

1 June 17, 2005

2
3 RULES AND REGULATIONS NO. 05-06

4
5 An amendment for the protection of the public health against the spread of disease through
6 food; adopting the Washington State Board of Health food service regulations; amending
7 portions of the adopted Washington State Board of Health food service regulations by
8 amending King County Board of Health Rules and Regulations (“R&R”) 91 section 1 (part)
9 and Code of the King County Board of Health (“BOH”) sections 5.04.280, 5.04.370, 5.04.390,
10 5.04.620, 5.04.640, 5.10.070, and 5.20.050; adding new sections to BOH chapters 5.02, 5.04,
11 5.26, 5.34, 5.42, 5.50, and 5.60; adding a new chapter to BOH Title 5; and repealing R&R 91
12 section 1 (part) and BOH 5.04.010, 5.04.020, 5.04.030, 5.04.040, 5.04.050, 5.04.060,
13 5.04.070, 5.04.080, 5.04.090, 5.04.100, 5.04.110, 5.04.120, 5.04.130, 5.04.140, 5.04.150,
14 5.04.160, 5.04.170, 5.04.180, 5.04.190, 5.04.200, 5.04.210, 5.04.220, 5.04.230, 5.04.240,
15 5.04.250, 5.04.260, 5.04.270, 5.04.290, 5.04.300, 5.04.310, 5.04.320, 5.04.330, 5.04.340,
16 5.04.350, 5.04.360, 5.04.380, 5.04.400, 5.04.410, 5.04.420, 5.04.430, 5.04.440, 5.04.450,
17 5.04.460, 5.04.470, 5.04.480, 5.04.500, 5.04.510, 5.04.520, 5.04.530, 5.04.540, 5.04.550,
18 5.04.560, 5.04.570, 5.04.580, 5.04.590, 5.04.600, 5.04.610, 5.04.630, 5.04.650, 5.04.660,
19 5.04.670, 5.04.680, 5.04.690, 5.04.700, 5.04.710, 5.04.720, 5.04.730, 5.04.740, 5.04.748,
20 5.04.750, 5.04.760, 5.04.770, 5.06.010, 5.06.020, 5.06.030, 5.06.040, 5.06.050, 5.06.060,
21 5.08.010, 5.08.020, 5.08.030, 5.08.040, 5.08.050, 5.08.060, 5.10.010, 5.10.020, 5.10.030,
22 5.10.040, 5.10.050, 5.10.060, 5.12.010, 5.12.020, 5.12.030, 5.14.010, 5.14.020, 5.14.030,
23 5.14.040, 5.14.050, 5.14.060, 5.14.070, 5.16.010, 5.16.020, 5.16.030, 5.16.040, 5.16.050,
24 5.16.060, 5.16.070, 5.16.080, 5.16.090, 5.18.010, 5.18.020, 5.18.030, 5.18.040, 5.18.050,
25 5.18.060, 5.20.010, 5.20.020, 5.20.030, 5.20.040, 5.20.060, 5.20.070, 5.20.080, 5.22.010,
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27 5.26.010, 5.26.020, 5.26.030, 5.26.040, 5.26.050, 5.26.060, 5.26.070, 5.26.080, 5.26.090,
28 5.26.100, 5.26.110, 5.26.120, 5.26.130, 5.26.140, 5.28.010, 5.28.020, 5.28.030, 5.28.040,
29 5.28.050, 5.28.060, 5.30.010, 5.30.020, 5.30.030, 5.30.040, 5.32.010, 5.32.020, 5.32.030,
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31 5.34.070, 5.34.080, 5.34.090, 5.34.100, 5.34.110, 5.34.120, 5.34.130, 5.34.140, 5.34.150,
32 5.34.160, 5.34.170, 5.36.010, 5.36.020, 5.36.030, 5.36.040, 5.36.050, 5.36.060, 5.36.070,
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34 5.36.170, 5.37.010, 5.37.020, 5.37.030, 5.37.040, 5.37.050, 5.38.010, 5.38.020, 5.40.010,
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37 5.46.040, 5.46.050, 5.46.060, 5.48.010, 5.48.020, 5.48.030, 5.50.010, 5.50.020, 5.50.030,
38 5.54.010, 5.54.020, 5.54.030, 5.54.040, 5.54.050, 5.56.010, 5.56.020, 5.56.030, 5.58.010,
39 5.58.020, 5.60.010, 5.60.020, 5.60.030, 5.60.040, 5.62.010, 5.62.020, 5.64.010, 5.64.020,
40 5.66.010, R&R No. 98-02 section 1 (part) and BOH 6.02.010, 6.02.020, 6.02.030, 6.02.040,
41 6.02.050, 6.04.010, 6.04.020, 6.04.030, 6.04.040, 6.04.050, 6.04.060, 6.04.070, 6.04.080,
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43 6.04.180, 6.04.190, 6.04.200, 6.04.210, 6.04.220, 6.04.230, 6.04.240, 6.04.250, 6.04.260,
44 6.04.270, 6.04.280, 6.04.290, 6.04.300, 6.04.310, 6.04.320, 6.04.330, 6.04.340, 6.04.350,
45 6.04.360, 6.04.370, 6.04.380, 6.04.390, 6.04.400, 6.04.410, 6.04.420, 6.04.430, 6.04.440,
46 6.04.450, 6.04.460, 6.04.470, 6.04.480, 6.04.490, 6.04.500, 6.04.510, 6.04.520, 6.04.530,

