

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Public Health
Division of Public Health Protection and Safety
(As Amended at ARRS, November 9, 2020)

902 KAR 45:110. Permits and fees for retail food establishments, ~~[food manufacturing plants, food storage warehouses, salvage processors and distributors,]~~ vending machine companies, and restricted food concessions.

RELATES TO: KRS 217.015, 217.025, 217.035, 217.037, 217.085, 217.095, 217.125, 217.155, 217.811

STATUTORY AUTHORITY: KRS 217.125(1), ~~[(2),]~~ (4), 217.811

NECESSITY, FUNCTION, AND CONFORMITY: KRS 217.125(1) requires the secretary of the Cabinet for Health and Family Services to promulgate administrative regulations for the efficient administration and enforcement of the Kentucky Food, Drug and Cosmetic Act. KRS 217.125~~[(2) and]~~(4) requires the secretary [of the Cabinet for Health and Family Services] to provide by administrative regulation a schedule of reasonable fees to be paid by [foed manufacturing plants, food storage warehouses,] retail food establishments~~[, salvage distributors, salvage processing plants,]~~ and restricted food concessions for permits to operate and for inspection activities carried out by the cabinet. KRS 217.811 requires the cabinet to provide by administrative regulation a schedule of fees for operating a vending machine company~~[for Health and Family Services]~~. This administrative regulation establishes the schedule of fees.

Section 1. Fees. (1) ~~[A permit fee shall be required for inspections conducted by the cabinet or the local health department to determine compliance with:~~

- ~~(a) 902 KAR 45:080 for a salvage distributor or a salvage processing plant; or~~
- ~~(b) KRS 217.025, 217.035, and 217.037 for a food manufacturing plant or food storage warehouse.~~

~~(2) A fee for the inspection of an establishment identified in subsection (1)(a) or (b) of this section shall be assessed according to the total square footage of the establishment:~~

- ~~(a) Zero - 1,000 square feet - \$120;~~
- ~~(b) 1,001 - 5,000 square feet - \$160;~~
- ~~(c) 5,001 - 20,000 square feet - \$200;~~
- ~~(d) 20,001 - 40,000 square feet - \$300;~~
- ~~(e) 40,001 - 80,000 square feet - \$400;~~
- ~~(f) 80,001 - 150,000 square feet - \$500; or~~
- ~~(g) 150,001 or more square feet - \$600.~~

~~(3) A fee shall be assessed for inspection of a retail food store or[and] food service establishment conducted by the cabinet or local health department to determine compliance with the provisions of KRS 217.025, 217.035, and 217.037~~[, and 217.125(2)]~~ pertaining to:~~

- ~~(a) Adulteration;~~
- ~~(b) Misbranding;~~
- ~~(c) Packaging; or~~
- ~~(d) Labeling of food products.~~

~~(2) A fee shall be assessed for inspection of a food service establishment conducted by the cabinet or local health department to determine compliance with the provisions of 902 KAR 45:005.~~

~~(3) The~~~~(4)–A~~ fee for the inspection of a retail food store or~~and~~ a food service establishment shall be assessed according to the total square footage of the establishment:

- (a) Zero - 1,000 square feet – ~~ninety (90)~~~~[ninety-three (93)]~~~~[seventy-five (75)]~~ dollars;
- (b) 1,001 - 10,000 square feet - ~~\$155~~~~[156]~~~~[125]~~;
- (c) 10,001 - 20,000 square feet - ~~\$215~~~~[218]~~~~[175]~~;
- (d) 20,001 - 30,000 square feet - ~~\$250~~~~[200]~~; or
- (e) 30,001 or more square feet - ~~\$375~~~~[300]~~.

~~(4)~~~~(5)~~ An application for a permit to operate a mobile retail food store shall be accompanied by an annual fee of ~~sixty (60)~~~~[sixty-two (62)]~~~~[fifty (50)]~~ dollars.

