heat, lack of refrigeration or animal and insect contact or exposure to nonfood chemicals. Said action of condemnation shall only be used when in the opinion of the Director of Health or authorized agent, there is substantial risk that suspected food would otherwise be used for human consumption, or if the permit holder or person in charge of the food establishment agrees to the grounds of condemnation. Condemned food shall be denatured or destroyed immediately in the presence of the Director of Health or authorized agent.

**Section 16: Suspension of Permit**

**A.** The Director of Health may suspend the permit to operate a food establishment if:

1. The permit holder, person in charge, or the operation of the establishment itself does not comply with the requirements of these regulations, Public Act No. 17-93, the Connecticut Public Health Code and/or any other applicable code, regulation, or statute of Connecticut State Agencies.
2. The operation of the food establishment otherwise constitutes an immediate and substantial hazard to public health.
3. The Director of Health or authorized agent is interfered with in the performance of their duties.
4. There is failure to correct violations which are continually found and documented on the inspection report.
B. If the Director of Health determines any of the above in Section 16 (A) or unsanitary or other conditions in the operation of the food establishment which, in their judgement, constitute an immediate and substantial hazard to public health, they will immediately issue a written notice of suspension to the permit holder or person in charge citing the reasons for such action. Upon service of such notice, the permit is suspended. When a permit is suspended, all operations related to the processing, preparation, storage, transportation, sale, or service of food shall cease immediately.

C. Whenever a permit is suspended, the permit holder or person in charge may within forty-eight (48) hours, file a written request for a hearing with the Director of Health. If no appeal for a hearing is filed within forty-eight (48) hours, the suspension is sustained.

D. Upon receipt of a request for a hearing, the Director of Health shall immediately examine the merits of such suspension and may sustain, modify, or rescind the suspension.

E. The Director of Health may end the suspension at any time if reasons for the suspension no longer exist.

Section 17: Revocation of Permit

A. The Director of Health may, after providing opportunity for hearing and appeal, revoke a permit for the serious repeated violations of any of the requirements of these regulations, Public Act No. 17-93, the Connecticut Public Health Code any other applicable code, regulation, or statute of Connecticut State Agencies or for the interference with the Director of Health or authorized agent in the performance of their duties.

B. Prior to revocation, the Director of Health shall notify the permit holder or person in charge, in writing, of the reason(s) for which the permit is subject to revocation. And that the permit shall be revoked at the end of ten (10) days following service of notice unless written request for a hearing is filed with the Director of Health by the permit holder or person in charge within forty-eight (48) hours following service of such notice. If no request for hearing is filed within forty-eight (48) hours, the revocation becomes final.

C. If a written request for a hearing is filed with the Director of Health by the permit holder or person in charge within the forty-eight (48) hours following the service of such notice, the Director of Health shall immediately examine into the merits of the revocation and may sustain or rescind the revocation.

Section 18: Hearings

A. Suspension hearings as specified in this section shall be conducted by the Director of Health at a time and place designated by them, provided written request for such action is filed by the permit holder or person in charge as specified in Section 16 (C) of these regulations. Appeals for hearing shall include a signed written itemization of corrective measures taken to address those items noted as deficiencies in the notice.

B. Suspension hearings must be held within five (5) business days of the receipt of written appeal from the permit holder or person in charge.

C. A decision as to whether to suspend the permit shall be made within twenty-four (24) hours of the hearing. A written report with conclusions and an itemization of any conditions agreed upon at the hearing shall be provided to the permit holder within five (5) business days of the hearing date unless a decision is made to suspend the permit.
D. Revocation hearings as specified in these regulations shall be conducted by the Director of Health at a
time and place designated by him/her, provided written request for such actions of an appeal is filed
with the Director of Health as specified in Section 17 (B) (C).

E. Revocation hearings shall be held within five (5) business days of the receipt of the appeal for a hearing
and shall contain a signed detailed itemization of the corrective measures taken to address the
deficiencies as cited in the order. The food establishment shall remain closed in accordance with the
order until a decision is made at the hearing.

F. Show Cause Hearings shall be held by the Director of Health or authorized agent when deemed
necessary by the authorized agent and are required whenever a food establishment fails two (2)
inspections and/or receives two (2) poor ratings within twelve (12) months. The permit holder and/or
person in charge of the food establishment shall be given adequate notification of the time and location
of the hearing and shall provide signed written documentation as to how compliance with these
regulations, Public Act No. 17-93, and the Connecticut Public Health Code will be achieved. Food
establishments that fail two (2) or more inspections within twelve (12) months may be subject to permit
suspension as specified in Section 16 of these regulations.

