

## **OPENING A FOODSERVICE ESTABLISHMENT**

### PROCEDURES

In order to secure a foodservice license, the applicant must:

- ☐ Complete and submit the Food Establishment Plan Review Application
- ☐ Provide a site plan for a new, a newly renovated, or an existing establishment and pay plan review fee if applicable (\$300).
- ☐ Submit a proposed menu to determine restaurant classification (I-IV) and to determine if the facility is equipped to support the proposed menu.
- ☐ Provide Certified Food Protection Manager (CFPM) documentation if applicable. (Class II, III & IV)
- ☐ Complete the Designated Alternate Person in Charge form(s) if applicable. (Class II, III & IV)
- ☐ Fill out Foodservice License Application and pay applicable license fee.
- ☐ Submit for approval from all municipal departments (Building, fire, planning/zoning and water pollution control) and any applicable state agencies (bakeries, food manufacturers and juice/bottled beverage manufacturers require Department of Consumer Protection licensing and approval <http://www.ct.gov/dcp/cwp/view.asp?a=1622&q=446448>).
- ☐ Obtain plan review approval from Ledge Light Health District (if applicable).
- ☐ Request a pre-operational inspection to determine what needs to be done prior to opening.
- ☐ Request and pass the initial (opening) inspection and obtain all approvals from all applicable municipal and state agencies.
- ☐ Foodservice file will be established and kept in the District's general files.

The following shall be provided (attached) and explained to the licensee by the Ledge Light Health District:

1. Food Service License Application
2. LLHD Local Food Service Regulations
3. Regulation to Implement the FDA Food Code
4. Connecticut General Statutes pertaining to Food Service Operations
5. Certified Food Protection Manager ANSI Accredited Programs
6. Schedule of Fees and Penalties

FDA Food Code Link: <https://www.fda.gov/media/164194/download?>

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New Construction	Remodel	Change in Use (Existing facility)
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**ENCLOSE THE FOLLOWING DOCUMENTS FOR REVIEW:**

- ☐ **Proposed Menu** (including seasonal, off-site and banquet menus)
- ☐ **Manufacturer Specification sheets** for each piece of equipment shown on the plan
- ☐ **Plan** drawn to scale of food establishment showing location of equipment, plumbing, electrical services and mechanical ventilation
- ☐ **Site plan** showing location of business in building; location of building on site including alleys, streets; and location of any outside equipment (dumpsters, well, septic system - if applicable)
- ☐ **Payment** (\$300)

**PROVIDE THE FOLLOWING INFORMATION (required):**

**Number of Seats:** Indoor: \_\_\_\_\_ Outdoor: \_\_\_\_\_

**Type of Service (Check all that apply):**

☐ Sit Down   ☐ Take Out   ☐ Caterer   ☐ Mobile Vendor   ☐ Other \_\_\_\_\_

**Building**

**Water Supply:** ☐ Public   ☐ Private (Well)

- If Private, Registered with CT DPH Water Supplies ☐ Yes   ☐ No \*Attach Copy of Last Water test

**Sewage Supply (5-403.11):** ☐ Public   ☐ Private (Septic)

- If Public, contact Municipal WPCA for grease recovery unit sizing (see attached for contact)
- If Private, provide septic as-built and system (tanks and leaching) size

**Total Square Feet of Facility:** \_\_\_\_\_

**Number of Floors on which operations are conducted on:** \_\_\_\_\_ (basement, attic etc.)

**Designated area for employees' personal belongings? (i.e., purses, coats, phones, etc.)** ☐ Yes   ☐ No

**Garbage cans/dumpsters/compactors/grease storage to be stored on a smooth, easily cleanable surface**

**Trash/Recycling Hauler:** \_\_\_\_\_ **Grease Hauler:** \_\_\_\_\_

**Plumbing/Cleaning/Sanitizing:**

**Is a mop sink present?** ☐ Yes   ☐ No

**Are grease traps provided (see WPCA)?** ☐ Yes   ☐ No

**Type of ware washing:**

☐ High-temp Booster heater dish machine   ☐ Chemical dish machine   ☐ 3-bay compartment sink



Promoting  
healthy  
communities

**Sanitizer and Test Strips to be used in establishment (4-501.114 A,B,C; 4-302.14):**

- ☐ Chlorine (food-grade bleach)   ☐ Quaternary Ammonia Compounds   ☐ Iodine
- ☐ Other \_\_\_\_\_ (specify)

**Restrooms:**

Are Public Restrooms Available?   ☐ Yes   ☐ No

If Yes, are they separated by sex?   ☐ Yes   ☐ No

Type of restroom ventilation:   ☐ Functioning ceiling fan   ☐ Window with screen   ☐ Other \_\_\_\_\_

Facilities to ensure maximum of 115°F in restrooms and public areas:

- ☐ Mixing valves   ☐ Combination faucets   ☐ Other

Other information applicant wishes to provide to assist with plan approval:

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**Once plan is approved, applicant shall comply with 8-304.11 and Ledge Light Health District's Food Service Regulations.**

## REQUIRED CONTENTS AND FORMAT OF PLANS AND SPECIFICATIONS

1. Provide the layout of the floor plan accurately drawn to a minimum scale of 1/4 inch = 1 foot.
2. Show the location and when requested, elevated drawings of all food equipment. Each piece of equipment must be clearly labeled on the plan and be commercial grade, ANSI approved.
3. Designate clearly on the plan equipment for adequate rapid cooling, including ice baths and refrigeration, and for hot-holding foods that require time and temperature control for safety (TCS Foods).
4. Label and locate separate food preparation sinks when the menu dictates to preclude contamination and cross-contamination of raw and ready-to-eat foods.
5. Clearly designate adequate handwashing lavatories for each toilet fixture and in the immediate area of food preparation, ware washing, cooking and serving.
6. Provide the room size, aisle space, space between and behind equipment and the placement of the equipment on the floor plan.
7. On the plan represent auxiliary areas such as storage rooms, garbage rooms, toilets, basements and/or cellars used for storage or food preparation. Show all features of these rooms as required by this guidance manual.
8. Complete finish schedules for each room including floors, walls, ceilings and coved juncture bases.
9. Plumbing schedule including location of floor drains, floor sinks, water supply lines, overhead waste-water lines, hot water generating equipment with capacity and recovery rate, backflow prevention, and wastewater line connections.
10. Lighting schedule with protectors.
11. Food Equipment schedule to include make and model numbers and listing of equipment that is certified or classified for sanitation by an ANSI accredited certification program (when applicable).
12. Source of water supply and method of sewage disposal. Provide the location of these facilities and submit evidence that state and local regulations are complied with.

13. Ventilation schedule for each room.
14. A mop sink or curbed cleaning facility with facilities for hanging wet mops.
15. Garbage can washing area/facility.
16. Cabinets or shelving for storing toxic chemicals.
17. Dressing rooms, locker areas, employee rest areas, and/or coat rack as required.



**For non-engineered plans, please use graph paper on page 8.**

Use this key or provide another clear key. If needed, continue on additional sheets of graph paper.

Handsink	HS	Bain-Marie	BM	Slicer	SL	Stovetop/grill	ST
Mopsink	MS	Reach-in Refrig	RR	Food Processor	FP	Broiler	BR
Prepsink	PS	Walk-in Refrig	WIC	Floor mixer	FM	Microwave Oven	MW
3-bay Sink	3S	Undercounter Refrig	UF	Stand Mixer	MX	Steamer	SR
2-bay Sink	2S	Ice Machine	ICE	Countertop	Ctr	Fryer	FR
Dishwasher	DW	Reach-in Freezer	RF	Table	Tbl	Hood	HD
Hot water Heater	HW	Walk-in Freezer	WIF	Grease Trap	GT	Grease Removal Unit	GRU
Others:							



**Scale: 1 square =      feet**

This image shows a full page of blank graph paper. The grid consists of small, equal-sized squares formed by thin black lines. There are 20 columns and 20 rows of squares, creating a total of 400 square units. The margins are consistent on all sides, and there are no markings or text on the paper.

