

**290-5-14-.02 Provisions. Amended.****(1) Permit.**

(a) **Valid Permit Required.** It shall be unlawful for any person to operate any type of food service operation: food service establishment, mobile food service unit, extended food service unit, or temporary food service establishment, without having first obtained a valid food service permit from the Health Authority pursuant to this Chapter.

(b) **Invalidation.** Permits are invalidated by change of permit holder, location or change in type of operation.

**(c) Satisfactory Compliance.**

1. To qualify for a permit, an applicant shall:

- (i) Be an owner of the food service establishment or an officer of the legal ownership;
- (ii) Agree to allow access to the food service establishment; and
- (iii) Provide required information and pay all applicable fees at the time the application is submitted.

2. Prior to the issuance of the permit to new or existing establishments the applicant shall provide evidence of satisfactory compliance with the provisions of this Chapter and all other provisions of laws that apply to the location, construction and maintenance of food service establishments and the safety of persons therein.

(d) **Displayed.** The permit shall be prominently displayed at all times, in a location approved by the Health Authority.

(e) **Property.** The permit shall be the property of the Health Authority and shall be returned within seven days to the local Health Authority when the food service establishment ceases to operate, has a change in ownership or is moved to another location or when the permit is revoked.

(f) **Responsibilities of the Permit Holder.** Upon acceptance of the permit issued by the Health Authority, the permit holder in order to retain the permit shall:

- 1. Post the permit in a location in the food service establishment that is conspicuous to consumers;
- 2. Comply with the provisions of this Chapter including the conditions of a granted variance as specified under Rule .10 subsection (5)(c), and approved plans as specified under subsection (4)(b) of this Rule.
- 3. If a food service establishment is required under Rule .02(5) to operate under a HACCP plan, comply with the plan as specified under Rule .10 subsection (5)(c);

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4. Immediately contact the Health Authority to report an illness of a food employee or conditional employee as specified under Rule .03 subsection (4)(b);

5. Immediately discontinue operations and notify the Health Authority if an imminent health hazard may exist as specified under Rule .03 subsection (2)(n);

6. Allow representatives of the Health Authority access to the food service establishment as specified under Rule .10 subsection (2)(d)1;

7. Replace existing facilities and equipment with facilities and equipment that comply with this Chapter if:

(i) The Health Authority directs the replacement because the facilities and equipment constitute a public health hazard or nuisance or no longer comply with the criteria upon which the facilities and equipment were accepted,

(ii) The Health Authority directs the replacement of the facilities and equipment because of a change of ownership, or

(iii) The facilities and equipment are replaced in the normal course of operation;

8. Comply with directives of the Health Authority including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the Health Authority in regard to the permit holder's food service establishment or in response to community emergencies;

9. Accept notices issued and served by the Health Authority according to law; and

10. Be subject to the administrative, civil, injunctive, and criminal remedies authorized in Law for failure to comply with this Chapter or a directive of the Health Authority, including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives.

(g) **Notification of Menu Change.** The Health Authority must be notified prior to adding a food item to the menu that:

1. Requires the installation of equipment and/or structural modification of the food service establishment;

2. Involves a food preparation process, which may consist of cooking, cooling and/or reheating food, that was not performed in the establishment prior to the menu change; or

3. Poses a health risk to consumers because it is a raw animal food served raw or undercooked.

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**(2) Mobile Food Service Unit.** A food service permit will be issued to a mobile food service operation in the county of origin where the base of operation is located. A separate “Mobile Unit Permit” will be issued for each mobile unit in each county in which the mobile unit operates.

**(3) Application for a Permit.**

(a) **Requirements.** The management of the food service establishment including a mobile food service unit and an extended food service unit shall submit to the local Health Authority an application for a permit at least ten (10) business days prior to the anticipated date of opening and commencement of the operation of the food service establishment, mobile food service unit, or extended food service unit.

(b) **Contents of the Application.** The application may include:

1. The name, birth date, mailing address, telephone number, and signature of the person applying for the permit and the name, mailing address, and location of the food service establishment;

2. Information specifying whether the food service establishment is owned by an association, corporation, individual, partnership, or other legal entity;

3. A statement specifying whether the food service establishment:

(i) Is mobile or stationary and temporary or permanent, and

(ii) Is an operation that includes one or more of the following:

(I) Prepares, offers for sale, or serves potentially hazardous food (time / temperature control for safety food):

(A) Only to order upon a consumer's request,

(B) In advance in quantities based on projected consumer demand and discards food that is not sold or served at an approved frequency, or

(C) Using time as the public health control as specified under Rule .04 subsection(6)(i),

(II) Prepares potentially hazardous food (time/temperature control for safety food) in advance using a food preparation method that involves two or more steps which may include combining potentially hazardous (time/temperature control for safety food) ingredients; cooking; cooling; reheating; hot or cold holding; freezing; or thawing,

(III) Prepares food as specified under 3(ii)(II) of this subsection for delivery to and consumption at a location off the premises of the food service establishment where it is prepared,

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(IV) Prepares food as specified under 3(ii)(II) of this subsection for service to a highly susceptible population,

(V) Prepares only food that is not potentially hazardous (time/temperature control for safety food), or

(VI) Does not prepare, but offers for sale only prepackaged food that is not potentially hazardous (time/temperature control for safety food);

4. The name, title, address, and telephone number of the person directly responsible for the food service establishment;

5. The name, title, address, and telephone number of the person who functions as the immediate supervisor of the person specified under 4 of this subsection such as the zone, district, or regional supervisor;

