

4-5-18 Inspection of premises and records -- Authority to take samples -- Inspection results reported.

- (1) An authorized agent of the department upon presenting appropriate credentials to the owner, operator, or agent in charge, may:
 - (a) enter at reasonable times any factory, warehouse, or establishment in which food is manufactured, processed, packed, or held for introduction into commerce or after introduction into commerce;
 - (b) enter any vehicle being used to transport or hold food in commerce;
 - (c) inspect at reasonable times and within reasonable limits and in a reasonable manner any factory, warehouse, establishment, or vehicle and all pertinent equipment, finished and unfinished materials, containers, and labeling located within it;
 - (d) obtain samples necessary for the enforcement of this chapter so long as the department pays the posted price for the sample if requested to do so and receives a signed receipt from the person from whom the sample is taken;
 - (e) have access to and copy all records of carriers in commerce showing:
 - (i) the movement in commerce of any food;
 - (ii) the holding of food during or after movement in commerce; and
 - (iii) the quantity, shipper, and consignee of food.
- (2) Evidence obtained under this section may not be used in a criminal prosecution of the person from whom the evidence was obtained.
- (3) Carriers may not be subject to the other provisions of this chapter by reason of their receipt, carriage, holding, or delivery of food in the usual course of business as carriers.
- (4) Upon completion of the inspection of a factory, warehouse, consulting laboratory, or other establishment and prior to leaving the premises, the authorized agent making the inspection shall give to the owner, operator, or agent in charge a report in writing setting forth any conditions or practices observed by him which in his judgment indicate that any food in the establishment:
 - (a) consists in whole or in part of any filthy, putrid, or decomposed substance; or
 - (b) has been prepared, packed, or held under unsanitary conditions whereby it may have become contaminated with filth or whereby it may have been rendered injurious to health.
- (5) A copy of the report shall be sent promptly to the department.
- (6) If the authorized agent making the inspection of a factory, warehouse, or other establishment has obtained any sample in the course of the inspection, the agent shall give to the owner, operator, or agent in charge a receipt describing the samples obtained.
- (7) When in the course of the inspection the officer or employee making the inspection obtains a sample of any food and an analysis is made of the sample for the purpose of ascertaining whether the food consists in whole or in part of any filthy, putrid, or decomposed substance or is otherwise unfit for food, a copy of the results of the analysis shall be furnished promptly to the owner, operator, or agent in charge.

Amended by Chapter 378, 2010 General Session