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3 6.04.720, 6.04.730, 6.04.740, 6.04.750, 6.04.760, 6.04.770, 6.04.780, 6.04.790, 6.04.800,
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5 6.06.050, 6.06.060, 6.08.010, 6.08.020, 6.08.030, 6.08.040, 6.08.050, 6.08.060, 6.10.010,
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11 6.24.050, 6.24.060, 6.26.010, 6.26.020, 6.26.030, 6.26.040, 6.26.050, 6.26.060, 6.26.070,
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13 6.30.030, 6.30.040, 6.32.010, 6.32.020, 6.32.030, 6.32.040, 6.32.050, 6.32.060, 6.32.070,
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16 6.38.040, 6.38.050, 6.38.060, 6.40.010, 6.40.020, 6.42.010, 6.42.020, 6.42.030, 6.42.040,
17 6.44.010, 6.44.020, 6.44.030, 6.46.010, 6.46.020, 6.46.030, 6.46.040, 6.46.050, 6.46.060,
18 6.48.010, 6.48.020, 6.48.030, 6.50.010, 6.50.020, 6.50.030, 6.50.040, 6.52.010, 6.52.020,
19 6.52.030, 6.52.040, 6.56.010, 6.56.020, 6.56.030, 6.56.040, 6.56.050, 6.56.060, 6.58.010,
20 6.58.020, 6.58.030, 6.60.010, 6.60.020, 6.62.010, 6.62.020, 6.62.030, 6.62.040, 6.64.010,
21 6.64.020, 6.66.010, 6.66.020, 6.68.010, 6.70.010, 6.70.020, and 6.70.030; enacted pursuant to
22 RCW 43.20.050, 70.05.060 and Chapter 246-215 WAC, including the latest amendments or
23 revisions thereto.
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BE IT ADOPTED BY THE KING COUNTY BOARD OF HEALTH:

26 **NEW SECTION. SECTION 1.** There is hereby added a new section to chapter 5.02 of Title 5 of
27 the Code of the King County Board of Health (“BOH”) to read as follows:

28 **Applicability – State food regulations adopted.** A. Except as otherwise specifically provided
29 in this title, Chapter 246-215 WAC, Washington Food Service Regulations, as amended, are hereby adopted
30 and by this reference made a part of this title.

31 B. Any person owning, operating, or working in a food establishment must comply with and is
32 subject to the requirements of this title, including state regulations adopted by reference.

33 C. If a provision or definition of Chapter 246-215 WAC is inconsistent with a provision or
34 definition otherwise established under this title, the more stringent provisions of this title shall apply.

35 **NEW SECTION. SECTION 2.** There is hereby added a new section to BOH chapter 5.04 to

1 read as follows:

2 **Effect of chapter.** This chapter establishes definitions that are additional to or that modify
3 definitions in Chapter 246-215 WAC.

4 **NEW SECTION. SECTION 3.** There is hereby added a new section to BOH chapter 5.04 to
5 read as follows:

6 **Apprentice meat cutter.** WAC 246-215-011 is supplemented with the following:

7 **Apprentice meat cutter (WAC 246-215-011(1.1)).** “Apprentice meat cutter” means any person
8 in a meat/fish establishment employed for the purpose of selling meat or learning meat cutting while
9 enrolled in a meat cutter’s apprenticeship program.

10 **NEW SECTION. SECTION 4.** There is hereby added a new section to BOH chapter 5.04 to
11 read as follows:

12 **Bakery.** WAC 246-215-011 is supplemented with the following:

13 **Bakery (WAC 246-215-011(1.2)).** “Bakery” means any food establishment in which food or food
14 products are mixed and baked to final form and offered to the ultimate consumer.

15 **NEW SECTION. SECTION 5.** There is hereby added a new section to BOH chapter 5.04 to
16 read as follows:

17 **Bar or tavern.** WAC 246-215-011 is supplemented with the following:

18 **Bar or tavern (WAC 246-215-011(1.3)).** “Bar or tavern” means a food establishment, or an area
19 within a food establishment, designated by the owner primarily for the sale of open containers of beer,
20 wine, liquor or other alcoholic beverages and issued a license by, or having a license application pending
21 before, the Washington State Liquor Control Board.

22 **NEW SECTION. SECTION 6.** There is hereby added a new section to BOH chapter 5.04 to
23 read as follows:

1 **Food establishment.** WAC 246-215-011(36)(a) is not adopted and the following is substituted:

2 **Food establishment (WAC 246-215-011(36)(a)).** “Food establishment” means an operation that
3 stores, prepares, packages, serves, vends, or otherwise provides food for human consumption:

4 (i) Such as a general food service; limited food service; grocery store; bakery;
5 meat/fish market; bed-and-breakfast; school kitchen; nonprofit institution; restaurant; satellite or catered
6 feeding location; catering operation if the operation provides food directly to a consumer or to a conveyance
7 used to transport people; market; vending location; conveyance used to transport people; institution; or food
8 bank; and

9 (ii) That relinquishes possession of food to a consumer directly, or indirectly through a
10 delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service
11 that is provided by common carriers.

12 **SECTION 7.** R&R 91, section 1 (part), and BOH 5.04.280 are each hereby amended as follows:

13 **Food preparation.** WAC 246-215-011 is supplemented with the following:

14 **Food preparation (WAC 246-215-011(12.1)).** “Food preparation” means thawing, cooking,
15 cooling, heating, reheating, putting together, cutting, slicing, dividing, mixing, portioning or packaging
16 food for a consumer, except that trimming (~~or cleaning~~) of whole vegetables or fruits for display and sale
17 shall not be considered food preparation.

