

GEORGIA DEPARTMENT OF PUBLIC HEALTH,
ENVIRONMENTAL HEALTH SECTION



Frequently Asked Questions and Answers
Chapter 290-5-14, Rules and Regulations, Food Service

The following questions and answers are intended as a guide to answer some of the frequently asked consumer questions. For more information regarding questions regarding a specific food-related issue of concern contact your local County Environmental Health Specialist.

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Enforcement:

Q. How do I determine which agency is responsible for regulating a food facility when reporting a complaint or requesting information?

A. There are several state and federal government agencies involved in overseeing different parts of the food chain. At the state level, two regulatory agencies strive to minimize foodborne illness in food sales and food service establishments. Generally, the Georgia Department of Agriculture regulates the food supply from the farm, through the food processing and storage sites to the grocery store. The Georgia Department of Community Health (DCH), through County Health Departments, generally regulates food service establishments where foods consumed on or off the premises of a food service establishment.

Q. How do I file a complaint about a foodservice establishment or report foodborne illness?

A. Contact the local Health Department in the county in which the food service establishment resides that you are filing compliant against or suspect as being the source of the illness. Georgia Counties Environmental Health Office's contact information can be found at:
<http://health.state.ga.us/pdfs/environmental/Misc/contactinformation.pdf>

Finding the Food Service Rules and Regulations:

Q. How can the general public access information about the Georgia Food Service Rules and Regulations?

A. The general public can access more information regarding the Georgia Rules and Regulations Governing Food Service establishments in Georgia online at:
<http://health.state.ga.us/programs/envservices/foodservice.asp>

Food:

Q. Why are food service establishments allowed to serve raw and/or undercooked meat, poultry, eggs, and fish at food service establishments?

A. Food service establishments that do not serve a highly susceptible population (such as generally found in hospitals, nursing homes, elementary schools, personal care homes, etc.) are allowed to serve raw and/or undercooked meat, poultry, eggs, and fish provided an effective written means of identifying the product that is served raw and/or undercooked and reminding the consumer of the increased potential health risk associated with consuming raw or undercooked meat, poultry, eggs, and fish. Therefore, an informed consumer can make the decision as to whether he or she would be willing to take the risk of consuming the undercooked and/or raw food item.

Food Service Establishment Construction:

Q. Can I start construction on my food service establishment prior to submitting my application to the Health Authority?

- A. No. Construction of the proposed food service establishment cannot take place until the applicant receives the reviewing County Health Department's documentation approving the proposed plans and specification. Subsequent to the Health Department approving the plans and specifications, construction of the food service establishment may begin. Once constructed, the Health Department will conduct a Preoperational-Initial Inspection in order to verify that the construction was completed according to the approved plans, the establishment is in compliance with the Chapter 290-5-14, and the equipment is functioning properly. The Health Department will issue a permit to the applicant, once the preoperational and the initial inspections are found to be in compliance with Chapter 290-5-14. In addition, the applicant must submit documentation to the permitting County Health Department that his establishment is in compliance with any applicable state and local codes dealing with the his establishment's location, construction, and safety requirements before the food service permit to operate can be issued to the applicant.

Food Service Establishment Inspections:

Q. How do I determine whether a facility has an acceptable numerical score and letter grade by the inspection report form?

- A. The new inspection has been adapted from one designed by the Conference for Food Protection. Instead of dividing items into three categories as is found on the 1996 form, it divides items into two categories. Critical categories include risk factors as designated by The Centers for Disease Control (CDC). Non-critical categories include items that are designated by the Federal Food and Drug Administration (FDA) as Good Retail Practices. The inspection form incorporates a letter grading system and numerical score.

Enforcement is based on the type of items marked. Food service establishments are required to post their inspection reports in public view within a 1' distance that the public can walk up to the report to read it. The inspection score is a snapshot of the items observed during the inspection on that given day.

To aid the consumer in making an informed choice for their health regarding the food service establishment's operation, the inspection report is scored and required to be posted in all food service establishments. In order to further assist the consumer in making a determination, there are several items on the inspection report to provide guidance. The Last Score and Prior Score provide an overview of the operation based on the two previous inspection scores which allows the consumer to observe trends of the performance of the food service establishment for the most current and two previous inspections of the facility.

Food Service Establishment Inspections: (continued)

The top portion of the inspection report delineates the Foodborne Illness Risk Factors and Public Health Interventions (category items 1-9) and is an important part of a risk-based, routine inspection because it outlines items that are vital to preventing foodborne illness. The bottom portion of the inspection report delineates the Good Retail Practices (category items 10-18) that outlines the overall operational and maintenance performance. Good Retail Practices that remain out-of-compliance may give rise to conditions that may support the occurrence of illness.

