

902 KAR 45:100. Vending machines; food and beverages.

RELATES TO: KRS 217.808-217.812, 217.990(8)

STATUTORY AUTHORITY: KRS Chapter 13B, 194.050, 211.090, EO 96-862

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health Services is empowered by KRS 217.808 et. seq. to regulate food vending machines. This administrative regulation relates to the sanitation and inspection of food vending machines, food vending commissaries and the issuance and suspension of permits. The purpose of this administrative regulation is to establish uniform requirements for the regulation of food vending machines and food vending commissaries in Kentucky. Executive Order 96-862, effective July 2, 1996, reorganizes the Cabinet for Human Resources and places the Department for Public Health and its programs under the Cabinet for Health Services.

Section 1. Citation of Regulation. This administrative regulation may be cited as the "State Food and Beverage Vending Machine Code."

Section 2. Sale of Adulterated or Misbranded Food Prohibited.

- (1) No person shall sell, offer or expose for sale, through vending machines, or have in his possession with intent to sell therefrom, any food which is adulterated or misbranded as set forth in KRS 217.025 and 217.035 of the Kentucky Food, Drug and Cosmetic Act.
- (2) Samples of food may be taken and examined by the cabinet as often as may be necessary to determine freedom from adulteration or misbranding.

Section 3. Sanitation Requirements for Vending Machine Operations.

- (1) Food supplies. At all times, including while being prepared, stored, loaded, displayed, or transported, food intended for sale through vending machines and condiments or other foods available at vending machine locations shall be wholesome, correctly labeled and processed under sanitary conditions acceptable to the cabinet and shall be protected from contamination by all agents, including dust, insects, rodents, unclean equipment and utensils, unnecessary handling, coughs, sneezes, flooding, draining, and overhead leakage or condensation. All meat and meat products and poultry and poultry products shall have been inspected and passed for wholesomeness by an official governmental agency. All hermetically sealed foods offered for sale shall have been processed in approved food processing establishments. Home prepared food shall not be used or offered for sale through vending machines. Special requirements.
 - (a) Milk and fluid milk products offered for sale through vending machines shall be pasteurized, shall meet the Grade A quality standards as established by law, and shall be dispensed only in individual original containers.
 - (b) Milk and fluid milk products and fluid nondairy products (creaming agents) shall not be dispensed in vending machines as additional ingredients in hot liquid beverages or other foods.
 - (c) Fresh fruits which may be eaten without peeling shall be thoroughly washed in potable water at the packing plant by the processor, or at the commissary before being placed in the vending machines for dispensing. The washed fruit shall be protected from contamination after the washing process.
 - (d) All food, other than fresh fruit, shall be stored or packaged in clean protective containers, and all food shall be handled and vended in a sanitary manner.
 - (e) Potentially hazardous food offered for sale through vending machines shall be dispensed to the consumer in the individual, original container or package into which it was placed at the commissary or at the manufacturer's or processor's plant. Potentially hazardous food shall not be dispensed from bulk food machines.
 - (f) Potentially hazardous food shall be maintained at safe temperatures except as follows:

1. During necessary periods of preparation and packaging; and
 2. During the actual time required to load or otherwise service the machine and for a maximum machine ambient temperature recovery period of thirty (30) minutes following completion of loading or servicing operation.
- (2) Consumer containers. All food-contact surfaces of containers shall be protected from contamination. If condiments or other foods are provided for service in conjunction with food dispensed by a vending machine, they shall be packaged in individual portions in single-service containers or shall be dispensed from approved sanitary dispensers which are washed, sanitized and filled at the commissary, or be commercially prepared in nonreusable containers. Relish bowls and similar condiment containers shall not be used at unattended locations. Drinking straws, stirrers, toothpicks, spoons, knives, forks, and similar articles which are provided in conjunction with food dispensed by a vending machine shall be individually wrapped or dispensed from bulk containers in a sanitary manner.
- (3) Equipment maintenance and operations.
- (a) Vending machines dispensing potentially hazardous food shall be provided with adequate refrigerating or heating units, or both, and thermostatic controls which insure the maintenance of applicable temperatures at all times. Such vending machines shall also have controls which prevent the machine from vending potentially hazardous food until serviced by the company, in the event of power failure or other conditions, resulting in noncompliance with temperature requirements in the food storage compartment. Hot food vending machines designed to heat foods through the potentially hazardous range of forty-five (45) degrees Fahrenheit to 140 degrees Fahrenheit, shall also be equipped with automatic controls which prevent the machine from vending such food if heating through this temperature range is not accomplished in 120 minutes or less. Provided, however, equipment which was installed prior to March 12, 1975 that does not meet fully the above requirements, may be continued in use if it is in good repair, capable of being maintained in a sanitary condition, and the food contact surfaces are nontoxic.
 - (b) Potentially hazardous food that has failed to conform to the time-temperature requirements of this administrative regulation, shall be removed from the vending machine, and be denatured or otherwise rendered unusable for human consumption.
 - (c) Vending machines dispensing potentially hazardous food shall be provided with one (1) or more thermometers which, to an accuracy of plus or minus three (3) degrees Fahrenheit, indicate the air temperature of the warmest part of the refrigerated food storage compartment, or the coldest part of the heated food storage compartment, whichever is applicable.
- (4) Inspection of vending machine commissaries. All commissaries providing food for vending machines covered by this administrative regulation shall comply with the applicable provisions of the current "State Food Service Code."
- (5) Machine location.
- (a) Vending machines, ovens and other equipment shall be located in a room, area or space which can be maintained in a clean condition and which is protected from overhead leakage or condensation from water, waste, or sewer piping. The immediate area in which the equipment is located shall be well lighted and ventilated. Each vending machine shall be located so that the space around and under the machine can be easily cleaned and maintained, and so that insect and rodent harborage is not created.
 - (b) The floor area where vending machines are located shall be reasonably smooth, of cleanable construction, and be capable of withstanding repeated washing and scrubbing. This space and the immediate surroundings of each vending machine shall be maintained in a clean condition.

- (c) Adequate hand-washing facilities, including hot and cold or tempered running water, soap and individual towels, shall be convenient to the machine location and shall be available for use by employees servicing or loading bulk food machines.
- (6) Single-service articles. Single-service articles shall be purchased in sanitary packages which protect the articles from contamination, shall be stored in a clean, dry place until used, and shall be handled in a sanitary manner. Such articles shall be furnished to the customer in the original individual wrapper or from a sanitary single-service dispenser. All single-service articles shall be protected from manual contact, dust, insects, rodents, and other contamination.
- (7) Other equipment.
- (a) All other equipment at the vending location must be kept clean. Food-contact surfaces, if any, must be cleaned, rinsed and sanitized at a frequency established by the cabinet based upon the type of product being dispensed.
- (b) The cavities and door edges of microwave ovens shall be kept free of encrusted grease deposits and other accumulated soils and shall be cleaned daily, or as often as is necessary to achieve the safe, sanitary operation thereof. All doors, seals, hinges, and latch fasteners (screws and related hardware) shall be kept tight and adjusted in accordance with manufacturer's procedures. Microwave ovens shall be in compliance with applicable safety standards of the United States Food and Drug Administration's Center for Devices and Radiological Health.
- (c) Food-contact surfaces of all equipment and utensils must be protected from contamination at all times including while being transported from the commissary to the vending location.
- (8) Exterior construction and maintenance.
- (a) The vending machine shall be of sturdy construction and the exterior shall be designed, fabricated, finished, and maintained to facilitate its being kept clean and to minimize the entrance of insects and rodents. The exterior of the machine shall be kept clean.
- (b) Door and panel access openings to the food and container storage spaces of the machine shall be tight fitting, and if necessary, gasketed to prevent the entrance of dust, moisture, insects, and rodents.
- (c) All ventilation louvers or openings into vending machines shall be effectively screened. Screening material for openings into food and container storage spaces of the machine shall be not less than sixteen (16) mesh to the inch or equivalent. Screening material for openings into condenser units which are separated from food and container storage spaces shall be not less than eight (8) mesh to the inch or equivalent.
- (d) In all vending machines in which the condenser unit is an integral part of the machine, such unit when located below the food and container storage space, shall be separated from such space by a dust proof barrier, and when located above, shall be sealed from such space.
- (e) In order to prevent seepage underneath the machine and to promote cleaning, free standing vending machines shall have one (1) or more of these elevation or movability features:
1. Be light enough to be manually moved with ease by one (1) person; or
 2. Be elevated on legs or extended side walls to afford, with or without kick plates, and unobstructed vertical space of at least six (6) inches under the machine; or
 3. Mounted on rollers or casters which permit easy movement; or
 4. Be sealed to the floor. Where used, kick plates shall be easily removable or be capable of being rotated. These kick plates shall be designed and installed to make the area under the machine easily accessible for routine cleaning without unlocking the cabinet door.
- (f) Counter type machines shall be:

1. Sealed to the counter; or
2. Mounted on four (4) inch legs or the equivalent; or
3. Easily moved for cleaning with service connections in place.

(g) All service connections through an exterior wall of the machine including water, gas, electrical, and refrigeration connections, shall be grommets, or closed with no opening over 1/32 inch to prevent the entrance of insects and rodents. All service connections to machines vending potentially hazardous food shall be such as to discourage unauthorized or unintentional disconnection.

(9) Interior construction and maintenance.

(a) The nonfood-contact surfaces of the interior of vending machines shall be designed and constructed to permit easy cleaning and to facilitate maintenance operations and shall be kept clean and in good repair. Inaccessible surfaces and areas shall be minimized.

(b) All food-contact surfaces of vending machines shall be smooth, in good repair, and free of breaks, corrosion, open seams, cracks, and chipped places. The design of such surfaces shall preclude routine contact between food and "V" type threaded surfaces except that in equipment where such contact is unavoidable, such as ice makers, such threads shall be minimized. All joints and welds in food-contact surfaces shall be smooth, and all internal angles and corners of such surfaces shall be rounded to facilitate cleaning.

(c) If solder or other sealer is used on food-contact surfaces, it shall be composed of safe materials and be corrosion resistant.

(d) All food-contact surfaces of vending machines, including containers, pipes, valves, and fittings, shall be constructed and repaired with safe materials, including finishing materials; shall be corrosion-resistant, nonabsorbent, easily cleanable and durable under conditions of normal use and shall be cleaned, rinsed, and sanitized at a frequency established by the cabinet based upon the type of product being dispensed.

(e) All food-contact surfaces, unless designed for in-place cleaning, shall be accessible for manual cleaning, rinsing, sanitizing, and inspection:

1. Without being disassembled; or
2. By disassembly without the use of tools; or
3. By easy disassembling with the use of only simple tools such as a screwdriver or an open-end wrench.

(f) All food-contact parts or surfaces not designed for in-place cleaning (paragraph (g) of this subsection) shall be cleaned, rinsed and sanitized in clean portable containers or in utensil washing sinks at the location or at the commissary. Cleaning shall consist of washing in warm water containing a suitable detergent and brushing or wiping, as appropriate. Rinsing shall consist of immersion or wiping with clean clear rinse water. Sanitizing shall be accomplished by:

1. Immersion or rinsing in water of at least 170 degrees Fahrenheit for thirty (30) seconds; or
2. Immersion for one (1) minute in a chemical sanitizing solution containing at least fifty (50) parts per million (p.p.m.) of available chlorine, or twelve and five-tenths (12.5) p.p.m. of available iodine, or 200 p.p.m. of quaternary ammonium sanitizer.
3. When chemicals are used for sanitization, a test kit or other device that accurately measures the parts per million concentration of the solution shall be provided and used.