18 **NEW SECTION. SECTION 8.** There is hereby added a new section to BOH chapter 5.04 to
19 read as follows:

20 **General food service.** WAC 246-215-011 is supplemented with the following:

21 **General food service (WAC 246-215-011(13.1)).** “General food service” means any stationary
22 food establishment that provides food to the public, guests, patrons or its personnel for on-premises or off-
23 premises consumption.

1 **SECTION 9.** R&R 91, section 1 (part), and BOH 5.04.370 are each hereby amended as follows:

2 **Grocery store.** WAC 246-215-011 is supplemented with the following:

3 **Grocery store (WAC 246-215-011(13.2)).** “Grocery store” means a food ((~~service~~))
4 establishment selling commercially prepared and prepackaged potentially hazardous foods requiring
5 refrigeration or freezer control, whole produce and/or bulk foods for consumption off-site.

6 **SECTION 10.** R&R 91, section 1 (part), and BOH 5.04.390 are each hereby amended as
7 follows:

8 **Health officer.** WAC 246-215-011 is supplemented with the following:

9 **Health officer (WAC 246-215-011(13.3)).** “Health officer” means the director of ((~~Public Health~~
10 ~~of King County and any of his/her designated~~)) the Seattle-King County Department of Public Health or
11 any of his or her authorized representatives.

12 **NEW SECTION. SECTION 11.** There is hereby added a new section to BOH chapter 5.04 to
13 read as follows:

14 **Limited food service.** WAC 246-215-011 is supplemented with the following:

15 **Limited food service (WAC 246-215-011(15.1)).** “Limited food service” means a food
16 establishment with a limited menu in a building without permanent plumbing.

17 **NEW SECTION. SECTION 12.** There is hereby added a new section to BOH chapter 5.04 to
18 read as follows:

19 **Local health officer.** WAC 246-215-011(17) is not adopted and the following is substituted:

20 **Local health officer (WAC 246-215-011(17)).** “Local health officer” means the director of the
21 Seattle-King County Department of Public Health or any of his or her authorized representatives.

22 **NEW SECTION. SECTION 13.** There is hereby added a new section to BOH chapter 5.04 to
23 read as follows:

1 **Meat cutter.** WAC 246-215-011 is supplemented with the following:

2 **Meat cutter (WAC 246-215-011(17.1)).** “Meat cutter” means any person cutting or preparing for
3 sale fresh meat.

4 **NEW SECTION. SECTION 14.** There is hereby added a new section to BOH chapter 5.04 to
5 read as follows:

6 **Meat/fish market.** WAC 246-215-011 is supplemented with the following:

7 **Meat/fish market (WAC 246-215-011(17.2)).** “Meat/fish market” means all premises, buildings
8 or parts thereof used for the preparation for sale, sale or dispensing of meat, fish, game animals or poultry to
9 consumers and intended for off-premises consumption.

10 **NEW SECTION. SECTION 15.** There is hereby added a new section to BOH chapter 5.04 to
11 read as follows:

12 **Nonprofit institution.** WAC 246-215-011 is supplemented with the following:

13 **Nonprofit institution (WAC 246-215-011(3.1)).** “Nonprofit institution” means a food
14 establishment with valid, current United States Internal Revenue Code section 501(c)(3) nonprofit status,
15 Washington State Commission for the Blind status, or a municipal jail.

16 **SECTION 16.** R&R 91, section 1 (part), and BOH 5.04.620 are each hereby amended as
17 follows:

18 **School.** WAC 246-215-011 is supplemented with the following:

19 **School (WAC 246-215-011(24.1)).** “School” means a food establishment in an institution for
20 learning limited to the K-12 grades.

21 **SECTION 17.** R&R 91, section 1 (part), and BOH 5.04.640 are each hereby amended as
22 follows:

23 **Seasonal food establishment.** WAC 246-215-011 is supplemented with the following:

1 Seasonal food establishment (WAC 246-215-011(24.2)). “Seasonal food establishment” means
2 a food (~~(service)~~) establishment that routinely operates for no more than six (~~((6))~~) consecutive months each
3 year.

4 **SECTION 18.** R&R 91, section 1 (part), and BOH 5.10.070 are hereby amended as follows:

5 **Alcoholic beverages.** WAC 246-215-051 is supplemented with the following:

6 **Alcoholic beverages (WAC 246-215-051(10)).** Whenever alcoholic beverages, as defined by
7 RCW Chapter 66.04 are served for consumption on the premises, signs and notices of the effects of alcohol
8 consumption and cigarette smoking during pregnancy shall be posted. Such signs or notices shall meet the
9 following requirements:

10 ~~((A-))~~ (a) Shall read as follows:

11 DRINKING DISTILLED SPIRITS, BEER, WINE, COOLERS, AND OTHER
12 ALCOHOLIC BEVERAGES OR SMOKING CIGARETTES DURING PREGNANCY MAY CAUSE
13 BIRTH DEFECTS; and

14 ~~((B-))~~ (b) Shall be of the following size:

15 ~~((1-))~~ (i) At least two (~~((2))~~) inches high if printed or included in a menu.

16 ~~((2-))~~ (ii) At least three (~~((3))~~) inches by three (~~((3))~~) inches per side if set forth on a
17 single, double, or multi-sided placard or display tent on any table provided for the establishment’s
18 customers; or

19 ~~((3-))~~ (iii) Not less than eight and one-half (~~((8.5))~~) inches by eleven (~~((11))~~) inches
20 included on a sign that is posted at a bar or tavern or other point of sale that is clearly visible to the public.”

