

Title 15 - Mississippi Department of Health

Part 13 – Office of Health Protection

Subpart 75 – Food Safety

Chapter 1 REGULATION GOVERNING BOTTLED WATER

Rule 1.7.2 Fees: The annual permit fee for a bottled water plant and/or dealer is specified in Chapter 5 of this Subpart.

SOURCE: Miss. Code Ann. § 75-29-19

Rule 1.9.22 Fees. Each person seeking an operating permit to install, operate, or maintain a water vending machine shall pay an annual fee as specified in Chapter 5 of this Subpart, for each machine to the Department. Fees shall be non-refundable. Specific authority: Section 41-3-18, MS Code of 1972, Annotated.

SOURCE: Miss. Code Ann. § 75-29-19

Chapter 4 REGULATION GOVERNING MANUFACTURE AND SALE OF FOOD AND FOOD PRODUCTS

Subchapter 4 Procedures for Permits

Rule 4.4.1 General: From and after January 1, 1999, no person shall operate a food establishment without first obtaining a permit for the operation of that facility from the State Department of Health (hereafter referred to as Health Authority). An annual permit fee shall be paid as authorized in Sec. 41-3-18 Mississippi Code of 1972, Annotated, and as specified in Chapter 5 of this Subpart. .

SOURCE: MS Code Ann. § 75-29-19

Subchapter 5 Plan Review, Inspections, Sampling and Labeling

Rule 4.5.1 Review of Plans and Specifications: Prior to the construction, remodeling or conversion for use as a food establishment plans and specifications shall be submitted to the Health Authority for review and approval. The plans and specifications shall include a description of the food processing; indicate the proposed layout, arrangement, and construction materials of work areas and the type and model of proposed fixed equipment and facilities to the extent necessary to determine whether the proposed facility will comply with the Regulation Governing Manufacture and Sale of Food and Food Products. A Plan Review fee must be submitted to the department in accordance with Chapter 5 of this Subpart.

Subchapter 6. Hazard Analysis Critical Control Points (HACCP)

Rule 4.6.1 Any permitted food establishment shall operate under a HACCP plan / food safety plan approved by the Health Authority, if required under Federal statutes. If not required under Federal statutes, any permitted food manufacturer, repacker/packer, and/or salvage operation which is in a risk category 3 or 4 shall establish and operate under a HACCP plan / food safety plan, as approved by the Health Authority, and which shall contain as a minimum:

1. A hazard analysis for all types of potentially hazardous foods that are manufactured, packed/repacked, or salvaged.
2. A flow diagram by specific food or category type identifying critical control points and providing information on
 - a. ingredients, materials, and equipment, and
 - b. formulations or recipes.
 - c. A written HACCP plan / food safety plan which identifies:
 - d. each critical control point,
 - e. the critical limits for each critical control point,
 - f. the method and frequency for monitoring and controlling each critical control point,
 - g. corrective action to be taken if the critical limits for each critical control point are not met,
 - h. written records to document that the HACCP plan / food safety plan is properly implemented, and
 - i. written Standard Sanitation Operating Procedures (SSOP's) in place which insure compliance with the good manufacturing practices of 21 CFR Part 110; and additional scientific data or other information or training, as required by the Health Authority, supporting the determination that food safety is not compromised by the proposal.

SOURCE: MS Code Ann. § 75-29-19

Chapter 5. FEES

Rule 5.1.1 Fees shall be collected by the Department for the following services:

| Fee Description | Fee Amount | Frequency |
|----------------------------|------------|------------------|
| Bottled Water Plant Permit | \$230.00 | Annually |
| Water Vending Permit | \$34.50 | Annually |
| Plan Review Fee | \$195.00 | With Application |

Rule 5.1.2 Risk categorization allows establishments to be ranked by considering risk factors and creating a variable inspection frequency for each category. There shall be from one to four levels of risks established. The minimal frequency of inspection shall be as follows:

| Risk Level/Fee | Fee | Risk Type Category Description | Minimum number of inspections per year) |
|----------------|-------|---|---|
| 1 | \$35 | <ul style="list-style-type: none"> • Pre-packaged non-time, temperature controlled for safety (TCS) food • Limited prep of non-TCS food • Two-three day events if TCS food limited to one- two items with no cooling or reheating | 1 |
| 2 | \$115 | <ul style="list-style-type: none"> • Limited menu (one or two primary items) • Minimal food preparation • Products cooked, prepared, and served immediately • Hot or cold hold limited to single meal service • Raw ingredients requiring minimal preparation | 1 |
| 3 | \$173 | <ul style="list-style-type: none"> • Handling of several TCS foods • Preparation including cooking, cooling, and reheating of TCS foods • Retail food operations including deli and seafood departments • Hot and cold holding of foods • Wholesale processing (non-TCS) foods | 2 |