(g) In machines designed so that food-contact surfaces are not readily removable, all such surfaces intended for in-place cleaning shall be designed and fabricated that:

1. Cleaning and sanitizing solutions can be circulated throughout a fixed system using an effective cleaning and sanitizing regimen; and
2. Cleaning and sanitizing solutions will contact all food-contact surfaces; and

3. The system is self-draining or capable of being completely evacuated; and
4. The procedures utilized result in thorough cleaning of the equipment.

(h) The openings into all nonpressurized containers used for the storage of vendible food, including water, shall be provided with covers which prevent contamination from reaching the interior of the containers. Such covers shall be designed to provide a flange which overlaps the opening, and shall be sloped to provide drainage from the cover wherever the collection of condensation, moisture, or splash is possible. Concave covers are prohibited. Any port opening through the cover shall be flanged upward at least three-sixteenths (3/16) of an inch, and shall be provided with an overlapping cover flanged downward. Condensation, drip, or dust deflecting aprons shall be provided on all piping, thermometers, equipment, rotary shafts, and other functional parts extending into the food container unless a watertight joint is provided. Such aprons shall be considered as satisfactory covers for those openings which are in continuous use. Gaskets, if used, shall be of safe materials, relatively stable, and relatively nonabsorbent, and shall have a smooth surface. All gasket retaining grooves shall be easily cleanable.

(i) The delivery tube or chute and orifice of all bulk food vending machines shall be protected from normal manual contact, dust, insects, rodents, and other contamination. The design shall divert condensation or moisture from the normal filling position of the container receiving the food. The vending stage of such machines shall be provided with a tight-fitting, self-closing door or cover which is kept closed except when food is being removed. The cup filling area or platform of controlled location vending machines shall not require a door or cover if there is no opening in the cabinet interior at the point other than for dispensing tube(s) or trapped waste tubing.

(j) The food storage compartment and other compartments in refrigerated vending machines which are subject to condensation or cooling water retention shall be self-draining or equipped with a drain outlet which permits complete draining. In vending machines designed to store cartoned beverages, diversion devices, and retention pans or drains for leakage shall be provided. All such drains, devices, and retention pans shall be easily cleanable.

(k) Can and bottle openers which come into contact with the food or the food-contact surfaces of the containers shall be constructed of corrosion-resistant, nonabsorbent, and safe materials and shall be kept clean. Cutting or piercing parts of multiuse openers which come into contact with the food or food-contact surface of containers shall be reasonably protected from manual contact, dust, insects, rodents, and other contamination; and such parts shall be readily removable for cleaning.

(l) Lighting fixtures located in vending machines shall be shielded, coated or otherwise shatter resistant, except that this requirement shall not apply to vending machines which dispense only prepackaged foods.

(10) Water supply.

(a) All water used in vending machines shall be of a safe and sanitary quality and from a source constructed and operated in accordance with applicable standards of the Natural Resources and Environmental Protection Cabinet. Water used as a food ingredient shall be piped to the vending machine under pressure.

(b) All plumbing connections and fittings shall be installed and maintained in accordance with the State Plumbing Code.

(c) If used, water filters or other water conditioning devices shall be of a type which may be disassembled for periodic cleaning or replacement of the active element. Replacement elements shall be handled in a sanitary manner.

(d) To prevent leaching of toxic materials caused by possible interaction of carbonated water, piping and contact surfaces, postmix soft drink vending machines manufactured after January 1, 1975, which are designed with an incoming water supply air gap shall

have no copper tubing or other potentially toxic water system tubing between the air gap and the downstream, carbonated water dispensing nozzle.

