

Title 68 Health, Safety and Environmental Protection Health  
Chapter 14 Hotels, Food Service Establishments and Swimming Pools  
Part 7 Tennessee Food Safety Act [Effective on July 1, 2015. See the version effective until  
July 1, 2015.]

Tenn. Code Ann. § 68-14-701 (2014)

**68-14-701. Short title. [Effective on July 1, 2015. See the version effective until July 1, 2015.]**

This part shall be known and may be cited as the "Tennessee Food Safety Act."

**HISTORY:** Acts 2013, ch. 182, § 43.

**68-14-702. Purpose. [Effective on July 1, 2015. See the version effective until July 1, 2015.]**

It is the purpose of this part to ensure that foods served for public consumption in Tennessee are safe as prepared, served and delivered.

**HISTORY:** Acts 2013, ch. 182, § 44.

**68-14-703. Part definitions. [Effective on July 1, 2015. See the version effective until July 1, 2015.]**

As used in this part:

(1) "Alteration" shall be defined by rule, but shall not mean function replacement that equals or makes better the existing operation of the facility;

(2) "Auxiliary food service operation" means a designated area located within or adjacent to a food service establishment sharing common ownership or management, and whose primary purpose is serving beverages. For determining the amount of the permit fee for the food service establishment associated with the auxiliary food service operation, all seating in the auxiliary food service operation shall be included in the seating count of the primary food service establishment;

(3) "Commissioner" means the commissioner of health, the commissioner's duly authorized representative, and in the event of the commissioner's absence or vacancy in the office of commissioner, the deputy commissioner;

(4) "Demonstration of knowledge" means the ability to demonstrate knowledge of food safety principles as applicable to establishments regulated in accordance with this part. For the purposes of this part, "demonstration of knowledge" may be accomplished by one (1) or more of the following means:

(A) Completing an inspection that reflects no priority item violation;

(B) Employing at least one (1) person certified as a food protection manager who has shown proficiency of food protection information through passing a test that is part of a certification program evaluated and listed by an accrediting agency recognized by the Conference for Food Protection as conforming to the Conference for Food Protection Standards for Accreditation of Food Protection Manager Certification Programs; or

**(C)** Responding correctly to food protection questions related to the specific food operation. A person responding to the questions may be aided by the utilization of food safety procedures posted prominently for employees who may use the procedures as reference guides. The commissioner shall assist establishments that request information relative to risks associated to their specific food operation, which may be posed as questions during the inspection;

**(5)** "Department" means the department of health;

**(6)** "Employee" means a person:

**(A)** In charge of a food establishment;

**(B)** Engaged in the preparation of food or drink;

**(C)** Engaged in service of food to the establishment's guests or clientele; or

**(D)** Engaged in ware washing;

**(7)** "Extensive remodeling" means the repair, construction, alteration or installation of new equipment, modification of existing equipment or fixtures, changes in floor plan layout, addition of new processes, expansion to new space, or significant changes to use of space or equipment;

**(8)** "Food Code" means the 2009 Food Code as published by the United States department of health and human services, public health service, food and drug administration;

**(9) (A)** "Food service establishment" means any establishment, place or location, whether permanent, temporary, seasonal or itinerant, other than retail food stores, where food is prepared and the public is offered to be served or is served food, including, but not limited to, foods, vegetables, or beverages not in an original package or container, food and beverages dispensed at soda fountains and delicatessens, sliced watermelon, ice balls, or water mixtures;

**(B)** "Food service establishment" includes places identified in subdivision (9)(A) regardless of whether there is a charge for the food;

**(C)** "Food service establishment" does not include private homes where food is prepared or served and not offered for sale, retail food store operations, food service establishments located within a retail food store, the location of vending machines, and supply vehicles;

**(D)** "Food service establishment" does not include churches, temples, synagogues or other religious institutions, civic, fraternal, or veteran's organizations where food is prepared, served, transported, or stored by volunteer personnel only on non-consecutive days. However, the storage of unopened, commercially canned food, packaged bulk food that is not potentially hazardous, and dry goods shall not apply for these purposes;