An “R” marked on the inspection report denotes when an observed violation has not been corrected from the previous inspection and is therefore deemed a repeat violation. A violation that is deemed a repeat violation is recorded on the inspection report by bubbling in the “R” by the corresponding item marked. A “COS” marked on the inspection report denotes when an observed violation has been corrected on-site through a corrective action taken by the food service establishment while the County Environmental Health Specialist was in the facility so that the violation no longer exists.

A violation that is corrected on-site is recorded on the inspection report and can be observed as a darkened in bubble in the COS column corresponding to the item marked.

The new grading system provides a numerical grade and a letter grade of "A", "B", "C", and "U" for inspections. A “U” stands for unsatisfactory which is a numerical score of 69 or less out of a possible 100. The letter grade corresponds to a numeric score range for example 90-100 is an “A”. Points are deducted from the maximum score of 100 based on the violations noted during the inspection. Repeat violations deduct additional points from the overall numeric score.

Q. Where should a restaurant inspection score be posted?

- A. Food service establishments are required to post the most current inspection report within fifteen feet (15’) of the front or primary door and between five feet (5’) and seven feet (7’) from the floor and in an area where it can be read at a distance of one foot (1’) away.

In addition to posting the inspection score as stated above, food service establishments with drive-thru windows must post the top one-third of a copy of the current inspection report that the score, date of inspection, and establishment information can be easily read by customers.

If the aforementioned locations (public/primary door or drive-thru window) for posting the score are not possible due to physical restrictions, the Environmental Health Specialist in the county in which the establishment is located will determine an approved location to post the inspection score.

Food Service Establishment Inspections: (continued)

Q. What should I do if a restaurant inspection score is not posted in a food service establishment?

- A. Contact the county health department in which the establishment is located. The contact information for County Environmental Health Offices can be found online at: <http://health.state.ga.us/pdfs/environmental/Misc/contactinformation.pdf>

Q. How many times a year are food service establishments inspected?

- A. Generally, food service establishments are inspected based on their risk type categorization. The risk type of a food service establishment is determined based on the following factors: the menu items served, the food preparation process performed, and the previous food safety history in the food service establishment.

Risk Type I – A Risk Type I establishment does not serve any foods that require cooking; however, a Risk Type I facility may reheat precooked, ready-to-eat products that have been processed and packaged in a commercially permitted processing plant. A Risk Type I establishment could not offer any raw or undercooked potentially hazardous food items such as sushi rice, Caesar salad with raw or undercooked eggs, etc. The frequency of inspection for Risk Type I establishments will be one time per year due to the reduced risk of contaminants entering into the food because the facility does not receive any food in a raw state and the commercially processed food that is received requires minimal preparation and handling.

Risk Type II - A Risk Type II establishment **does** cook and/or hold foods that are in a raw state or in ready-to-eat form. Risk Type II establishments may offer raw and/or undercooked food provided the facility provides a consumer advisory to the consumer that consists of a disclosure and reminder statement. The frequency of inspection for Risk Type II establishments will be two times per year because of the increased risk in food handling.

Risk Type III - A Risk Type III establishment will conduct processes similar to a Risk Type II establishment; however, a Risk Type III establishment engages in an activity that can only be carried out under a required HACCP plan. Examples of food that would fall under the HACCP plan requirement are sushi rice, reduced oxygen packaged foods, cured foods, etc. The frequency of inspection for Risk Type III establishments will be three times per year. One of the three inspections will be a scheduled inspection to meet with the Certified Food Safety Manager of the food service establishment to review the records and food processing conducted under the HACCP plan. Risk III establishments receive a minimum of 3 inspections due to the increased risk associated with the specialized processes that require a HACCP plan.

Food Service Establishment Inspections: (continued)

The inspection frequencies for Risk Type I, II, and III are the minimum number associated with that category and may vary depending on the level of compliance of the foodservice establishment.

Food Service Permits:

Q. Are there any fees associated with obtaining a foodservice permit?

A. Yes. Environmental health fees are established by County Boards of Health and approved by their County Commission. These fees are associated with environmental health services provided by the County Health Department under the direction of the County Boards of Health. In regards to food service permits, fees are associated with services in order to process the application based upon the type of food service operation. As a food permit applicant, you should contact your local County Health Department in the county in which you intend to operate your establishment to identify the required fees.

Q. Are there any changes that I could make to my foodservice establishment that would invalidate my permit?

A. Yes. A food service permit is issued to the permit holder for the operation for a specific location and type of operation. A change of permit holder, a change of location of the establishment, and/or a change in the type of operation would invalidate the permit.

