

## **CHANGES TO THE FDA 1999 FOOD CODE MADE BY THE STATE OF WEST VIRGINIA**

### **\* §64-17-5. Implementation.**

Prior to 7/1/2001: First inspection is courtesy inspection to advise and train permit holder on provisions of rule. Two reports: One using the rating system below, and one using 1999 Food Code system. On subsequent inspections conducted prior to 7/1/2001, using rating system below as needed for enforcement action.

#### Score

- 90- 1 or 2 pt. items corrected by the next routine inspection.
- 80-89- 1 or 2 pt. items corrected within 30 days.
- 70-79- 1 or 2 pt. items corrected within 10 days.
- All 4 or 5 pt. items corrected within 10 days.
- 69- Permit suspended. Enforcement per §16-6.
- Temporary establishments-all violations corrected within 24 hrs.

### **Chapter One**

1. Page 7 (31)(b)(i) omit “is permitted by the regulatory authority and” and replace with “obtains a permit to operate in accordance with section 3 of rule and
2. Page 7 (31)(c)(i) after “potentially hazardous;” add “and does not provide reusable tableware to patrons/consumers”
3. Page 7 (31)(c)(iv) 3<sup>rd</sup> line omit “if allowed by law” and in the last line omit “regulatory authority” and replace with “director”
4. Page 8 (31)(c)(vi) omit everything after “A kitchen in a” and add “family daycare home”
5. Page 8 (31)(c)(vii) add “ §64-17-4. Exceptions. A domestic-type kitchen with residential style equipment is acceptable in the following types of food establishments: a. Family day care facility, b. A boarding house or a residential care facility, such as a personal acre home, a residential board and care facility, a group home, a halfway house, or a work release center, with a maximum capacity of twelve (12) occupants; and c. A bed and breakfast inn that provides sleeping accommodations of six (6) or fewer rooms, or that provides sleeping accommodations of more than six (6) rooms if the entire inn or those rooms numbering above six (6) are used on an aggregate of two (2) weeks or less per year. The food establishments identified above must provide a sink in the kitchen with at least two (2) compartments. Any mechanical warewashing machine utilized shall be capable of sanitizing. A separate lavatory located in the kitchen for hand washing is not required.
6. Page 17 omit (94)

## **Chapter Two**

7. Page 22 omit (H)

## **Chapter Three**

8. Page 36, 3-201.11(D) line 3 omit “(C)(1)” and replace with “(D)”

9. Page 36-37, omit 3-201.11(E)

10. Page 45 omit 3-301.11(B) and (C) and add “Food shall be prepared with the least possible manual contact, with approved utensils, and on surfaces that prior to use have been cleaned, rinsed and sanitized to prevent cross-contamination.

11. Page 57 omit 3-401.11(C)(2)

12. Page 58 omit “intact” from line four (4) in 3-401.11(D)

13. Page 58 omit 3-401.11(D)(2)

14. Page 64 in 3-501.16(C)(2) line one (1) omit “5” and replace with “7” and omit “regulatory authority’s adoption” and replace with “effective date”

15. Page 73 omit 3-603.11

## **Chapter Eight**

16. Page 164 omit 8-102.10(A) and (B)

17. Page 166 add to 8-201.11 “The permit applicant shall submit plans and specifications to the Director at least 45 days prior to the start of construction, conversion, or remodeling.”

18. Page 173 omit 8-304.10(A) and (B)

## **Annex One**

19. Page 187 omit 8-601.10 and 8-602.10

20. Page 194 add to 8-804.10 “The Director may also summarily suspend a permit to operate if:  
a. Establishment has 5 immediately uncorrectable critical items; or, b. Permit holder obstructs or hinders the Director, c. Enforcement per §16-6.

21. Omit pages 196 to 207

