

CHAPTER 2

REQUIREMENTS FOR PLAN SUBMISSION; LICENSE APPLICATION AND ISSUANCE; INSPECTION

Section 1. Prerequisite for Operation.

(a) A person shall not operate an establishment or processing plant without a valid license issued by the regulatory authority.

(i) When a person operates two (2) or more establishments or two (2) or more processing plants not on the same premises in this state, a separate license shall be required for each.

(ii) A person conducting two (2) or more operations on the same premise in this state may operate under one (1) license.

Section 2. Submission and Contents of the License Application.

(a) Pursuant to W.S. 35-7-124(a), any person processing, distributing, storing or preparing food for wholesale or retail use shall obtain a license from the department of agriculture or a local health department. The license is not transferable, shall be renewed on an annual basis and shall be prominently displayed in the establishment. No establishment shall serve, hold for sale or sell food to the public without a valid license. An agriculture producer shall be exempt from the licensure requirement in this section for processing, distributing, storing or sale of any raw agriculture commodity he produces.

(i) Milk haulers, graders, and testers shall be licensed according to chapter 2, section 2, and standardized by the department of agriculture using criteria specified in the United States Public Health Service/FDA Pasteurized Milk Ordinance, Appendix B -Milk Production; Hauling; Industry Inspection, as amended.

(ii) Any person candling eggs in the state of Wyoming shall be licensed according to chapter 2, section 2, and standardized by the department of agriculture using criteria specified in USDA AMS 56- U.S. Standards, Grades, and Weight Classes for Shell Eggs, as amended, and 7 CFR Part 56 Regulations Governing the Voluntary Grading of Shell Eggs, as amended.

(b) Pursuant to W.S. 35-7-124(b), written application for a new license shall be made on a form approved by the department of agriculture and provided by the department of agriculture or the local health department and shall be signed by the applicant.

(i) The application shall include:

(A) The name, mailing address, telephone number, and signature of the person applying for the license; the name, mailing address, and telephone number of the registered agent for service; and the name, mailing address, and location of the establishment or processing plant;

(B) Information specifying whether the establishment or processing plant is owned by an association, corporation, individual, partnership, or other legal entity;

(C) A statement specifying whether the establishment or processing plant:

(I) Is mobile or stationary and temporary or permanent; and

(II) Is an operation that includes one or more of the following:

(1.) Prepares, offers for sale, or serves potentially hazardous food:

a. Only to order upon a consumer's request;

b. In advance in quantities based on projected consumer demand and discards food that is not sold or served at an approved frequency; or

c. Using time as the public health control as specified under chapter 3, section 61;

(III) Prepares potentially hazardous food in advance using a food preparation method that involves two or more steps which may include combining potentially hazardous ingredients; cooking; cooling; reheating; hot or cold holding; freezing; or thawing;

(IV) Prepares food as specified under chapter 2, section 2 (b)(i)(C)(III), for delivery to and consumption at a location off the premises of the establishment where it is prepared;

(V) Prepares food as specified under chapter 2, section 2(b)(i)(C)(III), for service to a highly susceptible population;

(VI) Prepares only food that is not potentially hazardous; or

(VII) Does not prepare, but offers for sale only prepackaged food that is not potentially hazardous;

(D) A statement signed by the applicant that:

(I) Certifies to the accuracy of the information provided in the application; and

(II) Affirms that the applicant will:

(1.) Comply with this Rule; and

(2.) Allow the regulatory authority access to the establishment as specified under chapter 2, section 23, and to the records specified under chapter 3, section 15, chapter 8, section 21, and chapter 10, section 2(a)(iv)(F).

Section 3. Qualifications and Responsibilities of Applicants.

(a) To qualify for a license, an applicant shall:

(i) Be an owner of the establishment or the person legally in charge of the business entity;

(ii) Comply with the requirements of this Rule;

(iii) As specified under chapter 2, section 23, agree to allow access to the establishment or processing plant and to provide required information; and

(iv) Pay the applicable license fees at the time the application is submitted.