Changes that Do Not Invalidate a Permit: Other changes, such as a change of mailing address due to municipality, county or post office restructuring, or a change in the name of the establishment do not invalidate the permit, but do require that a new application be completed and a new permit be issued to indicate the changes.

Q. What are the requirements for obtaining a foodservice permit?

A. Individuals interested in applying for a food service permit must submit a food service application, proposed menu, all assessed fees, HACCP plans (when required), and the establishment plans and specification documents for construction and/or remodeling to the local County Health Department.

The applicant must be the owner of the food service establishment or he/she must be an appointed officer of the legal owner of the food service establishment. The applicant must agree to allow the Health Department access to the food service establishment in order for the County Environmental Health Specialist to conduct inspections and investigations as mandated by the Chapter or applicable Laws. The applicant must provide complete information concerning the proposed food service establishment as requested by the County Health Department. Finally, the applicant must remit all assessed fees for services in regards to the proposed food service establishment to the Health Department.

Food Service Permits: (continued)

Q. [Can I serve food at a fair or festival without being a food service facility or mobile food service unit permitted under Georgia's Rules and Regulations Food Service Chapter 290-5-14?](#)

- A. A permit, as required within Chapter 290-5-14, is not required when food is prepared and/or served as an authorized part of and occurs upon the site of a fair or festival and meets all of the following conditions:
- (a.) The fair or festival must be sponsored or organized by a city, county government or by a non-profit organization;
 - (b.) The fair or festival must not last more than 120 hours (i.e. 5 days); and
 - (c.) The food service is conducted under the authorization of a permit issued by the city or county government in which the fair or festival is occurring.

Consult the Environmental Health Specialist representing your local County Health Department in the county in which the event takes place. He or she will determine whether these exceptions apply to your event.

Q. [How long can I operate under a temporary food service permit?](#)

- A. A Temporary Foodservice permit grants a temporary food establishment the ability to operate at the same location for a period of no more than 14 consecutive days in conjunction with a single event or celebration.

Q. [When do I need a food service permit?](#)

- A. Any person operating any type of food service operation which includes a food service establishment, mobile food service unit, extended food service unit, or temporary food service establishment must first obtain a valid food service permit from the county health department in which the establishment is to be located.

Food Service Establishments are defined as establishments for the preparation and serving of meals, lunches, short orders, sandwiches, frozen desserts, or other edible products either for carry out or service within the establishment. The term includes restaurants; coffee shops; cafeterias; short order cafes; luncheonettes; taverns; lunchrooms; places which retail sandwiches or salads; soda fountains; institutions both public and private; food carts; itinerant restaurants; industrial cafeterias; catering establishments; and similar facilities by whatever name called.

In some situations, it may be more difficult to determine whether a particular operation or an event falls within the definition of a food service establishment requiring the issuance of a food service permit. These food operations would be those that are not clearly listed as falling within the definition of a foodservice establishment as noted above. In order to make the determination, the Environmental Health Specialist (EHS) will make the determination based on

Food Service Permits: (continued)

how the establishment is to operate. Prospective food service establishment operators should consult with their local county Environmental Health Specialist.

Q. Where do I obtain a food service permit?

- A. An application for a permit must be submitted to the county health department in which the food service establishment will be operating. The contact information for County Environmental Health offices in Georgia can be found at:
<http://health.state.ga.us/pdfs/environmental/Misc/contactinformation.pdf>

In the case of a mobile food service unit, the operator must obtain two separate permits. A food service permit will be issued for the base of operation and a separate mobile food service unit permit will be issued for each mobile unit operating from the base of operation. A mobile unit is required to obtain a mobile food service unit permit from each county in which the mobile food service unit operates.

The base of operation is the permitted food service establishment in which food, containers, or supplies are kept, handled, prepared, packaged, or stored prior to transport, sale, or service elsewhere.

Hands – A Source of Foodborne Illness Pathogen Contamination:

Q. Can a foodservice establishment utilize hand sanitizer as a substitute for hand washing with soap and water?

- A. No. Food employees must clean their hands and exposed portions of their arms by vigorously lathering for at least 10-15 seconds with a cleaning compound (i.e. soap). The employee should pay special attention to removing soil from under the fingernails and create friction on the surfaces of the hands, arms and fingertips to loosen debris. This process must be followed by rinsing under clean, running warm water and drying the hands with a disposable paper towel, a continuous towel system or a heated-air, hand-drying device. Subsequent to cleaning the hands by using the aforementioned cleaning procedure, a hand antiseptic (sanitizer) may be applied but not used in place of hand washing with soap and water. Hand sanitizers used in conjunction with hand washing in a food service establishment must be approved by the Health Authority based on certain Federal requirements regarding safety and effectiveness or in lieu of meeting the Federal requirements the hand antiseptic must meet certain conditions to avoid the hands from coming in contact with food after it is applied. The Georgia's Rules and Regulations Food Service, Chapter 290-5-14, provide additional safety barriers for hand antiseptics that do not meet the Federal requirements to alleviate the potential of the hand antiseptic becoming a component of the food.

