

REGULATORY FLEXIBILITY ANALYSIS
(FORMERLY SMALL BUSINESS IMPACT STATEMENT)

SECTION A

Date: June 15, 2022

Agency Submitting Proposed Regulation: Department of Public Health

Proposed Regulation Title: Model Food Code Implementation

Prior to or concomitant with the posting of a notice pursuant to C.G.S. § 4-168a, as amended by Public Act 16-32, each agency shall prepare a regulatory flexibility analysis. Agencies must complete this document and upload it into the eRegulations System prior to posting the Notice of Intent described in C.G.S. § 4-168(a)(1). This document will automatically publish to eregulations.ct.gov at the time the filing agency posts the Notice of Intent.

Reminder: Pursuant to C.G.S. § 4-168a(c), prior to the adoption of any proposed regulation that may have an adverse impact on small businesses, each agency shall notify the Department of Economic and Community Development and the joint standing committee of the General Assembly having cognizance of matters relating to commerce of its intent to adopt the proposed regulation.

Scope and Objectives of the Proposed Regulation (mandatory for all filers):

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.

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 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.

Please check the appropriate box:

- The regulatory action will not have an effect on small businesses. *If you check this box, do not complete SECTION B.*
- The regulatory action will have an effect on small businesses, but will not have an adverse effect on such small businesses. *If you check this box, complete SECTION B.*
- The regulatory action may have an adverse effect on small businesses, but no alternatives considered would be both as effective in achieving the purpose of the action and less burdensome to potentially effected small business. *Note: alternatives considered may include those listed in C.G.S. § 4-168a(b)(6). If you check this box, complete SECTION B.*
- The regulatory action will have an adverse effect on small businesses that cannot be minimized in a manner that is consistent with public health, safety and welfare. *If you check this box, complete SECTION B.*

SECTION B

For regulatory actions which affect or may affect small businesses, please provide responses to the following:

Types of Businesses Potentially Affected by the Proposed Regulation:

Total Number of Small Businesses Potentially Subject to the Proposed Regulation:

Will small businesses, in order to comply with the proposed regulation, have additional requirements as listed in C.G.S. § 4-168a(b)(4)? If so, identify the requirements and provide an explanation for each.

Has the agency communicated with small businesses or small business organizations in developing the proposed regulation and the regulatory flexibility analysis, if applicable? If so, to what extent?

Does the proposed regulation provide alternative compliance methods for small businesses that will accomplish the objectives of applicable statutes while minimizing the adverse impact on small businesses? If so, to what extent?