

R392. Health and Human Services, Population Health, Environmental Health.

R392-110. Food Service Sanitation in Child Care and Residential Care Facilities.

R392-110-1. Authority and Purpose.

- (1) This rule is authorized by Sections 26B-1-202 and 26B-7-402, and Subsection 26B-2-402(1).
- (2) This rule establishes uniform food service inspection standards for residence-based group care facilities.

R392-110-2. Applicability.

- (1)(a) This rule applies to food service provided in a certified or licensed child care facility, including a residence, that provides care for 16 or fewer children.
- (b) Rule R392-100, Food Service Sanitation, governs food service provided in a facility that cares for more than 16 children.
- (2)(a) This rule applies to food service provided in facilities with a 24-hour group living environment for between four and 16 individuals unrelated to the owner, or provider, including any:
 - (i) residential treatment program;
 - (ii) residential support program; and
 - (iii) recovery residence.
- (b) Rule R392-100, Food Service Sanitation, governs food service in a facility as described in Subsection (2)(a) that provides care for more than 16 individuals.

R392-110-3. Definitions.

For the purposes of this rule:

- (1) "Department" means the Utah Department of Health.
- (2) "FDA Food Code" means the FDA Model Food Code incorporated by reference with amendments in Rule R392-100, Food Service Sanitation.
- (3) "Food handler" means a person who works with unpackaged food, food equipment or utensils, or food-contact surfaces for a food establishment as defined in FDA Food Code.
- (4) "Food handler permit" means a permit issued by a local health department to allow a person to work as a food handler.
- (5) "Food processing facility" means a commercial operation that manufactures, packages, labels, or stores food for human consumption, but does not provide food directly to a consumer, including any establishment that cans food, or packages food in packaging with a modified atmosphere, and is inspected by the local, state, or federal food regulatory agency having jurisdiction.
- (6) "Local health department" has the same meaning as provided in Subsection 26A-1-102(5).
- (7) "Local health officer" means the health officer of the local health department having jurisdiction, or designated representative.
- (8) "Nuisance" means a condition or hazard, or the source thereof, that may be deleterious or detrimental to the health, safety, or welfare of the public.
- (9) "Operator" means any person who owns, leases, manages or controls, or who has the duty to manage or control a residential care facility.
- (10) "Plumbing Code" means International Plumbing Code as incorporated and amended in Title 15A, State Construction and Fire Codes Act.
- (11) "Provider" means a person with ownership or overall responsibility for managing or operating a residential care facility.
- (12) "Recovery residence" has the same meaning as provided in Section 26B-2-101.
- (13) "Residential care facility" means:
 - (a) a certified or licensed child care facility, including a residence, that provides care for 16 or fewer children; or
 - (b) a facility with a 24-hour group living environment for between four and 12 individuals unrelated to the owner or provider such as:
 - (i) a residential treatment program;
 - (ii) a residential support program; or
 - (iii) a recovery residence.
- (14) "Residential support" has the same meaning as provided in Section 26B-2-101.
- (15) "Residential treatment" has the same meaning as provided in Section 26B-2-101.
- (16) "Service animal" has the same meaning as provided in Section 35.104 of the Americans with Disabilities Act Title II Regulations.
- (17) "Time and temperature control for safety food" or "TCS" means a food that requires time and temperature control for safety to limit pathogenic microorganism growth or toxin formation, including any inclusion or exclusion defined in FDA Food Code.

R392-110-4. Facility Inspection and General Requirements.

- (1) Except as stated in this rule, a residential care facility is exempt from the requirements of Rule R392-100, Food Service Sanitation.

(2) After a provider requests an inspection and pays the inspection fee, a local health officer shall inspect a residential care facility based on the food safety standards established in Section R392-110-5.

(3) A local health officer shall use an inspection form approved by the Department.

(4) Upon satisfactory completion of the inspection, the local health officer shall issue a written report to the provider stating that the facility food services comply with this rule.

(5)(a) Except as in Subsection (5)(b), this rule does not require a construction change in any portion of a residential care facility if the facility was in compliance with the law in effect when the facility was constructed.

(b) The local health officer may require a construction change if it is determined the residential care facility, or portion thereof, is dangerous, unsafe, unsanitary, or a nuisance.

(6) The operator shall ensure the residential care facility meets the requirements of this rule.

(7) The operator shall comply with applicable building, zoning, electrical, health, fire codes, and any local ordinances.

R392-110-5. Food Safety Standards.

(1) When conducting an inspection, a local health officer shall verify that the provider is maintaining a residential care facility according to the following standards:

(a) The potable water supply system is designed, installed, and operated according to the requirements set forth by:

(i) Plumbing Code;

(ii) The Utah Department of Environmental Quality, Division of Drinking Water under Title R309, Environmental Quality, Drinking Water; and

(iii) Local health department regulations.