21 **SECTION 19.** R&R 91, section 1 (part), and BOH 5.20.050 are hereby amended as follows:

22 ~~((Facilities for cleaning and sanitizing.~~

23 ~~A. The owner shall ensure that the food service establishment using equipment or utensils~~

1 requiring cleaning and sanitizing have within the establishment either:

2 1. ~~Approved mechanical dishwashing facilities and a sink or equivalent in the~~
3 ~~dishwashing area, or~~

4 2. ~~A sink supplied with a minimum of three compartments, a space for soiled~~
5 ~~utensils ahead of the first compartment, and a drain board for clean utensils when no mechanical~~
6 ~~dishwasher is available, or when utensils cannot be cleaned and sanitized in the mechanical dishwasher~~
7 ~~due to size or configuration.~~

8 B. ~~The food service establishment owner shall provide sink compartments of sufficient size~~
9 ~~to accommodate the largest utensil.~~

10 C. ~~The food service establishment owner shall provide hot and cold running water directly~~
11 ~~to each compartment of the sinks.~~

12 ~~D.))~~ **Equipment and utensils.** WAC 246-215-071 is supplemented with the following:

13 **Equipment and utensils (WAC 246-215-071(5)).** *Food Code* section 4-301.12 regarding
14 manual warewashing and sink compartment requirements is amended to add (F) “The food service
15 establishment owner of bars ((and)) or taverns shall provide a sink compartment for disposing of liquid
16 waste in addition to sinks necessary for cleaning and sanitizing.”

17 **NEW SECTION. SECTION 20.** There is hereby added a new section to BOH Chapter 5.26 to
18 read as follows:

19 **Water, plumbing and waste.** WAC 246-215-081 is supplemented with the following:
20 Water, plumbing and waste (WAC 246-215-081(6)). *Food Code* paragraph 5-403.11(B) is amended to
21 read “An on-site sewage system (OSS) providing treatment and disposal in compliance with state and local
22 law.”

23 **NEW SECTION. SECTION 21.** There is hereby added a new section to BOH chapter 5.34 to

1 read as follows:

2 **Mobile food units – cart size.** WAC 246-215-121 is supplemented with the following:

3 **Mobile food units – cart size (WAC 246-215-121(3.1)).** The permit holder of a mobile food
4 cart shall ensure the cart body size is limited to three feet by six feet with each extension no longer than
5 eighteen inches or the size required by the local jurisdiction, whichever is smaller.

6 **NEW SECTION. SECTION 22.** There is hereby added a new section to BOH chapter 5.34 to
7 read as follows:

8 **Mobile food units – potentially hazardous foods.** WAC 246-215-121(9) is not adopted and the
9 following is substituted:

10 **Mobile food units – potentially hazardous foods (WAC 246-215-121(9)).** The person in charge
11 of a mobile food unit must ensure that potentially hazardous foods are:

- 12 (a) Not cooled on the mobile food unit;
- 13 (b) Properly temperature-controlled during transport to the place of service;
- 14 (c) Temperature-monitored by use of a stem-type thermometer or thermocouple
15 capable of measuring all proper food temperatures;
- 16 (d) Reheated, for hot holding, from 41°F to 165°F or above within one hour on the
17 mobile food unit when the foods were cooked and cooled in an approved nonmobile food establishment;
- 18 (e) Reheated, for hot holding, from 41°F to 140°F or above within one hour on the
19 mobile food unit when the foods were produced in a food processing plant;
- 20 (f) Reheated no more than one time; and
- 21 (g) Held in preheated mechanical hot holding equipment or prechilled mechanical cold
22 holding equipment, or otherwise temperature controlled by an approved method.

23 **NEW SECTION. SECTION 23.** There is hereby added a new section to BOH chapter 5.34 to

1 read as follows:

2 **Mobile food units – additional requirements.** WAC 246-215-121(21) is not adopted and the
3 following is substituted:

4 **Mobile food units – additional requirements (WAC 246-215-121(21)).** The health officer may
5 allow a person to operate a food establishment with a limited menu in a movable building without
6 permanent plumbing under applicable provisions of this section. In addition the following provisions must
7 be met:

8 (a) Toilet facilities must be within 200 feet of the establishment and available at all
9 times that the establishment is operating.

10 (b) Facilities for cleaning and sanitizing must meet the provisions of this title and be
11 located within 200 feet of the establishment and available at all times that the establishment is operating.

12 **NEW SECTION. SECTION 24.** There is hereby added a new section to BOH chapter 5.42 to
13 read as follows:

14 **Temporary food establishments – potentially hazardous foods.** WAC 246-215-131(15) is not
15 adopted and the following is substituted:

16 **Temporary food establishments – potentially hazardous foods (WAC 246-215-131(5)).** The
17 person in charge of a temporary food establishment must ensure that potentially hazardous foods are:

18 (a) Not cooled in a temporary food establishment;

19 (b) Properly temperature-controlled during transport to the temporary event location;

20 (c) Temperature-monitored by use of a stem-type thermometer or thermocouple
21 capable of measuring all proper food temperatures;

22 (d) Reheated, for hot holding, from 41°F to 165°F or above within one hour when
23 cooked and cooled in an approved food establishment;

1 (e) Reheated, for hot holding, from 41°F to 140°F or above within one hour when
2 produced in a food processing plant;

3 (f) Reheated no more than one time; and

4 (g) Held in preheated mechanical hot holding equipment or prechilled mechanical cold
5 holding equipment, or otherwise temperature controlled by an approved method.

