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| <b>Title:</b>      | <b>Food Establishment Change of Ownership</b>                           | Page 1 of 3                |
| <b>Number:</b>     | FLE Policy 2022-02  | Effective Date: 12/12/2022 |
| <b>Applies To:</b> | Operators who will assume ownership of an in-service food establishment | Supersedes: N/A            |
| <b>Approved:</b>   | John Kiess, RS, EH Director   | Next Review: 12/01/24      |

**A. Purpose**

The purpose of this policy is to provide operators who have assumed, or will assume, ownership of an in-service food establishment in Kitsap County with a policy and procedure.

**B. Policy Statement**

It is the policy of the Kitsap Public Health District (Health District) to minimize the public’s exposure to foodborne illness by ensuring local ordinance and state law requirements are being met.

**C. Definitions**

For the purposes of administration and enforcement of this policy and procedure, the following definitions shall apply in addition to those found in Chapter 246-215 Washington Administrative Code (Food Code) and Kitsap Public Health Board Ordinance 2022-02 (Ordinance).

1. **Change of Ownership:** When the owner of a food establishment changes to a different individual, partnership, corporation, association, or other legal entity AND:
  - There will be no changes to the menu, equipment, or operating procedures in the facility. Plan review may be required when changes to the establishment’s menu, equipment, or operating procedures occur from the previous owner’s operation.
  - The operation of the business is continuous from the old owner to the new owner. Full plan review is required when there is an interruption of the ongoing operation of the establishment.
2. **Owner:** The Food Service Establishment Permit holder.
3. **Routine inspection:** The evaluation of the food handling processes, employee hygiene, general sanitation, and food sources at the food establishment.

**D. Implementing Procedures**

1. An applicant shall submit applications and relevant fees to the Health District at least 30 days before the date planned for the change of ownership. Applications submitted more than 30 days after the change of ownership effective date will incur a greater fee, per the Environmental Health Fee Schedule. The applications that must be submitted by the new owner are:

- a. Plan Review Application. This application documents the change of ownership, the current floor plan of the establishment, the current menu, and other operating information.
  - b. Food Service Establishment Permit Application. Permits are not transferrable from owner to owner. This application puts the food establishment in the new owner's name. The permit will be valid for the remainder of the permit year, which ends June 30<sup>th</sup>.
2. The Environmental Health Permitting Program will forward the completed copies of the change of ownership documents to the applicable jurisdiction's building department and the Kitsap County Assessor's Office.
3. Within 30 days of the effective date of the ownership change or notification to the Health District, whichever comes last, a site inspection will occur. The inspection will include an evaluation of the physical facility and a routine food safety inspection to determine if regulatory requirements are met.
  - a. The establishment meets regulatory requirements.
    - i. The permit holder does not need to proceed with any other action, except for as outlined in Section D.3.a.ii, if applicable.
    - ii. Agreements, such as a Commissary Kitchen Agreement or Wastewater Disposal Agreement, or Health District-approved plans of operation that were in place with the previous owner to accommodate non-traditional ways to meet regulation requirements will be honored, as long as they have been adequately protective of public health. New agreements will need to be submitted under the new owner's name.
  - b. The establishment does not meet regulatory requirements.
    - i. Health District staff will document deficiencies or potential deficiencies in writing to either the person-in-charge at the inspection via an inspection report or the permit holder via an email or regular mail. It is the responsibility of the person-in-charge to notify other people in the organization who require the information.
      - (a) If the establishment does not meet the minimum commercial kitchen facility requirements, the permit holder may be required to submit a Plan Review Application, with applicable fees, to the Health District's Food & Living Environment Program for review.
      - (b) Agreements or Health District-approved plans of operation that were in place with the previous owner to accommodate non-traditional ways to meet regulation requirements, but are inadequately protecting public health, may be revised or revoked and Section D.3.b.i.a will apply.

