

**Salt Lake County**

**Health Regulation**

**#9**

**AGRITOURISM FOOD  
ESTABLISHMENTS**

**Adopted by the Salt Lake County Board of Health**

**June 6, 2024**

**Under Authority of Utah Code Ann. §§ 26A-1-109(8), 26A-1-114,  
26A-1-121(2)**

## **1. PURPOSE & APPLICABILITY OF REGULATION**

- 1.1. The purpose of this regulation is to set forth permitting procedures and requirements for minimum standards for the sanitation, operation, and maintenance of a microenterprise home kitchen, and an agritourism food establishment, as defined in Utah Code Ann. § 26B-7-401 and to safeguard public health and ensure that food is safe, unadulterated, and honestly presented, provides for the prevention and control of health hazards associated with a microenterprise home kitchen.
- 1.2. This regulation applies to an agritourism food establishment, as defined, and does not apply to any other type of food establishment.

## **2. DEFINITIONS**

For the purposes of this regulation, the following terms, phrases, and words have the meanings herein expressed:

- 2.1. “Agritourism activity” means an educational or recreational activity that takes place on a farm or ranch or other commercial agricultural, aquacultural, horticultural, or forestry operation and allows an individual to tour, explore, observe, learn about, participate in or be entertained by an aspect of agricultural operations.
- 2.2. “Amenable Species” means a species that is, and whose products are, subject to the Act and regulations promulgated under the Act, except as the Act may provide.
- 2.3. “Agritourism” means the travel or visit by the general public to a working farm, ranch, or other commercial agricultural, aquacultural, horticultural, or forestry operation for the enjoyment of, education about, or participation in the activities of the farm, ranch, or other commercial agricultural, aquacultural, horticultural, or forestry operation.
- 2.4. “Agritourism food establishment” means a non-commercial kitchen facility on a farm where food is handled, stored, or prepared to be offered for sale on the same farm in connection with an agritourism activity.
- 2.5. “Agritourism food establishment permit” means a permit issued by the Department to the operator for the purposes of operating an agritourism food establishment.
- 2.6. “Back county food service establishment” means a federal or state licensed back country guiding or outfitting business that provides food services and meets department recognized federal or state food service safety regulations for food handlers.
- 2.7. “Board” means the Salt Lake County Board of Health.
- 2.8. “Certified food safety manager” means a manager of a food service establishment who successfully passes a department-approved examination, successfully completes, every

three years, renewal requirements; and submits to the Department the documentation required by Utah Code Ann. § 26B-7-412.

- 2.9. “Clean” means the condition of being visibly free from dirt, soil, stain, leftover food particles, or other materials not intended to be a part of the object in question.
- 2.10. “Department” means the Salt Lake County Health Department (SLCoHD).
- 2.11. “Director” means the Director of the Salt Lake County Health Department or his or her designated representative.
- 2.12. “Farm” means a working farm, ranch, or other commercial agricultural, aquacultural, horticultural, or forestry operation.
- 2.13. “FDA Food Code” or “Food Code” means the version of U.S. Public Health Service, Food and Drug Administration, Model Food Code as incorporated by reference with exceptions and amendments in Utah Admin. Rule R392-100.
- 2.14. “Food” means a raw, cooked, or processed edible substance, ice, nonalcoholic beverage, or ingredient used or intended for use or for sale, in whole or in part for human consumption.
- 2.15. “Hot water” means water heated to a temperature of not less than 110° F at the outlet.
- 2.16. “Imminent health hazard” means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on the number of potential injuries and the nature, severity, and duration of the anticipated injury. An imminent health hazard may include an emergency such as a fire, flood, extended interruption of electrical or water service, wastewater backup, misuse of poisonous or toxic materials, onset of an apparent foodborne illness outbreak, gross insanitary occurrence or condition, or other circumstances that may endanger public health.
- 2.17. “Linens” means fabric items such as cloth hampers, cloth napkins, tablecloths, wiping cloths, and work garments including cloth gloves.
- 2.18. “Local Health Department” has the same meaning as defined in Utah Code Ann. 26A-1-102.
- 2.19. “Local health officer” means the director of the jurisdictional the Department or a designated representative.
- 2.20. “Operator” means a person who owns, manages, or controls, or who has the duty to manage or control, the farm.

- 2.21. “Plumbing fixture” means a receptacle or device that is connected to the water supply system of the premises; or discharges wastewater or liquid-borne waste materials to the drainage system of the premises.
- 2.22. “Ready-to-eat” means the same as defined in the FDA Food Code.
- 2.23. “Sanitized” means the application of cumulative heat or chemicals on cleaned food, ice, or potable water contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of 5 logs, which is equal to a 99.999% reduction of representative disease microorganisms of public health importance.
- 2.24. “Time or temperature control for safety food” or “TCS” means food that requires time/temperature controls for safety to limit pathogenic microorganism growth or toxin formation.
- 2.25. “Wastewater” means sewage, industrial waste, or other liquid or waterborne substances causing or capable of causing pollution of waters of the state.
- 2.26. “Working farm, ranch, or other commercial agricultural, aquacultural, horticultural, or forestry operation” means an operation involved in the growing or harvesting of plants or crops, the raising of livestock, poultry, or aquatic animals, or similar activities conducted by a farmer on a site such as a farm, ranch, orchard, dairy farm, or freshwater pond and whose primary income is derived from such operations.

### **3. GENERAL REQUIREMENTS**

- 3.1. This regulation does not require a construction change in any portion of an agritourism food establishment if the agritourism food establishment was in compliance with the law in effect at the time the facility was constructed, except that the Department may require construction changes if it is determined the agritourism food establishment or portion thereof is creating an imminent health hazard.
- 3.1.1. This regulation is promulgated by the Salt Lake County Board of Health as authorized by Utah Code Ann. § 26A-1-121(1), and Chapter 9.04, Salt Lake County Code of Ordinances.
- 3.1.2. The Department is empowered to enforce this regulation in all incorporated and unincorporated areas served by the Department as authorized by Utah Code Ann. § 26A-1-114(1)(a), and Chapter 9.04, Salt Lake County Code of Ordinances.
- 3.2. The operator of an agritourism food establishment shall:
- 3.2.1. Comply with the provisions of this regulation; and
- 3.2.2. Be responsible for the conduct of employees to ensure compliance with this regulation.

