

**R392. Health, Disease Control and Prevention, Environmental Services.**

**R392-110. Food Service Sanitation in Residential Care Facilities.**

**R392-110-1. Authority and Purpose.**

(1) This rule is authorized by Sections 26-15-2, 26-1-30(9), 26-1-30(23), 26-1-5, 26-7-1, and 26-39-301(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 certified or licensed child care facilities, including residences, that provide care for 16 or fewer children, notwithstanding the provisions of R392-100.

(b) Rule R392-100 governs food service provided in facilities that care 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 12 individuals unrelated to the owner, or provider, such as the following:

- (i) residential treatment programs;
- (ii) residential support programs; and
- (iv) recovery residences.

(b) Rule R392-100 governs food service in a facility as described in R392-110-2(2)(a) that provides care for more than 12 individuals.

**R392-110-3. Definitions.**

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

(1) "Department" means the Utah Department of Health.

(2) "FDA Food Code" or "Food Code" means the most recent FDA Model Food Code as adopted by reference with amendments in Rule R392-100.

(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 Section 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, which 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) "Provider" means a person with ownership or overall responsibility for managing or operating a residential care facility in Utah.

(11) "Recovery residence" has the same meaning as provided in Subsection 62A-2-101(33)(a).

(12) "Residential support" has the same meaning as provided in Subsection 62A-2-101(35).

(13) "Residential treatment" has the same meaning as provided in Subsection 62A-2-101(36).

(14) "Service animal" has the same meaning as provided in Section 35.104 of the Americans with Disabilities Act Title II Regulations.

(15) "Time/temperature control for safety food (TCS)" means a food that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation, along with all inclusions and exclusions defined in FDA Food Code.

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

(1) 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.

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

(3) 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 Rule R392-110.

(4) 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 at the time the facility was constructed, except as in R392-110-4(4)(a).

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

(5) The operator shall carry out the provisions of this rule.

(6) Severability - If any provision of this rule or its

application to any person or circumstance is declared invalid, the application of such provision to other persons or circumstances, and the remainder of this rule, shall not be affected thereby.

(7) The operator shall comply with all applicable building, zoning, electrical, health, fire codes and all 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) Potable water supply systems for use by group home facility caregivers and clients are 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; and

(iii) Local health department regulations.

(b) Food is obtained from a grocery store, permitted food establishment, or food processing facility. Whole produce may be obtained from a farmer's market

(c) Food has not been adulterated, as defined in Section 402 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 342.

(d) Food is protected from contamination by storing the food in a clean, dry location where it is not exposed to splash, dust, or other contamination, and is stored at least six inches above the floor.

(e) Food is not stored in toilet rooms or mechanical rooms, under sewer lines, under leaking water lines or under any source of contamination.

(f) Food brought in by friends or relatives to serve to other individuals in the facility is obtained from approved sources that comply with Rule R392-100.

(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) Time/temperature control for safety (TCS) food products stored inside a refrigerator, including canned or bottled opened baby food containers, are stored at 41 degrees F or below.

(j) Canned or bottled baby food, except for dry products, 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.

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

(n) Time/temperature control for safety (TCS) food prepared at the residential care facility meets the critical cooking, reheating, hot holding, cold holding, and cooling temperatures as required in Rule R392-100.

(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 Section 2-2 of FDA Food Code.

(p) Food is served on clean and sanitized plates, single service plates, or a clean and sanitized high chair tray.

(q) Properly laundered, or single-service napkins are used.

(r) Clean and sanitized cups or single service cups are provided at each beverage service.

(s) Before each use, reusable food holders, utensils, and preparation surfaces are cleaned and sanitized as required in Sections 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, and unpackaged single service and single use articles;

(ii) after touching bare human body parts 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 service animals;

(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 their 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, and 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 animals in a residential care facility when the following conditions are met:

(a) Only service animals assisting persons with disabilities are permitted in food storage and food preparation areas. Pets, emotional support animals, comfort animals, and therapy animals are not permitted in these areas.

(b) Except service animals, animals are only allowed in dining areas when food is not served, and only if surfaces are cleaned before the next food service.

(c) The provider removes animal hair, fur, feathers, feces, and soiled bedding as often as necessary to prevent unsanitary conditions or objectionable odors.

(b) Animal allergens, odors, noise, filth, and other nuisances do not cause a disturbance to residents.

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

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**Authorizing, and Implemented or Interpreted Law: 26-15-2; 26-1-30(9); 26-1-30(23); 26-1-5; 26-7-1; 26-39-301(1)**