### FINISH SCHEDULE

**Applicant must indicate which materials (quarry tile, stainless steel, 4" plastic coved molding, etc.) will be used in the following areas.**

AREA	FLOOR	COVING (FLOOR/WALL JUNCTURE)	WALLS	CEILING
Kitchen				
Bar				
Food Storage				
Other Storage				
Toilet Rooms				
Dressing Rooms				
Garbage & Refuse Storage				
Mop Service Area				
Ware- washing area				
Walk-In coolers and freezers				

### PLUMBING CONNECTIONS

**Applicant must place a checkmark indicating which type of connection will be used for the following equipment.**

<b>Plumbing Fixture</b>	<b>Indirect Waste Connection (i.e. Air gap &amp; air break)</b>	<b>Direct Waste Connection (i.e. Integral trap &amp; P-trap)</b>	<b>Vacuum Breaker</b>	<b>Condensate Pump</b>	<b>N/A</b>
Dishwashing Machine					
Ice Machines					
Ice Storage Bins					
Hose Connection					
Mop Sink					
Food Prep Sink					
Toilets					

<b>Plumbing Fixture</b>	<b>Indirect Waste Connection (i.e. Air gap &amp; air break)</b>	<b>Direct Waste Connection (i.e. Integral trap &amp; P-trap)</b>	<b>Vacuum Breaker</b>	<b>Condensate Pump</b>	<b>N/A</b>
Dipper Well					
Urinal					
Beverage Dispenser with Carbonator					
Refrigeration Condensate/ Drain Lines					
Garbage Grinder					
Steam Tables					
Coffee Brewer					
Other:					

**LLHD TOWN OFFICIALS**

<b>Groton City:</b> Building Official: 860-446-4134 Zoning: 860-446-4134 Fire Marshal: 860-445-2456 WPCA: 860-446-4085	<b>New London:</b> Building Official: 860-447-5240 Zoning: 860-437-6381 Fire Marshal: 860-447-5294 WPCA: 860-447-5222
<b>Groton Town:</b> Building Official: 860-446-5982 Zoning: 860-446-5982 Fire Marshal: 860-448-1384 (Poquonnock Bridge) WPCA: 860-448-4083	<b>North Stonington:</b> Building Official: 860-535-2877 ext. 18 Zoning: 860-353-2877 ext. 27 Fire Marshal: 860-535-0937 WPCA: 860-535-2877
<b>East Lyme:</b> Building Official: 860-691-4114 Zoning: 860-691-4114 Fire Marshal: 860-739-2420 WPCA: 860-739-6931 ext. 1139	<b>Old Lyme:</b> Building Official: 860-434-1605 ext. 213 Zoning: 860-434-1605 ext. 225 Fire Marshal: 860-434-1605 ext. 231 WPCA: 860-434-1605 ext. 228
<b>Ledyard:</b> Building Official: 860-464-3214 Zoning: 860-464-3216 Fire Marshal: 860-464-6858 WPCA: 860-536-1769	<b>Waterford:</b> Building Official: 860-444-5826 Zoning: 860-444-5813 Fire Marshal: 860-440-0544 WPCA: 860-444-5886
<b>Stonington:</b> Building Official: 860-535-5075 Zoning: 860-535-5095 Zoning Borough: 860-535-1298 WPCA: 860-535-5065	Fire Marshal: Stonington- 860-599-3829 Borough- 860-535-3315 Pawcatuck- 860-599-4215 Mystic- 860-572-7567 Old Mystic- 860-536-2220
<b>Lyme:</b> 860-434-7733 – all Officials by appointment only	

### PRE-OPERATIONAL INSPECTION CHECKLIST

**Note: Inspection to take place after floor plan is approved by all necessary departments and construction is completed.**

**Training (All documents shall be kept on site at establishment and accessible for all inspections) (Class II-IV)**

- ☐ Certified Food Protection Manager (2-103.12A)

**Form-The following Forms can be found on LLHD.org under the Forms Tab**

- ☐ Employee training records
- ☐ Signed designated alternate form
- ☐ Cleaning Schedule for FSE
- ☐ Guide 1-B Reporting of Ill Food Workers (2-201.11C)
- ☐ Procedures for Cleanup of Vomiting and Diarrhea (2-501.11)
- ☐ Consumer Advisory Memo (3-603.11)

#### Hand Washing

- ☐ Hot (85°F) and cold running water, under pressure in all food preparation, dispensing and ware washing (5-202.12A)
- ☐ Waste receptacles available at all hand sinks (6-301.20)
- ☐ Shall have hand cleaning materials (6-301.13)
- ☐ Hand drying provision - Type: Paper towels, Air Blower, Air Blade (6-301.12)
- ☐ Handwashing Signage (6-301.14)

#### Food Protection

- ☐ Conveniently located refrigeration facilities equipped with air thermometers reading 37°-39°F, located in the front of the unit (4-204-112A,B,D)
- ☐ Sneeze guards and/or splash guards where appropriate (salad bars, on hand sinks next to food prep areas or on food prep sinks (3-306.11)
- ☐ Shielded, or shatterproof light bulbs in all food storage, preparation, display, and service areas (4-202.12A)
- ☐ Adequate racks provided to store food at least 6" off the floor, made of appropriate materials (3-305.11)

#### Dishwashing Facilities

- ☐ Manual warewashing solution temperature minimum 110°F (4-501.19)
- ☐ Ware washing sinks shall have adequate drain boards or dish tables for proper handling of soiled utensils prior to washing and for air drying cleaned utensils following rinsing or sanitizing (4-501.13) (4-501.14)
- ☐ Appropriate dishwashing facilities, detergent, sanitizers and test strips to verify said sanitizers (4-501.114 A,B,C)
- ☐ Test strips can be purchased from baileystst.com, webstaurantstore.com or restaurant depot (4-302.14)

#### Toxic Materials

- ☐ Cleaning materials and toxic items shall be stored away from food prep and storage areas (7-201.11)

### Equipment and Utensils

- ☐ All food-contact surfaces shall be corrosive resistant, non-absorbent, and nontoxic (4-202.12A)
- ☐ All non-food contact surfaces of equipment shall be smooth, and easily cleanable (4-202.12A)
- ☐ Digital food thermometer available (4-204-11)
- ☐ Devices to sanitize said thermometer (alcohol wipes recommended)

### Toilet Facilities

- ☐ Hot water in public restrooms maximum of 115°F (5-202.12A)
- ☐ Toilet Room Doors Closed (6-501.19)
- ☐ Unisex/or women's restrooms shall have a covered receptacle (5-501.17)

### Vermin Control

- ☐ All openings to the outside shall be protected against rodents/insects- tight fitting screens, controlled air currents, etc. (6-501.11)
- ☐ All exterior trash containers shall be covered, leak resistant, stored on a cleanable surface with an enclosure and disposed of in a manner to prevent a public nuisance (5-501.115)

### Floors, Walls, and Ceilings

- ☐ Adequate floor drains (6-201.13)
- ☐ Closed junctures between the floor and wall – coving (6-201.13)
- ☐ Racks provided to hang mops/brooms (6-501.16)
- ☐ Service sink provided (5-203.13)
- ☐ Adequate ventilation provided (6-202.12)
- ☐ Lockers / storage area provided for storage of employees' personal items (6-501.110)

### Light Intensity

- ☐ At least 10 foot candles at a distance of 30 inches above the floor, in walk-in refrigeration units and dry food storage areas and in other areas and rooms during periods of cleaning (6-303.11)
- ☐ At least 20 foot candles at a surface where food is provided for consumer self-service such as buffets and salad bars or where fresh produce or packaged foods are sold or offered for consumption; inside equipment such as reach-in and under-counter refrigerators; at a distance of 30 inches above the floor in areas used for handwashing, warewashing, and equipment and utensil storage, and in toilet rooms (6-303.11)
- ☐ At least 50 foot candles at a surface where a food employee is working with food or working with utensils or equipment such as knives, slicers, grinders, or saws where employee safety is a factor (6-303.11)

### Other

- ☐ Fee paid for plan review (\$300)
- ☐ Menu submitted and consumer advisory for raw or ready to eat food (said items cannot be served to facilities serving high-risk populations)
- ☐ License fee paid prior to opening inspection
- ☐ Food Service License application submitted





Connecticut Secretary of the State  
Authenticated Electronic Legal Material

Secretary of the State File Number

**6374**

Regulation of the  
**Department of Public Health**  
Concerning

**Model Food Code Implementation**

Regulations adopted after July 1, 2013, become effective upon posting to the Connecticut eRegulations System, or at a later date if specified within the regulation.