**(E)** "Food service establishment" does not include grocery stores that may, incidentally, make infrequent casual sales of uncooked foods for consumption on the premises, or any establishment whose primary business is other than food service, that may, incidentally,

make infrequent casual sales of coffee or prepackaged foods, or both, for consumption on the premises. For the purposes of this subdivision (9)(E), "infrequent casual sales" means sales not in excess of one hundred fifty dollars (\$150) per day on any particular day;

(F) "Food service establishment" does not include a location from which casual, occasional food sales are conducted solely in connection with youth-related amateur athletic or recreational activities or primary or secondary school-related clubs by volunteer personnel and that are in operation for twenty-four (24) consecutive hours or less;

(G) "Food service establishment" does not include a catering business that employs no regular, full-time employees, the food preparation for such business is solely performed within the confines of the principal residence of the proprietor, and the catering business makes only "occasional sales" during any thirty-day period; and

(H) "Food service establishment" does not include a house or other residential structure where seriously ill or injured children and their families are provided temporary accommodations in proximity to their treatment hospitals and where food is prepared, served, transported or stored by volunteer personnel; provided, that the house or structure is supported by a § 501(c)(3) organization, as defined in 26 U.S.C. § 501(c)(3), that has as a component of its mission the support of programs that directly improve the health and well-being of children;

(10) "Imminent health hazard" means any condition, deficiency, or practice that, if not corrected, is very likely to result in illness, injury, or loss of life to any person;

(11) "Person" means any individual, partnership, firm, corporation, agency, municipality, state or political subdivision, or the federal government and its agencies and departments;

(12) "Person in charge" means an individual present at a food service establishment who is responsible for the operation at the time of inspection. A person in charge shall be present at the establishment during food preparation and handling, and may put instructions in place for cleaning or preparing the establishment prior to the preparation of any food or beverage;

(13) "Quick fast food establishment" means those food establishments that only prepare food to be eaten off premises and that provide delivery services for such food but provide no set up, serving, or clean-up services; and

(14) "Temporary food service establishment" means a food service establishment that operates at a fixed location in conjunction with an organized temporary event for more than one (1) day and not more than fourteen (14) consecutive days.

**HISTORY:** Acts 2013, ch. 182, § 45; 2014, ch. 636, § 2.

**68-14-704. Authority of commissioner. [Effective on July 1, 2015. See the version effective until July 1, 2015.]**

The commissioner is authorized to:

(1) Carry out or cause to be carried out all provisions of this part;

(2) Collect all fees established pursuant to this part and apply the fees in accordance with the procedures of the department of finance and administration to the necessary and

incidental costs of the administration of this part. Nothing in this subdivision (2) shall be construed to prohibit the department from receiving by way of general appropriation such sums as may be required to fund adequately the implementation of this part, as recommended in the annual budget by the governor to the general assembly;

**(3)** Prescribe rules and regulations, including emergency rules, governing the alteration, construction, sanitation, safety of food and operation of food service establishments as may be necessary to protect the health and safety of the public, and require food service establishments to comply with these rules and regulations. A non-elected body of any municipality, county, or metropolitan government shall not enact any ordinance or issue any rule or regulation pertaining to food safety or the provision of nutritional information related to food or drink, or otherwise regulate menus at food service establishments. If, upon July 1, 2015, the federal government takes action regarding the provision of food nutritional information at food service establishments, and the federal action specifically authorizes state agencies to enforce such action, then the department of health shall be the department that is primarily responsible for the implementation and supervision of any new requirements and shall have the authority to promulgate rules and regulations, pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, as are necessary to effectuate the purposes of such requirements. The rules and regulations prohibiting live animals in the presence of dining facilities shall be waived if an adequately engineered forced air exhaust system is installed for the permitted facility. The rules and regulations requiring that food be obtained from sources that comply with all laws relating to food and food labeling shall be waived for churches, temples, synagogues and other religious institutions, civic, fraternal or veterans' organizations, if the food is served only to the homeless and the food is prepared in a church, temple, synagogue or other religious institution, civic, fraternal, or veterans' organization or in a private home or homes by persons who have successfully completed a training course of at least two (2) hours, conducted by the department, and the consumer is informed by a clearly visible placard, readily understandable to the average person, stating that the food may have been prepared in a facility that is not subject to regulation or inspection by the department. The commissioner shall not prescribe any such rules and regulations in conflict with the minimum statewide building construction standards established by the state fire marshal pursuant to § 68-120-101. The rules with respect to food temperature shall be specific with respect to the types of food prepared and the risks presented by those foods. Except as specifically provided herein, the commissioner may adopt, by rule and regulation, all or part of the Food Code;

