

**Sec. 19a-36h-6. Hold order, or destruction of food.**

(a) The food inspector may issue a hold order to the owner or operator of a food establishment for any food or drink suspected to be unsafe for human consumption, while verification of its safety is conducted.

(b) Such food or drink that may be subject to the hold order shall include, but not be limited to, the following:

- (1) Food that may have originated from an unapproved source;
- (2) Food that may be unsafe, adulterated or not honestly presented;
- (3) Food that is not labeled in accordance with the food code, or if raw molluscan shellfish, is not tagged or labeled according to the Connecticut General Statutes and Regulations of Connecticut State Agencies or the food code; or
- (4) Food that is otherwise not in compliance with the food code.

(c) The food inspector may issue a hold order to an owner, an operator or the person in charge of a food establishment without prior warning, notice of a hearing or a hearing on the hold order.

(d) The hold order notice shall include the following:

(1) A statement that the food subject to the hold order may not be used, sold or moved from the food establishment, or destroyed without a written release of the hold order from the director of health;

(2) The specific reasons for placing the food under the hold order with reference to the applicable provisions of the food code and the hazard or adverse effect created by the condition observed by the food inspector;

(3) Identification of the food subject to the hold order by reference to its common name, the label information, a container description, quantity, and location;

(4) The local health department's tag or identification information;

(5) Information regarding the owner or operator of a food establishment's right to appeal, including information describing the procedure to request an appeal in accordance with section 19a-361 of the Connecticut General Statutes;

(6) Notice that the director of health may order the destruction of the food if a timely request for an appeal is not received; and

(7) The name and address of the local health department representative to whom a request for an appeal may be made.

(e) If the owner, operator, person in charge, or any other food establishment employee violates such hold order, the director of health shall remove the food that is subject to the hold order to a place of safekeeping.

(f) The food inspector shall place an official tag or label on the food identified under the hold order as follows:

(1) The tag or label shall be securely placed on the food or containers to conspicuously identify food subject to the hold order; and

(2) The tag or label used to identify the food subject to the hold order shall include a summary of the provisions specified in subsection (d) of this section and shall be signed and dated by the food inspector.

(g) The owner, operator or person in charge, or any other food establishment employee shall not use, serve, sell or move the food subject to the hold order. The food inspector may

allow the owner, operator or person in charge to store the food in an area of the food establishment if the food is protected from deterioration, the food will not contaminate other food, and storage of the food does not restrict the operations of the establishment.

(h) The food inspector may examine, sample and test food to determine its compliance with the food code.

(i) The food inspector shall issue a notice of release to the owner, operator or person in charge of a food establishment and remove hold order tags, labels, or other identification from the food subject to the hold order after determining the food is safe for human consumption.

(j) The director of health shall order the destruction of food that is subject to a hold order if:

(1) The owner or operator or person in charge fails to provide evidence that the food is not unsafe, unwholesome, or from an unapproved source;

(2) The owner or operator waives the right to appeal or has not made a timely request for an appeal; or

(3) The hold order is upheld subject to the administrative process as prescribed in section 19a-36/ of the Connecticut General Statutes.

(k) The food inspector shall supervise the destruction of such food to ensure that it has been destroyed or denatured and disposed of in a safe manner.

(Effective February 17, 2023)