Section 4. Issuance of a License.

(a) For establishments or processing plants that are required to submit plans as specified under chapter 2, section 5, the regulatory authority shall issue a license to the applicant after:

(i) A properly completed application is submitted;

(ii) The required fee is submitted;

(iii) The required plans, specifications, and information are reviewed and approved; and

(iv) A pre-operational inspection shows that the establishment or processing plant is built or remodeled in accordance with the approved plans and specifications and that the establishment is in compliance with this Rule.

(b) The regulatory authority may renew a license for an existing establishment or processing plant or may issue a license to a new owner of an existing establishment or processing plant after:

- (i) A properly completed application is submitted, reviewed, and approved;
- (ii) The required fees are submitted; and
- (iii) An inspection shows that the establishment or processing plant is in compliance with this Rule.

Section 5. When Plans and Specifications Are Required.

(a) A license applicant or license holder shall submit to the regulatory authority properly prepared plans and specifications for review and approval before:

- (i) The construction of an establishment or processing plant;
- (ii) The conversion of an existing structure for use as an establishment or processing plant; or
- (iii) The remodeling of an establishment or processing plant or a change of type of the establishment or processing plant as specified under chapter 2, section 6, if the regulatory authority determines that plans and specifications are necessary to ensure compliance with this Rule.

Section 6. Contents of the Plans and Specifications.

(a) The plans and specifications for an establishment or processing plant, including an establishment or processing plant specified under chapter 10, section 1, shall include, as required by the regulatory authority based on the type of operation, type of food preparation, and foods prepared, the following information to demonstrate conformance with Rule provisions:

- (i) Intended menu;
- (ii) Anticipated volume of food to be stored, prepared, and sold or served;
- (iii) Proposed layout, mechanical schematics, construction materials, and finish schedules;
- (iv) Proposed equipment types, manufacturers, model numbers, locations, dimensions, performance capacities, and installation specifications;

(v) Evidence that standard procedures that ensure compliance with the requirements of this Rule are developed or are being developed; and

(vi) Other information that may be required by the regulatory authority for the proper review of the proposed construction, conversion or modification, and procedures for operating an establishment or processing plant.

Section 7. Approval of Plans and Specifications.

(a) The regulatory authority shall review all plans and specifications to determine if they are in compliance with this Rule. After reviewing the plans and specifications, the regulatory authority shall:

(i) Complete a plan review sheet.

(b) If the plans and specifications are approved, the regulatory authority shall submit a copy of the plan review sheet denoting approval to the license applicant or license holder.

(c) If the plans and specifications are disapproved, a copy of the plan review sheet stating the reason for disapproval shall be sent to the license applicant or license holder.

Section 8. Pre-operational Inspections.

(a) The regulatory authority shall conduct one or more pre-operational inspections to verify that the establishment or processing plant is constructed and equipped in accordance with the approved plans and approved modifications of those plans and is in compliance with law and this Rule.

(b) The regulatory authority shall conduct a pre-opening inspection prior to issuance of a license.

Section 9. Application for Official Inspection, Granting Inspection, Official Numbers, Withdrawal of Inspection.

(a) Inspection at official establishments shall be performed by the director, as authorized by 9 CFR 321 Cooperation With States and Territories, as amended.

(b) To qualify for official inspection, as specified in 9 CFR 304 Application for Inspection; Grant of Inspection, as amended, an applicant shall:

(i) Submit a completed application furnished by the director;

(ii) Comply with the requirements of this Rule in addition to 9 CFR 304 Application for Inspection; Grant of Inspection, as amended;

(iii) Comply with the requirements of 9 CFR 304.3 Conditions for Receiving Inspection, as amended, including:

(A) Developing written Sanitation Standard Operating Procedures, as specified in 9 CFR 416 Sanitation, as amended;

(B) Conduct a hazard analysis and have developed and validated a HACCP plan, as required in 9 CFR 417 Hazard Analysis and Critical Control Point (HACCP) Systems, as amended.