6 **NEW SECTION. SECTION 25.** There is hereby added a new section to BOH chapter 5.50 to
7 read as follows:

8 **License required.** It is unlawful for any person to engage in the business of, operate or be
9 employed as a meat cutter or apprentice meat cutter without having a valid, appropriate personal license
10 from the health officer.

11 **NEW SECTION. SECTION 26.** There is hereby added a new section to BOH chapter 5.50 to
12 read as follows:

13 **Application and issuance.** A. Meat cutter's license. Any applicant for an original meat
14 cutter's license shall obtain such license only upon achieving a passing score on an examination
15 administered by the health officer and paying the required license fee; provided, that any valid original or
16 renewal meat cutter's license issued pursuant to this section may be renewed annually upon payment of the
17 applicable annual fee. The examination shall test an applicant's competency in the cutting, handling, care of
18 meat, knowledge of sanitation and code requirements and the applicant's ability by the senses to recognize
19 in meat decomposition and other taints and conditions deleterious to health.

20 B. Apprentice meat cutter's license. Any applicant for an original apprentice meat cutter's
21 license shall obtain such license only upon submitting evidence, to the satisfaction of the health officer, of
22 enrollment in a meat cutters' apprenticeship program, and paying the required license fee; provided, that a
23 valid original apprentice meat cutter's license issued pursuant to this section may be renewed for a

1 maximum period of one additional year upon payment of the applicable renewal fee. Any apprentice meat
2 cutter's license renewed pursuant to this section shall be ineligible for further renewal.

3 **NEW SECTION. SECTION 27.** There is hereby added a new section to BOH chapter 5.50 to
4 read as follows:

5 **Activity authorized by occupational licenses.** A. Meat cutter's license. A valid meat
6 cutter's license shall entitle its lawful holder to cut for sale fresh meat to a consumer from a licensed
7 meat/fish establishment.

8 B. Apprentice Meat Cutter's License. A valid apprentice meat cutter's license shall entitle its
9 lawful holder to engage in all activity in which a licensed meat cutter may engage; provided, that an
10 apprentice meat cutter may prepare (cut, grind, etc.) fresh meat for sale only while under the immediate
11 direction and supervision of a licensed meat cutter.

12 **NEW SECTION. SECTION 28.** There is hereby added a new section to BOH chapter 5.50 to
13 read as follows:

14 **Employing unlicensed persons.** It is unlawful for anyone to employ a person as a meat cutter or
15 apprentice meat cutter when such person does not possess a valid license within fourteen (14) calendar days
16 of employment to act in such capacity as required under this title, and does not also possess a valid food
17 worker card.

18 **NEW SECTION. SECTION 29.** There is hereby added a new section to BOH chapter 5.60 to
19 read as follows:

20 **Compliance and enforcement.** WAC 246-215-181 is not adopted and the following is
21 substituted:

22 **Compliance and enforcement (WAC 246-215-181).**

23 (1) Food Code paragraph 8.201.11(C) regarding plans required for remodeling is amended to

1 read “the remodeling of a food establishment or a change of type of food establishment or food operation
2 as specified under paragraph 8-302.14(C) if the health officer determines that plans and specifications are
3 necessary to ensure compliance with this code.”

4 (2) Food Code section 8-302.11 regarding permit application procedure is amended to read
5 “An applicant shall submit an application for a permit at least 30 days before the date planned for opening
6 a food establishment or the expiration date of the current permit for an existing facility unless otherwise
7 approved by the health officer.”

8 (3) Food Code paragraph 8-302.13(D) regarding permit fees is amended to read “Pay the
9 applicable permit fees at the time the application is submitted. A seasonal food service permit shall not be
10 valid for more than six (6) consecutive months. A temporary food establishment permit shall not be valid
11 for longer than 21 days, except that the health officer may authorize a longer permit duration or frequency
12 for a recurring, organized event such as a farmer’s market that qualifies as a temporary food
13 establishment under this title.

14 (4) Food Code section 8-303.20 regarding existing establishments, permit renewal, and
15 change of ownership is amended to add “Duplicate and name change permits may be issued when
16 payment of applicable fees have been made. All permits shall expire on the March 31st following the date
17 of issuance. Notwithstanding any other provision herein to the contrary, all temporary and seasonal
18 permits shall expire on the date set forth on the face of such permit.”

19 (5) Food Code section 8-303.30 regarding denial of application for permit is amended to add
20 (D) “The health officer may deny the application if the applicant has any outstanding monies owed to the
21 Seattle-King County Department of Public Health for permit fees, late fees, checks returned by the bank,
22 civil penalties, or other miscellaneous fees.”

23 (6) Food Code subparagraph 8-304.11(G)(2), regarding replacement of facilities and

1 equipment to meet current standards when the ownership of a food establishment changes, does not apply.

2 (7) Food Code section 8-304.11, regarding responsibilities of the permit holder, is amended
3 to add (L) "Except for mobile food units and catering operations, a permit needs to be obtained for each
4 location at which an activity subject to a permit is conducted, and each permit shall be valid only at the
5 location stated on the permit."

6 (8) Food Code section 8-304.11, regarding responsibilities of the permit holder, is amended
7 to add (M) "Whenever a permit is suspended or revoked, the permittee shall return the permit to the
8 health officer."

9 (9) Food Code subparagraph 8-401.10(B)(2), regarding inspection frequency, is amended to
10 read: "The food establishment is assigned a less frequent inspection frequency based on a written risk-
11 based inspection schedule developed by the health officer, or set by state or federal law, and uniformly
12 applied throughout the jurisdiction."

