

40-7-18-.13 License to Operate.

(1) Prerequisite for Operation. A person may not operate a food processing plant without a valid license to operate issued by the Department.

(2) Form of Submission. A person desiring to operate a food processing plant shall submit to the Department a written application for a license on a form provided by the Department.

(a) The Commissioner shall charge the following fees for the licenses issued pursuant to 26-2-25. (a). The fee structure shall be based on the level of risk, procedural effort and inspection time needed for each food processing plant. Tier 1 \$100.00, Tier 2 \$150.00, Tier 3 \$200.00, Tier 4 \$250.00 and Tier 5 \$300.00. The license shall be renewed annually on July 1. License fees shall be increased by 50 percent for the renewal of a license not renewed by September 1.

<u>Firm Code</u>	<u>Firm Type</u>	<u>Tier</u>
<u>272</u>	<u>Bulk Honey Producer</u>	<u>1</u>

<u>Firm Code</u>	<u>Firm Type</u>	<u>Tier</u>
<u>220</u>	<u>Flour Mill / Cornmeal Mill</u>	<u>2</u>
<u>260</u>	<u>Syrup Processing</u>	<u>2</u>
<u>270</u>	<u>Honey Processing</u>	<u>2</u>
<u>330</u>	<u>Frozen Fruit / Vegetable Processing</u>	<u>2</u>
<u>350</u>	<u>Pecan Processing (RAW)</u>	<u>2</u>
<u>360</u>	<u>Peanut Processing (RAW)</u>	<u>2</u>
<u>397</u>	<u>Spices</u>	<u>2</u>
<u>404</u>	<u>Microprocessor</u>	<u>2</u>
<u>550</u>	<u>Coffee / Tea Processing</u>	<u>2</u>
<u>902</u>	<u>Ice Manufacturing</u>	<u>2</u>

<u>Firm Code</u>	<u>Firm Type</u>	<u>Tier</u>
<u>114</u>	<u>Retail / Wholesale Seafood</u>	<u>3</u>
<u>130</u>	<u>Bottling Plants (Non-Alcohol)</u>	<u>3</u>
<u>151</u>	<u>Bottling Water (Plant)</u>	<u>3</u>
<u>208</u>	<u>Retail / Wholesale Bakery</u>	<u>3</u>
<u>210</u>	<u>Wholesale Bakery</u>	<u>3</u>
<u>218</u>	<u>Rice / Noodle Manufacturing Processing</u>	<u>3</u>
<u>219</u>	<u>Tortillas Manufacturing / Processing</u>	<u>3</u>
<u>221</u>	<u>Flour Mill / Cornmeal Mill - Large</u>	<u>3</u>
<u>240</u>	<u>Candy Processing</u>	<u>3</u>
<u>251</u>	<u>Sugar Processing</u>	<u>3</u>
<u>261</u>	<u>Syrup Processing - Large</u>	<u>3</u>
<u>320</u>	<u>Seafood / Fishery Processing</u>	<u>3</u>

<u>331</u>	<u>Frozen Fruit / Vegetable Processing - Large</u>	<u>3</u>
<u>344</u>	<u>Acid Foods Processing</u>	<u>3</u>
<u>347</u>	<u>Jams, Jellies, Preserves, Spreads Processing</u>	<u>3</u>
<u>351</u>	<u>Pecan Processing (RAW) - Large</u>	<u>3</u>
<u>352</u>	<u>Pecan Processing (READY-TO-EAT)</u>	<u>3</u>
<u>361</u>	<u>Peanut Processing (RAW) - Large</u>	<u>3</u>
<u>362</u>	<u>Peanut Processing (READY-TO-EAT)</u>	<u>3</u>
<u>380</u>	<u>Vegetable Oil / Shortening / Oleo Margarine Processing</u>	<u>3</u>
<u>398</u>	<u>Spices - Large</u>	<u>3</u>
<u>399</u>	<u>Condiments Processing</u>	<u>3</u>
<u>551</u>	<u>Coffee / Tea Processing - Large</u>	<u>3</u>
<u>600</u>	<u>Alcoholic Beverage Processing</u>	<u>3</u>
<u>640</u>	<u>Egg Producer</u>	<u>3</u>
<u>650</u>	<u>Egg Processing</u>	<u>3</u>
<u>903</u>	<u>Ice Manufacturing – Large</u>	<u>3</u>
<u>905</u>	<u>Sandwich Manufacturing / Processing</u>	<u>3</u>

