

## 19-13-B48. Itinerant food vending

**Itinerant Food Vending and Catering Food Service****19-13-B48. Itinerant food vending**

No person, firm or corporation shall operate or maintain within the state an itinerant food vending establishment serving food or drink from any establishment or conveyance without fixed location and without connections to water supply and sewage disposal systems, except in compliance with the following requirements:

- (a) Definitions, as used in this section:
- (1) "Authorized agent" means any individual certified by the commissioner to inspect itinerant food vending establishments and enforce the provisions of section 19-13-B48 of the Regulations of Connecticut State Agencies under the supervision and/or authority of the director of health.
  - (2) "Commissioner" means the commissioner of public health.
  - (3) "Department" means the State of Connecticut Department of Public Health.
  - (4) "Director of health" means the director of a local health department or district health department approved by the commissioner as specified in Connecticut General Statutes sections 19a-200 and 19a-242, respectively.
  - (5) "Full-time position" means thirty (30) hours per week or the number of hours per week that the itinerant food vending establishment is open for business, whichever is less.
  - (6) "Hazard analysis" means an evaluation of food handling operations to identify points of potential product contamination and assess the adequacy of hot processing and hot and cold storage methods for foods.
  - (7) "Itinerant food vending establishment" means a food vending business serving food or drink from any establishment or conveyance without fixed location and without connection to water supply and sewage disposal systems.
  - (8) "Potentially hazardous food" means any food or food ingredient, natural or synthetic, that is in a form capable of supporting:
    - (A) the rapid and progressive growth of infectious or toxigenic microorganisms, or
    - (B) the slower growth of *Clostridium botulism*.
  - (9) "Qualified food operator" means a food operator employed in a full-time position who has demonstrated a knowledge of safe food handling techniques.
  - (10) "Supervisory position" means the position of a person who directs and inspects the performance of itinerant food vending workers.
- (b) All food and drink while being stored, prepared, displayed, served or sold or during transportation shall be protected from dust, flies, vermin, depredation and pollution by rodents, unnecessary handling, droplet infection, overhead leakage or other contamination, provided that the making of sandwiches or heating food to be placed in sandwiches or in single-service containers may be permitted by the local director of health with such sanitary provisions as he may require. All food and drink shall be clean, wholesome, free from spoilage and so prepared as to be safe for human consumption. All oysters, clams and mussels shall be from approved sources and, if shucked, shall be kept until used in the containers in which they were received.
- (c) All single-service eating and drinking articles shall be made from non-toxic materials, and shall have been manufactured, packaged, transported, stored, handled and dispensed in a sanitary manner, and shall be used only once. Drinking straws or any other device, hollow in nature, whereby through its use a beverage can be drawn into the mouth shall be separately wrapped, either individually or in pairs, with a sanitary protective covering for individual use.
- (d) All perishable food and drink shall be stored at such temperatures as will protect against spoilage. All potentially hazardous food and drink which consist in whole or in part of milk products, eggs, meat, poultry, fish, shellfish, or other ingredients capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms, shall be

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- maintained at safe temperatures at forty-five (45) degrees F. or below, or one hundred and forty (140) degrees F. or above, except during necessary periods of preparation and service. The pouring lips of bottles or containers of milk or other beverages shall not be submerged for cooling.
- (e) This section shall not prevent an operator from preparing and dispensing drinking beverages from flytight and dustproof containers from which the liquid may be removed only by faucets or other sanitary methods and served in single-service containers.
  - (f) No employee shall resume work after using a toilet without first washing his hands. All employees shall wear clean outer garments and maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty. They shall wash their hands thoroughly in an approved handwashing facility before starting work. Employees shall not use tobacco in any form while engaged in food preparation or service.
  - (g) Adequate provision shall be made to collect, store and dispose of, without nuisance, all used containers, wrappings and other disposables connected with the operation, and all other wastes or waste materials.
  - (h) All vehicles shall have the name and address of the person, firm or corporation responsible for the operation legibly printed on both sides of the vehicle. Such vehicles shall be kept in a clean and sanitary condition at all times.
  - (i) No person while affected with any disease in a communicable form or while a carrier of such disease, or while afflicted with boils, infected wounds, sores or an acute respiratory infection, shall work in any itinerant food vending establishment nor shall any such person or persons suspected of being affected with any disease in a communicable form or of being a carrier of such disease to be employed. If the management of an itinerant food vending establishment has reason to suspect that any employee has contracted any disease in a communicable form or has become a carrier of such a disease, he shall notify the local director of health immediately. When the local director of health has reasonable cause to suspect possibility of disease transmission from any food service employee, he shall secure a morbidity history of the suspected employee, or make such other investigation as may be indicated, and take appropriate action. The director of health may require any or all of the following measures: (1) The immediate exclusion of the employee from all food service; (2) the immediate closure of the food service concerned until, in the opinion of the director of health, no further danger of disease outbreak exists; and (3) adequate medical and laboratory examinations of the employee, or other employees, and of his and their body discharges.
  - (j) (1) No person shall conduct an itinerant food vending establishment in any town, city or borough without a local permit or license, or otherwise without registration of the name and business address with the local director of health of the town, city or borough in which the business is conducted; if such permit or license is required by local ordinance.
  - (2) Itinerant food vending establishment classification. The director of health, registered sanitarian, or authorized agent shall classify each itinerant food vending establishment by using the criteria outlined in this subdivision. Establishments shall be classified at the time of licensure, where licensure is required by local ordinance, or otherwise at the time of registration with the local director of health. The classification shall be reviewed by the director of health, registered sanitarian, or authorized agent during each inspection and in no case less than annually. The itinerant food vending establishment shall be placed into the highest classification that describes any of the food operations conducted. When it comes to the attention of the director of health, registered sanitarian, or authorized agent that the operation has changed to a different class the director of health, registered sanitarian, or authorized agent shall reclassify the itinerant food vending establishment. No itinerant food vending establishment shall change food operations to a different classification without prior approval by the director of health, registered sanitarian, or authorized agent. The classes of itinerant food vending establishments are as follows:

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- (A) Class I is an itinerant food vending establishment with commercially prepackaged foods and/or hot or cold beverages only. No preparation, cooking or hot holding of potentially hazardous foods is included, except that commercially packaged precooked foods may be heated and served in the original package within four (4) hours.
  - (B) Class II is an itinerant food vending establishment using cold or ready-to-eat commercially processed food requiring no further heat treatment and/or hot or cold beverages. No cooking, heating or hot holding of potentially hazardous foods is included, except that commercially packaged precooked foods may be heated and served in the original package within four (4) hours and commercially precooked hot dogs, kielbasa, and soup may be heated if transferred directly out of the original package and served within four (4) hours.
  - (C) Class III is an itinerant food vending establishment having on the premises exposed potentially hazardous foods that are prepared by hot processes and consumed by the public within four (4) hours of preparation.
  - (D) Class IV is an itinerant food vending establishment having on the premises exposed potentially hazardous foods that are prepared by hot processes and held for more than four (4) hours prior to consumption by the public.
- (3) Qualified food operator required. Each person owning, operating or managing any itinerant food vending establishment designated as class III or class IV shall be a qualified food operator or shall employ on-site at least one (1) qualified food operator who is in a supervisory position at said establishment. Each itinerant food vending establishment shall be in compliance with this subdivision by August 1, 1997. Satisfactory evidence of compliance with this subdivision shall be documentation that the qualified food operator has passed a test administered by a testing organization approved by the department, or other documentation satisfactory to the department attesting to the individual's knowledge of safe food handling techniques as specified in subdivision (5) of this subsection. Said documentation shall be maintained on file at the itinerant food vending establishment and provided to the local director of health, registered sanitarian, or authorized agent on request. Exempt from the requirements of this subdivision are special events sponsored by non-profit civic organizations such as, but not limited to, school sporting events, little league, and fairs.
- (4) Criteria for approval of testing organizations. To be approved, a testing organization shall make application to the department and therein demonstrate responsibility for all aspects of the testing system from the development of the test, through test administration including test security system, documentation of successful test completion and record maintenance. Testing organizations must reapply for approval every five (5) years. Testing organizations shall demonstrate responsibility for all of the following areas.
- (A) Test development. The test shall be based on an objective job analysis to determine content areas and shall include, but not be limited to, elements that test the qualified food operator's knowledge of food allergies. The test shall be developed based on generally accepted standards of test development. A passing score study to set the required passing scores shall be conducted. Content validation and examination field test studies shall be conducted.
  - (B) Test security. The testing organization shall have test security systems to ensure the integrity of the test during all phases of test development and handling. Test administrators must be trained in test security procedures. Where client based testing is conducted, proctoring agreements that establish examination handling and proctoring

