

# MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

## CHAPTER VII

### FOOD SERVICE WORKERS

#### REGULATION 1. Definitions

- a. “Food Service Worker” means any person who handles, prepares, serves, sells or gives away food for consumption by persons other than his or her immediate family, or who handles utensils and equipment appurtenant thereto. The term does not include persons in establishments regulated under this Code who handle food or drink exclusively in closed crates, cartons, packages, bottles or similar containers in which no portion of the food or drink is exposed to contamination through such handling.
- b. “Food Service Manager” means any person who supervises/trains a food service worker(s) to follow all food safety regulations (Chapter VII and Chapter VIII). The manager shall be a full time employee of the individually permitted food establishment where employed.
- c. “License” means a document issued by the Environmental Services Department certifying that an individual has fulfilled the requirements to work as a Food Service Manager or Worker.
- d. Pre-Packaged.
  - (1). “Pre-Packaged” means bottled, canned, cartoned, securely bagged, or securely wrapped, whether packaged in a food establishment or a food processing plant.
  - (2). “Pre-Packaged” does not include a wrapper, carry-out box, or other nondurable container used to contain food for the purpose of facilitating food protection during service and receipt of the food by the consumer.
- e. Potentially hazardous food.
  - (1). “Potentially Hazardous Food” means a food that is natural or synthetic and is in a form capable of supporting:
    - (i) The rapid and progressive growth of infectious or toxicogenic microorganisms;
    - (ii) The growth and toxin production of *Clostridium botulinum*; or
    - (iii) In shell eggs, the growth of *Salmonella enteritidis*.

- (2). “Potentially Hazardous Food” includes a food of animal origin that is raw or heat-treated; a food of plant origin that is heat-treated or consists of raw seed sprouts; cut melons; and garlic and oil mixtures.
- (3). “Potentially Hazardous Food” does not include:
  - (i) Air-cooled hard-boiled egg(s) with shell intact;
  - (ii) A food with a water activity ( $a_w$ ) value of 0.85 or less;
  - (iii) A food with a hydrogen ion concentration (pH) level of 4.6 or below when measured at 24° C (75°F.);
  - (iv) A food, in an unopened hermetically sealed container, that is commercially processed to achieve and maintain commercial sterility under conditions of non refrigerated storage and distribution; and
  - (v) a food for which a variance granted by a duly authorized regulatory authority is based upon laboratory evidence demonstrating that rapid and progressive growth of infectious and toxicogenic micro-organisms or the slower growth of *C. botulinum* cannot occur.

## **REGULATION 2. Food Service Worker’s Training**

- a. Within 30 days of hire date, all Food Service Workers must obtain a Food Service Worker's license by completing a food service worker’s sanitation course or test given by the Department, or show evidence of having completed such a substantially similar course or test. A substantially similar course or test must be one sponsored or accredited by the Department and must result in the issuance of a license from the Department. All licenses, certification, diplomas, or other similar credential issued or granted under this subparagraph shall expire three years from date of issue.
- b. A Food Service Worker license must be renewed before its date of expiration. A fee established in Chapter I of the Maricopa County Environmental Health Code for initial issue and renewal shall be paid.

### **REGULATION 3. Display of Health Licenses**

Each food establishment shall maintain a separate file containing the licenses for each food service worker and food service manager. This file shall be accessible to the Environmental Health Specialist for review upon request.

### **REGULATION 4. Food Service Manager Training**

- a. All Food Service Managers must obtain a Food Service Manager's License by completing a Food Service Manager's Sanitation Course or test given by the Department, or show evidence of having completed a substantially similar course or test, accredited by the Conference for Food Protection. The certificate, diploma, or credential obtained therefrom must then be presented to the Department for issuance of a license. All licenses issued under this paragraph shall expire five years from the date of issue of the certification, diploma, or credential presented.
- b. All Food Service Managers must renew their licenses before their date of expiration. To renew a license, a Food Service Manager must present a certificate, diploma, or other similar credential whose date of issuance is still less than five years old.
- c. All fees established in Chapter I of the Maricopa County Environmental Health Code for initial issue and renewal shall be paid.

### **REGULATION 5. Food Service Manager's Duty**

- a. All food establishment locations shall have one certified Food Service Manager on staff, who is either physically present or available by electronic or telephonic means, whenever the food establishment is in operation. A 90-day time period will be allowed to replace a Food Service Manager who is no longer employed at an individual location.
- b. Whenever a food establishment is in violation of the provisions of the Maricopa County Environmental Health Code - Chapter VIII, or the Arizona Administrative Code - R9-8-140, the Maricopa County Environmental Services Department may require, after notice to the establishment and opportunity for hearing, that a licensed Food Service Manager be physically present within the establishment whenever the establishment is in operation.

## **REGULATION 6. Communicable Disease**

- a. Notwithstanding any other provision in this Code, should the Environmental Health Officer reasonably believe that a Food Service Worker or Food Service Manager may be a carrier of or infected with a communicable disease which can be transmitted to the public, through food, the Environmental Health Officer shall immediately notify the Director of the Maricopa County Department of Public Health, (MCDPH) who may: (1) Examine or cause the examination of the Food Service Worker, and (2) secure from the Food Service Worker or Food Service Manager appropriate specimens or fluids of body discharge and cause them to be examined at a laboratory approved by the Director of MCDPH or by the Arizona Department Of Health Services. The Environmental Health Officer may exclude from any food service work any Food Service Worker or Food Service Manager who has or demonstrates any illness or symptoms of a communicable disease that may be transmitted through food from food service work. A person so excluded shall not thereafter engage in food service work until approved by the Director of MCDPH.
- b. If required by the Director of MCDPH, a Food Service Worker or Food Service Manager shall furnish such information, submit to physical examination, and submit such specimen for laboratory examination, as the MCDPH Director may require for the purpose of determining freedom from communicable disease. The failure of a Food Service Worker or Food Service Manager to do so to the satisfaction of the Director of MCDPH, shall be sufficient basis for excluding the Food Service Worker or Food Service Manager from such occupation.
- c. A person excluded from food service work by the Director of MCDPH shall be entitled to a hearing on written request made to the Director of MCDPH within ten (10) days of exclusion. If a request for hearing is received, a hearing shall be held by the MCDPH Director or their designee within five (5) working days.

## **REGULATION 7. Exemptions**

Convenience stores and other similar operations serving pre-packaged and non-potentially hazardous foods are exempt from Regulation 4 & 5 requirements.