| | | | |
|---|-------|---|---|
| 4 | \$230 | <ul style="list-style-type: none"> • Extensive handling of raw ingredients • Preparation processes include the cooking, cooling, and reheating of TCS foods • Processing requiring hot and cold holding of TCS foods • Food processes include advance preparation of TCS foods for next day service • Facilities whose primary service is to the immuno-compromised • Wholesale TCS foods • Extensive handling of raw potentially hazardous ingredients extended hours • Food processing of TCS foods (wholesale or retail) | 2 |
|---|-------|---|---|

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Subpart 75 – Food Safety

Chapter 1 REGULATION GOVERNING BOTTLED WATER

Rule 1.7.2 Fees: The annual permit fee for a bottled water plant and/or dealer is ~~\$200.00~~ specified in Chapter 5 of this Subpart.

SOURCE: Miss. Code Ann. § 75-29-19

Rule 1.9.22 Fees. Each person seeking an operating permit to install, operate, or maintain a water vending machine shall pay an annual ~~fee of \$30.00~~ fee as specified in Chapter 5 of this Subpart, for each machine to the Department. Fees shall be non-refundable. Specific authority: Section 41-3-18, MS Code of 1972, Annotated.

SOURCE: Miss. Code Ann. § 75-29-19

Chapter 4 REGULATION GOVERNING MANUFACTURE AND SALE OF FOOD AND FOOD PRODUCTS

Subchapter 4 Procedures for Permits

Rule 4.4.1 General: From and after January 1, 1999, no person shall operate a food establishment ~~defined in Section 14 as a manufacturer and which is in a risk category 3, 4, or 5 (Appendix A)~~ without first obtaining a permit for the operation of that facility from the State Department of Health (hereafter referred to as Health Authority). An annual permit fee shall be paid as authorized in Sec. 41-3-18 Mississippi Code of 1972, Annotated and as specified in Chapter 5 of this Subpart. ~~Any other food establishment of a type defined in Section 104 may be permitted by the Health Authority if requested or otherwise required.~~

SOURCE: MS Code Ann. § 75-29-19

Subchapter 5 Plan Review, Inspections, Sampling and Labeling

Rule 4.5.1 Review of Plans and Specifications: Prior to the construction, remodeling or conversion for use as a food establishment plans and specifications shall be submitted to the Health Authority for review and approval. The plans and specifications shall include a description of the food processing; indicate the proposed layout, arrangement, and construction materials of work areas and the type and model of proposed fixed equipment and facilities to the extent necessary to determine whether the proposed facility will comply with the Regulation

Governing Manufacture and Sale of Food and Food Products. A Plan Review fee must be submitted to the department in accordance with Chapter 5 of this Subpart.

Subchapter 6 Hazard Analysis Critical Control Points (HACCP)

Rule 4.6.1 Any permitted food establishment shall operate under a HACCP plan / food safety plan approved by the Health Authority, if required under Federal statutes. If not required under Federal statutes, any permitted food manufacturer, repacker/packer, and/or salvage operation which is in a risk category 3 or 4 ~~or 5~~ shall establish and operate under a HACCP plan / food safety plan, as approved by the Health Authority, and which shall contain as a minimum:

2. A hazard analysis for all types of potentially hazardous foods that are manufactured, packed/repacked, or salvaged.
2. A flow diagram by specific food or category type identifying critical control points and providing information on
 - a. ingredients, materials, and equipment, and
 - b. formulations or recipes.
 - c. A written HACCP plan / food safety plan which identifies:
 - d. each critical control point,
 - e. the critical limits for each critical control point,
 - f. the method and frequency for monitoring and controlling each critical control point,
 - g. corrective action to be taken if the critical limits for each critical control point are not met,
 - h. written records to document that the HACCP plan / food safety plan is properly implemented, and
 - i. written Standard Sanitation Operating Procedures (SSOP's) in place which insure compliance with the good manufacturing practices of 21 CFR Part 110; and additional scientific data or other information or training, as required by the Health Authority, supporting the determination that food safety is not compromised by the proposal.

