

BULLITT COUNTY BOARD OF HEALTH

REGULATION NO. 2015-01

**A REGULATION RELATED TO FOOD HANDLER AND
FOOD MANAGER TRAINING IN BULLITT COUNTY, KENTUCKY**

BE IT ORDAINED BY THE BOARD OF HEALTH OF BULLITT COUNTY, KENTUCKY, AS FOLLOWS:

SECTION I

PURPOSE AND AUTHORITY

- A. This Regulation is adopted pursuant to authority granted per KRS 212.230(1)(c), which allows a local Board of Health to “adopt, except as otherwise provided by law, administrative regulations not in conflict with the administrative regulations of the Cabinet for Health and Family Services necessary to protect the health of the people or to effectuate the purposes of this chapter or any other law relating to public health.”
- B. The purpose of this Regulation is to ensure and advance food safety for the health of the public pursuant to authority to inspect and regulate Food Service Establishments as set forth in KRS 217.280 through KRS 217.390 and all other applicable statutes and regulations.

SECTION II

FOOD HANDLER CERTIFICATION

- A. Every person connected with a Food Service Establishment in Bullitt County, Kentucky, whose work brings him or her into contact with the production, processing, serving or handling of food, or with the containers, utensils or equipment utilized therewith, shall, at the commencement of employment with any Food Service Establishment in Bullitt County, and thereafter every three (3) years, be required to pass an examination as determined by the Bullitt County Health Department (hereinafter the “BCHD”) pertaining to knowledge of basic food preparation procedures relevant to the prevention of foodborne illness and disease. The BCHD shall make study guides and/or audio visual aids available to all persons required to take the examination.
- B. Certification of all Food Service Establishment personnel having satisfactorily completed this examination and met the Food Handler requirements shall be kept on file at the establishment and be made available to BCHD personnel upon request.

SECTION III
FOOD MANAGER CERTIFICATION

- A. All Food Service Establishments in Bullitt County shall be operated by a Certified Food Manager, who shall be present and on duty at all times during business/operating hours of the establishment. In order to be certified as a Food Manager, a person shall attend a Food Manager's Certification course, which shall be offered by the BCHD, and shall complete all requirements of said course and satisfactorily complete the Food Manager examination.
- B. Courses offered by other jurisdictions that are deemed by the BCHD to be equivalent to the program and examination of the BCHD may be accepted at the discretion of the BCHD as satisfaction of the Food Manager Certification requirements of this Section. Any certification shall be valid for three (3) years (unless otherwise stipulated by the certification program completed), at which time renewal shall be required. More than one person may be employed as a Certified Food Manager by a Food Service Establishment.

SECTION IV
FEE SCHEDULE

- A. A fee schedule shall be adopted by the Bullitt County Board of Health as recommended by the Public Health Director sufficient to cover the cost of administration of the examination and certification program required herein, and said fees shall be charged to persons and/or establishments covered under this Regulation as appropriate.

SECTION V
IMPLEMENTATION AND ENFORCEMENT

- A. All Food Service Establishments, with the exception of those operating under a temporary permit issued by the BCHD, shall be required to comply with this Regulation. It shall be the responsibility of the holder of the permit for the Food Service Establishment to ensure implementation of and compliance with the provisions of this Regulation.
- B. Newly-hired employees of a Food Service Establishment subject to this Regulation shall be in compliance with provisions herein within thirty (30) days of their employment date. An extension of this time may be granted in writing by the BCHD within its discretion for good cause shown.
- C. Food Service Establishments failing to comply with the provisions of this Regulation shall be issued a written notice or order of violation by the BCHD, which shall allow a reasonable time, not to exceed ten (10) days, for correction of any violation and compliance with this Regulation.

- D. Notices or orders provided for pursuant to this Section or any other section of this Regulation shall be deemed to have been properly served and received when the original of the inspection report form or other notice has been delivered personally to the permit holder or person in charge on the premises, or such notice or order has been sent via registered or certified U.S. mail, return receipt requested, to the address of record with the BCHD for the permit holder or to the agent for service of process for the permit holder.
- E. Any person or representative of an establishment issued a notice or order of violation pursuant to this Section shall be afforded an opportunity for an Administrative Conference with designated BCHD personnel pursuant to a written request for same filed with the BCHD within ten (10) days from receipt of the notice or order of violation.
- F. The Administrative Conference shall be conducted by the Public Health Director and/or other BCHD personnel designated by the Director at a time and place designated by the BCHD. Based upon the record of this Administrative Conference, the Public Health Director or her/his designee shall make findings of fact and shall either sustain, modify or rescind the notice or order at issue. This decision shall be final for purposes of the notice or order issued pursuant to this Regulation.

SECTION VI
PENALTY

- A. Any person, establishment, firm, corporation or permit holder violating any provision of this Regulation shall be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100) for each day the violation continues, as set forth in KRS 212.990(2).

SECTION VII
SEVERABILITY

- A. Should any section, subsection, sentence or clause of this Regulation be held unconstitutional or invalid for any reason by any court of competent jurisdiction, then such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this Regulation, said remainder to remain in full force and effect.

SECTION VIII
EFFECTIVE DATE

- A. This Regulation shall take effect upon passage and publication but no sooner than the 1st day of October, 2015.

INTRODUCED AND GIVEN FIRST READING at a Regular Meeting of the Bullitt County Board of Health on the 12 day of May, 2015.

GIVEN SECOND READING AND ADOPTED at a Regular Meeting of the Bullitt County Board of Health on the 11 day of August, 2015.

BULLITT COUNTY BOARD OF HEALTH


STEVE BINKLEY, CHAIRMAN


ANDREA RENFROW
PUBLIC HEALTH DIRECTOR