**(4)** Inspect or cause to be inspected as often as the commissioner, in the commissioner's discretion, may deem necessary, every food service establishment in the state as authorized by this part, with the exception of those food service establishments licensed by the department of mental health, to determine compliance with this part and with rules and regulations;

**(5)** Issue or cause to be issued, suspend, and revoke permits to operate food service establishments as provided in this part;

**(6)** Notify the owner, proprietor, or agent of any food service establishment of such changes or alterations as may be necessary to effect complete compliance with this part and with rules and regulations governing the construction, alteration, and operation of the facilities, and close the facilities for failure to comply within specified times as provided in this part and rules and regulations;

**(7)** Enter into agreements or contracts with county health departments for the

departments to implement this part or its equivalent in their areas of jurisdiction, if the commissioner deems it to be appropriate; provided, that the following conditions shall apply:

**(A)** State reporting requirements shall be met by the county health department or departments;

**(B)** The county health department program standards shall be identical to those of the state law and to rules and regulations;

**(C)** The commissioner shall retain the right to exercise oversight and evaluation of performance of the county health department or departments and terminate the agreement or contract for cause immediately or otherwise upon reasonable notice;

**(D)** The commissioner may set such other fiscal, administrative, or program requirements as the commissioner deems necessary to maintain consistency and integrity of the statewide program;

**(E)** Staffing and resources shall be adequate to implement and enforce the program in the local jurisdiction; and

**(F)** Contract county health departments that collect the applicable permit fees from food establishments located within the county shall retain one hundred percent (100%) of the permit fees and penalty fees. Contract counties that utilize the services of the department for the collection of permit fees shall receive ninety-five percent (95%) of permit fees collected within a contract county pursuant to §§ 68-14-705 -- 68-14-707. This amount shall be calculated based upon fees collected in the contract county during the state's fiscal year multiplied by ninety-five percent (95%);

**(8) (A)** Upon the application of a food service establishment for a variance based on a showing of good cause and an affirmative demonstration that the risks to the public attendant to the limited activities have been mitigated, the commissioner shall grant the establishment a variance from the limitations in the Food Code regarding restrictions pertaining to bare hand contact. A request for a variance shall be granted or denied within sixty (60) days of the commissioner's receipt of the application for variance. A request for a variance shall include the following information:

**(i)** A listing of the specific ready-to-eat foods that are touched by bare hands;

**(ii)** Diagrams and other information showing that hand washing facilities are located and equipped as prescribed by the applicable provisions of the Food Code;

**(iii)** An employee health policy documenting that the food service establishment complies with:

**(a)** The person in charge requirements; and

**(b)** Requirements for monitoring the health of food service employees;

**(iv)** Documentation that food service employees have received training on the:

**(a)** Risks of contacting ready-to-eat foods with bare hands;

- (b) Proper hand washing;
- (c) Proper fingernail maintenance;
- (d) Prohibition on jewelry;
- (e) Good hygienic practices; and

(B) Documentation that food employees contacting ready-to-eat foods with bare hands used two (2) or more of the following control measures:

- (i) Double hand washing;
- (ii) Nail brushes;
- (iii) A hand antiseptic after hand washing;
- (iv) Incentive programs that assist or encourage food service employees not to work when they are ill; or
- (v) Other control measures approved by the commissioner; and

(C) Notwithstanding any provision of the Food Code to the contrary, the commissioner shall not require any further documentation for the granting of a variance other than those contained in this section.

**HISTORY:** Acts 2013, ch. 182, § 46.

**68-14-705. Appropriation of moneys. [Effective on July 1, 2015. See the version effective until July 1, 2015.]**

All moneys coming into the state treasury pursuant to this part from fees, fines, and penalties shall be appropriated to the department of health for the payment of necessary expenses incident to the administration of this part, as determined by the commissioner. Any unexpended balance of the fund in any fiscal year shall be retained by the department to be used to provide or expand training for food service operators and the department's environmentalists.