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- procedures are required between the testing organization and the proctor. Different forms of the test shall be maintained.
- (C) Test administration. The testing organization shall serve as the primary contact for individuals interested in the test. Explanatory test materials shall be available to interested parties. Guidelines for test administration shall be developed. The test shall be readily available to meet the needs of Connecticut.
  - (D) Documentation and record keeping. All individuals taking the test shall be provided documentation indicating whether they passed or failed the test. Statistics on the test including an item analysis shall be maintained. A registry of all individuals who have taken the test shall be maintained. Statistical and registry information shall be made available to the department and local health departments upon request.
- (5) Other documentation satisfactory to the department. In the absence of documentation that the qualified food operator has passed a test administered by a testing organization approved by the department, a signed statement by the owner/operator of the itinerant food vending establishment attesting that the qualified food operator has demonstrated knowledge of food safety as specified in subparagraphs (A) and (B) of this subdivision shall constitute satisfactory evidence of compliance with subdivision (3) of this subsection. The local director of health may require documentation to support the signed statement. The following specific elements of knowledge and competence are required.
- (A) Elements of knowledge
    - (i) Identify foodborne illness--define terms associated with foodborne illness; recognize the major microorganisms and toxins that can contaminate food and the problems that can be associated with the contamination; define and recognize potentially hazardous foods; define and recognize illness that can be associated with chemical and physical contamination; define and recognize the major contributing factors for foodborne illness; recognize how microorganisms cause foodborne disease.
    - (ii) Identify time/temperature relationship with foodborne illness-- recognize the relationship between time/temperature and microorganisms (survival, growth, and toxin production); describe the use of thermometers in monitoring food temperatures.
    - (iii) Describe the relationship between personal hygiene and food safety-- recognize the association between hand contact and foodborne illness; recognize the association between personal habits and behaviors and foodborne illness; recognize the association between health of a foodhandler and foodborne illness; recognize how policies, procedures and management contribute to improved food hygiene practices.
    - (iv) Describe methods for preventing food contamination from purchasing to serving--define terms associated with contamination; identify potential hazards prior to delivery and during delivery; identify potential hazards and methods to minimize or eliminate hazards after delivery.
    - (v) Identify and apply correct procedures for cleaning and sanitizing equipment and utensils--define terms associated with cleaning and sanitizing; apply principles of cleaning and sanitizing; identify materials, equipment, detergent, sanitizer; apply appropriate methods of cleaning and sanitizing, identify frequency of cleaning and sanitizing.

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- (vi) Recognize problems and potential solutions associated with facility, equipment, and layout--identify facility, design, and construction suitable for food establishments; identify equipment and utensil design and location.
- (vii) Recognize problems and potential solutions associated with temperature control, preventing cross contamination, housekeeping and maintenance-- implement self inspection program; implement pest control program; implement cleaning schedules and procedures; implement equipment and facility maintenance program.
- (viii) Identify and recognize the foods most commonly associated with food allergies.
- (B) Demonstrable elements of competency
  - (i) assess the potential for foodborne illness in a food establishment--perform operational food safety assessment; recognize and develop standards, policies and procedures; select and train employees; implement self audit/inspection program; revise policy and procedure (feedback loop); implement crisis management program.
  - (ii) Assess and manage the process flow--identify approved source; implement and maintain a receiving program; implement and maintain storage procedures; implement and maintain preparation procedures; implement and maintain holding/service/display procedures; implement and maintain cooling and post preparation storage procedures; implement and maintain re-service procedures; implement and maintain transportation procedures.
- (6) Replacement of qualified food operator. Whenever the qualified food operator terminates employment, is terminated or is transferred, the person owning, operating or managing the itinerant food vending establishment shall notify the local health department in writing. A replacement qualified food operator shall be employed within sixty (60) days from the date of termination or transfer of the qualified food operator. The local health department may grant an extension not to exceed an additional sixty (60) days to comply with this subdivision if deemed necessary.
- (7) Responsibilities of qualified food operators
  - (A) The qualified food operator is responsible for operating the itinerant food vending establishment in compliance with all the provisions of section 19-13-B48 of the Regulations of Connecticut State Agencies. The qualified food operator of each itinerant food vending establishment shall be responsible for training of food preparation personnel. All such personnel shall receive training which shall include but not necessarily be limited to: instruction in proper food temperature control; food protection; personal health and cleanliness; and sanitation of the facility, equipment, supplies and utensils. The qualified food operator shall maintain written documentation of a training program, and training records of individual employees, and shall make these records available to the local health department upon request.
  - (B) The owner or manager of the itinerant food vending establishment shall designate an alternate person to be in charge at all times when the qualified food operator cannot be present. This alternate person in charge shall be responsible for: ensuring that all employees comply with the requirements of this section and that foods are safely prepared; handling emergencies; admitting the inspector; and receiving and signing the inspection report.

