

**Public Health Regulation
Of
Three Rivers District Health Department Board of Health
Commonwealth of Kentucky
Regulation No. 317-02**

**AN ADMINISTRATION REGULATION RELATING TO THE REGULATION
OF FOOD SERVICE ESTABLISHMENT MANAGERS REQUIRING
CERTIFICATION BE OBTAINED PERTAINING TO SAFE FOOD HANDLING
PRACTICES AND FOOD SAFETY IN ATTEMPTS TO REDUCE THE
OCCURRENCE OF FOOD BORNE RELATED ILLNESSES.**

WHEREAS, KRS 212.230 provides that a county Board of Health shall adopt such rules and regulations as may be necessary to protect the health and safety of the people or to effectuate the purposes of KRS Chapter 212 or any other law relating to public health; and

WHEREAS, the Three Rivers District Board of Health believes it is appropriate and that it is their responsibility to first protect the public's health and secondly to provide and promote food safety education among food service establishments.

NOW THEREFORE BE IT ORDAINED by the Three Rivers District Board of Health of Carroll, Gallatin, Owen, and Pendleton Counties of the Commonwealth of Kentucky:

Section 1. PURPOSE

The purpose of this regulation is to require certification of supervisory personnel of food service establishments operating within the Three Rivers District Health jurisdiction; so that supervisory personnel shall have knowledge of safe techniques for storage, preparation, display, and service of foods with the underlying purpose of preventing food borne illness and protecting the public health and so that supervisory personnel shall have knowledge to train employees under their supervision regarding the same.

Section 2. DEFINITIONS

For the purpose of this regulation:

- (a). "Supervisory personnel" means individuals having supervisory, training, or management responsibilities as well as any other person working in a food service establishment who may be in charge of food preparation or service with authority and responsibility to direct or control such activities.

(b). "Food Service Establishment" means any fixed or mobile commercial establishment that engages in the preparation and serving of ready-to-eat foods in portions to the consumer, including, but not limited to the following: restaurants, coffee shops, cafeterias, short order cafes, luncheonettes, grills, tea rooms, sandwich shops, soda fountains, taverns, bars, cocktail lounges, nightclubs, roadside stands, industrial feeding establishments, private/public or non-profit organization or institutions routinely serving food, catering kitchens, commissaries, or similar places in which food is routinely prepared for sale or service on the premises or elsewhere with or without charge. It does not include establishments serving beverages only, food vending machines, or retail food markets which only cut, slice, and prepare cold cut sandwiches for individual consumption.

Section 3. FOOD SERVICE MANAGER'S CERTIFICATION REQUIRED

(a). After 180 days of the adoption of this regulation no person shall operate a food service establishment unless its food handling operation is under the immediate control of a person holding a valid food service manager's certification. This certification may be posted in a conspicuous location in the establishment or otherwise must be made available to the health authority upon request. Manager certifications will be verified by the health authority upon conducting regular facility inspections.

(b). In order to obtain a food service manager's certificate, applicants for certification must provide the appointing authority with documentation that verifies their knowledge of safe food handling procedures and food borne illness prevention. Satisfactory documentation may consist of a certificate from an independent testing agency which certifies that the applicant has achieved a passing score on an examination, which has been designed to measure the understanding and application of safe food handling techniques and practices upon completion of at least 6 clock hours of classroom instruction. Nothing in this regulation prohibits any formal employer provided in-house sanitation training program from fulfilling the requirements of this regulation provided satisfactory documentation is provided to the appointing authority that the program in question meets the minimum requirements of this regulation. Further, that managers having completed such training must demonstrate a satisfactory knowledge of safe food handling techniques and practices by successfully completing a written examination as administered by the appointing authority or his/her authorized representative.

(c). Whenever the food service manager holding the certificate terminates employment, is terminated, or is transferred to another food service establishment, the person owning, operating, or managing the food establishment shall be allowed no more than one hundred and twenty (120) days from the date of the termination or transfer of the certificate

holder to comply with this section. It shall be the responsibility of the owner, operator, manager, or permit holder of the food service establishment to notify his/her necessary staff of their certification obligations.

(d). A fee, as determined by the Health Authority, not less than \$30.00 shall accompany requests for all food manager's certifications. Food managers of retail food establishments that are fee exempted according to KRS 217.125 will be exempt from the certification fee, but must comply fully with the provisions of the regulation in all other respects.

Section 4. ISSUANCE OF CERTIFICATES

(a). When the applicant meets the requirements of Section 3 above, the regulatory authority shall issue a certificate in the name of the individual only. The certificate shall expire as according to the criteria requirements or at the end of three (3) years should a locally developed format be developed.

(b). A food manager's certificate is not transferable from one person to another.

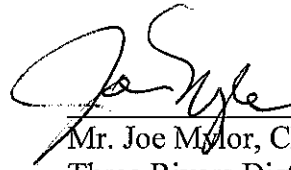
Section 5. EXEMPTIONS

Food service establishments that serve, sell, or distribute only prepackaged foods and beverages are exempt from the provisions of this regulation. Temporary food service establishments that operate at a fixed location for a period of time of not more than fourteen (14) consecutive days in conjunction with a single event or celebration may be exempted by the health authority.

Section 6. PENALTY FOR VIOLATION

Any owner, operator, manager, or supervisory personnel found to be in violation of this article shall be ordered to comply with this regulation. The Three Rivers District Health Department authority shall issue a notice to comply and allow no more than (120) one hundred and twenty days to comply. If any owner, operator, manager, or supervisory personnel found to be in violation does not comply with the order of the Three Rivers District Health Department, then pursuant to KRS 212.715 and KRS 212.990(2), the owner, operator, manager, or supervisory personnel of the food service establishment shall be subject to fine of not less than \$10.00 nor more than \$100.00 for each day that the order of the Three Rivers District Health Department is not complied with.


Any person issued a notice will be afforded an opportunity for an administrative conference, if a written request for such is filed with the Department within ten (10) working days of their receiving any official notice or order. The administrative conference provided for in this regulation shall be conducted by the Department at a time and place designated by the Department.



Mr. Joe Maylor, Chairman
Three Rivers District Health
Department Board of Health

DATE 07/19/17

ATTEST:



Dr. Georgia Heise, District Director
Three Rivers District Health Department

DATE 7/19/17

Regulation originally passed 12/9/2005 via the Three Rivers District Board of Health.