**HISTORY:** Acts 2013, ch. 182, § 47.

**68-14-706. Permits. [Effective on July 1, 2015.]**

(a) No person shall operate a food service establishment who does not hold a valid permit issued to the person by the commissioner on or before July 1 of each year or as the commissioner may otherwise provide by rule and regulation.

(b) Every person now engaged in the business of operating a food service establishment, and every person who, upon July 1, 2015, engages in such a business, shall procure a permit from the commissioner for each food service establishment so operated or proposed to be operated.

(c) Each permit for food service establishments shall expire on June 30 next following its issuance or as the commissioner may otherwise provide by rule.

(d) No permit shall be transferred from one location or person to another.

(e) The permit shall be kept and displayed in a conspicuous manner and visible to the public in the food service establishment for which it is issued.

**HISTORY:** Acts 2013, ch. 182, § 48.

**68-14-707. Application for permit. [Effective on July 1, 2015.]**

(a) (1) Any person planning to operate a food service establishment shall first submit an application for a permit on forms provided by the commissioner. The application shall be completed and submitted to the commissioner with the proper permit fee.

(2) Prior to the approval of the application for a permit, the commissioner shall inspect the proposed facility to determine if the person applying for the permit is in compliance with the requirements of this part and with applicable rules and regulations. The commissioner shall issue a permit to the applicant if the inspection reveals that the facility is in compliance with such requirements.

(b) Applications for renewal of permits for existing food service establishments will be issued to the operators prior to July 1 of each year or as the commissioner may provide by rule. When completed applications and the proper permit fees are returned to the commissioner, the commissioner shall issue new permits to applicants.

**HISTORY:** Acts 2013, ch. 182, § 48

**68-14-708. Suspension of permit. [Effective on July 1, 2015.]**

(a) The commissioner has the authority to suspend any permit to operate a food service establishment issued pursuant to this part if the commissioner has reasonable cause to believe that the permittee is not in compliance with this part; provided, that the permittee shall be given the opportunity to correct violations as provided in § 68-14-709.

(b) Suspension of permits, other than those for temporary food service establishments shall be of two (2) types:

(1) A Class 1 suspension, which provides an opportunity for a hearing prior to the effective date of the suspension; and

(2) A Class 2 suspension, which provides an opportunity for a hearing after the effective date of the suspension, and is effective immediately.

(c) Notice of either type of suspension may be given by the inspector on the inspector's regular inspection form or by written notification from the commissioner. When a permit suspension is effective, all operations shall cease. Class 2 suspensions shall only be issued if an imminent health hazard exists.

(d) A written request for a hearing on either type of suspension shall be filed by the permittee within ten (10) days of the receipt of notice. This ten-day period may run concurrently with the ten-day period set forth in § 68-14-709. If a hearing is requested, it shall be commenced within a reasonable time of the request. If no request for a hearing is made within ten (10) days of the receipt of notice, the suspension becomes final and is not

subject to review.

(e) The commissioner may end the suspension at any time if reasons for suspension no longer exist.

**HISTORY:** Acts 2013, ch. 182, § 48

**68-14-709. Revocation of permit. [Effective on July 1, 2015.]**

(a) The commissioner may, after providing opportunity for a hearing, revoke a permit for serious or repeated violations of requirements of this part or for interference with the commissioner in the performance of the commissioner's duty.

(b) Prior to revocation, the commissioner shall notify, in writing, the permittee of the specific reason or reasons for which the permit is to be revoked, and that the permit shall be revoked at the end of ten (10) days following service of such notice, unless a written request for a hearing is filed with the commissioner within the ten-day period. If no request for hearing is filed within the ten-day period, the revocation of the permit becomes final.

**HISTORY:** Acts 2013, ch. 182, § 48

**68-14-710. Notice. [Effective on July 1, 2015.]**

A notice provided for in this part is properly served when it is delivered to the permittee or person in charge, or when it is sent by certified mail, return receipt requested, to the last known address of the permittee. A copy of the notice shall be filed in the records of the commissioner.