6. The names, titles, and addresses of:

(i) The persons comprising the legal ownership as specified under 2 of this subsection including the owners and officers, and

(ii) The local resident agent if one is required based on the type of legal ownership;

7. A statement signed by the applicant that:

(i) Attests to the accuracy of the information provided in the application, and

(ii) Affirms that the applicant will:

(I) Comply with this Chapter, and

(II) Allow the Health Authority access to the establishment as specified under Rule .10 subsection (2)(d)1 and to the records specified under Rule .04 subsection (3)(l) and Rule .06 subsection (2)(q) and subsection (5)(d)7 of this Rule; and

8. Other information required by the Health Authority.

(c) **Duplicate Forms.** The application shall be prepared in duplicate on forms provided by the Department. The original shall be forwarded to the local Health Authority and the copy retained by the management.

(d) **Dates of Operation for Temporary Food Service Establishments.** The application for a temporary food service establishment shall show the inclusive dates of the proposed operation.

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(e) **Schedule of Locations for Mobile Food Service Operations.** The completed application for a mobile food service operation in the county of origin shall include a schedule of locations and times where the mobile unit(s) will be parked and operated. The completed application for each mobile unit permit will include the schedule of locations where the individual unit will be parked and operated. It will be the responsibility of the permit holder to update the Health Authority when a change in schedule is made.

**(4) When Plans Are Required.**

(a) **Approval of Plans.** Properly prepared plans to scale and specifications must be submitted for review and approval when a food service establishment is constructed or extensively remodeled, or when an existing structure is converted to use as a food service establishment.

(b) **Submission of Plans.** The plans and specifications shall be submitted to the Health Authority of the county in which the food service establishment will be constructed at least fourteen (14) business days prior to beginning construction. The plans shall indicate the proposed menu, floor plan layout, arrangement of equipment, mechanical plans, construction materials and finish schedule, the type and model of proposed fixed equipment and facilities and the anticipated service volume per day.

**(5) When a HACCP Plan is Required.** Before engaging in an activity, which does not comply with this Chapter and thus requires a HACCP plan, a permit applicant or permit holder shall submit to the local Health Authority for joint approval by the State Office of Environmental Health and the local Health Authority a properly prepared HACCP plan whenever a food preparation process varies from requirements stated in this Chapter. The contents of a HACCP plan and specifications shall include:

(a) **Categorization of Foods.** A categorization of the types of potentially hazardous foods that are specified in the menu such as soups and sauces, salads and bulk solid foods such as meat roasts or other foods that are specified by the Health Authority;

(b) **Flow Diagram.** A flow diagram by specific food or category type that identifies critical control points and provides information on ingredients, materials and equipment used in the preparation of that food and formulations or recipes that delineate methods and procedural control measures that address the food safety concerns involved;

(c) **Training Plan.** A food service manager and employee training plan that addresses the food safety issues of concern;

(d) **Standard Operating Procedures.** A statement of standard operating procedures for the plan under consideration including clearly identifying:

1. Hazard analysis of menu items,

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2. Each critical control point,
3. The critical limits for each critical control point,
4. The method and frequency for monitoring and controlling each critical control point by the food employee designated by the person in charge,
5. Action to be taken by the person in charge if the critical limits for each critical control point are not met, and
6. The method and frequency for the person in charge to routinely verify that the food employee is following standard operating procedures and monitoring critical control points, and
7. Records to be maintained by the person in charge to demonstrate that the HACCP plan is properly operated and managed, and

(e) **Additional Scientific Data.** Additional scientific data or other information, as required by the Health Authority, supporting the determination that food safety is not compromised by the proposal.

(6) **Requirements – Permit Issued.** For food service establishments that are required to submit plans as specified under (4) of this Rule the Health Authority shall issue a permit to the applicant after:

- (a) **Completed Application.** A properly completed application is submitted;
- (b) **Fee Submitted.** The required fee is submitted;
- (c) **Plans and Specifications Approved.** The required plans, specifications, and information are reviewed and approved; and
- (d) **Preoperational Inspection.** A preoperational inspection shows that the establishment is built or remodeled in accordance with the approved plans and specifications and that the establishment is in compliance with this Chapter.

(7) **Interpretation of this Chapter.** Interpretation of this chapter shall be in accordance with the current editions of the “Interpretation Manual for the Georgia Rules and Regulations for Food Service” and “Food Service Establishment Manual for Design, Installation and Construction”.

Authority O.C.G.A. 26-2-371-373, 31-2-4. Administrative History. Original Rule entitled "Policy" was filed and effective on July 19, 1965 as 270-5-6-02. Amended: Rule repealed and a new Rule entitled "Provisions" adopted. Filed January 24, 1967; effective February 12, 1967. Amended: Rule renumbered as 290-5-14-.02. Filed June 10, 1980; effective June 30, 1980. Amended: Rule repealed and a new Rule of the same title adopted. Filed July 20, 1986; effective July 30, 1986. Amended: Rule repealed and a new Rule of the same title adopted. Filed July 11, 1995; effective July 31, 1995. Amended: Rule repealed and a new Rule of same title adopted. Filed Jan. 26, 2006; effective. Feb. 15, 2006. Amended: Rule repealed and a new rule of same title adopted. Filed Jan. 24, 2007; effective Feb. 13, 2007. Amended: Rule repealed and a new rule of same title adopted. Filed August 23, 2007; effective Sept.12, 2007.