

Regulations of Connecticut State Agencies

TITLE 21a. Consumer Protection

Agency

Department of Consumer Protection

Subject

Sanitary Standards for Food Establishments

Inclusive Sections

§§ 21a-101-1—21a-101-8

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Sanitary Standards for Food Establishments

Sec. 21a-101-1. Statement of purpose

(a) The purpose of this section and sections 21a-101-2, 21a-101-7 and 21a-101-8 of the Regulations of Connecticut State Agencies is to provide definitive sanitary standards for food establishments. Section 21a-101 (a) (4) of the Connecticut General Statutes provides that a food shall be deemed to be adulterated if it has been produced, prepared, packed or held under unsanitary conditions whereby it may become contaminated with filth or whereby it may have been rendered diseased, unwholesome or injurious to health. A substantial failure to comply with said regulations shall constitute such unsanitary conditions.

(b) The United States Food and Drug Administration Food Code, as amended from time to time by the Conference for Food Protection, and published and adopted by the United States Food and Drug Administration and the United States Department of Health and Human Services, is adopted and herein incorporated by reference as the sanitary standards for this state.

(Effective June 22, 1990; Amended September 1, 2005; Amended October 11, 2016)

Sec. 21a-101-2. Definitions

Definitions promulgated under the United States Food and Drug Administration Food Code, as amended from time to time by the Conference for Food Protection, and published and adopted by the United States Food and Drug Administration, and the United States Department of Health and Human Services shall be the definitions for the purposes of section 21a-101-1, this section and sections 21a-101-7 and 21a-101-8 of the Regulations of Connecticut State Agencies with the following additions:

- (1) “Commissioner” means the Commissioner of Consumer Protection;
- (2) “Food Establishment” means any establishment in which food is stored, offered for sale, processed, or prepared, other than an eating or drinking establishment, and includes the transportation of any food;
- (3) “Inspector” means an employee or official of the Department of Consumer Protection authorized by the commissioner; and
- (4) “Operator” means any person who (i) alone or jointly or severally with others owns a food establishment, or (ii) has care, charge or control of a food establishment as agent or manager for the owner or as an independent contractor.

(Effective June 22, 1990; Amended September 1, 2005; Amended October 11, 2016)

Sec. 21a-101-3. Construction and maintenance (Repealed)

Repealed October 11, 2016.

(Effective June 22, 1990; Amended September 1, 2005; Repealed October 11, 2016)

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Sec. 21a-101-4. Equipment and utensils (Repealed)

Repealed October 11, 2016.

(Effective June 22, 1990; Amended September 1, 2005; Repealed October 11, 2016)

Sec. 21a-101-5. General sanitary requirements (Repealed)

Repealed October 11, 2016.

(Effective June 22, 1990; Amended September 1, 2005; Repealed October 11, 2016)

Sec. 21a-101-6. Cleanliness of personnel (Repealed)

Repealed October 11, 2016.

(Effective June 22, 1990; Amended September 1, 2005; Repealed October 11, 2016)

Sec. 21a-101-7. Source of food

(a) All food shall be from an approved source and shall be clean, wholesome, free from spoilage, decay, or misbranding, and safe for human consumption. All food products, while being stored, prepared, or transported, shall be handled so as to prevent their becoming contaminated with filth. Food shall be protected from cross contamination by separating raw animal foods by species and by separating raw animal foods from raw ready-to-eat foods and ready-to-eat foods.

(b) All food products shall meet the standards of identity established for such products under applicable federal and state regulations, codes, or statutes.

(c) All baked goods, frozen desserts, and non-alcoholic beverages manufactured or offered for sale in a food establishment shall have been manufactured or produced in a facility duly licensed by the Connecticut Department of Consumer Protection.

(d) All meat and meat products and all poultry and poultry products held or sold in food establishments shall have been inspected for wholesomeness under an official regulatory program. The temperature in meat storage rooms shall be 41 degrees Fahrenheit or lower. The temperature in meat cutting and wrapping rooms shall be maintained to ensure that the temperature of the meat shall be 45 degrees Fahrenheit or lower.

(Effective June 22, 1990; Amended September 1, 2005; Amended October 11, 2016)

Sec. 21a-101-8. Administrative provisions

(a) All food establishments within this state shall be subject to periodic investigations by inspectors duly authorized by the commissioner. Following the completion of an investigation, the inspector shall file a written report of his findings. A copy of this report shall be left with the operator or an authorized representative of the food establishment so investigated.

(b) Failure by any food establishment to fully comply with all corrective actions recommended by an inspector shall cause all food products stored or offered for sale therein to be deemed to be “adulterated” within the meaning of Section 21a-101 of the Connecticut

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General Statutes. The sale of such adulterated food shall subject the operator of such food establishment to the penalties enumerated in Section 21a-95 of the Connecticut General Statutes.

(c) Prior to reporting any violation to a prosecuting attorney, the commissioner or his duly authorized representative shall notify the operator in writing, advising him of the reasons for which such disciplinary action is being contemplated. The notice shall specify a time, date and place for an informal hearing before the commissioner to be held pursuant to the provisions of Section 21a-97 (b) of the Connecticut General Statutes.

(d) At the hearing the respondent shall be given an adequate opportunity to be heard and to show why disciplinary action is not warranted. The respondent may be accompanied by counsel, if he so chooses.

(e) If the respondent offers no satisfactory explanation for his failure to eliminate the alleged unsanitary conditions, the violations shall be duly reported to a prosecuting attorney for the institution of criminal proceedings.

(f) The commissioner is additionally authorized, pursuant to section 21a-94 of the Connecticut General Statutes, to apply to the Superior Court for a temporary or permanent injunction restraining the respondent from violating any provision of section 21a-93 of the Connecticut General Statutes.

(g) Any person allegedly aggrieved by the decision of the commissioner at such a hearing may appeal the decision by initiating appropriate proceedings in the Superior Court for the judicial district of Hartford.

(Effective June 22, 1990; Amended September 1, 2005; Amended October 11, 2016)