- 3.3. Agritourism food establishments are exempt from the requirements of Utah Rule R392-100, Food Service Sanitation, unless otherwise stated in this regulation.
- 3.4. Severability – If any 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, may not be affected thereby.
- 3.5. An agritourism food establishment employee who works with unpackaged food, food equipment or utensils, or food-contact surfaces for an agritourism food establishment is a food handler, and shall meet the requirement of Utah Admin. Rule R392-103.

#### **4. AGRITOURISM FOOD ESTABLISHMENT PROVISIONS**

##### **4.1. Permit Requirements.**

- 4.1.1. An operator shall operate an agritourism food establishment only after obtaining a valid permit to operate issued by the Department that has jurisdiction over the area in which the farm is located.
- 4.1.2. An operator shall only qualify for an agritourism food establishment permit if:
  - (i) Poultry products that are served at the agritourism establishment are slaughtered and processed in compliance with the Poultry Products Inspection Act, 21 U.S.C. § 451 *et seq.*, and the applicable regulations issued pursuant to that act;
  - (ii) Meat not described in 4.1.2(i) that is served at the agritourism food establishment is slaughtered and processed in compliance with the Federal Meat Inspection Act, 21 U.S.C. § 601 *et seq.*, 9 CFR 303.I and the applicable regulations issued pursuant to that act;
  - (iii) A kitchen facility used to prepare food for the agritourism food establishment meets the requirements of this regulation;
  - (iv) The agritourism food establishment is in operation for no more than 14 consecutive days at a time; and
  - (v) The operator complies with the requirements of this regulation, including submission of completed permit application and payment of a permit fee as specified in 5.2.
- 4.1.3. An operator applying for an agritourism food establishment permit shall provide to the Department:

- (i) Written consent to enter the premises where food is prepared, cooked, stored, or harvested for the agritourism food establishment;
  - (ii) A list of any agritourism food service events scheduled within the permit period; and
  - (iii) Written standard operating procedures that include:
    - a. food that will be stored, handled, and prepared;
    - b. the proposed procedures and methods of food preparation and handling;
    - c. procedures, methods, and schedules for cleaning utensils and equipment;
    - d. procedures and methods for the disposal of refuse; and
    - e. a plan for maintaining time/temperature control for safety food at the appropriate temperatures for each TCS food.
- 4.1.4. At least 14 days prior to the event, the operator shall notify the Department of any agritourism food service event not listed on the application as required in 4.1.3(ii) and scheduled after the application has been submitted.
- 4.1.5. The operator shall include the following agritourism food service event details and may provide this notification by mail, email, or in person:
- (i) Type of event;
  - (ii) Event start date;
  - (iii) Duration of event; and
  - (iv) Contact information for the event operator.
- 4.1.6. The Department may require approval of the procedures and plans specified in 4.1.5 before issuing an agritourism food establishment permit.
- 4.1.7. In addition to a fee charged under 4.1.2(v), if the Department is required to inspect the farm as a source of an adulterated food or an outbreak of illness caused by a contaminated food and finds, as a result of that inspection, that the farm has produced an adulterated food or was the source of an outbreak of illness caused by a contaminated food, the Department may charge and collect a follow up fee from the farm for that inspection.
- 4.1.8. An agritourism food establishment permit:

- (i) is nontransferable;
- (ii) is renewable on an annual basis;
- (iii) is restricted to the location listed on the permit; and
- (iv) shall provide the operator the opportunity to update the information required in 4.1.6 as well as the food types and products handled without requiring the operator to renew the permit or pay a fee..

4.1.9. This regulation does not prohibit an operator from applying for a different type of food event permit from the Department such as a food establishment permit or a temporary food service permit.

4.1.10. If a permit application is denied, or a permit is revoked, the agritourism food establishment operator may request information from the Department that includes:

- (i) The specific reasons and rule citations for permit denial; and
- (ii) Any actions the applicant must take to qualify, or requalify, for a permit.

4.1.11. The Department issuing an agritourism food establishment permit does not require:

- (i) Submission of plans and specifications before construction or remodel of a kitchen facility except for the plans and procedures required in 4.1.3;
- (ii) A pre-operational inspection before issuing or renewing the permit; or
- (iii) Food safety manager certification.

## **4.2. Construction and Maintenance Requirements.**

4.2.1. Materials for indoor floor, wall, and ceiling surfaces of an agritourism food establishment shall be smooth, durable, and easily cleanable for areas where food is stored, prepared, held under temperature control, or served.

4.2.2. The exterior of an agritourism food establishment shall be constructed of weather-resistant materials, and shall effectively protect the establishment interior from the entry of dust, debris, stormwater, insects, and rodents.

4.2.3. If used, mats and duckboards shall be designed to be removable and easily cleanable.

4.2.4. Physical facilities shall be maintained in good repair.

- 4.2.5. Physical facilities shall be cleaned as often as necessary to keep them clean and free of debris.
- 4.2.6. Light intensity within the interior of an agritourism food establishment shall be well lit by natural or artificial light whenever food is being prepared.
- 4.2.7. An agritourism food establishment shall have at least one conveniently located handwashing station provided with warm water, soap, and disposable hand towels.
- 4.2.8. An agritourism food establishment shall have a properly maintained kitchen sink installed with hot and cold water.
- 4.2.9. The operator shall supply hot water to all sinks.
- 4.2.10. Toilet facilities shall be equipped with proper handwashing stations.
- 4.2.11. A toilet room shall be:
  - (i) Available to employees during all hours of operation; and
  - (ii) Equipped with proper handwashing facilities as described in 4.2.7.