**HISTORY:** Acts 2013, ch. 182, § 48

**68-14-711. Hearing -- Appeals -- Applicability. [Effective on July 1, 2015.]**

(a) The hearings provided for in this part shall be conducted by the commissioner in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(b) Appeals from any final decision after a hearing shall be pursued in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, part 3.

(c) Subsections (a) and (b) shall not apply in a county in which the health department is operating a program pursuant to § 68-14-704(7) that meets the minimum requirements of due process; provided, that appeals from final decisions made under such programs may be made to the commissioner, for the limited purpose of determining whether a material error of law was made at the county level. Such appeal to the commissioner shall not be de novo, but shall be limited to a review of the record of the hearing at the county level.

**HISTORY:** Acts 2013, ch. 182, § 48

**68-14-712. Application for new permit after revocation. [Effective on July 1, 2015.]**

Whenever the revocation of a permit becomes final, upon demonstration that the conditions that led to the revocation have been cured, the holder of the revoked permit may make written application for a new permit.



**HISTORY:** Acts 2013, ch. 182, § 48

**68-14-713. Permit fees -- Applicability. [Effective on July 1, 2015.]**

(a) (1) The permit fee to operate a food service establishment shall be in accordance with the following schedule: [Click here to view image.](#)

(2) Auxiliary food service operations shall pay a permit fee of one hundred dollars (\$100);

(3) Temporary food service establishments shall pay a permit fee of thirty dollars (\$30.00);

(4) Child care center food service establishments and congregate meal sites funded through the commission on aging and disability that are food service establishments shall pay according to the following schedule: [Click here to view image.](#)

(5) School food services establishments shall pay a permit fee of eighty dollars (\$80.00).

(b) This section shall not apply to family child care homes, as defined in § 71-3-501.

(c) If the permit fee is delinquent for more than thirty (30) calendar days, a penalty fee of one half (1/2) the permit fee shall be assessed, in addition to the permit fee. If a check is returned for any reason, a penalty fee of one half (1/2) the permit fee shall be assessed in addition to the permit fee. The permit fee, plus any penalty, shall be paid before the permit is issued.

(d) When an institution operates several group homes within close proximity to each other, the permit fee established in this section shall be assessed only against the institution and not against each individual group home.

(e) This section shall not apply to a blind vendor subject to § 71-4-501.

**HISTORY:** Acts 2013, ch. 182, § 48

**68-14-714. Exemptions from fees -- Fractional permit fees. [Effective on July 1, 2015.]**

(a) Churches, schools, civic, fraternal or veterans' organizations serving food are exempt from the payment of food service establishment permit fees; provided, that food is served on no more than fifty-two (52) separate days in one (1) fiscal year. The exemption is expressly limited to the payment of fees and shall not exempt these organizations from any other provisions of this part.

(b) In addition to the exemption established in subsection (a), churches involved in the sale of food at a four-day, multi-regional event sponsored by a local chamber of commerce, whose primary purpose is to generate economic interest in the regions, shall further be exempt from the payment of food service establishment permit fees for the event.

(c) A bona fide charitable or nonprofit organization that operates a food bank and an on-site feeding program for the free distribution of food to combat poverty and hunger shall be exempt from the payment of food service establishment permit fees.

(d) When application is made for a permit to operate any food service establishment after January 1 of any year, or such other date as the commissioner may establish by rule and regulation, the fee charged for the permit shall be one half (1/2) the annual rate; provided, however, that where the establishment was subject to permit requirements prior to January 1 or such other date as the commissioner may establish by rule and regulation, of any year, no such fractional rate shall be allowed.

**HISTORY:** Acts 2013, ch. 182, § 48

**68-14-715. Inspection reports. [Effective on July 1, 2015.]**

(a) Inspection results for food service establishments shall be recorded on standard departmental forms that summarize the requirements of the law and rules and regulations.

(b) A copy of the completed inspection report shall be furnished in a manner prescribed by the commissioner to the person in charge of the facility at the conclusion of the inspection.