(iv) Comply with the requirements of 9 CFR 305.3 Sanitation and adequate facilities, as amended.

(c) To each official establishment granted inspection, the director shall:

(i) Give notice in writing to each applicant.

(ii) Assign an official number to each official establishment as specified in 9 CFR 305.1 Official numbers; subsidiaries and tenants, as amended.

(A) Such number shall be used to identify all inspected and passed products prepared in the establishment;

(B) More than one (1) number shall not be assigned to an establishment; and

(C) Numbers designating all establishments shall be determined by the director, and appropriately placed on all of the inspection stamps designed for each establishment.

(d) Each official establishment granted inspection shall be separate and distinct from any unofficial establishment as specified in 9 CFR 305.2 Separation of official establishments, as amended.

(e) To each official establishment granted inspection, the director shall inaugurate and assign inspection, as specified in 9 CFR 305.4 Inauguration of inspection, as amended, and 9 CFR 306 Assignment and Authorities of Program Employees, as amended.

(f) As specified in 9 CFR 307.4 Schedule of operations, as amended, no operation requiring inspection shall be conducted except under the supervision of the director.

(g) All slaughtering of animals and preparation of products produced under inspection shall be done within reasonable hours and with reasonable speed, considering the official establishment's facilities.

(h) As specified in 9 CFR 305.5 Withdrawal of inspection; statement of policy, as amended, inspection may be withdrawn or temporarily suspended by the director.

Section 10. Denial of License Application, Notice.

(a) The Regulatory Authority may by order deny a license application if it finds:

- (i) The applicant has made false statements on the license application;
- (ii) The applicant has violated or failed to comply with any provision of law;
- (iii) The applicant is the subject of an order within the past two (2) years of any regulatory authority in this state or any other denying, suspending or revoking a food license;
- (iv) The applicant has failed to submit the appropriate fees; or
- (v) The applicant has failed to correctly and completely fill out the application.

(b) If a license application is denied, the regulatory authority shall provide the applicant with a notice that includes:

- (i) The specific reasons and rule citations for the license application denial;
- (ii) The actions, if any, that the applicant must take to qualify for a license application;
- (iii) Advisement of the applicant's right to request a hearing before the director;
- (iv) The time, place and nature of hearing;
- (v) The legal authority under which the hearing is to be held; and
- (vi) A short plain statement of the matters asserted.

(c) The applicant must request a hearing within twenty (20) days of the receipt of the Regulatory Authority notice.

(d) If a hearing is requested the Regulatory Authority shall schedule a time and place for the hearing, to be held not later than thirty (30 days) from the date of the request unless a later date is agreed to by the parties.

(e) If the applicant supplies evidence of correction and all other license requirements have been met a license shall be issued.

(f) The applicant shall be notified of the time, date and place of the hearing at least seven (7) days before the date of the hearing.

Section 11. Responsibilities of the License Holder.

(a) Upon acceptance of the license issued by the regulatory authority, the license holder in order to retain the license shall:

(i) Post the license in a location in the establishment or processing plant that is conspicuous to consumers;

(ii) Comply with the provisions of this Rule including the conditions of a granted variance as specified under chapter 1, section 6, and approved plans as specified under chapter 2, section 7;

(iii) Comply with the plan as specified under chapter 1, section 6, if an establishment or processing plant is required under chapter 10, section 1, to operate under a HACCP Plan;

(iv) Immediately contact the regulatory authority to report an illness of a food employee applicant or food employee as specified under chapter 1, section 15;

(v) Immediately discontinue operations and notify the regulatory authority if an imminent health hazard may exist as specified under chapter 2, section 12;

(vi) Allow representatives of the regulatory authority access to the establishment as specified under chapter 2, section 23;