#### **4.3. Equipment Requirements.**

- 4.3.1. The operator shall ensure that:
  - (i) Materials that are used in the construction of utensils and food-contact surfaces of equipment are designed to retain their characteristic qualities under normal use conditions;
  - (ii) Food contact surfaces are smooth, easily cleanable, and in good repair;
  - (iii) Utensils are maintained in a sanitary manner between uses;
  - (iv) Non-food contact surfaces are made of materials ordinarily used in residential settings and are kept clean;
  - (v) Fixed floor-mounted and table-mounted equipment are sanitized between uses;
  - (vi) Sponges are not used to clean or sanitize utensils or food-contact surfaces;
  - (vii) Linens are not used in contact with food;
  - (viii) Ventilation in food preparation and warewashing areas is designed and maintained to allow the escape of gases, odors, steam, heat, grease, vapors, and smoke from the kitchen;



- (ix) Plumbing fixtures are kept clean from the accumulation of residue and debris;
- (x) Except for transport not to exceed four hours, a non-mechanical container such as a cooler is not used for temperature control of TCS foods regardless of whether the container is used with or without ice or reusable ice packs;
- (xi) An operational non-fixed temperature measuring device is located in each mechanically refrigerated unit or hot food storage unit;
- (xii) An operator shall equip the agritourism food establishment with at least one food temperature measuring device with a small diameter probe.
  - a. Food temperature measuring devices may not have sensors or stems constructed of glass unless the thermometer with a glass sensor or stem is encased in a shatterproof coating such as a candy thermometer.
  - b. A food temperature measuring device shall be:
    - i. easily readable;
    - ii. readily accessible; and
    - iii. properly calibrated.
- (xiii) Receptacles and waste handling units for refuse and recyclables containing materials with food residue shall be durable, cleanable, insect and rodent resistant, leakproof, and nonabsorbent.
- (xiv) Receptacles and waste handling units for refuse and recyclables used with materials containing food residue and used outside the agritourism food establishment shall be:
  - a. designed and constructed to have tight-fitting lids, doors, or covers; and
  - b. maintained in good repair.
- (xv) Refuse and recyclables shall be stored in receptacles or waste handling units so that they are inaccessible to insects and rodents.
- (xvi) Receptacles and waste handling units for refuse and recyclables shall be kept covered inside the agritourism food establishment if the receptacles and units contain food residue and are not in continuous use or after they are filled.
- (xvii) Refuse and recyclables shall be removed from the agritourism food establishment premises at a frequency that will minimize the development of

objectionable odors and other conditions that attract or harbor insects and rodents.

(xviii) An operator shall furnish or equip an agritourism food establishment with adequate electrical power to ensure uninterrupted service during food preparation and food service, and when storing any time/temperature control for safety food.

#### **4.4. Requirements for Cleaning Equipment and Utensils**

4.4.1. Equipment food-contact surfaces and utensils shall be clean to sight and touch and shall be sanitized before use after cleaning.

4.4.2. The food-contact surfaces of cooking equipment and pans shall be kept free of encrusted grease deposits and other soil accumulations.

4.4.3. Nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.

4.4.4. Equipment food-contact surfaces and utensils shall be cleaned and sanitized:

(i) Before each use with a different type of raw animal food such as beef, fish, lamb, pork, or poultry;

(ii) Each time there is a change from working with raw foods to working with ready-to-eat foods;

(iii) Between uses with raw fruits and vegetables and with time/temperature control for safety foods;

(iv) Before using or storing a food temperature measuring device; and

(v) At any time during the operation when contamination may have occurred.

4.4.5. Equipment food contact surfaces and utensils shall be cleaned throughout the day at least every four hours if used with TCS food.

4.4.6. Utensils and equipment contacting food that is not TCS shall be cleaned:

(i) At any time when contamination may have occurred;

(ii) At least every 24 hours;

(iii) Before restocking consumer self-service equipment and utensils such as condiment dispensers and display containers; and

- (iv) In equipment such as ice bins and beverage dispensing nozzles and enclosed components of equipment such as ice makers, cooking oil storage tanks and distribution lines, beverage and syrup dispensing lines or tubes, coffee bean grinders, and water vending equipment at a frequency specified by the manufacturer or at a frequency necessary to preclude accumulation of soil or mold.
- (v) If using a kitchen sink for dishwashing, washed utensils and equipment shall be rinsed, after cleaning and prior to sanitizing, by using a distinct, separate water rinse.
- (vi) After cleaning and sanitizing, equipment and utensils shall be air-dried or used after adequate draining.
- (vii) The wash, rinse, and sanitize solutions shall be maintained clean.
- (viii) Clean and sanitized equipment and utensils shall be stored in a self-draining position that allows air drying and covered or inverted.
- (ix) Single-service and single-use articles may not be reused.
- (x) Linens that do not come in direct contact with food shall be laundered between operations if they become wet, sticky, or visibly soiled.
- (xi) Cloths in-use for wiping food spills from tableware and carry-out containers that occur as food is being served shall be maintained dry and used for no other purpose.
- (xii) Cloths in-use for wiping counters and other equipment surfaces shall be held between uses in a container of chemical sanitizer solution at a concentration specified under 4.5.3 and laundered daily when used.
- (xiii) Cloths in-use for wiping surfaces in contact with raw animal foods shall be kept separate from cloths used for other purposes.
- (xiv) Dry wiping cloths and the chemical sanitizing solutions specified in 4.4.6(xii) in which wet wiping cloths are held between uses shall be free of food debris and visible soil.
- (xv) Containers of chemical sanitizing solutions specified in 4.4.6(xii) in which wet wiping cloths are held between uses shall be stored off the floor and used in a manner that prevents contamination of food, equipment, utensils, linens, and single-service, or single-use articles.

(xvi) Single-use disposable sanitizer wipes shall be EPA-approved for foodservice and used in accordance with manufacturer's label use instructions.

4.4.7. Soiled linens shall be stored and laundered separately from household laundry and stored to prevent contamination of food, clean equipment, clean utensils, and single-service and single-use articles.

#### **4.5. Requirements for Sanitizing Equipment and Utensils**

4.5.1. After being cleaned as required in 4.4, equipment and utensils shall be sanitized in chemical manual or mechanical operations, including the application of sanitizing chemicals by immersion, manual swabbing, brushing, or pressure spraying methods, using a solution as specified under 4.5.2.