(c) The most current inspection report furnished to the operator or person in charge of the establishment shall be posted in a conspicuous manner. If any violation noted on the report is required to be corrected within ten (10) days of the issuance of the report and the department determines that the violation has been corrected within the period of time, then a final report without notation of the violation shall be furnished to the operator or person in charge of the food service establishment and the report shall be posted in lieu of the original report.

**HISTORY:** Acts 2013, ch. 182, § 48

**68-14-716. Correction of violations -- Cessation of operations -- Hearing on ordered corrective action -- Resumption of operations. [Effective on July 1, 2015.]**

(a) The completed inspection report shall specify a reasonable period of time for correction of violations found.

(b) Corrections of violations shall be accomplished within the following periods:

(1) If an imminent health hazard exists, the facility shall immediately cease operations until authorized to reopen by the commissioner;

(2) All violations of priority items shall be corrected as soon as possible and in any event within ten (10) days following inspection. A follow-up inspection may be made for confirmation;

(3) All other items should be corrected as soon as possible, but in any event by the time of the next routine inspection; and

(4) In the case of temporary food service establishments, all violations shall be corrected within twenty-four (24) hours. If violations are not corrected within twenty-four (24) hours, the establishment shall immediately cease food service operations until authorized to resume by the commissioner.

(c) The inspection report shall state that failure to comply with any time limits specified by the commissioner for correction may result in cessation of operations. An opportunity for a hearing on the ordered corrective action shall be provided if a written request is filed with

the commissioner within ten (10) days following cessation of operations. If a request for a hearing is received, a hearing shall be held within a reasonable time after receipt of the request.

(d) Whenever a facility is required under this section to cease operations, it shall not resume operations until it is shown on reinspection that conditions responsible for the order to cease operations no longer exist. Opportunity for reinspection shall be offered within a reasonable time.

**HISTORY:** Acts 2013, ch. 182, § 48

**68-14-717. Examination or sampling of food -- Hold order. [Effective on July 1, 2015.]**

Food may be examined or sampled by the commissioner as deemed necessary for the enforcement of this part. The commissioner may place a hold order on any food that the commissioner believes is in violation of this part or of rules and regulations, upon written notice to the operator specifying particular reasons for the hold order. The commissioner shall tag, label, or otherwise identify any food subject to a hold order. No food subject to a hold order shall be used, served, sold, or moved from the establishment. The hold order may state that the food be held while confirmation is obtained that the condition violates this part or rules or regulations. The hold order may also order the operator to destroy food that violates this part or rules or regulations. The commissioner shall permit storage of the food under the conditions specified in the hold order, unless storage is not possible without risk to the health of the public, in which case immediate destruction shall be ordered and accomplished. The hold order shall state that a request for a hearing may be filed within ten (10) days. If a request for a hearing is received, the hearing shall be held within a reasonable time after receipt of the request. On the basis of evidence produced at the hearing, the hold order may be rescinded, or the owner or person in charge may be directed by written order to denature or destroy such food or to bring it into compliance with this part.

**HISTORY:** Acts 2013, ch. 182, § 48

**68-14-718. Review and approval of plans and specifications. [Effective on July 1, 2015.]**

Whenever a food service establishment is constructed or extensively remodeled, and whenever an existing structure is converted to use as a food service establishment, plans and specifications shall be submitted to the commissioner for review and approval before construction, remodeling, or conversion is begun. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans, and construction materials and work areas, and the type and model of proposed fixed equipment and facilities. The commissioner shall approve the plans and specifications if they meet the requirements of this part and of rules and regulations. No food service establishment shall be constructed, extensively remodeled, or converted, except in accordance with plans and specifications approved by the commissioner. Any deviation from the submitted plans and specifications previously approved by the commissioner discovered during an inspection that would not compromise the safety of food products shall not delay the issuance of a permit to operate a food service establishment.

**HISTORY:** Acts 2013, ch. 182, § 48

**68-14-719. Containment of disease transmission by employees. [Effective on July 1, 2015.]**

(a) When the commissioner has reasonable cause to suspect possible disease transmission by an employee of the facility, the commissioner may obtain information about any recent illness of the employee or make other investigations as may be indicated. The commissioner may require any of the following:

(1) The immediate exclusion of the employee from employment in the food service establishment;

(2) The immediate closing of the facility until, in the commissioner's opinion, no further danger of disease outbreak exists;

(3) Restricting the employee's service to some area of the facility where there would be little likelihood of transmitting disease; or

(4) Adequate medical and laboratory examinations of the employee and of other employees.