Hands – A Source of Foodborne Illness Pathogen Contamination: (continued)

Q. Why is bare hand contact with ready-to-eat food a food safety concern?

- A. The National Advisory Committee for Microbiological Criteria for Foods (NACMCF) concluded in 1999 that no bare hand contact with ready to eat foods along with exclusion/ restriction of ill food workers and proper hand washing were the three critical factors in reducing foodborne illness transmitted through the fecal-oral route. Fecal oral pathogens are disease-causing organisms such as bacteria, viruses, and parasites that are found in digestive tract of humans and animals. Employees infected with fecal-oral route pathogens may or may not show signs of symptoms and pose an increased risk of transferring these pathogens on to food. Science has shown that hand washing alone may not reduce the number of these pathogens on the hands to safe levels. When proper hand washing, barriers between the bare hands and food that is ready to eat, and effective employee health policies are employed together in a food service establishment, the transmission of fecal-oral pathogens can be controlled.

Some examples of suitable utensils to use as barriers between the bare hands and ready to eat foods are deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment. The type of barrier used will depend on the food item and the nature of the operation.

Special Food Service Operations:

Q. Can I prepare food at home to serve at a temporary event, on my mobile foodservice unit, or in my foodservice establishment?

- A. No. All preparation of food that will be served to the public must be conducted safely in a properly designed and equipped food service establishment that is operating under the guidelines and requirements of Chapter 290-5-14. Home kitchens are not conducive to preparing food in this manner due to: the limited capacity for maintaining food at proper temperatures; the inability to restrict access of non-food employees (i.e., family members and guests) and pet animals; and the restrictive access to routine food safety inspections. Chapter 290-5-14 prohibits food service establishment operations from being conducted in a private home or in a room used as living or sleeping quarters.

Q. Are there any limitations on the types of foods that can be served at a temporary event?

- A. Any potentially hazardous food is prepared and stored within a permitted fixed food service establishment that meets the Georgia Rules and Regulation Food Service Chapter 290-5-14, transported from the permitted fixed food service establishment in protective containers, and stored at product temperatures of less than or equal to 41° F or at greater than or equal to 135°F may be prepared and served.

Special Food Service Operations: (continued)

Foods that require cooking and limited preparation are the only food items that may be prepared on-site at a temporary event. On-site preparation of potentially hazardous food at temporary events is limited to that which is considered seasoning (such as adding salt, pepper, or barbecue sauce).

Certain foods are prohibited from preparation and service at temporary events due to the increased risk of cross-contamination through mishandling by employees and/or soiled equipment and temperature abuse. Examples of these foods are:

- Pastries filled with cream or synthetic cream;
- Custards and similar products;
- Salads or sandwiches containing meat, poultry, eggs, or fish;
- Raw or under cooked food of animal origin that are filter feeders, such as oysters, clams, muscles; and,
- Home prepared foods or condiments.

The prohibited potentially hazardous foods can only be served at a temporary event when temporary event employees at the event do not handle the food item. In this case, the food must be prepared and packaged in a permitted facility, obtained in individual servings at 41°F or less or 135°F or above in permitted facilities, and served directly to the consumer in the unopened single serving package.

Consult the local County Health Department in the county in which the event takes place for more information.

Q. [What are the requirements for operating a mobile food service unit?](#)

- A. Individuals interested in applying for a mobile food service permit must submit an application, proposed menu, all assessed fees, HACCP plans (when required), and the establishment plans and specification documents to the local county health department in the county where the mobile food service operation's base of operation is located. The mobile food service unit must operate as an extension of a base of operation or a permitted food service establishment. In addition to submitting the application for the mobile food service unit permit, the applicant must enclose a copy of the food service permit for the base of operation, a copy of the current county of origin approved menu, a copy of the most recent food service inspection report (if the facility is in operation), and list the 2 locations/routes that the mobile food service unit intends to operate within the county. A separate application must be submitted to each county Health Authority that the mobile food service unit intends to operate.

Special Food Service Operations: (continued)

Q. If I purchase a mobile food service unit, will a mobile unit permit allow me to sell food throughout the state of Georgia?

A. No. A mobile food service unit permit must be obtained for each county in which a mobile food service unit intends to operate. A mobile food service operation must obtain separate mobile food service unit permits for each mobile food unit that operates from its base of operation.

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