4.5.2. Chemical sanitizers, including chemical sanitizing solutions generated onsite, and other chemical antimicrobials applied to food-contact surfaces;

(i) Meet requirements specified in 40 CFR 180.940 and 40 CFR 180.2020; and

(ii) be used in accordance with the EPA-registered label directions;

4.5.3. The concentration of chemical sanitizer solution is maintained as follows:

(i) Chlorine sanitizer solutions has a minimum concentration and temperature of 50 to 100 ppm at 100° F with an associated contact time of 7 seconds; and

(ii) Quaternary ammonium compound solutions have a minimum temperature of 75° F and a concentration as indicated by the manufacturer's label directions.

4.5.4. When manual warewashing and sanitizing of utensils or food-contact equipment is done in an agritourism food establishment, the operator shall provide a test kit or other device that accurately measures the concentration in parts per million of chemical sanitizer solution.

#### **4.6. Food Safety Requirements.**

4.6.1. An agritourism food establishment shall:

(i) Take steps to avoid any potential contamination to food, equipment, utensils or unwrapped single-service and single-use articles.

(ii) Prevent an individual from entering the food preparation, food storage, and warewashing areas while food is being prepared:

a. if the individual is known to be suffering from:

- i. symptoms associated with acute gastrointestinal illness; or
    - ii. a communicable disease that is transmissible through food; or
  - b. if the individual is unnecessary to the food establishment operation while food is being prepared.
- 4.6.2. Food shall be safe, unadulterated, and honestly presented:
  - (i) Food shall be offered for human consumption in a way that does not mislead or misinform the consumer.
  - (ii) Food or color additives, colored overwraps, or lights may not be used to misrepresent the true appearance, color, or quality of a food.
- 4.6.3. Amenable meat that may be used in the preparation of food shall be obtained from sources that comply with 9 C.F.R., 303.1.
- 4.6.4. Food packages shall be in good condition and protect the integrity of the contents so that the food is not exposed to adulteration or potential contaminants.
- 4.6.5. Raw eggs shall be received and maintained in a clean and sound condition and shall be held in refrigerated equipment that maintains an ambient temperature of 45° F or less. Eggs shall be stored in a manner that does not allow for contamination.
  - (i) An operator may not collect or store eggs in previously used egg carton or package that is not designed or intended for reuse.
  - (ii) Pasteurized eggs or egg products are substituted for raw eggs in the preparation of foods such as Caesar salad, hollandaise or Bearnaise sauce, mayonnaise, meringue, eggnog, ice cream, and egg-fortified beverages that are not cooked; and
  - (iii) Raw, unpasteurized eggs are used in recipes that will not be cooked only if the agritourism food establishment has a consumer advisory, as required in 4.7.5.
- 4.6.6. Molluscan shellfish, shucked shellfish and shellstock shall comply with 3-202.17.3-203.11 and 3-203.12 of the FDA Food Code.
- 4.6.7. When received by an agritourism food establishment, shellstock shall be reasonably free of mud, dead shellfish, and shellfish with broken shells. Dead shellfish or shellstock, or those with badly broken shells, shall be discarded.
- 4.6.8. Ice for use as a food or a cooling medium shall be made from potable water.

- 4.6.9. Ice may not be used as food after use as a medium for cooling the exterior surfaces of food such as melons or fish, packaged foods such as canned beverages, or cooling coils and tubes or equipment.
- 4.6.10. Food shall only contact surfaces or equipment and utensils that are cleaned and sanitized as specified in 4.4 and 4.5 or single-service and single-use articles.
- 4.6.11. Food shall be protected from contamination by storing the food in a manner that does not allow for contamination:
- 4.6.12. Storage locations shall be smooth, or durable construction, easily cleanable, and kept free of debris.
- 4.6.13. Items not ordinarily found in a home kitchen shall be placed or stored away from food preparation areas.
- 4.6.14. Food shall be protected from cross contamination by:
  - (i) Separating raw animal foods during storage, preparation, holding;
  - (ii) display from ready-to-eat food; and
  - (iii) cooked ready-to-eat food.
- 4.6.15. Separating types of raw animal foods from each other such as beef, fish, lamb, pork and poultry during storage, preparation, holding, and display, except when combined as ingredients by:
  - (i) using separate equipment for each type of food;
  - (ii) arranging each type of food in equipment so that cross contamination of one type with another is prevented; and
  - (iii) preparing each type of food at different times or in separate areas.
- 4.6.16. Cleaning hermetically sealed containers of food of visible soil before opening.
- 4.6.17. Protecting food containers that are received packaged together in a case or overwrap from cuts when the case or overwrap is opened.
- 4.6.18. Storing and segregating damaged, spoiled, or recalled food in designated areas within the agritourism food establishment that are separated from food, equipment, utensils, linens, and single-service and single-use articles.
- 4.6.19. Separating fruits and vegetables before they are washed from ready-to-eat food.

- 4.6.20. Raw fruits and vegetables shall be thoroughly washed in water to remove soil and other contaminants before being cut, combined with other ingredients, cooked, served, or offered for human consumption in ready-to-eat form.
- 4.6.21. Food shall be prepared, handled, or stored only in kitchen and food storage areas except that cooking in an open-air barbeque, grill, or outdoor wood-burning oven is permitted.
- 4.6.22. Except for containers holding food that can be readily and unmistakably recognized such as dry pasta, working containers holding food or food ingredients that are removed from their original packages for use in the agritourism food establishment, such as cooking oils, flour, herbs, potato flakes, salt, spices, and sugar shall be identified with the common name of the food.
- 4.6.23. Animals shall be kept outside of food preparation and service areas during food service and food preparation.
- 4.6.24. The operator shall protect food and food contact surfaces from physical hazards such as broken glass, hair or fur, and metal or wood debris.
- 4.6.25. Food shall be protected from contamination that may result from a factor or source not specified elsewhere in this regulation.

#### **4.7. Food Temperature Requirements**

- 4.7.1. Any food requiring cooking, thawing, cooling, freezing, or reheating before sale is cooked, frozen, or reheated as required in Part 3-4 of the FDA Food Code.
- 4.7.2. Stored frozen foods are maintained frozen, and commercially processed foods which are labeled to be kept frozen until cooked or served.
- 4.7.3. Commercially processed foods labeled to be kept frozen that are thawed under refrigeration at 41° F or below in accordance with the manufacturer's directions if:
  - (i) Records are kept or date marking used to indicate when the food entered refrigeration; and
  - (ii) Discarded seven days after entering the refrigerator.
- 4.7.4. Except during preparation, cooking, or cooling time/temperature control for safety food shall be maintained:
  - (i) At 135° F or above; or
  - (ii) At 41° F or less.

