



Regulation #19: Food Service Regulation

Section 1: Necessity and Function

(1) The Lexington-Fayette Urban County Board of Health hereby finds and declares that uniform county-wide food service sanitation regulations are needed to regulate all food service establishments within Fayette County in order to protect the public health and to provide for uniformity of inspection.

Adopted 9/1/70; Amended 2/14/73, 2/8/74, 8/13/74, 1/9/84, 11/10/86, 4/7/13



Regulation #19: History

- An earlier revision followed Kentucky adopting the Food and Drug Administration's (FDA) 2005 Food Code.
- The regulation was revised again to formalize our Enhanced Regulatory Enforcement (ERE) policy and to institute a late fee for overdue annual permit payments.

Terminology Changes

- "*Time/ Temperature Control for Safety (TCS)*", first used section 11, page 9, replaced "*potentially hazardous foods*".
- "*Temperature Measuring Device (TMD)*", first used section 14, page 13, replaced "*thermometer(s)*".
- The terms "*core and priority items*" replaced "*non-critical and critical violations*" throughout the document.
- "Placards" was added, in section 44, pages 39 and 40, to address our use of posted inspection score placards.



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Contextual Change Highlights

- Updated and streamlined "*Statewide Mobile Food Unit*", section 37, pages 34 and 35.
- "*Employee Health/ Procedure When Infection is Suspected*", section 6 and 7, pages 7 and 8.
- "*Continental Breakfast*", section 42, was removed in response to the Kentucky Department for Public Health (KDPH) vacating its "*Kentucky Bed and Breakfast Regulation*", 902 KAR 45:006. A reference in the Kentucky Food Code, 902 KAR 45:005, was also removed.



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Contextual Change Highlights

- Added an excerpt from Kentucky's Food Code, 902 KAR 45:005, section 36, pages 33 and 34 (11):
 - The 2013 FDA Food Code, 6-501.115: Prohibiting Animals, does not allow animals on the premises of a food establishment except under specific conditions (e.g. service and patrol dogs).
 - KDPH provided guidance for allowing dogs in an outdoor dining area. This guidance is included in Regulation #19.



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Enhanced Regulatory Enforcement

- Added "*Enhanced Regulatory Enforcement (ERE)*", section 45, page 40:
 - Originally introduced as an internal practice “probation program” in 2015.
 - Establishments that score below an 85 on their regular inspection, fail an assigned follow-up inspection, or require closure due to an imminent public health issue (e.g. raw sewage, no electricity, no running water, rodent or insect infestation with food adulteration) will be placed on ERE.



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Enhanced Regulatory Enforcement

- Inspection intervals for establishments placed on ERE will be decreased so that an additional inspection will be conducted within a twelve (12) month period.
- Establishments will remain on ERE until the establishment successfully passes two consecutive regular inspections. After the establishment passes their second consecutive inspection, their inspection interval will be returned to the minimum standard of 180 or 360 days, per KDPH guidelines.



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Enhanced Regulatory Enforcement

- Management and/ or owners of establishments placed on ERE will be sent a letter of notification indicating that, due to poor performance during their most recent inspection, LFCHD is increasing regulatory surveillance. They will be notified that surveillance will return to the previous interval after their establishment successfully passes two consecutive regular inspections.
- Management and/ or owners of establishments may be required to attend a conference with LFCHD if improvement is not demonstrated. Conferences include a discussion of the establishment's past regular and/ or follow-up inspections and an improvement plan is developed to assist the establishment in progressing off ERE.



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Content Change: Late Fee

- Food service permit fee renewals are mailed each year to establishment owners in mid-October. Fees are due no later than December 31.
- A late renewal fee of \$100 will be assessed on all annual permit renewals that are received postmarked more than thirty (30) calendar days after the permit expiration date, if the establishment is still operating.