(e) To prevent leaching of toxic materials caused by possible interaction of carbonated water, piping and contact surfaces, postmix soft drink vending machines which are directly connected to the external water supply system shall be equipped with a double (or two (2) single) spring-loaded check valves or other devices which will provide positive protection against the entrance of carbon dioxide or carbonated water into the water supply system. Backflow preventive devices shall be located to facilitate servicing and maintenance. No copper tubing or other potentially toxic tubing or contact surfaces shall be permitted in or downstream from the check valves or backflow devices. These check valves or devices should be inspected and cleaned or replaced annually.

(f) Where spring-loaded check valves are used to prevent the backflow of carbon dioxide into accessible upstream copper or other potentially toxic piping or tubing, a screen of not less than 100 mesh to the inch shall be installed in the water line immediately upstream from the check valves in a location which permits servicing or replacement.

(g) In all vending machines in which carbon dioxide is used as a propellant, all food-contact surfaces from the check valves or other protective devices, including the valves or devices, shall be of such material as to preclude the production of toxic substances which might result from interaction with carbon dioxide or carbonated water.

(11) Waste disposal.

(a) All trash and other solid or liquid waste shall be removed from the machine location as frequently as may be necessary to prevent nuisance and unsightliness, and shall be disposed of in accordance with applicable administrative regulations of the Natural Resources and Environmental Protection Cabinet.

(b) Self-closing, leak-proof, easily cleanable, insect-proof, and rodent-proof waste receptacles shall be provided in the vicinity of each machine or machines to receive used cups, cartons, wrappers, straws, closures, and other items.

(c) Plastic bags and wet-strength paper bags may be used to line the receptacles. Soiled waste receptacles shall be cleaned at a frequency to prevent insect and rodent attraction.

(d) Waste receptacles shall not be located within the vending machines with the exception of those machines dispensing only packaged food with crown closures; in which case, the closure receptacles may be located within the machine. Waste receptacles shall not be located under counters or otherwise enclosed in a manner that will create a nuisance or prevent space around and under the counter or enclosure from being easily cleaned and maintained. Suitable racks and cases shall be provided for multiuse containers or bottles.

(e) Containers shall be provided within all machines dispensing liquid food in bulk for the collection of drip, spillage, overflow, or other internal wastes. Such machines shall be equipped with an automatic shutoff device at the waste pail or other devices or valves which will place the machine out of operation before the waste pail overflows. Such devices shall prevent water or liquid product from continuously running in the event of the failure of any single control, high level control, or other flow control device in the liquid product or water system.

(f) Containers or surfaces on which such wastes may accumulate shall be readily removable for cleaning, shall be easily cleanable, and shall be corrosion-resistant. If liquid wastes from drip, spillage, or overflow, which originate within the machine are discharged into a sewerage system, the connection to the sewer shall be through an air gap.

(12) Delivery of food, equipment, and supplies to machine locations. Food, food-contact surfaces of containers, equipment and supplies, shall be protected from contamination while in transit to machine location. Potentially hazardous food, while in transit and in storage on location, shall be maintained at safe temperatures.

(13) Personnel - cleanliness.

(a) Employees shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices while engaged in direct handling of foods, or food-contact surfaces of utensils or equipment.

(b) Employees shall thoroughly wash their hands with soap and warm water immediately prior to engaging in any vending machine servicing operation which may bring them into contact with food, or with food-contact surfaces of utensils, containers, or equipment. While engaged in such service operations, employees shall wear clean outer garments, shall not use tobacco in any form and shall keep their fingernails clean and trimmed.

Section 4. Health and Disease Controls. No person while affected with any disease in a communicable form, or while a carrier of such disease, or while afflicted with boils, infected wounds, sores, a cold, diarrhea, gastrointestinal upsets, or a respiratory infection, shall work in any area of a commissary or vending operation in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces with pathogenic organisms or transmitting disease to other individuals; and no person known or suspected of being affected with any such disease or condition shall be employed in such an area or capacity. If the manager or person in charge of the vending machine or commissary operation has reason to suspect that any employee has contracted any disease in a communicable form or has become a carrier of such disease, he shall notify the cabinet immediately.