(vii) Except as specified under chapter 2, section 11(a)(viii), replace existing facilities and equipment specified in chapter 1, section 4(b), with facilities and equipment that comply with this Rule if:

(A) The regulatory authority directs the replacement because the facilities and equipment constitute a public health hazard or nuisance or no longer comply with the criteria upon which the facilities and equipment were accepted;

(B) The regulatory authority directs the replacement of the facilities and equipment because of a change of ownership; or

(C) The facilities and equipment are replaced in the normal course of operation;

(viii) Upgrade or replace refrigeration equipment as specified under chapter 3, section 50(a)(iii), if the circumstances specified under chapter 2, section 11(a)(vii)(A)-(C), do not occur first, and ten (10) years pass after the regulatory authority adopts this Rule;

(ix) Comply with directives of the regulatory authority including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the regulatory authority in regard to the license holder's establishment or processing plant or in response to community emergencies;

(x) Accept notices issued and served by the regulatory authority according to law; and

(xi) Be subject to the administrative, civil, injunctive, and criminal remedies authorized in law for failure to comply with this Rule or a directive of the regulatory authority, including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives.

Section 12. Ceasing Operations and Reporting.

(a) Except as specified in chapter 2, section 12(b), a license holder shall immediately discontinue operations and notify the regulatory authority if an imminent health hazard may exist because of an emergency such as, but not limited to, a fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent foodborne illness outbreak, or gross insanitary occurrence or condition.

(b) A license holder need not discontinue operations in an area of an establishment or processing plant that is unaffected by the imminent health hazard.

Section 13. Resumption of Operations.

(a) If operations are discontinued as specified under chapter 2, section 12, or otherwise according to law, the license holder shall obtain approval from the regulatory authority before resuming operations.

Section 14. Conditions Warranting Remedy.

(a) The regulatory authority may seek an administrative or judicial remedy including an administrative meeting to achieve compliance with the provisions of this Rule if a person operating an establishment or processing plant or employee:

(i) Fails to have a valid license to operate an establishment or processing plant as specified under chapter 2, section 1;

(ii) Violates any term or condition of a license as specified under chapter 2, section 11;

(iii) Allows serious or repeated rule violations to remain uncorrected beyond time frames for correction approved, directed, or ordered by the regulatory authority under chapter 2, sections 25 and 27;

(iv) Fails to comply with a regulatory authority order issued concerning an employee suspected of having a disease transmissible through food by infected persons;

(v) Fails to comply with an order issued as a result of a hearing for an administrative remedy;

(vi) Fails to comply with a summary suspension order issued by the regulatory authority as specified in chapter 2, sections 16; or

(vii) Fails to comply with any other rule or regulation.

Section 15. Administrative Meetings.

(a) The Regulatory Authority may initiate an administrative meeting for the licensee's failure to:

(i) Correct critical violations from a routine inspection if there is a history of non-compliance with this Rule;

(ii) For refusal to grant access by the regulatory authority; or

(iii) If an inspection reveals deviations in the HACCP plan.

(b) Notice of administrative meeting shall state:

(i) The reasons for the notice of administrative meeting with reference to the provisions of the rules that are in violation;

(ii) The location and time the administrative meeting will be held; and

(iii) The licensee may appear in person or by or with counsel licensed to practice law in the State of Wyoming.

(c) The Regulatory Authority will administer the administrative meeting and hear opposing opinions regarding the issue in question.

(d) The purpose of the administrative meeting is to facilitate a mutually agreed upon plan of compliance for the license holder. The plan of compliance shall be:

(e) The plan of compliance shall be:

(i) Presented, in writing to the license holder after the meeting;

(ii) Effective immediately upon presentation with a correction completion date ten (10) business days from the presentation date at which time a re-inspection will be performed; and

(iii) Signed by both the license holder and the regulatory authority.