13 (10) Food Code paragraph 8-401.10(C), regarding inspection frequency of temporary food
14 establishments, is amended to read: "The health officer shall inspect a temporary food establishment during
15 its permit period, unless the health officer develops a written risk-based plan for exempting certain
16 categories of temporary establishments from inspection that is uniformly applied throughout the
17 jurisdiction."

18 (11) Food Code paragraph 8-401.20(A), regarding criteria for prioritizing inspections, is
19 amended to read: "Past performance, for nonconformance with code or HACCP plan requirements."

20 (12) Food Code paragraph 8-401.20(B), regarding criteria for prioritizing inspections, is
21 amended to read: "Past performance, for numerous or repeat violations of code or HACCP plan
22 requirements."

23 (13) Food Code section 8-401.20, regarding criteria for prioritizing inspections, is amended to

1 add (H) "Whether *the establishment is properly implementing an approved self-inspection program.*"

2 (14) Food Code subparagraph 8-402.20(A)(3) and section 8-402.40, regarding obtaining an
3 inspection order, do not apply. The health officer may suspend a permit to operate a food establishment if
4 the health officer, after showing proper credentials, is denied access to conduct an inspection of the food
5 establishment.

6 (15) Food Code section 8-403.10, regarding documenting information and observations, is
7 amended to read: "The health officer shall document on an inspection report form approved by the
8 department of health."

9 (16) Food Code subparagraph 8-403.10(B)(2), regarding documenting information on an
10 inspection report form, is amended to read: "Failure of food employees and the person in charge to
11 demonstrate knowledge of their responsibility to report a disease or medical condition."

12 (17) Food Code subparagraph 8-403.10(B)(3), regarding documenting information on an
13 inspection report form, is amended to read: "Nonconformance with this code."

14 (18) Food Code section 8-403.20, regarding specifying a time frame for corrections, is amended
15 to read: "The health officer shall specify on the inspection report form the time frame for correction of any
16 violations."

17 (19) Food Code sections 8-405.11 and 8-405.20, regarding critical violations, do not apply.

18 (20) Food Code section 8-406.11, regarding noncritical violations, does not apply.

19 **NEW SECTION. SECTION 30.** There is hereby added a new section to BOH chapter 5.60 to
20 read as follows:

21 **Permits required, suspension, revocation, enforcement – general.** WAC 246-215-200(2) is
22 not adopted and the following is substituted:

23 **Permits required, suspension, revocation, enforcement – general (WAC 246-215-200(2)).**

1 The health officer may suspend any permit to operate a food establishment if:

2 (a) Continued operation of the food establishment constitutes an imminent or actual
3 health hazard;

4 (b) Operations, facilities, or equipment in the food establishment fail to comply with
5 these regulations;

6 (c) The permit holder does not comply with these regulations; or

7 (d) Interference with the health officer in the performance of his or her duties has
8 occurred; or

9 (e) The owner or operator does not comply with the conditions of a variance.

10 **NEW SECTION. SECTION 31.** There is hereby added a new section to BOH chapter 5.60 to
11 read as follows:

12 **Permit suspension process.** WAC 246-215-200(6) is not adopted and the following is
13 substituted:

14 **Permit suspension process (WAC 246-215-200(6)).** WAC 246-215-200(6) is not adopted and
15 the following is substituted:

16 The health officer may adopt and use a permit suspension process different than specified under
17 subsections (2), (3), (4), or (5) of this section, including the permit suspension process of Chapter 1.08 of
18 this code.

19 **NEW SECTION. SECTION 32.** There is hereby added a new section to BOH chapter 5.60 to
20 read as follows:

21 **Permit revocation process.** WAC 246-215-200(10) is not adopted and the following is
22 substituted:

23 **Permit revocation process (WAC 245-215-200(10)).** The health officer may use a permit

1 revocation process different than specified under subsections (7), (8), and (9) of this section, including the
2 permit revocation process of Chapter 1.08 of this code.

3 **NEW SECTION. SECTION 33.** There is hereby added a new section to BOH chapter 5.60 to
4 read as follows:

5 **Closure.** WAC 246-215-200 is supplemented as follows:

6 **Closure (WAC 246-215-200(12)).**

7 (a) Issuance. The health officer may issue a notice of closure to a food establishment
8 requiring the operator to cease operation immediately if the operator has:

9 1. Failed to submit plans or receive approval from the health officer of plans
10 as required by this title, or an inspection indicates construction or renovation at the food establishment is
11 not in substantial compliance with plans approved by the health officer;

12 2. Failed to submit a permit application or receive approval from the health
13 officer of a permit application for a food establishment or failed to submit a change of ownership
14 application as required by this title; or

15 3. Failed to pay a permit fee or any other applicable fee required by this code.

16 (b) Notice of closure. The notice of closure shall state:

17 1. That the food establishment shall close immediately upon issuance of the
18 notice of closure to an operator and that all preparation and service of food shall immediately cease.

19 2. That no food preparation or service shall occur at the food establishment
20 after a notice of closure has been received by the operator;

21 3. The reason(s) for the notice of closure; and

22 4. That the operator may request reconsideration of the closure order by filing
23 a written request with the health officer within ten (days) after delivery of the closure notice as provided in

1 WAC 246-215-200 and WAC 246-215-220.

2 **NEW SECTION. SECTION 34.** There is hereby added a new section to BOH chapter 5.60 to
3 read as follows:

4 **Examination, hold orders, condemnation, and destruction of food.** WAC 246-215-240(3) is
5 not adopted and the following is substituted:

6 **Examination, hold orders, condemnation, and destruction of food (WAC 246-2150240(3)).**

7 The health officer may examine or collect samples of food as necessary for enforcement of this title. The
8 cost of any laboratory testing shall be paid by the permit holder or person in charge of the food
9 establishment.