SOURCE: MS Code Ann. § 75-29-19

APPENDIX A

Food Processing Risk Assessment

Risk categorization allows establishments to be ranked by considering risk factors and creating a variable inspection frequency for each category. There shall be from one to five levels of risks established. The minimal frequency of inspection shall be as follows:

| Risk/Fee Level | Risk Type Category Description | Frequency (# per year) | Examples Including but Not Limited To: |
|-----------------------|--|-------------------------------|---|
| 1 \$15 | Pre-packaged non-potentially hazardous foods only | 1 | Warehouses handling dry products only Relabelers |
| 2 \$30 | Minimal food preparation of NPH Products repacked for sale Hot or cold holding of packaged foods | 1-2 | Repackers, warehouses holding PHF which require temp. control Jellies, jams, spices, dry mixes |
| 3 \$70 | Wholesale processing of raw non-ready-to-eat products Commercial bakeries | 2-3 | Wholesale processing (pH foods) ex. catfish Bakeries |
| 4 \$100 | Wholesale processing of PHF | 3-4 | Wholesale processing of PHF such as sandwich mfg., low acid ready-to-eat products Raw, unprocessed ready-to-eat products (salads, nuts) |
| 5 \$150 | Extensive handling of large volumes of raw potentially hazardous ingredients / extended hours Food processing of PHF (wholesale or retail) which require HACCP plan or food safety plan | 3-4 | Processors of PHF requiring HACCP plans or equivalent. (ex. seafood processor of ready-to-eat products) Smoking, curing, reduced oxygen packaging, acidified product |

Chapter 5 FEES

Rule 5.1.1 Fees shall be collected by the Department for the following services:

| <u>Fee Description</u> | <u>Fee Amount</u> | <u>Frequency</u> |
|-----------------------------------|-------------------|-------------------------|
| <u>Bottled Water Plant Permit</u> | <u>\$230.00</u> | <u>Annually</u> |
| <u>Water Vending Permit</u> | <u>\$34.50</u> | <u>Annually</u> |
| <u>Plan Review Fee</u> | <u>\$195.00</u> | <u>With Application</u> |

Rule 5.1.2 Risk categorization allows establishments to be ranked by considering risk factors and creating a variable inspection frequency for each category. There shall be from one to four levels of risks established. The minimal frequency of inspection shall be as follows:

| <u>Risk Level/Fee</u> | <u>Fee</u> | <u>Risk Type Category Description</u> | <u>Minimum number of inspections per year)</u> |
|-----------------------|-----------------|--|--|
| <u>1</u> | <u>\$35.00</u> | <ul style="list-style-type: none"> • <u>Pre-packaged non-time, temperature controlled for safety (TCS) food</u> • <u>Limited prep of non-TCS food</u> • <u>Two-three day events if TCS food limited to one- two items with no cooling or reheating</u> | <u>1</u> |
| <u>2</u> | <u>\$115.00</u> | <ul style="list-style-type: none"> • <u>Limited menu (one or two primary items)</u> • <u>Minimal food preparation</u> • <u>Products cooked, prepared, and served immediately</u> • <u>Hot or cold hold limited to single meal service</u> • <u>Raw ingredients requiring minimal preparation</u> | <u>1</u> |
| <u>3</u> | <u>\$173.00</u> | <ul style="list-style-type: none"> • <u>Handling of several TCS foods</u> • <u>Preparation including cooking, cooling, and reheating of TCS foods</u> • <u>Retail food operations including deli and seafood departments</u> • <u>Hot and cold holding of foods</u> • <u>Wholesale processing (non-TCS) foods</u> | <u>2</u> |

| | | | |
|---|-----------------|---|----------|
| 4 | <u>\$230.00</u> | <ul style="list-style-type: none"> • <u>Extensive handling of raw ingredients</u> • <u>Preparation processes include the cooking, cooling, and reheating of TCS foods</u> • <u>Processing requiring hot and cold holding of TCS foods</u> • <u>Food processes include advance preparation of TCS foods for next day service</u> • <u>Facilities whose primary service is to the immuno-compromised</u> • <u>Wholesale TCS foods</u> • <u>Extensive handling of raw potentially hazardous ingredients extended hours</u> • <u>Food processing of TCS foods (wholesale or retail)</u> | <u>2</u> |
|---|-----------------|---|----------|