

902 KAR 45:110. Permits and fees for retail food establishments, food manufacturing plants, food storage warehouses, salvage processors and distributors, vending machine companies, and seasonal restricted food concessions.

RELATES TO: KRS 217.025, 217.035, 217.037, 217.125, 217.811, 2000 Ky. Acts ch. 549, part I.A.41

STATUTORY AUTHORITY: KRS 194A.050, 217.125(1), 2000 Ky. Acts ch. 549, part I.A.41

NECESSITY, FUNCTION, AND CONFORMITY: KRS 217.125(2), 217.811 and 2000 Ky. Acts ch. 549, part I.A.41 authorize the Secretary of the Cabinet for Health Services to provide by administrative regulation a schedule of reasonable fees to be paid by food manufacturing plants, food storage warehouses, retail food establishments, salvage distributors, salvage processing plants, vending machine companies, and seasonal restricted food concessions for permits to operate and for inspection activities carried out by the Cabinet for Health Services. This administrative regulation establishes the schedule of fees.

Section 1. Fees. (1)(a) A permit fee is required for inspections conducted by the cabinet or its representatives to determine compliance with:

1. Administrative regulations for salvage distributors and salvage processing plants; and
2. KRS 217.025, 217.035, and 217.037 for food manufacturing plants and food storage warehouses.

(b) A fee shall be assessed according to the total square footage of the establishment, as follows:

1. 0 - 1,000 square feet - seventy-five (75) dollars;
2. 1,001 - 5,000 square feet - eighty-five (85) dollars;
3. 5,001 - 30,000 square feet - \$147;
4. 30,001 - 40,000 square feet - \$275; or
5. 40,001 or more square feet - \$290.

(2)(a) A fee shall be assessed for inspections of retail food stores, conducted by the cabinet or its representative to determine compliance with administrative regulations pursuant to KRS 217.025, 217.035, 217.037, and 217.125(2) pertaining to:

1. Adulteration;
2. Misbranding;
3. Packaging; and
4. Labeling of food products.

(b) A fee shall be assessed according to the total square footage of the establishment, as follows:

1. 0 - 1,000 square feet - twenty-seven (27) dollars;
2. 1,001 - 10,000 square feet - fifty-three (53) dollars;
3. 10,001 - 20,000 square feet - ninety (90) dollars;
4. 20,001 - 30,000 square feet - ninety-five (95) dollars; or
5. 30,001 or more square feet - \$100.

(c) An application for a permit to operate a mobile retail food store shall be accompanied by a fee of twenty-seven (27) dollars.

(3) An application for a permit to operate a vending machine company shall be accompanied by a fee of twenty-seven (27) dollars for each vending commissary plus a fee for the total number of vending machines operated by the applicant as follows:

- (a) One (1) - twenty-five (25) machines - \$107;
- (b) Twenty-six (27) - fifty (50) machines - \$160;
- (c) Fifty-one (51) - 100 machines - \$213;
- (d) 101-150 machines - \$253; or
- (e) 151 and over machines - \$414.

(4) An application for a permit to operate a food service establishment shall be accompanied by a fee of sixty (60) dollars plus the following fees, if applicable:

(a) For a permanent food service establishment, according to the number of seats, as follows:

1. Zero to twenty-five (25) seats - sixty (60) dollars annually;
2. Twenty-six (26) to fifty (50) seats - ninety (90) dollars annually;
3. Fifty-one (51) to 100 seats - ninety-five (95) dollars annually;
4. 101 to 200 seats - \$100 annually;
5. 201 or more seats - \$105 annually;

(b) Drive-through window - \$125 per year;

(c) Catering operation - \$110 per year; or

(d) Mobile food unit - \$120 per year.

(5) An application for a permit to operate a temporary food service establishment shall be accompanied by a fee according to the length of the event, as follows:

(a) One (1) to three (3) day event - twenty-five (25) dollars;

(b) Four (4) to fourteen (14) day event - thirty (30) dollars.

(6) An application for a permit to operate a seasonal restricted food concession within a local health department jurisdiction shall be accompanied by a fee of thirty-three (33) dollars.

Section 2. Payment of Fees. Payment of fees shall be made to the local health department having jurisdiction. Fees received by a local health department shall be deposited in the Kentucky State Treasury. (9 Ky.R. 300; Am. 593; eff. 12-1-82; 14 Ky.R. 2082; eff. 8-3-88; 16 Ky.R. 2786; eff. 7-18-90; 17 Ky.R. 526; eff. 9-19-90; 19 Ky.R. 301; 732; eff. 8-28-92; 21 Ky.R. 1794; eff. 2-15-95; 27 Ky.R. 1938; 2480; eff. 3-6-2001.)