10 **NEW SECTION. SECTION 35. Food establishment risk categories.** Every food
11 establishment and every new and renewal application for a food establishment permit shall be subject to a
12 risk assessment by the health officer. The health officer shall designate each food establishment as low risk
13 (risk category 1), medium risk (risk category 2), or high risk (risk category 3) based on the types of food
14 dispensed, food preparation steps, and types of food processing or packaging performed at the
15 establishment; provided, however, that temporary food establishments shall be designated as either high risk
16 or low risk. In determining the most appropriate risk category for each establishment, the health officer
17 shall apply the risk category standards of this section.

18 A. Low risk – risk category 1. Any food establishment performing only cold holding or
19 limited food preparation, with no further preparation, shall be designated a low risk or risk category 1
20 establishment. The following shall also be designated as a low risk or risk category 1 establishment:

21 1. Any establishment serving ready to eat, pre-packaged potentially hazardous food or
22 prepackaged frozen foods;

23 2. Any establishment serving espresso or blended drinks, with no other food

1 preparation;

2 3. Any establishment heating and serving individually, commercially-prepared and
3 prepackaged ready to eat foods for immediate service;

4 4. Any mobile food establishment serving only espresso or hot dogs or both, with no
5 other food preparation; and

6 5. Any bed and breakfast operation.

7 B. Medium risk – risk category 2. Any food establishment performing only cold holding or
8 food preparation, and which does not otherwise qualify as a high risk or risk category 3 establishment, shall
9 be designated as a medium risk or risk category 2 establishment. The following shall also be designated as
10 a medium risk or risk category 2 establishment:

11 1. Any establishment baking bread or pastries, frying donuts, or grilling sandwiches
12 or toast for immediate service, with no hot-holding of food;

13 2. Any school or institution satellite operation performing food service limited to
14 reheating or hot holding of prepared foods, with no on-site cooking; and

15 3. Any grocery store or market selling pre-packaged raw meat or fish products.

16 C. High risk – risk category 3. The following shall be designated as a high risk or risk
17 category 3 establishment:

18 1. Any establishment cooking and either cooling, reheating, hot holding, or holding
19 other than cold holding of food;

20 2. Any meat or fish market selling meat or fish other than pre-packaged raw product;

21 3. Any establishment where food preparation includes cutting or processing of raw
22 meat or fish products; and

23 4. Any establishment with an approved HACCP plan and performing either overnight

1 cooking or on-site reduced oxygen packaging.

2 **NEW SECTION. SECTION 36.** **Appeal of food establishment risk designation.** Any food
3 establishment owner or operator aggrieved by a risk designation for his or her establishment may appeal the
4 designation by submitting, within ten days of the date of issuance of the notice of the designation, a written
5 request for an administrative conference with the health officer.

6 **SECTION 37.** Sections 35 and 36 of this rule are directed to constitute a new chapter in BOH
7 Title 5.

8 **SECTION 38.** R&R 91 section 1 (part) and BOH 5.04.010, 5.04.020, 5.04.030, 5.04.040,
9 5.04.050, 5.04.060, 5.04.070, 5.04.080, 5.04.090, 5.04.100, 5.04.110, 5.04.120, 5.04.130, 5.04.140,
10 5.04.150, 5.04.160, 5.04.170, 5.04.180, 5.04.190, 5.04.200, 5.04.210, 5.04.220, 5.04.230, 5.04.240,
11 5.04.250, 5.04.260, 5.04.270, 5.04.290, 5.04.300, 5.04.310, 5.04.320, 5.04.330, 5.04.340, 5.04.350,
12 5.04.360, 5.04.380, 5.04.400, 5.04.410, 5.04.420, 5.04.430, 5.04.440, 5.04.450, 5.04.460, 5.04.470,
13 5.04.480, 5.04.500, 5.04.510, 5.04.520, 5.04.530, 5.04.540, 5.04.550, 5.04.560, 5.04.570, 5.04.580,
14 5.04.590, 5.04.600, 5.04.610, 5.04.630, 5.04.650, 5.04.660, 5.04.670, 5.04.680, 5.04.690, 5.04.700,
15 5.04.710, 5.04.720, 5.04.730, 5.04.740, 5.04.748, 5.04.750, 5.04.760, 5.04.770, 5.06.010, 5.06.020,
16 5.06.030, 5.06.040, 5.06.050, 5.06.060, 5.08.010, 5.08.020, 5.08.030, 5.08.040, 5.08.050, 5.08.060,
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18 5.14.020, 5.14.030, 5.14.040, 5.14.050, 5.14.060, 5.14.070, 5.16.010, 5.16.020, 5.16.030, 5.16.040,
19 5.16.050, 5.16.060, 5.16.070, 5.16.080, 5.16.090, 5.18.010, 5.18.020, 5.18.030, 5.18.040, 5.18.050,
20 5.18.060, 5.20.010, 5.20.020, 5.20.030, 5.20.040, 5.20.060, 5.20.070, 5.20.080, 5.22.010, 5.22.020,
21 5.22.030, 5.22.040, 5.22.050, 5.22.060, 5.24.010, 5.24.020, 5.24.030, 5.24.040, 5.26.010, 5.26.020,
22 5.26.030, 5.26.040, 5.26.050, 5.26.060, 5.26.070, 5.26.080, 5.26.090, 5.26.100, 5.26.110, 5.26.120,
23 5.26.130, 5.26.140, 5.28.010, 5.28.020, 5.28.030, 5.28.040, 5.28.050, 5.28.060, 5.30.010, 5.30.020,