Posted to the Connecticut eRegulations System on **February 17, 2023**

EFFECTIVE DATE

**February 17, 2023**

Approved by the Attorney General on

**December 5, 2022**

Approved by the Legislation Regulation Review Committee on

**January 24, 2023**

Electronic copy with agency head certification statement electronically submitted to and received by the Office of the Secretary of the State on

**February 7, 2023**

Form ICM-ECOPY (NEW 6/2015)  
State of Connecticut  
Secretary of the State



**IMPORTANT NOTICE FOR CONNECTICUT STATE AGENCIES**

This form should be used only for regulations first noticed on and after March 23, 2015.

## Electronic Copy Certification Statement

*(Submitted in accordance with the provisions of section 4-172 of the Connecticut General Statutes)*

Regulation of the  
**Department of Public Health**  
Concerning  
**Model Food Code Implementation**

Approved by the Legislative Regulation Review Committee: **January 24, 2023**

eRegulations System Tracking Number: **PR 2018-017**

**I hereby certify** that the electronic copy of the above-referenced regulation submitted herewith to the Secretary of the State is a true and accurate copy of the regulation approved in accordance with sections 4-169 and 4-170 of the *Connecticut General Statutes*.

**And I further certify** that in accordance with the approval of Legislative Regulation Review Committee, all required technical corrections, page substitutions and deletions, if any, have been incorporated into said regulation.

**In testimony whereof**, I have hereunto  
set my hand on **February 2, 2023**.

A handwritten signature in black ink, appearing to read "Manisha Juthani", written over a horizontal line.

Manisha Juthani, MD  
Commissioner  
Department of Public Health

State of Connecticut  
Regulation of  
**Department of Public Health**  
Concerning  
**Model Food Code Implementation**

Section 1. The Regulations of Connecticut State Agencies are amended by adding Sections 19a-36h-1 to 19a-36h-7, inclusive, as follows:

**(NEW) Sec. 19a-36h-1. Definitions.** As used in Sections 19a-36h-1 to 19a-36h-7, inclusive, of the Regulations of Connecticut State Agencies:

- (1) “Alternate person in charge” means the person designated by the owner or manager of the food establishment to be in charge of the food establishment when the certified food protection manager cannot be present;
- (2) “Certified food protection manager” has the same meaning as provided in section 19a-36g of the Connecticut General Statutes;
- (3) “Class 1 food establishment” has the same meaning as provided in section 19a-36g of the Connecticut General Statutes;
- (4) “Class 2 food establishment” has the same meaning as provided in section 19a-36g of the Connecticut General Statutes;
- (5) “Class 3 food establishment” has the same meaning as provided in section 19a-36g of the Connecticut General Statutes;
- (6) “Class 4 food establishment” has the same meaning as provided in section 19a-36g of the Connecticut General Statutes;
- (7) “Commissioner” has the same meaning as provided in section 19a-36g of the Connecticut General Statutes;
- (8) “Department” has the same meaning as provided in section 19a-36g of the Connecticut General Statutes;
- (9) “Director of health” has the same meaning as provided in section 19a-36g of the Connecticut General Statutes;
- (10) “Food code” has the same meaning as provided in section 19a-36g of the Connecticut General Statutes;
- (11) “Food establishment” has the same meaning as provided in section 19a-36g of the Connecticut General Statutes;
- (12) “Food inspector” has the same meaning as provided in section 19a-36g of the Connecticut General Statutes;
- (13) “Full-time” means a person normally employed and on duty not less than thirty hours per week on a regular basis, or the total number of hours the food establishment is open per week, if less than thirty hours;
- (14) “Operator” means a person who is the top manager or who otherwise controls the operations of a food establishment;
- (15) “Person in charge” has the same meaning as provided in section 1-201.10 of the food code;
- (16) “Priority foundation item” has the same meaning as provided in section 1-201.10 of the food code; and
- (17) “Regulatory authority” means the commissioner or director of health, or the commissioner and the director of health as follows:

(A) In the following food code sections, the regulatory authority means the commissioner:

- (i) Section 2-102.12;
- (ii) Section 2-103.11;
- (iii) Section 3-301.11(E)(1) and (6);
- (iv) Section 3-401.11;
- (v) Section 3-502.11;
- (vi) Section 4-204.110;
- (vii) Section 4-501.114(D);
- (viii) Section 7-202.12;
- (ix) Section 8-103.10;
- (x) Section 8-103.12 except paragraph (C); and
- (xi) Section 8-201.13 except subparagraphs (A)(3) and (B).

(B) In the following food code sections, regulatory authority means the commissioner and the director of health:

- (i) Section 3-301.11(E)(2);
- (ii) Section 8-101.10(A)
- (iii) Section 8-103.11;
- (iv) Section 8-202.10;
- (v) Section 8-203.10;
- (vi) Paragraphs (F), (H), (I) and (J) of section 8-304.11;
- (vii) Section 8-402.10;
- (viii) Section 8-402.11;
- (ix) Section 8-402.20;
- (x) Section 8-402.30;
- (xi) Section 8-402.40; and
- (xii) Section 8-501.10.

(C) In the following food code sections, regulatory authority means the commissioner or director of health, as required:

- (i) Section 8-103.12(C);
- (ii) Section 8-201.12;
- (iii) Section 8-201.13(A)(3);
- (iv) Section 8-201.14; and
- (v) Section 8-403.10.

(D) In all other sections of the food code, the regulatory authority means the director of health, except that in sections 3-403.11(C) and 3.501.17(G) of the food code regulatory authority means other state and federal authorities.

**(NEW) Sec. 19a-36h-2. Applicability and variance.**

(a) Applicability.

(1) All food establishments shall comply with the requirements of the food code, as amended from time to time, any food code supplement published by the United States Food and Drug Administration, and the Connecticut General Statutes and the Regulations of Connecticut State Agencies, as applicable.

(b) Variance.

(1) The commissioner may, in consultation with the Commissioner of Consumer Protection, grant a variance for the requirements of the food code if the commissioner determines that such variance will not result in a health hazard or nuisance. The commissioner may impose conditions

and requirements on the food establishment upon granting such variance. The commissioner shall provide the director of health and the owner or operator of the food establishment a copy of the approved variance.

(2) The owner or operator of a food establishment shall apply for such variance, in writing, to the commissioner by submitting the required documentation as specified in sections 8-103.11 and 8-103.12 of the food code.

(3) The department or food inspector shall verify compliance with the approved variance during routine inspections, site visits or as otherwise deemed necessary.

(4) A variance may be suspended or revoked in accordance with section 4-182(c) of the Connecticut General Statutes if the food inspector identifies noncompliance with the terms of the variance or deems that a health hazard or nuisance exists due to such variance.

**(NEW) Sec. 19a-36h-3. Inspection observations and documentation.**

(a) The food inspector shall complete all sections of the commissioner's prescribed inspection report form, as amended from time to time, to document inspection observations and other findings, and correction of violations or corrective actions implemented, if any.

(b) The food inspector shall provide the owner or operator or person in charge of the food establishment with a copy of the inspection report form not later than forty-eight hours after the inspection.

(c) The food inspector shall sign the inspection report form, which shall serve as the legal notice of violation and order to correct violations within the time period specified by the food code.

(d) The food inspector may use a different inspection report form, including an electronic form, if such inspection report form is substantially equivalent to the commissioner's inspection report form, and the director of health has obtained written approval from the commissioner to use such inspection report form.

**(NEW) Sec. 19a-36h-4. Certified food protection manager and alternate person in charge.**

(a) Each Class 1, 2, 3, and 4 food establishment shall have a person in charge who meets the requirements of section 2-102.11 of the food code and who is on-site at the food establishment at all times the establishment is operating.

