

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

Manisha Juthani, MD
Commissioner



Ned Lamont
Governor
Susan Bysiewicz
Lt. Governor

DEPARTMENT OF PUBLIC HEALTH NOTICE OF INTENT TO ADOPT REGULATIONS

In accordance with the provisions of section 4-168(a) of the Connecticut General Statutes, the Department of Public Health ("DPH") hereby gives notice of its intent to adopt regulations concerning the Department's Food Protection Program and the Adoption of the US FDA Model Food Code, as authorized by sections 19a-2a, 19a-36a and 19a-36h of the Connecticut General Statutes.

Comment Period (Conn. Gen. Stat. § 4-168 (a)(1)(A))

A comment period of not less than thirty days shall begin upon posting this notice to the eRegulations System website and shall end on July 18, 2022.

Description of Proposed Regulations (Conn. Gen. Stat. § 4-168 (a)(1)(B))

DPH is proposing to adopt into regulation by reference the United States Food and Drug Administration's Food Code (the "Food Code"), as amended from time to time, and any Food Code Supplement published by the FDA. Adoption of the Food Code provides a nationally recognized standard for industry and regulators that is based on science and consistent with federal performance standards. This will provide regulations that are consistent with the majority of other states and uniform national training that is available to regulators.

The Food Code recognizes the need for individualized state requirements governing food safety. Thus, in addition to adopting the Food Code, this set of regulations also contains sections that delineate Connecticut's individualized state requirements. These individualized requirements relate to the following matters:

- 1) Rules for granting a variance. Adds a requirement for the food inspector to verify compliance with the variance during routine inspections and site visits.
- 2) Inspection Observations and documentation. Adds procedural requirements related to the completion and distribution of the inspection report.
- 3) Certified Food Protection Manager and Alternate Person in Charge. Adds requirements for Alternate Person in Charge.



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4) Employee Health. Provides Commissioner discretion to include additional types of food handler diseases that require notification to the local health director.

5) Hold Order or Destruction of Food. Provisions related to Hold Orders are not included in the Food Code, but rather in the Annex to the Food Code. These regulations include the provisions in the Annex that align with Connecticut's statutory requirements, and provide procedural details related to hold orders, destruction of unsafe food, and due process afforded to owners and operators of food establishments.

6) Enforcement. Provisions related to Enforcement are not included in the Food Code, but rather in the Annex to the Food Code. These regulations include the enforcement provisions in the Annex that align with Connecticut's statutory requirements, and provide procedural details related to enforcement actions and due process afforded to owners and operators of food establishments.

These regulations also revise RCSA sections 19-13-B59, 19-13-B94, 19-13-D6, 19-13-F6, 19a-2a-29, 19a-495-6f, to update citations.

Additionally, these regulations repeal sections 19-13-B40, 19-13-B42, 19-13-B48, 19-13-B49, which are outdated and in conflict with the current requirements of the food code and these regulations.

Statement of Purpose (Conn. Gen. Stat. § 4-168(a)(1)(C))

These regulations implement the requirements outlined in sections 19a-36g through 19a-36m, inclusive, of the Connecticut General Statutes, of which section 19a-36h mandates the adoption of the United States Food and Drug Administration's Food Code, as amended from time to time (the "Food Code"), and any Food Code Supplement published by the United States Food and Drug Administration.

The adoption of the Food Code will align Connecticut with the majority of states that have moved towards a national, uniform regulatory system that provides a scientific foundation and legal framework for regulating the foodservice industry. Adoption of the Food Code will provide consistency with federal performance standards, as well as consistency with foodservice industry practices. Uniform enforcement of the Food Code will enhance foodborne disease prevention efforts and ultimately assist in reducing the risk of foodborne illness to consumers.

By adopting the Food Code by reference, as these regulations do, the process of updating food service standards is simplified, and thereby alleviates the burden on local and state agencies of having to develop and update regulations through the standard regulatory process. This has the potential to save state and local resources, which then may be used to focus on the implementation and enforcement of the Food Code. Uniform enforcement of the Food Code will enhance foodborne disease prevention efforts and ultimately assist in reducing the risk of foodborne illness to consumers.

Statutory Authority (Conn. Gen. Stat. § 4-168(a)(1)(D))

The statutory authority for proposed sections 19a-36h-1 to 19a-36h-7, inclusive are sections 19a-2a, 19a-36a and 19a-36h of the Connecticut General Statutes.

How to Obtain Copy of Small Business Impact and Regulatory Flexibility Analysis (Conn. Gen. Stat. § 4-168(a)(1)(E))

A copy of the Small Business Impact Statement, Fiscal Note, and the Regulatory Flexibility Analysis applicable to the proposed regulation are available by visiting the e-Regulations portal on the website of the Secretary of State: <https://eregulations.CT.gov/eRegsPortal/Browse/ProposedRegulations> or available for inspection at the Department of Public Health, 410 Capitol Avenue, Hartford, CT 06134-0618 or by requesting a copy from the Department of Public Health by calling emailing Cynthia Costa at cynthia.costa@ct.gov.

Comments on Proposed Regulations (Conn. Gen. Stat. 4-168(a)(1)(F))

Interested persons may present their views, data and arguments regarding this proposed regulation in writing within thirty (30) days of the electronic publication of this notice on the Secretary of State's webpage. Such comments can be provided through the e-Regulations portal on the website of the Secretary of State at: <https://eregulations.CT.gov/eRegsPortal/Browse/ProposedRegulations> or in writing to: Commissioner of Public Health, Department of Public Health, 410 Capital Avenue, MS #13COM, P.O. Box 340308, Hartford, Connecticut 06134-0308; telephone number (860) 509-7101. A public hearing will be scheduled if requested by fifteen (15) or more persons, a governmental subdivision or agency, or an association having not less than fifteen (15) members, provided that notice of such request is received by the agency not later than fourteen (14) days after the date of posting of this notice by the agency on the eRegulations System, which may be found on the Secretary of State's webpage.

Copies of the proposed regulation and the proposed amendment are available by visiting the e-Regulations portal on the website of the Secretary of State: <https://eregulations.CT.gov/eRegsPortal/Browse/ProposedRegulations> or by writing to: Cynthia Costa, Food Protection Program, Department of Public Health, 410 Capitol Avenue, MS # 11FPP, P.O. Box 340308, Hartford, Connecticut 06134-0308, or by via email at: Cynthia.costa@ct.gov.



Manisha Juthani, MD, Commissioner