(b) A person in charge, having been provided by the employee with written documentation from a person who practices in a medical profession in accordance with title 63 that the employee has been diagnosed with a condition set forth in chapter 2, § 2-201.11(B)(2) of the Food Code shall have an affirmative duty to notify the commissioner or the commissioner's designee. A person in charge shall not be required to obtain medical records from a prospective employee prior to hiring such individual as an employee.

**HISTORY:** Acts 2013, ch. 182, § 48

**68-14-720. Penalties. [Effective on July 1, 2015.]**

Any person operating a food service establishment who fails or refuses to comply with any of this part or with rules and regulations, obstructs or hinders the regulatory authority in the discharge of the regulatory authority's duties, or otherwise operates a food service establishment in violation of this part or rules and regulations commits a Class C misdemeanor. Each day of operation after notice of noncompliance of violation has been given and such violation has not been corrected constitutes a separate offense.

**HISTORY:** Acts 2013, ch. 182, § 48

**68-14-721. Injunctions. [Effective on July 1, 2015.]**

When the commissioner has reason to believe that a person is causing, is about to cause, or has caused a violation of this part or of the rules and regulations promulgated under this part, the commissioner may initiate proceedings in either the chancery court of Davidson County or the chancery court of the county where the violation is occurring, for injunctive relief to prevent the continuance of the violation or to correct the conditions resulting in, or about to result in, the violation.

**HISTORY:** Acts 2013, ch. 182, § 48

**68-14-722. Sales by children. [Effective on July 1, 2015.]**

Notwithstanding this part to the contrary, children eighteen (18) years of age or less do not need a license or permit to sell bakery goods, homemade or otherwise, soft drinks, or other similar food commodities at public events.

**HISTORY:** Acts 2013, ch. 182, § 48

**68-14-723. Quick fast food establishment delivery vehicles. [Effective on July 1, 2015.]**

(a) Every quick fast food establishment delivery vehicle, whether owned by the establishment or not, that is used in the delivery of prepared food shall be clearly marked with the name and logo of the quick fast food establishment.

(b) If the quick fast food establishment or one (1) of its delivery employees reasonably believes that providing delivery services to an address would expose delivery personnel to a risk of harm, the name or logo may be temporarily removed.

**HISTORY:** Acts 2013, ch. 182, § 48

**68-14-724. Proof of financial responsibility for delivery vehicles owned by establishment. [Effective on July 1, 2015.]**

All vehicles owned by a quick fast food establishment used in the delivery of its products shall meet the requirements for proof of financial responsibility in accordance with § 55-12-102(12)(A).

**HISTORY:** Acts 2013, ch. 182, § 48

**68-14-725. Maintenance of employee records -- Fines for violations. [Effective on July 1, 2015.]**

(a) Every quick fast food establishment shall maintain accurate and current files on each employee hired to provide delivery services that verify the employee has met the requirements of this part. Such files shall be open for inspection by the commissioner of health or the commissioner's authorized agent.

(b) A fine not to exceed two hundred fifty dollars (\$250) for each violation as defined in subsection (a) shall be assessed by the commissioner or the commissioner's authorized agent after providing an opportunity for a hearing; provided, that in addition to assessing such fines, the commissioner or the commissioner's authorized agent may revoke a permit for repeated violations of the requirements of this part or for interference with the commissioner or the commissioner's agent in the performance of the official's duty.

**HISTORY:** Acts 2013, ch. 182, § 48

**68-14-726. Maintenance of required files -- Requirements if contracting with company that provides drivers. [Effective on July 1, 2015.]**

The files required to be maintained in accordance with this part shall be kept by all quick fast food establishments that employ drivers or that contract with drivers or contract with companies that provide drivers for the delivery of food. If a quick fast food service

establishment contracts with a company that provides drivers for the delivery of food, the company shall provide to the food service establishment proof of financial responsibility for each of the company's employees providing the driving services under the contract.