(f) The administrative meeting may have three (3) possible outcomes:

(i) A mutually agreed upon plan of compliance with a reinspection date;

(ii) No agreement of cooperation by the license holder resulting in a revocation notice being issued; or

(iii) Dismissal of the meeting by the Regulatory Authority.

(g) If no agreement is reached between the Regulatory Authority and the license holder or the re-inspection finds the plan of compliance has been ignored, a revocation notice shall be issued within ten (10) business days of the no agreement date or the re-inspection date.

Section 16. Summary Suspension.

(a) The regulatory authority may summarily suspend a license to operate an establishment or processing plant if it determines through inspection, or examination of food employees, food, records, or other means as specified in this Rule, that an imminent health hazard exists including, but not limited to, fire, flood, extended interruption of electrical or water service, sewage backup, or after consultation with the Health Officer.

(i) The regulatory authority may summarily suspend a license by providing written notice of the summary suspension to the license holder or the person in charge without prior warning, notice of a hearing, or a hearing.

(ii) A summary suspension notice shall state:

(A) That the license is immediately suspended and that all operations shall immediately cease;

(B) The reasons for summary suspension with reference to the provisions of this Rule that are in violation;

(C) The type of imminent threat to the public health that may be caused by the violation;

(D) The name and address of the regulatory authority representative to whom notice for reinspection may be made and who may certify that reasons for the suspension are eliminated;

(E) The license holder may request a contested case hearing within five (5) business days of the summary suspension. The regulatory authority shall hold a hearing, if requested, within ten (10) business days of the summary suspension; and

(F) The name and address of the regulatory authority representative to whom a request for a contested case hearing may be made.

(iii) The regulatory authority shall conduct a reinspection of the establishment or processing plant for which the license was summarily suspended within 48 hours after receiving notice from the license holder stating that the conditions cited in the summary suspension order no longer exist.

(iv) A summary suspension shall remain in effect until the conditions cited in the notice of suspension no longer exist and their elimination has been confirmed by the regulatory authority through reinspection and other means as appropriate or until a court of competent jurisdiction otherwise orders.

(v) The suspended license shall be reinstated immediately if the regulatory authority determines that the imminent health hazard no longer exists. A notice of reinstatement shall be provided to the license holder or person in charge.

Section 17. Revocation.

(a) The Regulatory Authority may initiate revocation proceedings for a license:

- (i) If the condition for the summary suspension is not corrected;
- (ii) For failure to correct critical violations from a routine inspection;
- (iii) If there is a history of non-compliance with this Rule;
- (iv) For refusal to grant access by the regulatory authority; or

(v) For failure to reach an agreement of cooperation following an administrative meeting.

(b) The revocation notice shall state:

(i) That the license shall be revoked fifteen (15) calendar days after receipt of the revocation notice and that all operations shall cease at that time unless a contested case hearing is requested;

(A) The revocation notice shall be sent by certified mail, return receipt requested;

(ii) The reasons for revocation with reference to the provisions of this Rule that are in violation;

(iii) That the license holder may request a hearing by submitting a request within fifteen (15) days of the receipt of the notice of revocation;

(iv) The name and address of the Cheyenne–Laramie County Health Department representative to whom a request for a hearing may be made;

(v) If a hearing is requested, the hearing shall be conducted by a hearing officer in accordance with the Wyoming Administrative Procedure Act, W.S. 16-3-107 through 115 and the Rules of Practice and Procedures of the Regulatory Authority; and

(vi) Licensee may appear in person or with counsel licensed to practice law in the State of Wyoming.

(c) The final decision, accompanied by written findings of fact and conclusions of law and order, shall be issued by the director of the Regulatory Authority.

(d) The final decision shall be delivered to the license holder by certified mail, return receipt requested.

Section 18. Hearings.

(a) All hearings provided for in this Rule shall be conducted in accordance with the provisions of the Wyoming Administrative Procedure Act. Appeal from any final order of the regulatory authority shall be taken as provided by the Wyoming Administrative Procedure Act.

Section 19. Service of Notices.

