

217.126 Denial, suspension, or revocation of permit.

- (1) The cabinet shall suspend the permit to operate a retail food establishment immediately upon notice to the permit holder without a conference when:
 - (a) An inspection of an establishment reveals that any of the following conditions are present:
 1. Sewage is standing in the food preparation, food storage, utensil washing, or storage areas;
 2. Gross rodent or insect activity exists resulting in contamination of food or food equipment;
 3. The water supply is contaminated or cut off with no approved alternative plan;
 4. The establishment is operating in blatant disregard for safe cooking or holding temperatures for potentially hazardous foods; or
 5. There is an infiltration of toxic or noxious gases, dust, or other irritants or contaminants causing apparent illness of employees or patrons; or
 - (b) The permit holder or authorized agent has interfered, as defined in KRS 217.015(25), with the cabinet in the performance of its duties, after its agents have duly and officially identified themselves and the interference has been verified by the inspector's supervisor;
 - (c) An inspection of an establishment reveals a rating score of less than sixty (60); or
 - (d) An inspection reveals that an imminent health hazard as defined in KRS 217.015(24) still exists and the hazard has been verified by the agent's supervisor.
- (2) In all other instances not covered by subsection (1) of this section, after notice to the applicant or holder of a permit to operate and after an opportunity for a hearing as provided by administrative regulations of the secretary, the cabinet or local health department concerned may deny, suspend, or revoke a permit to operate in any case where it finds that there has been a failure to comply with the requirements of KRS 217.005 to 217.215 or the administrative regulations of the secretary. Any administrative hearing conducted under this section shall be conducted in accordance with KRS Chapter 13B.

Effective: July 15, 1998

History: Amended 1998 Ky. Acts ch. 297, sec. 2, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 318, sec. 123, effective July 15, 1996. -- Created 1990 Ky. Acts ch. 458, sec. 3, effective July 13, 1990.