(b) At all times, a class 2, 3 and 4 food establishment is operating, the person in charge shall be a certified food protection manager, except as permitted by subsection (c) of this section, who shall:

(1) Have obtained certification as required pursuant to section 19a-36i of the Connecticut General Statutes;

(2) Maintain such certification on file at the food establishment and provide such certification to the food inspector upon request; and

(3) Be a full-time employee, and assigned as the certified food protection manager to only one food establishment.

(c) The owner or manager of each class 2, 3 and 4 food establishment shall appoint an alternate person to be in charge, when the person in charge cannot be present. The alternate person in charge shall only be utilized during non-peak hours of operation, such as an overnight shift in which no more than two employees are on-site, and there is limited or no food preparation taking place. Such appointment shall be in writing on a form prescribed by the commissioner. The alternate person in charge shall:

(1) Demonstrate the same knowledge as a certified food protection manager and carry out the responsibilities as specified in subsection (d) of section 19a-36i of the Connecticut General Statutes; and

(2) Upon request of a food inspector at the food establishment, demonstrate to the food inspector, by a means according to section 2-102.11(B) or (C) of the food code, the knowledge required under section 2-102.11(C)(1) to (17), inclusive, of the food code.

(d) The food inspector shall consider noncompliance with subsection (c) of this section a priority foundation item and shall cite such finding on the food inspection report form.

**(NEW) Sec. 19a-36h-5. Employee health.**

If the owner, operator, or person in charge of a food establishment has reason to suspect that any employee has contracted any reportable diagnosis as specified in section 2-201.11(A)(2) of the food code, or any other communicable disease included on the commissioner's list of reportable diseases, emergency illnesses and health conditions adopted pursuant to section 19a-2a of the Connecticut General Statutes and that the commissioner deems reportable in relation to a foodborne outbreak, such owner, operator, or person in charge shall immediately notify the local director of health.

**(NEW) Sec. 19a-36h-6. Hold order, or destruction of food.**

(a) The food inspector may issue a hold order to the owner or operator of a food establishment for any food or drink suspected to be unsafe for human consumption, while verification of its safety is conducted.

(b) Such food or drink that may be subject to the hold order shall include, but not be limited to, the following:

- (1) Food that may have originated from an unapproved source;
- (2) Food that may be unsafe, adulterated or not honestly presented;
- (3) Food that is not labeled in accordance with the food code, or if raw molluscan shellfish, is not tagged or labeled according to the Connecticut General Statutes and Regulations of Connecticut State Agencies or the food code; or
- (4) Food that is otherwise not in compliance with the food code.

(c) The food inspector may issue a hold order to an owner, an operator or the person in charge of a food establishment without prior warning, notice of a hearing or a hearing on the hold order.

(d) The hold order notice shall include the following:

- (1) A statement that the food subject to the hold order may not be used, sold or moved from the food establishment, or destroyed without a written release of the hold order from the director of health;
- (2) The specific reasons for placing the food under the hold order with reference to the applicable provisions of the food code and the hazard or adverse effect created by the condition observed by the food inspector;
- (3) Identification of the food subject to the hold order by reference to its common name, the label information, a container description, quantity, and location;
- (4) The local health department's tag or identification information;
- (5) Information regarding the owner or operator of a food establishment's right to appeal, including information describing the procedure to request an appeal in accordance with section 19a-361 of the Connecticut General Statutes;
- (6) Notice that the director of health may order the destruction of the food if a timely request for an appeal is not received; and
- (7) The name and address of the local health department representative to whom a request for an appeal may be made.

(e) If the owner, operator, person in charge, or any other food establishment employee violates such hold order, the director of health shall remove the food that is subject to the hold order to a place of safekeeping.

(f) The food inspector shall place an official tag or label on the food identified under the hold order as follows:

- (1) The tag or label shall be securely placed on the food or containers to conspicuously identify food subject to the hold order; and



(2) The tag or label used to identify the food subject to the hold order shall include a summary of the provisions specified in subsection (d) of this section and shall be signed and dated by the food inspector.

(g) The owner, operator or person in charge, or any other food establishment employee shall not use, serve, sell or move the food subject to the hold order. The food inspector may allow the owner, operator or person in charge to store the food in an area of the food establishment if the food is protected from deterioration, the food will not contaminate other food, and storage of the food does not restrict the operations of the establishment.

(h) The food inspector may examine, sample and test food to determine its compliance with the food code.

(i) The food inspector shall issue a notice of release to the owner, operator or person in charge of a food establishment and remove hold order tags, labels, or other identification from the food subject to the hold order after determining the food is safe for human consumption.

(j) The director of health shall order the destruction of food that is subject to a hold order if:

(1) The owner or operator or person in charge fails to provide evidence that the food is not unsafe, unwholesome, or from an unapproved source;

(2) The owner or operator waives the right to appeal or has not made a timely request for an appeal; or

(3) The hold order is upheld subject to the administrative process as prescribed in section 19a-36l of the Connecticut General Statutes.

(k) The food inspector shall supervise the destruction of such food to ensure that it has been destroyed or denatured and disposed of in a safe manner.

**(NEW) Sec. 19a-36h-7. Enforcement.**

(a) The director of health shall ensure all food establishments are inspected pursuant to the schedule in section 19a-36j of the Connecticut General Statutes.

(b) A food inspector shall, immediately upon discovering any violations of the Connecticut General Statutes or Regulations of Connecticut State Agencies, as applicable or any provision of the food code, document the violations and order corrective action on the inspection report form. Such documentation shall include specific timeframes for completion of the corrective action if the violation cannot be corrected at the time of the inspection, or documentation that a violation has been corrected.

(c) The owner, operator or person in charge may submit documentation of the completion of corrective action to the food inspector in a form and manner acceptable to the food inspector. Such documentation may include, but not be limited to, photographic evidence of the correction or the owner's or operator's notarized attestation affirming that the required corrective action has been completed.

(d) A food inspector shall ensure the owner, operator or person in charge has corrected any violations in accordance with the specified time frames in the food code and in the form and manner required by the food inspector as documented on the inspection report form. Correction may be verified by reviewing photographic evidence, conducting a re-inspection or upon receiving a notarized attestation from the owner, operator or person in charge affirming that the correction has been completed. The food inspector shall document on the inspection report form how each correction was made for each violation.

(e) A complete inspection may be conducted if deemed necessary by the food inspector based on the nature and number of violations noted on a previous inspection report form, or the inspector's observations at the time of the re-inspection.

(f) If any violations identified by the food inspector have not been corrected within the timeframe provided the following orders may be issued, at the discretion of the director of health, to correct the violations:

- (1) Re-issuance of an order to correct the identified violations;
- (2) Training of food workers;
- (3) Replacement of the person in charge, alternate person in charge, or both;
- (4) Development and implementation of a risk control plan;
- (5) Increased inspection frequency;
- (6) Suspension of the permit or license; or
- (7) Another action deemed appropriate by the director of health.

(g) Pursuant to this section, the director of health shall summarily suspend a food establishment's permit or license based upon a finding that an imminent health hazard exists because of gross insanitary conditions, an onset of an apparent foodborne illness outbreak, misuse of poisonous or toxic materials, an emergency such as fire, flood, extended interruption of electrical or water service or sewage backup, or other imperative circumstance that requires emergency action to protect public health, welfare or safety. Upon such finding, the director of health shall issue a written order to the owner, operator or person in charge of the food establishment, without prior warning, notice of a hearing, or a hearing. The order shall include:

- (1) A statement communicating that the food establishment permit or license is immediately suspended and that all food operations shall immediately cease;
- (2) The reasons for summary suspension with reference to the applicable statutes, regulations and the provisions of the food code that are in violation;
- (3) The name and address of the local director of health to whom a written request for re-inspection may be made and the person who may certify that reasons for the suspension are eliminated; and
- (4) A statement communicating that the owner or operator may request an appeal by submitting a timely request as specified in accordance with section 19a-36/ of the Connecticut General Statutes.

(h) The food inspector shall conduct a re-inspection of a food establishment for which the permit or license to operate has been suspended when requested by the owner or operator of the food establishment. Such re-inspection shall be conducted not later than forty-eight hours after the receipt of a written request that specifies how the violations were corrected.