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- (k) Nothing in this section shall prevent the manufacture and sale of frozen desserts in mobile units operating under licenses issued by the commissioner of consumer protection.
- (l) Inspection of itinerant food vending establishments. All itinerant food vending establishments shall be inspected by the director of health, registered sanitarian, or authorized agent, if such director, sanitarian or agent has been certified by the commissioner. Certification of each person conducting such inspections may be renewed every three (3) years by the commissioner. All itinerant food vending establishments shall be inspected in accordance with this subsection.
- (1) Class I food vending establishments shall be inspected at intervals not to exceed three hundred and sixty (360) days.
  - (2) Class II food vending establishments shall be inspected at intervals not to exceed one hundred and eighty (180) days.
  - (3) Class III food vending establishments shall be inspected at intervals not to exceed one hundred and twenty (120) days.
  - (4) Class IV food vending establishments shall be inspected at intervals not to exceed ninety (90) days, except that an interval not to exceed one hundred and twenty (120) days may be allowed where one (1) of the inspections is a hazard analysis inspection.
  - (5) Access to establishments. The director of health, registered sanitarian or authorized agent after proper identification, shall be permitted to enter, at any reasonable time, any itinerant food vending establishment for the purpose of making inspections to determine compliance with this section. He shall be permitted to examine the records of the establishment to obtain information pertaining to food and supplies purchased, received, or used, and persons employed, but not including financial records.
  - (6) Inspection records. Weighted value. Rating scores. Whenever the director of health, registered sanitarian or authorized agent makes an inspection of an itinerant food vending establishment, he shall record his findings on an inspection report form included in this section and shall furnish a copy of such inspection report form to the owner or operator. Forms, such as computer forms, which are substantially equivalent to the inspection form included in this section may be approved by the commissioner. Such form shall summarize the requirements of this section and shall set forth weighted point values for each such requirement. Upon completion of an inspection, the director of health, registered sanitarian or authorized agent shall total the weighted point values for all requirements in compliance, such total becoming the rating score for the itinerant food vending establishment. The total weighted point value shall be scored for each item in violation.

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- (m) Enforcement
- (1) Every itinerant food vending establishment shall maintain a rating score of eighty (80) or higher and shall not have one (1) or more four (4) demerit point items in violation, regardless of the rating score. The four (4) demerit point items include: food from approved source, wholesome, nonadulterated; potentially hazardous food meets temperature requirements during storage, preparation, display, service, and transportation; unwrapped and potentially hazardous food not re-served; toxic material properly stored, labeled, used; personnel with infections, restricted; personnel hands washed, clean; water source, adequate, safe; sewage disposal approved and no nuisance; no cross-connection, back-siphonage, backflow; and adequate toilet and handwashing facilities, convenient, accessible, designed, installed. If the rating score is below eighty (80) or if there

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- is one (1) or more four (4) demerit point items in violation at the time of inspection, the director of health, registered sanitarian or authorized agent shall order correction of the items in violation within two (2) weeks. After the two (2) weeks, the director of health, registered sanitarian or authorized agent shall make a reinspection and determine the new rating score.
- (2) If the rating score at the time of the reinspection is below eighty (80) or if there is one (1) or more four (4) demerit point items in violation, the director of health shall take immediate steps to have the itinerant food vending establishment closed.
  - (3) However, if there are insanitary or other conditions in the operation of an itinerant food vending establishment which in the judgment of the director of health constitutes an immediate and substantial hazard to the public health, he may immediately issue a written notice to the permit holder or operator citing such condition, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken, and, if deemed necessary order immediate correction. If correction is not made in the stated time, a written order shall be issued to close the itinerant food vending establishment.
  - (4) If the rating score is eighty (80) or above, the director of health, registered sanitarian or authorized agent shall order correction of any violations and specify time for correction. The itinerant food vending establishment shall also be reinspected as frequently as necessary in the determination of the local director of health to ensure compliance with this section.
  - (5) The owner or operator of any itinerant food vending establishment may at any time request an inspection for the purpose of improving the rating score of the establishment. Within ten (10) days following receipt of a request including a signed statement that the violations have in the applicant's opinion, been corrected, the director of health, registered sanitarian or authorized agent shall make an inspection and thereafter as many additional inspections as he may deem necessary to assure himself that the applicant is complying with requirements of this section.
  - (6) The owner or operator of an itinerant food vending establishment aggrieved by an order may, within forty-eight (48) hours after such order, appeal to the director of health, who shall thereupon immediately examine into the merits of such case and may vacate, modify or affirm such order. The owner or operator of an itinerant food vending establishment who is aggrieved by such action of the director of health may, no later than three (3) business days after receipt of the order, appeal to the commissioner who shall thereupon immediately notify the authority from whose order the appeal was taken and examine into the merits of such case and may vacate, modify or affirm such action.

(Effective January 27, 1975; Amended effective April 25, 1994; October 3, 2005; July 3, 2007.)