Section 5. Procedure when Infection is Suspected. When the cabinet has reasonable cause to suspect the possibility of disease transmission from any employee, the cabinet shall secure a morbidity history of the suspected employee or make such other investigation as may be indicated, and take appropriate action. The cabinet may require any or all of the following:

(1) The immediate exclusion of the employee from all commissaries and vending machine operations.

(2) The immediate closure of the commissaries and operations concerned until, in the opinion of the cabinet, no further danger of disease outbreak exists.

(3) Restriction of the employee's services to some area of work where there would be no danger of transmitting disease.

(4) Adequate medical examination of the employee and of his associates, with such laboratory examinations as may be indicated.

Section 6. Issuance of Permits.

(1) No person shall operate a vending machine company within the Commonwealth of Kentucky who does not possess a valid permit issued to him by the cabinet as provided by KRS 217.809. Only a person who complies with the requirements of this administrative regulation shall be entitled to receive and retain such a permit. Permits shall not be transferable from one company to another company or place. A valid permit shall be conspicuously posted in the headquarters office of every food vending company.

(2) Any person desiring to operate one (1) or more vending machines in the Commonwealth of Kentucky shall make application in writing on Form DFS-208. This form is incorporated by reference and may be viewed or obtained at the Department for Public Health, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday between the hours of 8 a.m. and 4:30 p.m. Such applicant shall provide the following information:

- (a) The applicant's full name, post office address, and whether such applicant is an individual, firm or corporation. If any partnership exists, the names of the partners, together with their addresses, shall be included.
 - (b) The location of the commissary or commissaries and of other establishments where vending machines are repaired or renovated.
 - (c) The identity and form of the products to be dispensed through vending machines and the number of each such type vending machine in the applicant's possession.
 - (d) The company shall maintain and make available to the cabinet upon request, a list of the number of all vending machines operated by the company and their specific locations within each county served and of all commissaries or other establishments from which the machines are serviced.
 - (e) Accompany each application for a permit to operate a vending machine company with the correct fee as provided by KRS 217.811.
 - (f) The application shall contain the signature of the applicant or applicants.
- (3) Upon receipt of such application, the cabinet shall make an inspection of the vending machine company to determine compliance with the provisions of this administrative regulation. A numbered operator's permit shall be issued to the applicant by the cabinet after compliance by the operator with the applicable provisions of this administrative regulation.
- (4) The company shall provide on each machine or on a wall placard placed at the location of the machine(s) the company's name, address and telephone number. This identification shall also contain the words "Cabinet for Human Resources Permit _____" or "CHR Permit _____." Such information shall be readily visible after placement on the machine or at the machine location.
- (5) Whenever a machine is no longer in service, is sold or transferred to another vending machine company, the company holding the permit for that machine shall remove the identification for such machine.

Section 7. Suspension of Permits.

- (1) Whenever the cabinet has reason to believe that an imminent public health hazard exists, or whenever the permit holder has interfered with the cabinet's personnel in the performance of their duties, the permit may be suspended immediately upon notice to the permit holder without a hearing. In such event, the permit holder may request a hearing.
- (2) In all other instances of violation of the provisions of this administrative regulation, the cabinet shall serve upon the holder of the permit a written notice specifying the violation(s) in question and afford the holder a reasonable opportunity to correct same. Whenever a permit holder has failed to comply with any written notice issued under the provisions of this administrative regulation, the permit holder or operator shall be notified in writing that the permit shall be suspended at the end of ten (10) days following service of such notice, unless a written request for a hearing is filed in accordance with 902 KAR 1:400.

Section 8. Reinstatement of Suspended Permits. Any company whose permit has been suspended may, at any time, make application for a reinspection for the purpose of reinstatement of the permit. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing suspension of the permit have been corrected, the cabinet shall make a reinspection. If the applicant is complying with the requirements of this administrative regulation, the permit shall be reinstated.

