

119 (c) document the reason for any inspection after the initial inspection, keep a copy of
 120 that documentation on file with the microenterprise home kitchen's permit, and provide a copy
 121 of that documentation to the operator.

122 (4) A microenterprise home kitchen shall:

123 (a) take steps to avoid any potential contamination to:

124 (i) food;

125 (ii) equipment;

126 (iii) utensils; or

127 (iv) unwrapped single-service and single-use articles; and

128 (b) prevent an individual from entering the food preparation area while food is being
 129 prepared if the individual is known to be suffering from:

130 (i) symptoms associated with acute gastrointestinal illness; or

131 (ii) a communicable disease that is transmissible through food; and

132 (c) comply with the following requirements:

133 (i) time or temperature control food shall be prepared, cooked, and served on the same
 134 day;

135 (ii) food ~~H~~→ that is sold or provided to a customer ←~~H~~ may ~~H~~→ not ←~~H~~ be consumed
 135a onsite at the microenterprise home kitchen operation ~~H~~→ [or
 136 offsite if the food is]

136a (iii) food that is sold or provided to a customer shall be ←~~H~~ picked up by the consumer
 136b or delivered within a safe time period based on
 137 holding equipment capacity;

138 ~~H~~→ [(iii)] (iv) ←~~H~~ food preparation may not involve processes that require a HACCP plan,
 138a or the
 139 production, service, or sale of raw milk or raw milk products;

140 ~~H~~→ [(iv)] (v) ←~~H~~ molluscan shellfish may not be served or sold; ~~S~~→ [and] ←~~S~~

141 ~~H~~→ [(v)] (vi) ←~~H~~ the operator may only sell or provide food directly to consumers and may
 141a not sell or

142 provide food to any wholesaler or retailer ~~S~~→ [;] ; and

142a (vii) the operator shall provide the consumer with a notification that, while a permit has been
 142b issued by the local health department, the kitchen may not meet all of the requirements of a
 142c commercial retail food establishment. ←~~S~~

143 (5) When making the rules described in Subsection (2), the department may not make
 144 rules regarding:

145 (a) hand washing facilities, except to require that a hand washing station supplied with

- 181 (i) sinks be supplied with hot and cold potable water from:
- 182 (A) an approved public water ~~H~~→ [source; or] system as defined in Section 19-4-102;
- 182a (B) if the local health department with jurisdiction over the microenterprise home
- 182b kitchen has regulations regarding the safety of drinking water, a source that meets the local
- 182c health department's regulations regarding the safety of drinking water; or ~~H~~
- 183 ~~H~~→ [(B)] (C) ~~H~~ a water source that is tested at least once per month for bacteriologic
- 183a quality, and at
- 184 least once in every three year period for lead and copper; and
- 185 (ii) food preparation and service is discontinued in the event of a disruption of potable
- 186 water service;
- 187 (o) the number of and path of access to toilet facilities, except to require that toilet
- 188 facilities are equipped with proper handwashing stations;
- 189 (p) lighting, except to require that food preparations are well lit by natural or artificial
- 190 light whenever food is being prepared;
- 191 (q) designated dressing areas and storage facilities, except to require that items not
- 192 ordinarily found in a home kitchen are placed or stored away from food preparation areas, that
- 193 dressing takes place outside of the kitchen facility, and that food items are stored in a manner
- 194 that does not allow for contamination;
- 195 (r) the presence and handling of animals, except to require that all animals are kept
- 196 outside of food preparation and service areas;
- 197 (s) food storage, floor, wall, ceiling, and toilet surfaces, except to require that surfaces
- 198 are smooth, of durable construction, easily cleanable, and kept clean and free of debris;
- 199 (t) kitchen facilities open to living areas, except to require that food is only prepared,
- 200 handled, or stored in kitchen and food storage areas;
- 201 (u) submission of plans and specifications before construction or remodel of a kitchen
- 202 facility;
- 203 (v) the number and type of time or temperature controlled food offered for sale, except:
- 204 (i) a raw time or temperature-controlled food such and as raw fish, raw milk, and raw
- 205 shellfish;
- 206 (ii) any food requiring special processes that would necessitate a HACCP plan; and
- 207 (iii) fish from waters of the state;
- 208 (w) approved food sources, except to require that:

212 standards specified by the Department of Agriculture and Food by rule made in accordance
 213 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

214 (iii) fish for sale or service are commercially and legally caught;

215 (iv) mushrooms picked in the wild are not offered for sale or service; and

216 (v) game animals offered for sale or service are raised, slaughtered, and processed
 217 according to rules governing meat and poultry as specified by the Department of Agriculture
 218 and Food by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
 219 Rulemaking Act;

220 (x) the use of items produced under this chapter; or

221 (y) the use of an open air barbeque, grill, or outdoor wood-burning oven.

222 (6) An operator applying for a microenterprise home kitchen permit shall provide to
 223 the local health department:

224 (a) written consent to enter the premises where food is prepared, cooked, stored, or
 225 harvested for the microenterprise home kitchen; and

226 (b) written standard operating procedures that include:

227 (i) all food that will be stored, handled, and prepared;

228 (ii) the proposed procedures and methods of food preparation and handling;

229 (iii) procedures, methods, and schedules for cleaning utensils and equipment;

230 (iv) procedures and methods for the disposal of refuse; and

231 (v) a plan for maintaining time or temperature controlled food at the appropriate
 232 temperatures for each time or temperature controlled food.

233 (7) In addition to a fee charged under Section [26-15c-103](#), if the local health
 234 department is required to inspect the microenterprise home kitchen as a source of an
 235 adulterated food or an outbreak of illness caused by a contaminated food and finds, as a result
 236 of that inspection, that the microenterprise home kitchen has produced an adulterated food or
 237 was the source of an outbreak of illness caused by a contaminated food, the local health
 238 department may charge and collect from the ~~it~~ **[farm] microenterprise home kitchen** ~~it~~ a fee
 238a for that inspection.

239 (8) A microenterprise home kitchen permit:

240 (a) is nontransferable;

241 (b) is renewable on an annual basis;

242 (c) is restricted to the location and hours listed on the permit; ~~it~~ **[and]** (d) shall include a
 242a statement that reads: "This location is permitted under modified FDA
 242b requirements."; and ~~it~~ **[and]**

243 ~~§~~ → [(d)] (e) ← ~~§~~ shall provide the operator the opportunity to update the food types and
243a products
244 handled without requiring the operator to renew the permit.
245 (9) This section does not prohibit an operator from applying for a different type of food
246 event permit from a local health department.