- 4.7.5. Except for whole-muscle intact beef steak, if raw animal-derived food is served raw, undercooked, or without otherwise being processed to eliminate pathogens, the operator shall:
- (i) Notify the consumer as to which food is being served raw or undercooked; and
  - (ii) Inform the consumer by way of effective written means that there is a significantly increased risk of consuming such foods.
- 4.7.6. Ready-to-eat, TCS food prepared and held for more than 24 hours at a temperature of 41° F or less in an agritourism food establishment shall be clearly marked to indicate the date or day by which the food shall be consumed, sold, or discarded, which date shall be a maximum of seven days from the date of preparation, with the day of preparation being counted as day one.
- 4.7.7. Ready-to-eat, TCS food prepared and packaged by a food processing plant, and opened and held for more than 24 hours at a temperature 41° F or less in an agritourism food establishment shall be clearly marked at the time the original container is opened in an agritourism food establishment to indicate the date of day by which the food shall be consumed, sold, or discarded, with the day the original container is opened being counted as Day 1, and the day or date marked by the agritourism food establishment may not exceed a manufacturer's use-by date if the manufacturer determined the use-by date based on food safety.
- 4.7.8. A refrigerated, ready-to-eat time/temperature control for safety food ingredient or portion of a refrigerated, ready-to-eat, "TCS food that is subsequently combined with additional ingredients or portions of food shall retain the date marking of the earliest-prepared or first-prepared ingredient.
- 4.7.9. A food specified in 4.7.6 shall be discarded if it:
- (i) Exceeds the temperature and time combination specified in 4.7.6, except time that the product is frozen;
  - (ii) Is in a container or package that does not bear a date or day; or
  - (iii) Is appropriately marked with a date or day that exceeds a temperature and time combination as specified in 4.7.6.

#### **4.8. Poisonous or toxic materials.**

- 4.8.1. Containers of poisonous or toxic materials and personal care items bear a legible manufacturer's label;



- 4.8.2. Working containers used for storing poisonous or toxic materials such as cleaners and sanitizers taken from bulk supplies are clearly and individually identified with the common name of the material;
- 4.8.3. Poisonous or toxic materials are stored so they cannot contaminate food, equipment, utensils, linens, and single-service and single-use articles by:
  - (i) Separating the poisonous or toxic materials with spacing or partitioning; and
  - (ii) Locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, and single-service or single-use articles.
- 4.8.4. Only those poisonous or toxic materials that are required for the operation and maintenance of a microenterprise home kitchen, such as for the cleaning and sanitizing of equipment and utensils and the control of insects and rodents, are allowed in a agritourism food establishment.
- 4.8.5. Poisonous or toxic materials are used according to Utah Admin. Rule R393-100 and Department regulations, manufacturer's label directions, and for a pesticide, the manufacturer's label directions specify that use is allowed in a food establishment:
  - (i) The conditions of certification for use of the pest control materials;
  - (ii) Additional conditions that may be established by the Department;
  - (iii) Applied in a manner that prevents a hazard to employees or other persons; and
  - (iv) Contamination including toxic residues due to drip, drain, fog, splash or spray on food, equipment, utensils, linens, and single-service and single-use articles is prevented.
- 4.8.6. Restricted use pesticides may not be used in an agritourism food establishment.
- 4.8.7. A container previously used to store chemical materials is not used to store, transport, or dispense food or beverage.
- 4.8.8. Rodent bait is contained in a covered, tamper-resistant bait station.
- 4.8.9. Tracking powder is not used inside of an agritourism food establishment unless the powder is non-toxic, such as flour or talcum powder, and is used in such a manner that it cannot contaminate food, equipment, utensils, linens, and single-service or single-use articles.

#### **4.9. Personal Cleanliness and Protection from Contamination.**

- 4.9.1. Employees do not contact exposed, ready-to-eat food with their bare hands and use suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment.
- 4.9.2. Employees minimize bare hand and arm contact with exposed food that is not in a ready-to-eat form.
- 4.9.3. Employees use single-use gloves, as needed, for only one task such as working with ready-to-eat food, for no other purpose, and discard when damaged or soiled, or when interruptions occur in the operations.
- 4.9.4. Employees keep their hands and exposed portions of their arms clean using the cleaning procedure specified in Subpart 2-301.12 of the FDA Food Code immediately before engaging in handling of food or clean equipment and utensils and:
  - (i) After touching bare human body parts other than clean hands and clean, exposed portions of arms;
  - (ii) After using the toilet room;
  - (iii) After coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking;
  - (iv) After handling soiled equipment or utensils;
  - (v) During food preparation, as often as necessary to remove soil and contamination and to prevent cross-contamination when changing tasks;
  - (vi) When switching between working with raw food and working with ready-to-eat food;
  - (vii) Before donning gloves to initiate a task that involves working with food; and
  - (viii) After engaging in other activities that contaminate the hands.
  - (ix) The operator shall provide each handwashing station with:
    - a. A supply of hand cleaning liquid, powder, or bar soap; and
    - b. Individual disposable hand towels or other hand drying equipment as approved by the Department.
  - (x) A sign or poster is placed near each handwashing station and may not clean their hands in a sink used for food preparation or warewashing;

- (xi) Employees keep their fingernails trimmed, filed, and maintained so the edges and surfaces are cleanable and not rough;
- (xii) Unless wearing intact gloves in good repair, an agritourism food establishment employee may not wear fingernail polish or artificial fingernails when working with exposed food;
- (xiii) Employees do not wear jewelry including medical information jewelry on their arms and hands except for a plain ring such as a wedding band;
- (xiv) Employees wear clean outer clothing to prevent contamination of food, equipment, utensils, linens, and single-service and single-use articles;
- (xv) Employee's dress or change clothing outside of the kitchen facility;
- (xvi) Employees wear hair restraints such as hats, hair coverings or nets, beard restraints, and clothing that covers body hair, that are designed and worn to effectively keep their hair from contacting exposed food, clean equipment, utensils, and linens, unwrapped single-service and single-use articles;
- (xvii) Employees do not use a utensil more than once to taste food that is to be sold; and
- (xviii) The agritourism food establishment shall be maintained free of insects, rodents, and other pests, and their presence is controlled and prevented by:
  - a. Routinely inspecting incoming shipments of food and supplies;
  - b. Routinely inspecting the agritourism food establishment for evidence of pests; and
  - c. Using pest management methods, if pests are found, such as trapping devices, eliminating harborage, or other means of pest control.

