

APA-1
11/96

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 420 Department or Agency Alabama Department of Public Health

Rule Number 420-3-20-.03

Rule Title Special Provisions

 New XXXX Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? n/a

Are all facts of the rulemaking process designed solely for the purpose of and so they have as their primary effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of §41-22-23, Code of Alabama, 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of Certifying Officer Fabrica Blue Date 9/18/2014

FORM APA2
11/96

**STATE BOARD OF HEALTH
NOTICE OF INTENDED ACTION**

AGENCY NAME: Alabama Department of Public Health

RULE NUMBER AND TITLE: 420-3-20-.01, General Provisions.
423-3-20-.02, Adoption by Reference.
420-3-20-.03, Special Provisions.
420-3-20-.04, Permits.
420-3-20-.05, Inspections.
420-3-20-.06, Examination and Condemnation of Food.
420-3-20, Appendix A.

INTENDED ACTION: Amend Chapters 420-3-20-.01, 420-3-20-.02, 420-3-20-.03, 420-3-20-.04, 420-3-20-.05, 420-3-20-.06, 420-3-20 Appendix A.

SUBSTANCE OF PROPOSED ACTION: Update Code of Federal Regulations adopted by reference from 2009 version to 2013 version; specify priority levels for inspection and reinspection frequencies.

TIME, PLACE, AND MANNER OF PRESENTING VIEWS: A public hearing will be held at 10:00 a.m. October 28, 2014, at the Alabama Department of Public Health, RSA Tower, Suite 1540, 201 Monroe Street, Montgomery, AL 36104.

FINAL DATE FOR COMMENTS AND COMPLETION OF NOTICE: Written or oral comments will be received until the close of the record at 5:00 p.m. on November 4, 2014. All comments and requests for copies of the proposed amendments should be addressed to the contact person listed below.

CONTACT PERSON AT AGENCY: Ronald Dawsey, Division of Food, Milk, and Lodging, Bureau of Environmental Services, Department of Public Health, 201 Monroe Street, Suite 1250, Montgomery, Alabama 36104. Telephone number (334) 206-5375.


Pat Ivie, Agency Secretary

420-3-20-.03 Special Provisions.

(1) Enforcement of certain parts reserved. Due to special circumstances, enforcement of Title 21, Code of Federal Regulations Parts 123, 131, 133, 135, and 161 is reserved for the State Health Officer.

(2) Water and plumbing.

(a) When a sample of a non-public water system shows coliform present as reported by the Alabama Department of Public Health's Bureau of Clinical Laboratories, a resample shall be taken within seven days. Whenever two consecutive samples taken on separate days show coliform present, the permit to operate shall be suspended by the Health Officer in accordance with Rule 420-3-20-.04(3). A sample result of coliform absent with no confluent growth is required prior to reinstatement of the permit.

(b) Plumbing standards, sizes, and numbers, other than when a minimum is specified in these rules, are enforced by local plumbing officials.

(3) Labels. Any word, statement, or other information required to appear on the label shall not be considered to be in compliance unless such word, statement, or other information appears on the outside container or wrapper of the retail package of such article, or is easily legible through the outside container or wrapper. Food labeling required by these rules shall not be false or misleading.

(4) Multiple food establishments located at a shared physical facility. Multiple food establishments located at a shared physical facility shall submit as part of the application for a permit a plan of operations specifying how each permitted establishment's food processing operation is separated by time or space from other food processing operations. Failure to operate in accordance with the approved plan of operations shall be cause for permit suspension under Rule 420-3-20-.04.

Author: Ronald Dawsey

Statutory Authority: Code of Ala. 1975, §§ 22-2-2(6), 22-20-5.

History: Filed March 23, 1984. Repeal and replace filed November 19, 2010; effective date December 24, 2010.