<u>Firm Code</u>	<u>Firm Type</u>	<u>Tier</u>
<u>115</u>	<u>Retail / Wholesale Seafood - Large</u>	<u>4</u>
<u>116</u>	<u>Retail / Wholesale Seafood with Deli</u>	<u>4</u>
<u>131</u>	<u>Bottling Plants (Non-Alcohol) - Large</u>	<u>4</u>
<u>152</u>	<u>Bottling Water (Plant) - Large</u>	<u>4</u>
<u>209</u>	<u>Retail / Wholesale Bakery - Large</u>	<u>4</u>
<u>211</u>	<u>Wholesale Bakery - Large</u>	<u>4</u>
<u>213</u>	<u>Wholesale / Retail Bakery with Deli</u>	<u>4</u>
<u>241</u>	<u>Candy Processing - Large</u>	<u>4</u>
<u>321</u>	<u>Seafood / Fishery Processing - Large</u>	<u>4</u>
<u>332</u>	<u>Fresh Fruit / Vegetable Processing</u>	<u>4</u>
<u>340</u>	<u>Canned Fruit / Vegetable Processing</u>	<u>4</u>
<u>342</u>	<u>Acidified / Acid Foods Processing</u>	<u>4</u>
<u>345</u>	<u>Acidified Foods Processing</u>	<u>4</u>
<u>353</u>	<u>Pecan Processing (READY-TO-EAT) - Large</u>	<u>4</u>
<u>363</u>	<u>Peanut Processing (READY-TO-EAT) - Large</u>	<u>4</u>
<u>370</u>	<u>Peanut Butter Processing</u>	<u>4</u>
<u>381</u>	<u>Vegetable Oil / Shortening / Oleo Margarine Processing - Large</u>	<u>4</u>
<u>382</u>	<u>Juice Processors</u>	<u>4</u>
<u>385</u>	<u>Baby Food Processors</u>	<u>4</u>
<u>400</u>	<u>Multi-Product & Miscellaneous Food Processing</u>	<u>4</u>
<u>410</u>	<u>Imitation Dairy Product Processing</u>	<u>4</u>
<u>601</u>	<u>Alcoholic Beverage Processing - Large</u>	<u>4</u>
<u>906</u>	<u>Sandwich Manufacturing / Processing - Large</u>	<u>4</u>
<u>908</u>	<u>Snack Food Manufacturing / Processing</u>	<u>4</u>

<u>Firm Code</u>	<u>Firm Type</u>	<u>Tier</u>
<u>333</u>	<u>Fresh Fruit / Vegetable Processing - Large</u>	<u>5</u>
<u>336</u>	<u>Fresh Sprouts Processing</u>	<u>5</u>
<u>341</u>	<u>Canned Fruit / Vegetable Processing - Large</u>	<u>5</u>
<u>343</u>	<u>Acidified / Acid Foods Processing - Large</u>	<u>5</u>
<u>346</u>	<u>Low Acid Foods Processing</u>	<u>5</u>
<u>371</u>	<u>Peanut Butter Processing- Large</u>	<u>5</u>
<u>383</u>	<u>Juice Processors - Large</u>	<u>5</u>
<u>401</u>	<u>Multi-Product & Miscellaneous Food Processing - Large</u>	<u>5</u>

(3) Regulations governing blended operations.

(a) Establishments that have both retail sales and processing plant operations on the same premises will not receive the Food Sales Establishment License, but will be issued the Manufactured Food Establishment License.

(b) Retail operations at these facilities will still be subject to the Department's General Rules Chapter 40-7-1 governing retail operations.

(c) The wholesale manufacturing operation will be subject to the Department's Additional Regulations Applicable to Processing Plants Chapter 40-7-18 governing manufactured food facilities.

(4) Qualifications and Responsibilities of Applicants. To qualify for licensing, an applicant shall:

(a) Be an owner of the establishment or an officer of the legal ownership;

(b) Comply with the requirements of these regulations;

(c) Agree to, that after the Department Representative presents official credentials and provides notice of the purpose of, and an intent to conduct, an inspection, the person in charge shall allow the Department Representative to determine if the food processing plant is in compliance with these Regulations by allowing access to the establishment, allowing inspection, and providing information and records specified in these Regulations and to which the Department is entitled according to law, during the food processing plant's hours of operation and other reasonable times.

(d) Agree to comply with directives of the Department including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the Department in regard to the license holder's food processing plant. Further, a license holder shall at the time of inspection, correct a critical violation of these regulations and/or implement corrective actions for a HACCP plan provision that is not in compliance with its critical limit.

(e) Agree to be subject to the administrative, civil, injunctive, and criminal remedies authorized under law for failure to comply with these regulations or a directive of the Department, including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives.

(5) License Not Transferable. A license may not be transferred from one person to another person, from one processing plant to another, or from one type of operation to another.

(6) Refusal to Sign Acknowledgment. The regulatory authority shall:

(a) Inform a person who declines to sign an acknowledgment of receipt of inspectional findings that:

1. An acknowledgment of receipt is not necessarily an agreement with findings,

2. Refusal to sign an acknowledgment of receipt will not affect the license holder's obligation to correct the violations noted in the inspection report within the time frames specified, and

3. A refusal to sign an acknowledgment of receipt is noted in the inspection report and conveyed to the Department historical record for the food processing plant; and

(b) Make a final request that the person in charge sign an acknowledgment of receipt of inspectional findings.

(7) Ceasing Operations and Reporting - Imminent Health Hazard.

(a) Except as specified in paragraph (b) of this section, a license holder shall immediately discontinue operations and notify the Department if an imminent health hazard may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent foodborne illness outbreak, gross insanitary occurrence or condition, or other circumstance that may endanger public health;

(b) A license holder need not discontinue operations in an area of an food processing plant that is unaffected by the imminent health hazard.

(7) Resumption of Operations.

(a) If operations are discontinued as specified under 40-7-18-.13(7) or otherwise according to law, the permit holder shall obtain approval from the Department before resuming operations

(b) Withhold From Sale (Embargo: Detained) -The removal or disposal of embargoed or detained food is prohibited without official release from the Department.