Section 19: Service of Notice

A. A written notice or order referred to in these regulations shall be deemed to have been properly served
when a copy of the inspection report form or other written notice has been delivered to the permit
holder or person in charge in person or when it is sent by certified mail, return receipt requested, to the
address of the permit holder as reported on the most recent permit application. A copy of any notice or
order shall be on file in the records of the Director of Health.

B. Failure of the permit holder, owner, or person in charge to sign the inspection form does not negate the
inspection or inspection report as serving as written notice or order.

C. Any posted closure placard issued by the Director of Health shall not be defaced or removed by any
person except the Director of Health or authorized agent.

Section 20: Appeals to the Commissioner of Public Health

The permit holder or person in charge of a food establishment who is aggrieved by an order issued by
the Director of Health may, within seventy-two (72) business hours after receiving such order, appeal to
the Commissioner of Public Health who shall immediately notify the authority from who decision of the
appeal was taken and examine the merits of such case and may sustain, modify, or rescind such action
in accordance with Connecticut General Statutes 19a-229.

Section 21: Reinstatement of Suspended and Revoked Permits

A. Suspension. Whenever a permit has been suspended, the permit holder of the suspended permit may
make a written request for permit reinstatement. Within five (5) business days following the receipt of a
written request, including a statement signed by the applicant/owner, that the conditions causing the
suspension of the permit have been corrected, the authorized agent shall conduct a re-inspection. If the
food establishment is found to be in compliance with these regulations, Public Act No. 17-93 and the
Connecticut Public Health Code, the permit will be reinstated upon payment of the permit reinstatement
fee as outlined in the FVHD fee schedule.
B. Revocation. After a period of thirty (30) days from the date of revocation, a written application may be made for the issuance of a new permit. Procedures specified in Section 3 of these regulations for obtaining an annual permit shall be followed, including payment of the annual permit fee amount per the FVHD fee schedule.

Section 22: Food Protection; Emergency Occurrences

A. In the anticipation or the occurrences of a fire, flood, power outage, sewage back up or similar event that may result in the contamination of food, or that might prevent time/temperature control for safety food (TCS) from being held at required temperatures, the permit holder or person in charge of the food establishment shall contact the Director of Health within two (2) hours of first notice. If said notice is received outside of FVHD operating hours, then the person in charge shall notify the police dispatcher, who will continue to make all reasonable efforts to contact the Director of Health.

B. In the event of an imminent health hazard, the Director of Health may take whatever action is deemed necessary to protect the public health in accordance with applicable codes, regulations, and statutes of Connecticut State Agencies.

Section 23: Conflict of Regulations

In the event of any inconsistency between these regulations and other applicable code, regulation or statute of Connecticut State Agencies or local municipal law, regulation or ordinance, the provision which provides the higher standard for the promotion and protection of public health and safety shall prevail.

Section 23: Penalties


Section 24: Severability

Should any section, paragraph, sentence, clause, or phrase of these regulations be declared by a court of competent jurisdiction, to be unconstitutional or invalid for any reason, the remainder of the regulations shall not be affected thereby.

Section 25: Date of Effect

This regulation shall be in full force and effect on March 31, 2022.

Chairman, FVHD Board of Health

Date 3/31/22

As amended by the Board on March 1, 2022, October 18, 2011, January 15, 2008

Chairman, FVHD Board of Health

Rev. March 2022
Appendix 1

Summary of violations associated with major risk factors
from the Inspection Report of Food Service Establishments as published by the State of Connecticut Department of Public Health (focused inspection 1/2002)

Food Source

#1. Approved Source, wholesome, nonadulterated

Food Temperature

#3. Potentially hazardous food meets temperature requirements during storage, preparation, display, service, and transportation

#4. Adequate facilities to maintain product temperature, thermometers provided

Personal Hygiene

#9. Handling of food minimized

#12. Personnel with infection restricted

#13. Handwashing facilities provided; hand washing observed

#15. Good hygienic practices

#38. Handwashing accessories provided

Cross contamination / Contaminated equipment

#7. Food protected during storage, preparation, display, service and transportation

#24. Sanitization rinse (hot water – chemical)

#25. Clean wiping cloths

#26. Food contact surfaces of utensils and equipment clean

#30. Hot and cold water under pressure, provided as required

Personnel

#60. Qualified Food Operator/Certified Food Protection Manager (CFPM under Public Act No. 17-93)

#61. Designated Alternate/Alternate Person in Charge (PIC under Public Act No. 17-93)

#62. Written documentation of training program

Note: Any modifications to Appendix 1 would be in accordance with modifications in the regulations or standards as promulgated by the Connecticut Department of Public Health or Public Act No. 17-93.