#### **4.10. Supervision, Employee Health, and Contamination Events.**

- 4.10.1. The operator or the operator's designee shall be present at the agritourism food establishment and in charge of operations during all hours of operation.
- 4.10.2. The operator or operator's designee shall ensure that:
  - (i) Persons unnecessary to the agritourism food establishment operation are not allowed in the agritourism food establishment during food preparation;
  - (ii) Employees entering the agritourism food establishment comply with this regulation;

- (iii) Employees are effectively cleaning their hands as specified in 4.9.4;
- (iv) Employees are visibly observing foods as they are received to determine that they are delivered at the proper temperatures, protected from contamination, unadulterated, and accurately presented, and are placing foods into appropriate storage locations;
- (v) Employees are properly cooking TCS food;
- (vi) Employees are using proper methods to rapidly cool TCS food;
- (vii) Consumers who order partially cooked TCS food of animal origin are informed that the food is not cooked sufficiently to ensure its safety, as required in 4.7.5;
- (viii) Employees are properly sanitizing cleaned equipment and utensils;
- (ix) Employees are preventing cross-contamination of ready-to-eat food with bare hands as specified in 4.9.1;
- (x) Employees are properly trained in food safety food allergy awareness;
- (xi) Employees are informed in a verifiable manner of their responsibility to report, to the operator or operator's designee, information about their health and activities as they relate to diseases that are transmissible through food, as specified under 4.10.4; and written procedures, where required in this regulation or by the Department, are maintained and implemented as required.

4.10.3. The operator or operator's designee, and employees shall abide by Utah Admin. Rule R392-100 in reporting of diseases, symptoms, and the exclusion or restriction of those working in the agritourism food establishment.

4.10.4. Agritourism food establishment employees experiencing persistent sneezing, coughing, or a runny nose that causes discharges from the eyes, nose, or mouth may not work with exposed food; clean equipment, utensils, and linens, or unwrapped single-service or single-use articles.

4.10.5. An agritourism food establishment shall have procedures for employees to follow when responding to vomiting or diarrheal events that involve the discharge of vomitus or fecal matter onto surfaces in the microenterprise home kitchen. The procedures shall address the specific actions employees must take to minimize the spread of contamination and the exposure of employees, consumers, food, and surfaces to vomitus or fecal matter.

#### **4.11. Inspections, Corrective actions and Prevention of Foodborne Disease.**

4.11.1. The Department shall:

- (i) Ensure compliance with this rule when inspecting a kitchen facility;
- (ii) Inspect the kitchen facility of a farm that requests an agritourism food establishment permit only:
  - a. For an initial inspection, no more than one week before the agritourism food establishment is scheduled to begin operation;
  - b. For an unscheduled inspection if the Department conducts the inspection within three days before or after the day on which the agritourism food establishment is scheduled to begin operation; or
  - c. For subsequent inspections if:
    - i. The Department provides the operator with reasonable advanced notice about an inspection; or
    - ii. The Department has a valid reason to suspect that the agritourism food establishment is the source of an adulterated food or of an outbreak of illness caused by a contaminated food; and
  - d. Document the reason for any inspection on an inspection report form approved by the department after the permitting inspection, keep a copy of that documentation on file with the agritourism food establishment's permit, and provide a copy of that documentation to the operator.

4.11.2. Upon presenting proper identification and providing notice of the intent to conduct an inspection as specified in 4.11.1(ii), the operator shall allow the Department to determine if the agritourism food establishment is in compliance with this rule by allowing access to the establishment, allowing inspection, and providing information and records specified in this regulation.

4.11.3. If an operator denies access to the Department, the Director shall:

- (i) Inform the operator that:
  - a. The operator shall allow access to the Department as specified under 4.11.1;
  - b. Access is a condition of the acceptance and retention of a permit to operate as specified under 4.1; and
  - c. If access is denied, an order issued by an appropriate authority allowing access may be obtained.

(ii) Make a final request for access; and

(iii) If the operator continues to refuse access, provide details of the denial of access on an inspection report form.

4.11.4. The Department shall document at least the following on an inspection report form that has been approved by the department:

(i) Specific factual observations of noncompliant conditions or other deviations from this rule that require correction by the operator including:

- a. Failure of the operator to demonstrate the knowledge of foodborne illness prevention; and
- b. Failure of employees and the operator to report a disease or medical condition.

(ii) Time frame for correction of violation.

4.11.5. At the conclusion of the inspection the Department shall provide a copy of the completed inspection report and the notice to correct violations to the operator or to the person in charge and request a signed acknowledgment of receipt.

4.11.6. Refusal to sign.

(i) The Department shall inform a person who declines to sign an acknowledgment of receipt of inspectional findings that:

- a. an acknowledgement of receipt is not an agreement with the findings;
- b. refusal to sign is an acknowledgment of receipt will not affect the operator's obligation to correct the violations noted in the inspection report within the time frames listed; and
- c. a refusal to sign and acknowledgement of receipt is noted in the inspection report and conveyed to the historical record for the agritourism food establishment.

(ii) The Department shall then make a final request that the person in charge sign an acknowledgement of receipt of inspectional findings.

4.11.7. The Department shall treat the inspection report as a public document and shall make it available for disclosure.