(i) Unless the summary suspension is reversed on appeal, the suspension order shall remain in effect until the conditions cited in the notice of suspension no longer exist and their elimination has been confirmed by the director of health through re-inspection and other appropriate means.

(j) If there is no appeal pending before the commissioner, and no order has been issued by the commissioner to uphold the suspension or revoke the permit or license, the suspended permit or license shall be reinstated immediately, or immediately following a twenty-four hour minimum closure mandate if the food establishment is located in a town with such local ordinance, if the director of health determines that the public health hazard no longer exists. A notice of reinstatement shall be provided to the owner or operator or person in charge.

(k) The local director of health shall issue an order to close any food establishment that is operating without a permit or license, and any person aggrieved by such order may file an appeal in accordance with section 19a-229 of the Connecticut General Statutes. The food establishment shall not be allowed to reopen until the required facility plans, permit or license application, and other documentation as specified by the director of health have been approved by the director of health and the food establishment is determined to be in compliance with the food code, applicable regulations and Connecticut General Statutes.



**Section 2. Section 19-13-B59(a) of the Regulations of Connecticut State Agencies is amended to read as follows:**

(a) Food handlers shall be persons in good health, free from open sores and lesions on the body and free from communicable diseases. (See section [19-13-B42(q)] 2-201 of the food code, as defined in section 19a-36g of the Connecticut General Statutes, relating to employment of persons with communicable diseases.) All employees shall wear clean outer garments and shall keep their hands clean at all times while engaged in handling food, drink, utensils or equipment. Employees shall not expectorate in rooms in which food is prepared. No employee shall resume work after using the toilet room without first washing his hands.

**Section 3. Section 19-13-B94 of the Regulations of Connecticut State Agencies is amended to read as follows:**

Facilities for dispensing foods or beverages shall meet the requirements of sections [19-13-B42, 19-13-B48 and 19-13-B49] 19a-36f through 19a-36o, inclusive, of the Connecticut General Statutes, and sections 19a-36h-1 to 19a-36h-7, inclusive, of the Regulations of Connecticut State Agencies, and shall be adequate to serve the maximum number of persons.

**Section 4. Section 19-13-D6(f)(4) of the Regulations of Connecticut State Agencies is amended to read as follows:**

(4) Methods of dishwashing and dish sanitizing, food handling and garbage disposal shall comply with [section 19-13-B42] sections 19a-36h-1 to 19a-36h-7, inclusive, of the Regulations of Connecticut State Agencies.

**Section 5. Section 19-13-F6(e) of the Regulations of Connecticut State Agencies is amended to read as follows:**

(e) There shall not be provided for drinking water purposes on any conveyance any cup, glass or any other container which may be used by more than one person unless such cup, glass or container shall have been thoroughly cleansed and subjected to bactericidal treatment after each individual use, in the manner prescribed in [subsection (i) of section 19-13-B42 for utensils used hi the preparation and serving of food and drink] section 4-703.11 of the food code, as defined in section 19a-36g of the Connecticut General Statutes.

**Section 6. Section 19a-2a-29(h)(1) of the Regulations of Connecticut State Agencies is amended to read as follows:**

(1) Serving Food, Dispensing Machines. Food and beverages sold at family campgrounds shall be stored and dispensed in accordance with sections [19-13-B40 and 19-13-B42] 19a-36h-1 to 19a-36h-7, inclusive, of the Regulations of Connecticut State Agencies. Food or beverage vending machine operation shall conform to the requirements of section 19-13-B52 of the Regulations of Connecticut State Agencies.

**Section 7. Section 19a-495-6f(b)(5) of the Regulations of Connecticut State Agencies is amended to read as follows:**

(5) Dietary services shall be provided to patients[,] under the [direction of a food service supervisor, who is a qualified food operator as defined in section 19-13-B42 of the Regulations of Connecticut State

Agencies. The food services supervisor] supervision of a certified food protection manager as defined in section 19a-36g of the Connecticut General Statutes. The certified food protection manager shall:

- (A) Ensure the dietary services operation complies with all applicable state regulations and statutes;
- (B) Employ an adequate number of individuals to perform the duties and responsibilities of the food service operation; and
- (C) Consult with a registered dietician on a regular basis, and an advanced practice registered nurse, or physician concerning patients' diets, as necessary.

**Section 8. Sections 19-13-B40, 19-13-B42, 19-13-B48, and 19-13-B49 of the Regulations of Connecticut State Agencies are repealed. Section 19-13-D6(f)(4) of the Regulations of Connecticut State Agencies is amended to correct internal references to 19-13-B42 as follows:**

(4) Methods of dishwashing and dish sanitizing, food handling and garbage disposal shall comply with [section 19-13-B42] sections 19a-36h-1 to 19a-36h-7, inclusive, of the Regulations of Connecticut State Agencies.

**Statement of Purpose**. The primary purpose of this regulation is to implement the United States Food and Drug Administration's Food Code (the "Food Code"), as amended from time to time, and any Food Code Supplements, published by the United States Food and Drug Administration, and implement the requirements outlined in sections 19a-36g through 19a-36m, inclusive, of the Connecticut General Statutes. Adoption of the Food Code is to align Connecticut with the majority of other states that have moved towards a national, uniform regulatory system that provides a scientific foundation and legal framework for regulating the foodservice industry. Adoption of the Food Code will provide consistency with federal performance standards currently established and implemented in Connecticut, as well as consistency with foodservice industry practices. The Food Code recognizes the need for individualized state requirements governing inspections, waivers, certification of inspectors and permitting or licensing of food establishments, ensuring the safe handling of food and enforcement of the Food Code. Thus, in addition to adopting the Food Code this regulation is necessary to implement Connecticut's individualized requirements. Additionally, the regulation repeals sections 19-13-B40, 19-13-B42, 19- 13-B48, 19-13-B49, which are outdated and in conflict with the current requirements of the Food Code and these regulations, and amends section 19-13-D6(f)(4) to correct internal references to 19-13-B42.

**IMPORTANT NOTICE FOR CONNECTICUT STATE AGENCIES**

This form is to be used for proposed permanent and technical amendment regulations only and must be completed in full.

**AGENCY CERTIFICATION**

**Department of Public Health**

Proposed Regulation Concerning

**Model Food Code Implementation**

eRegulations System Tracking Number **PR2018-017**

**I hereby certify the following:**

(1) The above-referenced **regulation** is proposed pursuant to the following statutory authority or authorities: **CGS Sections 19a-2a and 19a-36a, 19a-36h.**

*For technical amendment regulations proposed without a comment period, complete #2 below, then skip to #8.*

(2) As permitted by Section 4-168(h) of the *Connecticut General Statutes*, the agency elected to proceed without prior notice or hearing and posted the text of the proposed technical amendment regulation on eRegulations System website on **<<select and enter the date of posting>>**.

*For all other non-emergency proposed regulations, complete #3 - #7 below, then complete #8)*

(3) The agency posted notice of intent with a specified comment period of not less than 30 days to the eRegulations System website on **June 16, 2022**.

(4) (Complete one) ☒ No public hearing held or was required to be held. **OR** ☐ One or more public hearings were held on: **<<select and enter dates>>**.

(5) The agency posted notice of decision to move forward with the proposed regulation to the eRegulations System website on **September 21, 2022**.

(6) (Complete one) ☐ No comments were received. **OR** ☒ Comments were received and the agency posted the statements specified in subdivisions (1) and (2) of CGS Section 4-168(e) to the eRegulations System website on **October 19, 2022**.

(7) The final wording of the proposed regulation was posted to the eRegulations System website on **October 18, 2022**.

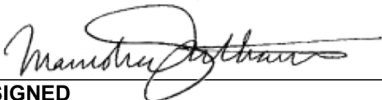
(8) Subsequent to approval for legal sufficiency by the Attorney General and approval by the Legislative Regulation Review Committee, **the final regulation shall be effective**

*(Check one and complete as applicable)*

☒ When posted to the eRegulations System website by the Secretary of the State.