1 5.30.030, 5.30.040, 5.32.010, 5.32.020, 5.32.030, 5.32.040, 5.32.050, 5.32.060, 5.34.010, 5.34.020,
2 5.34.030, 5.34.040, 5.34.050, 5.34.060, 5.34.070, 5.34.080, 5.34.090, 5.34.100, 5.34.110, 5.34.120,
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6 5.40.020, 5.40.030, 5.42.010, 5.42.020, 5.42.030, 5.42.040, 5.42.050, 5.42.060, 5.42.070, 5.42.080,
7 5.42.090, 5.44.010, 5.44.020, 5.44.030, 5.44.040, 5.46.010, 5.46.020, 5.46.030, 5.46.040, 5.46.050,
8 5.46.060, 5.48.010, 5.48.020, 5.48.030, 5.50.010, 5.50.020, 5.50.030, 5.54.010, 5.54.020, 5.54.030,
9 5.54.040, 5.54.050, 5.56.010, 5.56.020, 5.56.030, 5.58.010, 5.58.020, 5.60.010, 5.60.020, 5.60.030,
10 5.60.040, 5.62.010, 5.62.020, 5.64.010, 5.64.020, 5.66.010, and R&R 98-02, section 1 (part) and BOH
11 6.02.010, 6.02.020, 6.02.030, 6.02.040, 6.02.050, 6.04.010, 6.04.020, 6.04.030, 6.04.040, 6.04.050,
12 6.04.060, 6.04.070, 6.04.080, 6.04.090, 6.04.100, 6.04.110, 6.04.120, 6.04.130, 6.04.140, 6.04.150,
13 6.04.160, 6.04.170, 6.04.180, 6.04.190, 6.04.200, 6.04.210, 6.04.220, 6.04.230, 6.04.240, 6.04.250,
14 6.04.260, 6.04.270, 6.04.280, 6.04.290, 6.04.300, 6.04.310, 6.04.320, 6.04.330, 6.04.340, 6.04.350,
15 6.04.360, 6.04.370, 6.04.380, 6.04.390, 6.04.400, 6.04.410, 6.04.420, 6.04.430, 6.04.440, 6.04.450,
16 6.04.460, 6.04.470, 6.04.480, 6.04.490, 6.04.500, 6.04.510, 6.04.520, 6.04.530, 6.04.540, 6.04.550,
17 6.04.560, 6.04.570, 6.04.580, 6.04.590, 6.04.600, 6.04.610, 6.04.620, 6.04.630, 6.04.640, 6.04.650,
18 6.04.660, 6.04.670, 6.04.680, 6.04.690, 6.04.700, 6.04.710, 6.04.720, 6.04.730, 6.04.740, 6.04.750,
19 6.04.760, 6.04.770, 6.04.780, 6.04.790, 6.04.800, 6.04.810, 6.04.820, 6.04.830, 6.04.840, 6.04.850,
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21 6.08.050, 6.08.060, 6.10.010, 6.10.020, 6.10.030, 6.10.040 6.12.010, 6.12.020, 6.12.030, 6.12.040,
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1 6.18.050, 6.18.060, 6.18.070, 6.18.080, 6.20.010, 6.20.020, 6.20.030, 6.20.040, 6.20.050, 6.20.060,
2 6.20.070, 6.20.080, 6.22.010, 6.22.020, 6.24.010, 6.24.020, 6.24.030, 6.24.040, 6.24.050, 6.24.060,
3 6.26.010, 6.26.020, 6.26.030, 6.26.040, 6.26.050, 6.26.060, 6.26.070, 6.26.080, 6.28.010, 6.28.020,
4 6.28.030, 6.28.040, 6.28.050, 6.28.060, 6.30.010, 6.30.020, 6.30.030, 6.30.040, 6.32.010, 6.32.020,
5 6.32.030, 6.32.040, 6.32.050, 6.32.060, 6.32.070, 6.32.080, 6.32.090, 6.32.100, 6.32.110, 6.32.120,
6 6.34.010, 6.34.020, 6.34.030, 6.34.040, 6.34.050, 6.34.060, 6.36.010, 6.36.020, 6.36.030, 6.36.040,
7 6.38.010, 6.38.020, 6.38.030, 6.38.040, 6.38.050, 6.38.060, 6.40.010, 6.40.020, 6.42.010, 6.42.020,
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9 6.46.060, 6.48.010, 6.48.020, 6.48.030, 6.50.010, 6.50.020, 6.50.030, 6.50.040, 6.52.010, 6.52.020,
10 6.52.030, 6.52.040, 6.56.010, 6.56.020, 6.56.030, 6.56.040, 6.56.050, 6.56.060, 6.58.010, 6.58.020,
11 6.58.030, 6.60.010, 6.60.020, 6.62.010, 6.62.020, 6.62.030, 6.62.040, 6.64.010, 6.64.020, 6.66.010,
12 6.66.020, 6.68.010, 6.70.010, 6.70.020, and 6.70.030 are each hereby repealed.

13 **SECTION 39. Severability.** If any provision of this rule or its application to any person or
14 circumstance is held invalid, the remainder of the rule or the application of the provision to other persons or
15 circumstances is not affected.

16
17 Adopted this _____ day of _____, 2005.

18 KING COUNTY BOARD OF HEALTH
19 KING COUNTY, WASHINGTON
20

21
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23 _____
24 Chair
25

26 ATTEST:
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Director of Health

BOH – Food Code Amendments