## **5. LICENSES, PERMITS, & REGULATORY FEES**

- 5.1. The Department may establish and collect appropriate fees for licenses and permits as set out in this regulation. The Department may collect appropriate fees as set out in this regulation for the performance of services, including plan reviews. If information on a license or permit application changes, the applicant shall notify the Department in writing with 20 calendar days.
- 5.2. **Agritourism Food Establishment Permit Fee.** Any applicant applying for an Agritourism Establishment Permit as required by 4.1.2 of this regulation shall be required to remit an Agritourism Food Establishment Permit Fee of an amount as provided for or as approved by the Director in the Department's Fee Schedule, upon application.
- 5.3. **Renewal Fee.** A permit holder for an agritourism food establishment shall remit to the Department a renewal fee in the amount as provided for or as approved by the Director in the Department's fee schedule at the time of permit renewal.
- 5.4. **Agritourism Food Establishment Follow-Up Inspection Fee.** The Department shall charge a follow-up fee to an agritourism food establishment permit holder or to a temporary agritourism food establishment holder when conditions found during an inspection or complaint investigation require a follow-up inspection to ensure compliance. The owner or permit holder shall remit the agritourism food establishment follow-up fee to the Department in the amount as provided for or as approved by the Director in the Department's fee schedule, following a follow-up inspection.

#### 5.5. **Late Fees**

- 5.5.1. The Department may impose upon any party subject to this regulation penalties and charges for failure to timely pay service and license or permit fees as set out in this regulation. Attorney's fees and collection fees may also be applied.
- 5.5.2. Fees unpaid to the Health Department after one month of the due date will be assessed a penalty of 10% of the outstanding balance. Failure to pay the fees and additional charges after two months of the due date will be assessed an additional penalty of 15% of the outstanding balance including previous penalties. Failure to pay the fees and additional charges after 100 days of the due date will result in suspension of the permit and the right to operate. A charge will be assessed for each returned check.
- 5.5.3. Unless otherwise provided for in this regulation or approved by the Director in the Department's Fee Standard, all fees collected by the Department are non-refundable. All licenses and permits issued by the Department are non-transferable.

**5.6. Denial, Suspension, or Revocation of License or Permit.** Any permit or license applied for or issued pursuant to this regulation may be denied, suspended, or revoked by the Director for any of the following reasons:

- 5.6.1. Failure of the permit application, plans, or specifications to show that the agritourism food establishment will be operated or maintained in accordance with the requirements and standards of this regulation;
- 5.6.2. Submission of incorrect or false information in the permit application, plans, or specifications;
- 5.6.3. Failure to construct, operate or maintain the agritourism food establishment in accordance with the permit application, plans, and specifications approved by the Director;
- 5.6.4. Failure of the owner or operator of an agritourism food establishment to permit or allow the Department to conduct inspections as necessary to determine compliance with this Regulation;
- 5.6.5. Operation of the agritourism food establishment in a way that causes or creates a hazard to the public health, safety, or welfare;
- 5.6.6. Violation of this regulation or any other restrictions required by the Director; and
- 5.6.7. Violation of any condition upon which the permit was issued.

**5.7. Progressive Permit Suspension and Revocation.**

- 5.7.1. Receipt of the first permit suspension shall result in suspension of the agritourism food establishment permit until the Department has verified that identified violations of this regulation have been corrected.
- 5.7.2. Receipt of a second permit suspension within two (2) years of the first permit suspension, as set forth in 5.6 shall result in suspension of the agritourism food establishment permit for a period of a minimum of seven (7) days.
- 5.7.3. Receipt of a third permit suspension within two (2) years of the second permit suspension, as set forth in 5.6 may result in the agritourism food establishment permit being revoked. The owner of the said establishment may be restricted from operating an agritourism food establishment for a minimum of 30 days, at which time the owner may be required to make application and submit a plan review etc., as if the establishment was a new establishment. Additional conditions may be imposed by the Department for approval of the establishment to operate.



- 5.7.4. Receipt of a permit suspension by an owner that previously had their permit suspended in accordance with 5.6 may result in immediate revocation of the current permit for a minimum of 30 days.
- 5.7.5. Permit suspension and revocation shall reset after two (2) years from the last suspension for a history of compliance with all provisions of this regulation.
- 5.8. Nothing in this regulation prevents the Department from revoking an agritourism food establishment permit issued by the Department if the operation of the agritourism food establishment violates the terms of this permit, this regulation or Utah Code Ann. § 26B-7-415.

## **6. INSPECTIONS & INVESTIGATIONS**

- 6.1. To ensure compliance, the Department has the authority to perform inspections, investigations, reviews, and other actions as necessary.
- 6.2. Authority for Department to Enter Premises.
  - 6.2.1. Regulated Commercial Premises. Upon presenting proper identification, authorized representatives of the Department may enter upon the premises of properties regulated by the Department to perform routine inspections to ensure compliance with rules, standards, regulations, and ordinances adopted by the Board of Health, the Departments of Health & Environmental Quality, county or municipal governing bodies, or the division of Occupational and Professional Licensing.
  - 6.2.2. Private Dwellings. Inspections of private dwellings are made by consent of owner or otherwise responsible party or upon a warrant issued by a court.
  - 6.2.3. Consent by License or Permit: The Department may require licensees or permittees to consent to access for inspections as part of their license or permit. Failure to allow access for inspections as set out in the license or permit may result in the suspension or revocation of the license or permit.
- 6.3. The owner or other responsible person may request information gathered by the Department during an investigation, inspection or review as authorized by the Government Records Access and Management Act, Utah Code Ann. §§ 63-2-101 to 901.

- 7. **ENFORCEMENT MECHANISMS.** If the Department has investigated or inspected any property or establishment and believes the property owner or other responsible party is in violation of this regulation or the division has other reasonable grounds to believe that there has been a violation of any part of this regulation or that the property owner or otherwise responsible party is not in compliance with this regulation, the division may take civil enforcement action as authorized by statute, rule, ordinance, and regulation and may also

refer the matter for criminal prosecution. Civil enforcement may involve court or administrative actions, injunctive actions, and closures and may involve cost recovery, penalties, and other remedies. Civil and criminal actions may be brought simultaneously. A person does not need to be first adjudged liable in a civil matter before facing criminal charges. Similarly, a party need not be charged with and/or found guilty of criminal charges to be cited civilly and/or administratively.