**OR** ☐ On \_\_\_\_\_

*(Date must be a specific calendar date not less than 11 days after submission to the Secretary of the State)*

  
**SIGNED**

*(Head of Board, Agency or Commission,  
 or duly authorized deputy)*

**Commissioner**  
 OFFICIAL TITLE

**11-3-2022**  
 DATE

# **OFFICE OF THE ATTORNEY GENERAL REGULATION CERTIFICATION**

**Agency: Connecticut Department of Public Health**

***REGULATION NUMBER PR2018-017***

**This Regulation is hereby APPROVED by the Attorney General as to legal sufficiency in accordance with Connecticut General Statutes § 4-169.**

**DATE: 12/5/2022**

**Signed:** 

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***Daniel Shapiro  
Deputy Associate Attorney General/Chief of the  
Health and Education Section  
Duly Authorized***

# The Connecticut General Assembly

## Legislative Regulation Review Committee

Senator John Kissel  
Senate Chair



Representative Lucy Dathan  
House Chair

### Official Record of Committee Action

January 24, 2023

Agency:	Department of Public Health
Description:	Model Food Code Implementation
LRRC Regulation Number:	2022-017
eRegulation Tracking Number:	PR2018-017

The above-referenced regulation has been

### Approved with Technical Corrections and Substitute Pages

by the Legislative Regulation Review Committee in accordance  
with CGS Section 4-170.

Catherine M. Thomas  
Committee Administrator



State of Connecticut  
Office of the Secretary of the State

**Confirmation of Electronic Submission**

Re: Regulation of the Department of Public Health concerning Model Food Code  
Implementation  
eRegulations System Tracking Number PR2018-017  
Legislative Regulation Review Committee Docket Number 2022-017

The above-referenced regulation was electronically submitted to the Office of the Secretary of the State in accordance with Connecticut General Statutes Section 4-172 on February 7, 2023.

Said regulation is assigned Secretary of the State File Number 6374.

The effective date of this regulation is February 17, 2023.

A handwritten signature in blue ink, appearing to read "Stephanie Thomas".

Stephanie Thomas  
Secretary of the State  
February 17, 2023

By:

/s/ Christopher R. Drake  
Christopher R. Drake  
Director, Business Services  
Division

**Sec. 19a-36a. Regulations concerning food operators.** The Commissioner of Public Health shall adopt regulations, in accordance with the provisions of chapter 54, to assure that food service establishments employ as food operators persons who have a knowledge of safe food handling techniques and to set requirements for the employment of food operators by such establishments. Such regulations shall include, but not be limited to, responsibilities of food service establishments and their employees, exemptions for certain classes of food establishments and responsibilities of local health departments in monitoring compliance of food establishments.

(P.A. 89-308; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58.)

History: P.A. 93-381 replaced commissioner of health services with commissioner of public health and addiction services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995.

**Sec. 19a-36b. Persons exempt from examination requirement for qualified food operators. Regulations.** (a) Any person who serves meals to individuals at registered congregate meal sites funded under Title III of the Older Americans Act of 1965, as amended, which were prepared under the supervision of a qualified food operator, shall be exempt from the examination requirement for qualified food operators.

(b) Any volunteer who serves meals for a nonprofit organization shall be exempt from the examination requirement for qualified food operators.

(c) The Commissioner of Public Health, in conjunction with the Commissioner of Social Services, shall adopt regulations in accordance with the provisions of chapter 54 to establish training procedures for persons exempt from the examination requirement for qualified food operators under the provisions of subsections (a) and (b) of this section.

(P.A. 98-75, S. 1.)

**Secs. 19a-36c to 19a-36e. Display of sign re signs of choking by food service establishments. Sous vide processing by food service establishments. Acidification of sushi rice.** Sections 19a-36c to 19a-36e, inclusive, are repealed, effective October 1, 2017.

(P.A. 05-134, S. 1; P.A. 15-140, S. 1; P.A. 15-220, S. 1; P.A. 17-93, S. 16.)

**Sec. 19a-36f. Prohibition on use of disposable natural rubber latex gloves at retail food establishments.** (a) No person shall use or require the use of disposable, nonsterile or sterile natural rubber latex gloves at a retail food establishment.

(b) Any person who violates subsection (a) of this section shall be fined not less than two hundred fifty dollars nor more than five hundred dollars.

(P.A. 15-242, S. 31; P.A. 17-93, S. 13; P.A. 18-168, S. 23.)

History: P.A. 15-242 effective July 1, 2016; P.A. 17-93 amended Subsec. (a) by replacing “food service establishment” with “food establishment”; P.A. 18-168 amended Subsec. (a) by deleting reference to the types of retail food establishments.

**Sec. 19a-36g. Food code. Definitions.** As used in this section and sections 19a-36h to 19a-36o, inclusive:

(1) “Catering food service establishment” means a business that is involved in the (A) sale or distribution of food and drink prepared in bulk in one geographic location for retail service in individual portions in another location, or (B) 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;

(2) “Certified food protection manager” means a food employee that has supervisory and management responsibility and the authority to direct and control food preparation and service;

(3) “Class 1 food establishment” means a retail food establishment that does not serve a population that is highly susceptible to food borne illnesses and only offers (A) commercially packaged food in its original commercial package that is time or temperature controlled for safety, or (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 hours after heating, or (C) food prepared in the establishment that is not time or temperature controlled for safety;

(4) “Class 2 food establishment” means a retail food establishment that does not serve a population that is highly susceptible to food-borne illnesses and offers a limited menu of food that is prepared or cooked and served immediately, or that prepares or cooks food that is time or temperature controlled for safety and may require hot or cold holding, but that does not involve cooling;

(5) “Class 3 food establishment” means a retail food establishment that (A) does not serve a population that is highly susceptible to food-borne illnesses, and (B) offers food



that is time or temperature controlled for safety and requires complex preparation, including, but not limited to, handling of raw ingredients, cooking, cooling and reheating for hot holding;

(6) “Class 4 food establishment” means a retail food establishment that serves a population that is highly susceptible to food-borne illnesses, including, but not limited to, preschool students, hospital patients and nursing home patients or residents, or that conducts specialized food processes, including, but not limited to, smoking, curing or reduced oxygen packaging for the purposes of extending the shelf life of the food;

(7) “Cold holding” means maintained at a temperature of forty-one degrees Fahrenheit or below;

(8) “Commissioner” means the Commissioner of Public Health or the commissioner's designee;

(9) “Contact hour” means a minimum of fifty minutes of a training activity;

(10) “Department” means the Department of Public Health;

(11) “Director of health” means the director of a local health department or district health department appointed pursuant to section 19a-200 or 19a-242;

(12) “Food code” means the food code administered under section 19a-36h;

(13) “Food establishment” means an operation that (A) stores, prepares, packages, serves, vends directly to the consumer or otherwise provides food for human consumption, including, but not limited to, a restaurant, catering food service establishment, food service establishment, temporary food service establishment, itinerant food vending establishment, market, conveyance used to transport people, institution or food bank, or (B) relinquishes possession of food to a consumer directly, or indirectly through a delivery service, including, but not limited to, home delivery of grocery orders or restaurant takeout orders or a delivery service that is provided by common carriers. “Food establishment” does not include a vending machine, as defined in section 21a-34, a private residential dwelling in which food is prepared under section 21a-62a or a food manufacturing establishment, as defined in section 21a-151;

(14) “Food inspector” means a director of health, or his or her authorized agent, or a registered sanitarian who has been certified as a food inspector by the commissioner;

(15) “Food inspection training officer” means a certified food inspector who has received training developed or approved by the commissioner and been authorized by the commissioner to train candidates for food inspector certification;

(16) “Food-borne illness” means illness, including, but not limited to, illness due to heavy metal intoxications, staphylococcal food poisoning, botulism, salmonellosis, shigellosis, Clostridium perfringens intoxication and hepatitis A, acquired through the ingestion of a common-source food or water contaminated with a chemical, infectious agent or the toxic products of a chemical or infectious agent;

(17) “Food-borne outbreak” means illness, including, but not limited to, illness due to heavy metal intoxications, staphylococcal food poisoning, botulism, salmonellosis, shigellosis, Clostridium perfringens intoxication and hepatitis A, in two 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;

(18) “Hot holding” means maintained at a temperature of one hundred thirty-five degrees Fahrenheit or above;

(19) “Itinerant food vending establishment” means a vehicle-mounted, self-contained, mobile food establishment;

(20) “Permit” means a written document issued by a director of health that authorizes a person to operate a food establishment;

(21) “Temporary food service establishment” means a food establishment that operates for a period of not more than fourteen consecutive days in conjunction with a single event or celebration;

(22) “Time or temperature controlled for safety” means maintained at a certain temperature or maintained for a certain length of time, or both, to prevent microbial growth and toxin production; and

(23) “Variance” means a written document issued by the commissioner that authorizes a modification or waiver of one or more requirements of the food code.

