

ES-2015-001/30 Day Transition – This revision to Maricopa County Environmental Health Code (MCEHC) Chapters I and VIII allows new owners of existing food establishments to remain in business for up to 30 days while permit application review is in progress. Verbatim text adopted by the BOS on 7/22/15 is shown below with added language in upper case and bolded, and deletions struck-through.

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

CHAPTER I

GENERAL PROVISIONS

REGULATION 1. to REGULATION 3 No Change

REGULATION 4. Permits, Service and Other Requirements

- a. No person shall conduct an operation or ~~an~~ **OPERATE AN** establishment for which a permit is required without holding the necessary and valid permit to do so, **UNLESS OTHERWISE SPECIFIED IN THIS ENVIRONMENTAL HEALTH CODE.**
- b. No Change
- c. (1) No application for permit shall receive approval and no permit shall be issued and no facility for which a permit is required shall be placed in operation until the applicant demonstrates to the Department full compliance with the provisions of this Environmental Health Code, **UNLESS OTHERWISE SPECIFIED IN THIS ENVIRONMENTAL HEALTH CODE.**

(2) No Change
- d. to j. No Change

REGULATION 5. to REGULATION 14. No Change

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

CHAPTER VIII

**FOOD, FOOD PRODUCTS,
FOOD HANDLING ESTABLISHMENTS**

SECTION 1

GENERAL PROVISIONS

REGULATION 1. No Change

REGULATION 2. No Change

REGULATION 3. Permit Required

A. No person shall operate a food establishment without a valid permit **TO OPERATE** from the Department **UNLESS**: ~~or otherwise than in compliance with the applicable regulations in the Environmental Health Code.~~

(1) THE PERSON IS OPERATING THE FOOD ESTABLISHMENT IN COMPLIANCE WITH SECTION 2, REGULATION 7 OF THIS CHAPTER; OR,

(2) THE FOOD ESTABLISHMENT IS EXEMPT FROM PERMITTING BASED ON THE PROVISIONS IN A.R.S. § 36-136(H)(4).

B. The permit **TO OPERATE** shall be posted in a conspicuous place on the premises of the food establishment.

REGULATION 4. to REGULATION 11. No Change

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

CHAPTER VIII

**FOOD, FOOD PRODUCTS,
FOOD HANDLING ESTABLISHMENTS**

SECTION 2

FOOD ESTABLISHMENTS

REGULATION 1. Food Establishments

- a. Effective December 10, 2014, the U.S. Food and Drug Administration 2013 Food Code, and no future editions or amendments, is adopted and incorporated by reference, except as follows:
 - 1. Section 3-304.15 is omitted;
 - 2. **PARAGRAPH** ~~Section~~ 3-201.11(B) is amended to read: food prepared in a private home may not be used or offered for human consumption in a food establishment unless the food is prepared in compliance with A.R.S. § 36-136(H)(4)(g).
 - 3. **SECTION 8-301.11 IS AMENDED TO READ: A PERSON MAY NOT OPERATE A FOOD ESTABLISHMENT WITHOUT A VALID PERMIT TO OPERATE ISSUED BY THE REGULATORY AUTHORITY UNLESS THE PERSON IS OPERATING THE FOOD ESTABLISHMENT IN COMPLIANCE WITH REGULATION 7 OF THIS SECTION.**

b. to d. No Change

REGULATION 2. No Change

REGULATION 3. ~~Permit Required~~ RESERVED

~~—No person shall operate a food establishment without a valid permit issued by the Department. The permit shall be posted in a conspicuous place on the premises of the establishment.~~

REGULATION 4. to REGULATION 6 No Change

REGULATION 7. NEW OWNER TRANSITION

THE DEPARTMENT MAY GRANT THE NEW OWNER OF A FOOD ESTABLISHMENT APPROVAL TO OPERATE WITHOUT A PERMIT SO LONG AS THE FOLLOWING REQUIREMENTS ARE MET:

- a. THE NEW OWNER SHALL APPLY AND RECEIVE WRITTEN APPROVAL FROM THE DEPARTMENT PRIOR TO OPERATING.**
- b. THE TIME BETWEEN THE OWNERSHIP CHANGE AND ISSUANCE OF THE REQUIRED PERMIT TO OPERATE SHALL NOT EXCEED 30 DAYS.**
- c. THE PREVIOUS OWNER OF THE FOOD ESTABLISHMENT SHALL HAVE A VALID PERMIT AT THE TIME OF THE OWNERSHIP CHANGE.**
- d. THE NEW OWNER SHALL AGREE TO IMMEDIATELY CEASE OPERATIONS IF ANY OF THE FOLLOWING OCCUR:**
 - 1. AN IMMINENT HEALTH HAZARD SUCH AS FIRE, FLOOD, ELECTRICAL OR WATER OUTAGE, SEWAGE BACKUP, MISUSE OF POISONOUS OR TOXIC MATERIALS, ONSET OF AN APPARENT FOODBORNE ILLNESS OUTBREAK, GROSS INSANITARY OCCURRENCE OR CONDITION, OR OTHER CIRCUMSTANCE THAT MAY ENDANGER PUBLIC HEALTH.**
 - 2. EVIDENCE OF LIVE INSECT AND/OR VERMIN ACTIVITY.**
 - 3. MISSING OR INOPERABLE PLUMBING FIXTURES ESSENTIAL TO FACILITY OPERATIONS, SUCH AS HAND SINKS AND WAREWASHING EQUIPMENT.**
 - 4. INADEQUATE SUPPLY OF HOT AND COLD WATER.**
 - 5. INSUFFICIENT, INADEQUATE, OR UNAPPROVED FOOD TEMPERATURE CONTROL EQUIPMENT.**
- e. THE NEW OWNER SHALL NOT CONDUCT ANY FOOD PROCESS WHERE A VARIANCE OR HACCP PLAN IS REQUIRED IN ACCORDANCE WITH THE U.S. FOOD AND DRUG ADMINISTRATION 2013 FOOD CODE §§ 3-502.11, 3-502.12, 8-201.13, 8-201.14 AND SUBPART 8-103 WHICH HAS NOT BEEN ISSUED AND/OR APPROVED BY THE DEPARTMENT.**
- f. THE NEW OWNER SHALL ABIDE BY THE RESPONSIBILITIES OF A PERMIT HOLDER AS REFERENCED IN THE U.S. FOOD AND DRUG ADMINISTRATION 2013 FOOD CODE § 8-304.11.**