

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 Sections 19a-36c to 19a-36e, inclusive, are repealed, effective October 1, 2017.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.