(P.A. 17-93, S. 2; P.A. 18-168, S. 20; P.A. 19-118, S. 3.)

History: P.A. 18-168 amended Subdiv. (3) by redefining “Class 1 food establishment”, and amended Subdiv. (5)(B) by replacing “has an extensive menu of foods, many of which are” with “offers food that is”, and making a technical change; P.A. 19-118 amended Subdiv. (4) by redefining “Class 2 food establishment”, effective July 1, 2019.

**Sec. 19a-36h. Adoption by reference of United States Food and Drug Administration's Food Code. Regulations.** (a) Not later than January 1, 2023, the commissioner shall adopt and administer by reference the United States Food and Drug Administration's Food Code, as amended from time to time, and any Food Code Supplement published by said administration as the state's food code for the purpose of regulating food establishments.

(b) The commissioner may adopt regulations, in accordance with the provisions of chapter 54, to implement the provisions of this section and sections 19a-36i to 19a-36m, inclusive.

(P.A. 17-93, S. 3; P.A. 18-168, S. 46; P.A. 19-118, S. 23; P.A. 21-121, S. 61.)

History: P.A. 18-168 amended Subsec. (a) by replacing “July 1, 2018” with “January 1, 2019”, effective June 13, 2018; P.A. 19-118 amended Subsec. (a) by replacing “January 1, 2019” with “January 1, 2020”, effective July 1, 2019; P.A. 21-121 amended Subsec. (a) by replacing “January 1, 2020” with “January 1, 2023”, effective July 6, 2021.

**Sec. 19a-36i. Food establishments. Permit or license. Inspections. Food protection managers. Reciprocal licensing of itinerant food vending establishment.** (a) No person, firm or corporation shall operate or maintain any food establishment where food or beverages are served or sold to the public in any town, city or borough without obtaining a valid permit or license to operate from the director of health of such town, city or borough, in a form and manner prescribed by the director of health. The director of health shall issue a permit to operate a food establishment upon receipt of an application if the food establishment meets the requirements of this section. All food establishments shall comply with the food code.

(b) All food establishments shall be inspected by a certified food inspector in a form and manner prescribed by the commissioner. The Commissioner of Public Health may, in consultation with the Commissioner of Consumer Protection, grant a variance for the requirements of the food code if the Commissioner of Public Health determines that such variance would not result in a health hazard or nuisance.

(c) No permit to operate a food establishment shall be issued by a director of health unless the applicant has provided the director of health with proof of registration with the department and a written application for a permit in a form and manner prescribed by the department. Temporary food establishments and certified farmers' markets, as defined in section 22-6r, shall be exempt from registering with the Department of Public Health.

(d) Each class 2 food establishment, class 3 food establishment and class 4 food establishment shall employ a certified food protection manager. No person shall serve as a certified food protection manager unless such person has satisfactorily passed a test as part of a food protection manager certification program that is evaluated and approved by an accrediting agency recognized by the Conference for Food Protection as conforming to its standards for accreditation of food protection manager certification programs. A certified food inspector shall verify that the food protection manager is certified upon inspection of the food establishment. The owner or manager of the food service establishment shall designate an alternate person or persons to be in charge at all times when the certified food protection manager cannot be present. The alternate person or persons in charge shall be responsible for ensuring the following: (1) All employees are in compliance with the requirements of this section; (2) foods are safely prepared in accordance with the requirements of the food code; (3) emergencies are managed properly; (4) a food inspector is admitted into the food establishment upon request; and (5) he or she receives and signs inspection reports.

(e) The commissioner shall collaborate with the directors of health to develop a process that allows for the reciprocal licensing of an itinerant food vending establishment that has obtained a valid permit or license under subsection (a) of this section and seeks to operate as an itinerant food vending establishment in another town, city or borough. Not later than December 1, 2021, the commissioner shall submit a report, in accordance with the provisions of section 11-4a, to the joint standing committee of the General Assembly having cognizance of matters relating to public health, of the process developed pursuant to this subsection. Not later than January 1, 2022, the commissioner and each director of health shall implement such process.

(P.A. 17-93, S. 4; P.A. 18-168, S. 49; 18-169, S. 5; P.A. 19-56, S. 4; P.A. 21-26, S. 8.)

History: P.A. 18-168 amended Subdiv. (4) by adding provisions re alternate person or persons in charge when certified food protection manager cannot be present, effective July 1, 2018; P.A. 18-169 redesignated existing Subdivs. (1) to (4) as Subsecs. (a) to (d) and added Subsec. (e) re development of process that allows reciprocal licensing of itinerant food vending establishment and submission of report, effective June 14, 2018; P.A. 19-56 amended Subsec. (d) by redesignating existing Subparas. (A) to (E) as Subdivs. (1) to (5), effective June 28, 2019; P.A. 21-26 amended Subsec. (a) by deleting “or license” and amended Subsec. (e) by replacing “January 1, 2019” with “December 1, 2021” and “February 1, 2019” with “January 1, 2022”, effective June 7, 2021.

**Sec. 19a-36j. Food inspectors. Certification. Inspections.** (a) On and after January 1, 2023, no person shall engage in the practice of a food inspector unless such person

has obtained a certification from the commissioner in accordance with the provisions of this section. The commissioner shall develop a training and verification program for food inspector certification that shall be administered by the food inspection training officer at a local health department.

(1) Each person seeking certification as a food inspector shall submit an application to the department on a form prescribed by the commissioner and present to the department satisfactory evidence that such person (A) is sponsored by the director of health in the jurisdiction in which the applicant is employed to conduct food inspections, (B) possesses a bachelor's degree or three years of experience in a regulatory food protection program, (C) has successfully completed a training and verification program, (D) has successfully completed the field standardization inspection prescribed by the commissioner, and (E) is not involved in the ownership or management of a food establishment located in the applicant's jurisdiction.

(2) Each director of health sponsoring an applicant for certification as a food inspector shall submit to the commissioner a form documenting the applicant's qualifications and successful completion of the requirements described in subdivision (1) of this subsection.

(3) Certifications issued under this section shall be subject to renewal once every three years. A food inspector applying for renewal of his or her certification shall demonstrate successful completion of twenty contact hours in food protection training, as approved by the commissioner, and reassessment by the food inspection training officer.

(b) A certified food inspector shall conduct an inspection of a food establishment in a form and manner prescribed by the commissioner to determine compliance with the food code. The director of health shall ensure all food establishments are inspected at a frequency determined by their risk classification. Such director of health shall evaluate the food establishment's risk classification on an annual basis to determine accuracy. More frequent inspections may be conducted to ensure compliance with the food code. Each food establishment classification shall be inspected pursuant to the following schedule:

(1) Class 1 food establishments shall be inspected at intervals not to exceed three hundred sixty days.

(2) Class 2 food establishments shall be inspected at intervals not to exceed one hundred eighty days.

(3) Class 3 food establishments shall be inspected at intervals not to exceed one hundred twenty days.

(4) Class 4 food establishments shall be inspected at intervals not to exceed ninety days.

(5) Temporary food service establishments shall be inspected prior to the issuance of a permit to operate and as often as necessary to ensure compliance with the food code.

(P.A. 17-93, S. 5; P.A. 18-168, S. 47; P.A. 21-121, S. 62.)

History: P.A. 18-168 amended Subsec. (a) by replacing “July 1, 2018” with “January 1, 2019”, effective June 13, 2018; P.A. 21-121 amended Subsec. (a) by replacing “January 1, 2019” with “January 1, 2023”, effective July 6, 2021.

