

26-15a-104 Food service establishment requirements -- Enforcement -- Right of appeal.

- (1) Each food service establishment in the state shall be managed by at least one full-time certified food safety manager at each establishment site, who need not be present at the establishment site during all its hours of operation.
- (2) Within 60 days of the termination of a certified food safety manager's employment that results in the food service establishment no longer being in compliance with Subsection (1), the food service establishment shall:
 - (a) employ a new certified food safety manager; or
 - (b) designate another employee to become the establishment's certified food safety manager who shall commence a department-approved food safety manager training course.
- (3) Compliance with the 60-day time period provided in Subsection (2) may be extended by the local health department for reasonable cause, as determined by the department by rule.
- (4)
 - (a) The local health department may determine whether a food service establishment is in compliance with this section by visiting the establishment during regular business hours and requesting information and documentation about the employment of a certified food safety manager.
 - (b) If a violation of this section is identified, the local health department shall propose remedial action to bring the food service establishment into compliance.
 - (c) A food service establishment receiving notice of a violation and proposed remedial action from a local health department may appeal the notice of violation and proposed remedial action pursuant to procedures established by the local health department, which shall be essentially consistent with the provisions of Title 63G, Chapter 4, Administrative Procedures Act. Notwithstanding the provisions of Section 63G-4-402, an appeal of a local health department decision to a district court shall be conducted as an original, independent proceeding, and not as a review of the proceedings conducted by the local health department. The district court shall give no deference to the findings or conclusions of the local health department.

Amended by Chapter 382, 2008 General Session