~~(5)~~~~(6)~~ An application for a permit to operate a vending machine company shall be accompanied by the annual permit fee of \$125 plus a fee for the total number of vending machines operated by the applicant:

(a) One (1) – twenty-five (25) machines – ~~sixty (60) dollars~~~~[sixty-two dollars and fifty cents (62.50)]~~;

(b) Twenty-six (26) – fifty (50) machines – ~~ninety (90) dollars~~~~[ninety-three dollars and seventy-five cents (93.75)]~~;

(c) Fifty-one (51) – 100 machines - \$125;

(d) 101 – 150 machines - ~~\$155~~~~[156.50]~~; and

(e) 151 and over machines - \$250.

~~(6)~~~~(5)~~~~[the annual fee required by KRS 217.814.~~

~~(7)~~ An application for a permit to operate a permanent food service establishment shall be accompanied by an annual fee of ~~\$125~~~~[100]~~, plus the following fee if applicable:

(a) Fee for the number of seats:

1. One (1) to twenty-five (25) seats – ~~seventy-five (75)~~~~[sixty (60)]~~ dollars;

2. Twenty-six (26) to fifty (50) seats - ~~\$125~~~~[100]~~;

3. Fifty-one (51) to 100 seats - ~~\$155~~~~[156]~~~~[125]~~;

4. 101 to 200 seats - ~~\$185~~~~[187]~~~~[150]~~; or

5. 201 or more seats - ~~\$215~~~~[218]~~~~[175]~~;

(b) Drive-through window - ~~\$155~~~~[156]~~~~[125]~~; and

(c) Catering operation - ~~\$135~~~~[137]~~~~[110]~~.

~~(7)~~~~(6)~~~~(8)~~ An application for a permit to operate a statewide mobile food unit shall be accompanied by an annual fee of ~~\$200~~~~[160]~~.

~~(8)~~~~(7)~~~~(9)~~ An application for a permit to operate a temporary food service establishment shall be accompanied by a fee according to the length of the event:

(a) One (1) to three (3) day event – ~~sixty (60)~~~~[sixty-two (62)]~~~~[fifty (50)]~~ dollars;

(b) Four (4) to seven (7) day event – ~~ninety (90)~~~~[ninety-three (93)]~~~~[seventy-five (75)]~~ dollars; or

(c) Eight (8) to fourteen (14) day event - ~~\$125~~~~[100]~~.

~~(9)~~~~(8)~~ An application for a permit to operate a farmer's market temporary food service establishment shall be accompanied by a fee of \$100.

~~(10)~~~~(9)~~~~(10)~~ An application for a permit to operate a restricted food concession or mobile restricted food concession shall be accompanied by an annual fee of ~~\$125~~~~[100]~~.

~~(11) A request for a certificate of free sale or export authorizing a Kentucky food manufacturing plant holding a valid permit to operate to export a product outside of the United States shall be accompanied by a service fee of ten (10) dollars for each certificate requested.]~~

Section 2. Payment of Fees. ~~(4)~~ Fees shall be made payable to the local health department having jurisdiction by a:

~~(1)~~~~(a)~~ Retail food store;

- ~~(2)~~~~(b)~~ Mobile retail food store;
- ~~(3)~~~~(c)~~ Vending machine company [~~and commissary~~];
- ~~(4)~~ Statewide [~~(d)~~] mobile food unit;
- ~~(5)~~~~(e)~~ Temporary food establishment;
- ~~(6)~~~~(f)~~ ~~Salvage distributor~~;
- ~~(g)~~ Restricted food concession; or
- ~~(7)~~~~(h)~~ Food service establishment.[]

~~(2) Fees shall be made payable to the Kentucky State Treasurer and forwarded to the Kentucky Department for Public Health by a:~~

- ~~(a) Food manufacturing plant;~~
- ~~(b) Salvage processing plant;~~
- ~~(c) Food storage warehouse; or~~
- ~~(d) Food manufacturing plant requesting a certificate for free sale or export.]~~

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