**Sec. 19a-36k. Food-borne illness or outbreak. Investigation.** If a director of health has reasonable cause to suspect the possibility of a food-borne illness or food-borne outbreak, such director shall complete an investigation and take action to control the illness or outbreak. Such action may include, but need not be limited to, securing employee morbidity histories, requiring medical and laboratory examinations of an employee, modification of a menu and any other restriction or action deemed necessary by such director of health to control the illness or outbreak. A person who violates any provision of sections 19a-36h to 19a-36m, inclusive, section 22-6r, or section 22-6s, or who provides false information during an investigation, refuses to cooperate with an investigation or otherwise impedes an investigation that is conducted under this section or section 19a-36i or 19a-36j shall be guilty of a class C misdemeanor.

(P.A. 17-93, S. 6; P.A. 18-48, S. 5.)

History: P.A. 18-48 made a technical change, effective May 29, 2018.

**Sec. 19a-36l. Inspection violations. Appeal process.** The owner or operator of a food establishment aggrieved by an order to correct any inspection violations identified by the food inspector or to hold, destroy or dispose of unsafe food may appeal such order to the director of health not later than forty-eight hours after issuance of such order. The director of health shall review the request for an appeal and, upon conclusion of the review, may vacate, modify or affirm such order. If affirmed by the director of health, the corrective actions specified by the food inspector shall be so ordered by the director of health. An owner or operator of a food establishment who is aggrieved by the affirmation or modification of an order by the director of health, including, but not limited to, an order to suspend the permit or license to operate the food establishment, may appeal to the department pursuant to section 19a-229. During such appeal, the order shall remain in effect unless the commissioner orders otherwise.

(P.A. 17-93, S. 7; P.A. 19-118, S. 4.)

History: P.A. 19-118 replaced “food service establishment” with “food establishment”, effective July 1, 2019.

**Sec. 19a-36m. Authority of directors of health and Commissioner of Agriculture. Application of provisions of food code re certified food managers. Exceptions.** (a) Nothing in this section or sections 19a-36h to 19a-36l, inclusive, shall limit the authority of directors of health under chapter 368e or 368f.

(b) For purposes of this section and sections 19a-36h to 19a-36l, inclusive, the provisions of the general statutes and regulations of Connecticut state agencies pertaining to certified farmers' markets shall not limit the authority of the Commissioner of Agriculture and the director of health to require a farmer to comply with the requirements of sections 22-6r and 22-6s.

(c) The provisions of the food code that concern the employment of a certified food protection manager and any reporting requirements relative to such certified food protection manager (1) shall not apply to (A) an owner or operator of a soup kitchen that relies exclusively on services provided by volunteers, (B) any volunteer who serves meals from a nonprofit organization, including a temporary food service establishment and a special event sponsored by a nonprofit civic organization, including, but not limited to, school sporting events, little league food booths, church suppers and fairs, or (C) any person who serves meals to individuals at a registered congregate meal site funded under Title III of the Older Americans Act of 1965, as amended from time to time, that were prepared under the supervision of a certified food protection manager, and (2) shall not prohibit the sale or distribution of food at (A) a bed and breakfast establishment that prepares and offers food to guests, provided the operation is owner-occupied and the total building occupant load is not more than sixteen persons, including the owner and occupants, has no provisions for cooking or warming food in the guest rooms, breakfast is the only meal offered and the consumer of such operation is informed by statements contained in published advertisements, mailed brochures and placards posted in the registration area that the food is prepared in a kitchen that is not regulated and inspected by the local health director, and (B) a noncommercial function, including, but not limited to, an educational, religious, political or charitable organization's bake sale or potluck supper, provided the seller or person distributing the food maintains the food at the temperature, pH level and water activity level conditions that will inhibit the growth of infectious or toxigenic microorganisms. For the purposes of this subsection, “noncommercial function” means a function where food is sold or distributed by a person not regularly engaged in the business of selling such food for profit.

(d) The provisions of the food code shall not apply to a residential care home with thirty beds or less that is licensed pursuant to chapter 368v, provided the administrator of the residential care home or the administrator's designee has satisfactorily passed a test as part of a food protection manager certification program that is evaluated and approved by an accrediting agency recognized by the Conference for Food Protection as conforming to its standard for accreditation of food protection manager certification programs, unless such residential care home enters into a service contract with a food establishment or lends, rents or leases any area of its facility to any person or entity for the purpose of preparing or selling food, at which time the provisions of the food code shall apply to such residential care home.

(P.A. 17-93, S. 8; P.A. 18-168, S. 21.)

History: P.A. 18-168 amended Subsec. (c) by replacing “certified food manager” with “certified food protection manager”, and added Subsec. (d) re an exception for residential care homes with 30 beds or less.

**Sec. 19a-36n. Commissioner's authority to make public announcement re identity of source of food-borne illness or outbreak.** Notwithstanding any provision of the general statutes, the Commissioner of Public Health may announce to the public, at the commissioner's sole discretion, the identity of the food establishment that was the source of any food-borne illness or food-borne outbreak that has been verified by the department for the purpose of reducing morbidity and mortality from any cause or condition of such illness or outbreak. The commissioner shall make every effort to limit the disclosure of personally identifiable health data to the minimal amount necessary to accomplish such purpose.

(P.A. 17-93, S. 9.)

**Sec. 19a-36o. Variance from requirements of Public Health Code for sous vide processing and acidification of sushi rice.** Notwithstanding any provision of the general statutes, from June 30, 2017, until December 31, 2022, a food service establishment may request a variance from the Commissioner of Public Health from the requirements of the regulations of Connecticut state agencies, established under section 19a-36, to utilize the process of sous vide and acidification of sushi rice, as defined in section 3-502.11 of the United States Food and Drug Administration's Food Code, as amended from time to time. The Commissioner of Public Health shall review the request for a variance and provide the food establishment with notification regarding the status of its request not later than thirty days after the commissioner receives such request. The commissioner may grant such variance if he or she determines that such variance would not result in a health hazard or nuisance.



(P.A. 17-93, S. 10; P.A. 18-168, S. 48; P.A. 21-121, S. 63.)

History: P.A. 17-93 effective June 30, 2017; P.A. 18-168 replaced “June 30, 2018” with “December 31, 2018”, effective June 13, 2018; P.A. 21-121 replaced “December 31, 2018” with “December 31, 2022” and “Public Health Code” with “regulations of Connecticut state agencies”, effective July 6, 2021.



# ANAB-CONFERENCE FOR FOOD PROTECTION - ACCREDITATION DIRECTORY

## ANSI-CFP Accreditation Program (Accredited)

#	Organization	ID
1	<a href="#">1 AAA Food Safety (AAA Food Safety, LLC)</a> Certified Food Protection Manager	9160
2	<a href="#">American Safety Council</a> StateFoodSafety Certified Food Protection Manager (CFPM) Exam	1020
3	<a href="#">APS Culinary Dynamics (DBA: World Food Safety Organization)</a> WFSO-USA Food Protection Manager	9129
4	<a href="#">Learn2Serve</a> Learn2Serve® Food Protection Manager Certification Program	0975
5	<a href="#">National Registry of Food Safety Professionals</a> Food Protection Manager Certification Program International Certified Food Safety Manager	0656
6	<a href="#">National Restaurant Association Solutions</a> ServSafe® Food Protection Manager Certification Program	0655
7	<a href="#">Responsible Training / Safeway Certifications, LLC</a> Food Protection Manager Certification	1042
8	<a href="#">The Always Food Safe Company, LLC</a> Food Protection Manager Certification	1203

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## Food Service Fees

Food Service Plan Review \$300

Class I License \$205

Class II License \$245

Class III & IV License \$280

Vendor Yearly License \$150

Vendor Seasonal License (six months or less) \$75

Temporary Event License (for profit) \$55

Temporary Event License (non-profit) \$25

Temporary Event License (licensed establishment) No Fee

CAFÉ Training Group \$200

Reinspection Fee \$100

Food Service Hearing Fee \$50

Late Application Fee 0-10 days=\$100

11+ days=\$100/day

Operating with a Suspended or Revoked License \$100

Reinstating a Suspended or Revoked License \$100

**Effective April 28, 2023**