**7.1. Criminal Enforcement Actions.** The Department may recommend criminal prosecution for violations either alone or in conjunction with civil enforcement. Criminal prosecutions for violations of state or federal law may be filed by the District Attorney, Utah Attorney General, United States Department of Justice, or other enforcement entity. Factors that the Department may consider in recommending criminal enforcement include the following factors and any other relevant factors.

- 7.1.1. The nature and seriousness of the offense including the immediacy of the threat of danger to the life or safety of another or the harm or threatened harm to human health or;
- 7.1.2. The degree to which the violation was designed to provide economic gain or cost avoidance or it involved a pattern of conduct or a common attitude of illegal conduct;
- 7.1.3. The degree to which the offender is a known violator and has avoided prior actions by the Department;
- 7.1.4. The degree to which prosecution might deter future violations;
- 7.1.5. The person's actual culpability in connection with the offense including the presence in connection with the offense including the presence of criminal intent;
- 7.1.6. The person's willingness to cooperate in the investigation including whether the violator has attempted to conceal evidence or prosecution of others;
- 7.1.7. The appropriateness of referring the case to other agencies having prosecutorial interest; and
- 7.1.8. Possibilities of civil remedies which would be more appropriate than initiating the criminal justice process.

**7.2. Civil Enforcement Actions.**

- 7.2.1. The Department may request that the District Attorney bring an action to restrain or enjoin actions in violation of public health, environmental laws, and other laws or abate conditions in violation of such laws.

**7.3. Administrative Actions.**

- 7.3.1. The Department may, at its discretion, issue a Notice of Violation & Order of Compliance (NOV).
- 7.3.2. **Service of NOV.** The Department may provide notice to the owner of the property or otherwise responsible person by sending the NOV via first class mail to the last known address of the owner of the property or other responsible person. If notice is returned undeliverable, the owner of the property or other responsible person may be personally served or be given notice by other methods allowed by law and reasonably calculated to give actual notice to the owner or other responsible party.
- 7.3.3. **Contents of NOV.** The NOV shall:
- (i) Describe the property and the persons believed to be in violation;
  - (ii) Describe the violation;
  - (iii) Describe remedial action that will comply with the provisions of this regulation;
  - (iv) Set a reasonable time for the performance of any required remedial action(s);
  - (v) Describe the procedure to contest the NOV and the time limits for such a contest; and
  - (vi) Notify the owner or other responsible person that if no written contest is filed within the time required, the NOV will become final and unappealable to any administrative entity or court.
- 7.3.4. **Challenging an NOV.** A party aggrieved by an NOV may request a review of the NOV as set forth in Department's Adjudicative Hearing Procedures in writing within ten (10) days of the date of the NOV.

#### 7.4. **Additional Administrative Enforcement Authority.**

- 7.4.1. The Department may declare unsanitary conditions a hazard and cause every hazard affecting the public health to be abated.
- 7.4.2. **Variances.** Any variance allowed by the Department to the requirements of this regulation shall be only by written approval of the Board of Health.
- 7.4.3. **Exercise of Physical Control.** The Department may establish, maintain, and exercise physical control over property and over individuals as the Department finds necessary for the protection of the public health including but not limited to closing theaters, schools, and other public or private places and prohibit public

gatherings. The order shall be effective immediately. Any person to whom the order is directed shall comply immediately but may petition the Director for a hearing in accordance with the Salt Lake County Health Department's Adjudicative Hearing Procedures. After the hearing and depending upon the findings as to whether the person has complied with the provisions of this regulation, the Director shall continue the order in effect or modify or revoke it.

- 7.4.4. **Emergency Enforcement.** If the Director finds that an emergency exists that requires immediate action to protect the public health, he or she may without notice or hearing issue an order declaring the existence of an emergency and requiring that action be taken as he or she deems necessary to meet the emergency. The order shall be effective immediately. Any person to whom the order is directed shall comply and abate the hazard immediately; but may petition the Director for a hearing in accordance with the Salt Lake County Health Department's Adjudicative Hearing Procedures. After the hearing and depending upon the findings as to whether the person has complied with the provisions of this regulation, the Director shall continue the order in effect or modify or revoke it. If circumstances warrant because of the seriousness of the hazard, the Department may act to correct or abate the emergency without issuance of an order or directive or without waiting for the expiration of compliance time previously given in an order.

## **8. CRIMINAL, CIVIL & ADMINISTRATIVE PENALTIES**

### **8.1. Criminal Penalties.**

- 8.1.1. Any person who is found guilty by a court of violating any of the provisions of this regulation, either by failing to do the acts required herein or by doing a prohibited act, is guilty of a class B misdemeanor, pursuant to Utah Code Ann. § 26A-1-123.
- 8.1.2. Each day such violation is committed or permitted to continue will constitute a separate violation.
- 8.1.3. Each similar subsequent violation occurring within two years of the initial violation may constitute a class A misdemeanor.

### **8.2. Civil & Administrative Penalties.**

- 8.2.1. Penalties may be included in a Settlement Agreement or Stipulation & Consent Order. Penalties may be assessed according to the following factors:
- (i) The violator's history of compliance or non-compliance;
  - (ii) The violator's economic benefit of non-compliance;

- (iii) The documented costs associated with environmental or health damage;
- (iv) The violator's degree of willfulness or negligence; and
- (v) The violator's good faith efforts to comply and cooperate.

8.2.2. The Director may multiply the penalty by the number of days the violation occurred

### 8.3. Recovery of Investigation & Abatement Costs

8.3.1. The Department may recover its inspection, investigative and abatement expenses and costs from owners or other responsible person.


8.3.2. The Department may record a judgment lien on a violator's property to recover its expenses and costs.

## 9. EFFECTIVE DATE


9.1. This regulation will become effective upon its enactment by the Salt Lake County Board of Health.

**APPROVED AND ADOPTED** this 6 day of June, 2024.

SALT LAKE COUNTY BOARD OF HEALTH

By:   
Dan Eckersley, Chair

ATTEST:

By:   
DOROTHY ADAMS, MPA, LEHS  
Executive Director  
Salt Lake County Health Department