(a) A notice issued in accordance with this Rule, except for a notice of summary suspension which shall be considered properly served pursuant to chapter 2, section 16, shall be considered to be properly served if it is served by one of the following methods:

(i) The notice is personally served by the regulatory authority, a law enforcement officer, or a person authorized to serve a civil process to the license holder, the person in charge, or person operating an establishment or processing plant without a license;

(ii) The notice is sent by the regulatory authority to the last known address of the license holder or the person operating an establishment or processing plant without a license, by registered or certified mail return receipt requested or by other public means so that a written acknowledgment of receipt may be acquired;

(iii) If the notice is unable to be delivered after reasonable attempts to serve, then the notice shall be clearly posted by the regulatory authority at a public entrance to the establishment or processing plant; or

(iv) The notice is provided by the regulatory authority in accordance with another manner of service authorized in law.

Section 20. When Service is Effective.

(a) Service is effective at the time of the receipt of the notice or at the time of the posting of the notice.

Section 21. Establishing Inspection Interval.

(a) Except as specified under chapter 2, section 21(b) and (c), and section 9(f), the regulatory authority may inspect an establishment or processing plant at least once every twelve (12) months.

(b) The regulatory authority may increase the interval between inspections beyond twelve (12) months but in no event less than once a year if:

(i) The establishment or processing plant is fully operating under an approved and validated HACCP plan as specified under chapter 1, section 7(a)(i) and (ii), and chapter 10, section 1;

(ii) The establishment or processing plant is assigned a less frequent inspection frequency based on a written risk-based inspection schedule that is being uniformly applied throughout the jurisdiction and at least once every twelve (12) months the establishment or processing plant is contacted by telephone or other means by the regulatory

authority to ensure that the establishment or processing plant manager and the nature of operation are not changed; or

(iii) The establishment's operation involves only coffee service and other unpackaged or prepackaged food that is not potentially hazardous such as carbonated beverages and snack food such as chips, nuts, popcorn, and pretzels.

(c) The regulatory authority shall periodically inspect throughout the license period a temporary establishment that:

(i) Prepares, sells, or serves unpackaged potentially hazardous food;

(ii) Has improvised rather than permanent facilities or equipment for accomplishing functions such as handwashing, food preparation and protection, food temperature control, warewashing, providing drinking water, waste retention and disposal, and insect and rodent control; or

(iii) Has inexperienced food employees.

Section 22. Performance and Risk-Based Inspections.

(a) Within the parameters specified under chapter 2, section 21, the regulatory authority shall prioritize and conduct more frequent inspections based upon its assessment of an establishment's or processing plant's history of compliance with this Rule and the establishment's or processing plant's potential as a vector of foodborne illness by evaluating:

(i) Past performance, for nonconformance with this Rule or HACCP plan requirements that are critical;

(ii) Past performance, for numerous or repeat violations of this Rule or HACCP plan requirements that are noncritical;

(iii) Past performance, for complaints investigated and found to be valid;

(iv) The hazards associated with the particular foods that are prepared, stored, or served;

(v) The type of operation including the methods and extent of food storage, preparation, and service;

(vi) The number of people served; and

(vii) Whether the population served is a highly susceptible population.

Section 23. Access for Inspection.

(a) After the regulatory authority presents official credentials and states the purpose of, and an intent to conduct an inspection, the person in charge shall allow the regulatory authority to determine if the establishment or processing plant is in compliance with this Rule by:

(i) Allowing access to the establishment or processing plant;

(ii) Allowing inspection; and

(iii) Providing information and records specified in this Rule and to which the regulatory authority is entitled according to law, during the establishment's or processing plant's hours of operation and other reasonable times.

(b) Denial of access to inspect shall be grounds for revocation of a license.

(c) The details of the denial of access shall be recorded on the inspection report form.

Section 24. Documenting Information and Observations.