(b) Food is obtained from a:

(i) grocery store;

(ii) permitted food establishment;

(iii) food processing facility; or

(iv) farmer's market only if whole produce is being obtained.

(c) Food has not been adulterated, as defined in Section 402 of the Federal Food, Drug, and Cosmetic Act, 21 USC

342.

(d) Food is protected from contamination by storing the food;

(i) in a clean, dry location where it is not exposed to splash, dust, or other contamination; and

(ii) at least six inches above the floor.

(e) Food is not stored:

(i) in a toilet room;

(ii) in a mechanical room;

(iii) under any sewer line;

(iv) under any leaking water line; or

(v) under any source of contamination.

(f) Food brought in by friends or relatives to serve to other individuals in the facility is obtained from an approved source that complies with Rule R392-100, Food Service Sanitation.

(g) Food brought in by a parent or guardian for specific use of that person's child is labeled with the name of the child.

(h) Bottled or canned baby food, upon opening, is labeled on the outside of the container with the date and time of opening.

(i) Any TCS food product stored inside a refrigerator, including any canned or bottled opened baby food container, is stored at 41 degrees F or below.

(j) Except for a dry product, canned or bottled baby food is discarded if not used within 24 hours of opening.

(k) Infant formula or breast milk is discarded after feeding or within two hours of initiating a feeding.

(l) A refrigerator used to store food for children or residents is maintained and cleaned to prevent contamination of stored food.

(m)(i) A calibrated thermometer is conspicuously placed in the refrigerator; and

(ii) a calibrated metal stem food temperature measuring device is provided and readily accessible.

(n) TCS food prepared at a residential care facility meets the critical cooking, reheating, hot holding, cold holding, and cooling temperatures as required in Rule R392-100, Food Service Sanitation.

(o) Each caregiver or client who works as a food handler:

(i) has a copy of a current food handler permit on file at the facility; and

(ii) abides by the employee health requirements described in Part 2-2 of FDA Food Code.

(p) Food is served on:

(i) clean and sanitized dishware;

(ii) a single-service item designed to hold food; or

(iii) a clean and sanitized high chair tray.

(q) Any napkin used is:

(i) single-service; or

(ii) properly laundered.

(r) Any cup used for beverage service is:

- (i) single-service; or
- (ii) clean and sanitized before use.
- (s) Before each use, any reusable food holder, utensil, and preparation surface is cleaned and sanitized as required in Parts 4-5 and 4-6 of FDA Food Code.
- (t) Food handlers clean their hands and exposed portions of their arms:
 - (i) immediately before engaging in food preparation, including working with exposed food, clean equipment and utensils, or unpackaged single-service and single-use articles;
 - (ii) after touching a bare human body part other than clean hands and clean exposed portions of arms;
 - (iii) after using the toilet room;
 - (iv) after caring for or handling any animal, including a service animal;
 - (v) when switching between working with raw food and ready to eat food; and
 - (vi) as often as necessary to remove soil and contamination and to prevent cross contamination when changing tasks.
- (u) Hand washing facilities are located to allow convenient use by food handlers in food preparation, food dispensing, and ware washing areas; and in or immediately adjacent to toilet rooms.
- (v) When preparing food, food handlers wear hair restraints, such as hats, hair coverings or nets, beard restraints, and clothing that covers body hair, that effectively keep hair from contacting exposed food, clean equipment, utensils, and linens, and unwrapped single-service and single-use articles.
- (w) Food handlers wear clean outer clothing to prevent contamination of food, equipment, utensils, linens, and single-service and single-use articles.
- (x) Poisonous or toxic chemicals are:
 - (i) properly identified;
 - (ii) safely stored to prevent access by children, or at-risk youth or adults; and
 - (iii) stored so they cannot contaminate food, equipment, utensils, linens, or single-service and single-use articles.
- (y) Only those poisonous or toxic materials that are required for the operation and maintenance of food storage, preparation, and service areas such as for the cleaning and sanitizing of equipment and utensils and the control of insects and rodents are in the food storage, preparation, and service areas.
- (2) The provider may elect to allow an animal in a residential care facility if:
 - (a) an animal in a food storage or food preparation area is a service animal assisting a person with a disability;
 - (b) except for a service animal, an animal is allowed in a dining area only if:
 - (i) food is not served; and
 - (ii) surfaces are cleaned before the next food service;
 - (c) animal hair, fur, feathers, feces, and soiled bedding is removed as often as necessary to prevent unsanitary conditions or objectionable odors; and
 - (d) any animal allergen, odor, noise, filth, or other nuisance does not cause a disturbance to residents.

R392-110-6. Severability.

If a provision of this rule, or its application to any person or circumstance is declared invalid, the application of such provisions to other persons or circumstances, and the remainder of this rule shall be given effect without the invalidated provision or application.

KEY: child care providers, food service, residential support, residential treatment

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Authorizing, and Implemented or Interpreted Law: 26B-1-202; 26B-7-402; 26B-2-402(1)