Section 9. Revocation of Permits. For serious or repeated violations of any of the requirements of this administrative regulation, or for interference with the cabinet's personnel in the performance of their duties, the permit may be permanently revoked after

an opportunity for a hearing has been provided by the cabinet. Prior to such action, the cabinet shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising the permit shall be permanently revoked at the end of ten (10) days following service of such notice, unless a written request for a hearing is filed in accordance with 902 KAR 1:400. A permit may be suspended for cause pending its revocation or a hearing relative thereto.

Section 10. Hearings. All administrative hearings shall be conducted in accordance with 902 KAR 1:400.

Section 11. Inspection Frequency. The cabinet shall inspect each new vending machine company prior to its operation and as often as deemed necessary thereafter by the cabinet. The cabinet shall inspect commissaries preparing food for vending purposes at least once every six (6) months and shall make as many additional inspections or reinspections as are necessary to obtain compliance with established requirements.

Section 12. Access for Inspection. Representatives of the cabinet, after proper identification shall be permitted to enter at any reasonable time, upon any private or public property within the Commonwealth of Kentucky where vending machines or commissaries are operated, or from which such machines are otherwise serviced, for the purpose of determining compliance with the vending machine law. The company shall make provisions for the cabinet's representatives to have access, either in company with an employee, or otherwise to the interior of all vending machines operated by the company.

Section 13. Inspection Records. Whenever the cabinet makes an inspection of a commissary or a vending machine location, they shall record their findings on inspection report forms provided for this purpose, and shall furnish a copy of such inspection report forms to the permit holder or his representative.

Section 14. Issuance of Notices. Whenever the cabinet makes an inspection of a commissary or a vending machine location and discovers that any requirements of this administrative regulation have been violated, it shall notify the company of such violations by means of an inspection report form or other written notices. In such notification, the cabinet shall:

- (1) Set forth the specific violations found;
- (2) Establish a specific and reasonable period of time for the correction of the violations found;
- (3) State that failure to comply with any notice issued in accordance with the provisions of this administrative regulation may result in suspension of permit;
- (4) State that an opportunity for appeal from any notice or inspectional findings will be provided if a written request for a hearing is filed in accordance with 902 KAR 1:400.

Section 15. Service of Notices. Notices provided for under this administrative regulation shall be deemed to have been properly served when a copy of the inspection report form or other notice has been delivered personally to the permit holder or person in charge, or such notice has been sent by registered or certified mail, return receipt requested, to the last known address of the permit holder. A copy of such notice shall be filed with the records of the cabinet.

Section 16. Commissaries Located Outside of the Commonwealth of Kentucky. Food from commissaries located outside the jurisdiction of the Commonwealth of Kentucky may be sold within this state if such commissaries conform to the provisions of the state food service code or to substantially equivalent provisions of such state. To determine the extent of compliance for the issuance of a permit to a company located outside the state, the initial application for a permit and the application yearly thereafter shall be accomplished by a

copy of the most recent sanitation inspection report from the responsible health authority having jurisdiction where such a commissary or commissaries are located. Out-of-state companies shall, upon request of the cabinet, submit copies of the most recent sanitation inspection report at other times during the permit year.

Section 17. Plan Review of Future Construction. Whenever a vending machine commissary is hereafter constructed or extensively remodeled, or whenever an existing structure is converted for use as a commissary, properly prepared plans and specifications for such construction, remodeling or alteration, showing layout, arrangements and construction materials of work areas, and the location, size and type of fixed equipment and facilities, and a plumbing riser diagram shall be submitted to and approved by the cabinet before work is begun.

(FV-1; 1 Ky.R. 552; eff. 3-12-1975; 13 Ky.R. 2139; eff. 7-2-1987; 18 Ky.R. 875; eff. 10-16-1991; 22 Ky.R. 2463; eff. 8-1-1996; Crt eff. 11-5-2019.)