



**NKYHEALTH**  
NORTHERN KENTUCKY HEALTH DEPARTMENT



## **Food Safety Certification Regulation**

Regulation of the Northern Kentucky Independent District Board of Health Pursuant to  
KRS 212.230 (1) (c)

A regulation of the Northern Kentucky Independent District Board of Health (Board) requiring Food Safety Certification of food employees at food establishments. This regulation replaces and supersedes the Board's previously existing Food Managers Class Certification local regulation.

### Section 1. Purpose

The purpose of this regulation is to require Food Safety Certification of food employees at food establishments operating within the Northern Kentucky Independent District Health Department (NKHD) jurisdiction, so that certified food employees shall:

- (1) Have knowledge of the proper practices and techniques for storage, preparation, display, and service of food items with the underlying purpose of preventing food-borne illnesses and protecting public health;
- (2) Educate co-workers of the proper practices and techniques;
- (3) Ensure proper practices and techniques are effectively used at the food establishment by all employees.

### Section 2. Rules for Administration and Enforcement

The District Director of Health of NKHD or his/her designee is responsible for the enforcement of this regulation. NKHD is hereby authorized to make and adopt such rules and policies as deemed necessary for the administration and enforcement of this regulation.

### Section 3. Definitions

For the purpose of this regulation:

- (a). "Food" means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or part for human consumption.

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(b). “Food employee” means an individual working with unpackaged food, food equipment or utensils, or food-contact surfaces.

(c). “Food establishment” means an operation that stores, prepares, packages, serves, vends food directly to the consumer, or otherwise provides food for human consumption.

(d). “Time/temperature control for safety” means a food that requires time/temperature control to limit pathogenic microorganisms growth or toxin formation.

#### Section 4. Food Safety Certification Required

(a). No person shall operate a food establishment unless the food operation is under the immediate control of an employee holding a valid Food Safety Certification from NKHD. A minimum of one food employee holding a valid Food Safety Certification shall be present during regular business hours, and all other times of food preparation, handling and/or service. NKHD may require a greater number of certified employees be present, per administrative policy. Establishment operators shall have sufficient number of certified staff to ensure coverage at all times of operation.

(b). Any new food establishment shall be allowed thirty (30) days from the date of opening to comply with this regulation.

(c). In order to obtain a Food Safety Certification, applicants for certification must satisfactorily complete training and testing provided by NKHD with the underlying purpose of preventing food-borne illnesses and protecting public health. Areas of focus should include the safe and proper practices and techniques for storage, preparation, display, and service of food, along with related items of concern. NKHD may accept other food safety training credentials at their sole discretion.

(d). The NKHD’s issuance of a Food Safety Certification is not a warranty or endorsement of the holder of the certification, their actions or any establishment they may be employed by. NKHD and its staff is not liable for any claims, damages, causes of action, or complaints of any kind related to the Food Safety Certification process, materials, actions of individuals who have participated in the process, or any resulting injury or illness of participants or third parties.

(e). The NKHD shall establish and charge a reasonable fee necessary to operate and maintain this program and the regulation’s enforcement.

(f). A food establishment that serves, sells, or distributes only prepackaged, manufactured, non-time/temperature for safety food items and beverages will not be required to meet the conditions of this regulation. Temporary food services, seasonal concessions and similar food service operations may be given special consideration related to the need to meet this regulation at the NKHD’s discretion per administrative policy.

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Section 5. Certification Expiration and Renewal

Food Safety Certifications shall expire in a timeframe as set by the NKHD administrative policy, which shall be set at a minimum of one (1) year and a maximum of three (3) years from date of issuance.

Section 6. Proof of Certification

A holder of a Food Safety Certification shall display his/her certificate in a prominent location in the food establishment and shall be readily available for viewing by NKHD staff at the establishment.

Section 7. Certificate Not Transferable

Food Safety Certification is not transferable from one person to another.

Section 8. Penalty for Violation

Any food establishment found in violation of this article shall be ordered to comply with this regulation. If any food establishment owner/operator does not comply with the order of NKHD, then pursuant to KRS 212.715 and KRS 212.990 (2), the owner/operator of the food establishment shall be subject to a fine not less than \$10.00 nor more \$100.00 for each day that the order of the NKHD is not complied with. NKHD may ask for court cost and legal fee reimbursement.

Section 9. Severability

If any section, sub-section, sentence, clause, phrase, or portion of this regulation is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this regulation.

This regulation is hereby authorized by the Northern Kentucky Independent District Board of Health this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

Chair  
NKIDHD

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

Secretary  
NKIDHD

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