(a) The regulatory authority shall document on an inspection report form:

(i) Administrative information about the establishment's or processing plant's legal identity, street and mailing addresses, type of establishment or processing plant and operation as specified under chapter 2, section 2(b), inspection date, and other information such as type of water supply and sewage disposal, status of the license, and personnel certificates that may be required; and

(ii) Specific factual observations of violative conditions or other deviations from this Rule that require correction by the license holder including but not limited to:

(A) Failure of the person in charge to demonstrate the knowledge of foodborne illness prevention and the requirements of this Rule specified under chapter 1, section 10;

(B) Failure of food employees and the person in charge to demonstrate their knowledge of their responsibility to report a disease or medical condition as specified under chapter 1, sections 15 and 16;

(C) Nonconformance with critical items of this Rule;

(D) Failure of the appropriate food employees to demonstrate their knowledge of, and ability to perform in accordance with, the procedural, monitoring, verification, and corrective action practices required by the regulatory authority as specified under chapter 1, section 7;

(E) Failure of the person in charge to provide records required by the regulatory authority for determining conformance with a HACCP plan as specified under chapter 10, section 2(a)(iv)(F);

(F) Nonconformance with critical limits of a HACCP plan; and

(G) Nonconformance with any other rule or regulation.

Section 25. Timely Correction for Critical Item Violation.

(a) Except as specified in chapter 2, section 25(b), a license holder shall at the time of inspection correct a critical violation of this Rule or implement corrective actions for a HACCP plan provision that is not in compliance with its critical limit.

(b) Considering the nature of the potential hazard involved and the complexity of the corrective action needed, the regulatory authority may agree to or specify a longer time frame, not to exceed ten (10) calendar days after the inspection, for the license holder to correct critical violations of this Rule or HACCP plan deviations.

(i) If a determination by the inspector that the corrective action cannot be completed within 10 (ten) days, the inspector may request an extension be granted which must only be approved in writing by a supervisor.

Section 26. Verification and Documentation of Correction for Critical Item Violation.

(a) After observing at the time of inspection a correction of a critical item violation or HACCP plan deviation, the regulatory authority shall enter the violation and information about the corrective action on the inspection report.

(b) After receiving notification that the license holder has corrected a critical item violation or HACCP plan deviation, or at the end of the specified period of time, the regulatory authority shall verify correction of the violation, document the information on an inspection report, and enter the report in the regulatory authority's records.

Section 27. Time Frame for Correction for Noncritical Violation.

(a) Except as specified in chapter 2, section 27 (b), the license holder shall correct noncritical violations by a date and time agreed to or specified by the regulatory authority but no later than ninety (90) calendar days after the inspection.

(b) The regulatory authority may approve a compliance schedule that extends beyond the time limits specified under chapter 2, section 25(b), if a written schedule of compliance is submitted by the license holder and no health hazard exists or will result from allowing an extended schedule for compliance.

Section 28. Issuing Report and Obtaining Acknowledgment of Receipt.

(a) At the conclusion of the inspection, the regulatory authority shall provide a copy of the completed inspection report to the license holder or to the person in charge, and request a signed acknowledgment of receipt.

Section 29. Refusal to Sign Acknowledgment.

(a) The regulatory authority shall:

(i) Inform a person who declines to sign an acknowledgment of receipt of inspection findings that:

(A) An acknowledgment of receipt is not an agreement with findings;

(B) Refusal to sign an acknowledgment of receipt will not affect the license holder's obligation to correct the violations noted in the inspection report within the time frames specified; and

(C) A refusal to sign an acknowledgment of receipt is noted in the inspection report and conveyed to the regulatory authority's historical record for the establishment or processing plant.

Section 30. Public Records

(a) Except as specified in chapter 10, section 10, the completed inspection report is a public document that shall be made available for public disclosure to any person who requests it according to law.

Section 31. Examining, Sampling, and Testing Food.

(a) The regulatory authority may examine, sample, and test food in order to determine its compliance with this Rule.