

LII > State Regulations > Alaska Administrative Code

> Title 18 - Environmental Conservation

> Tit. 18, ch. 31 AAC - Alaska Food Code

> Article 9 - Compliance Procedures and General Provisions

> **18 AAC 31.905 - Permit suspension and establishment closure**

18 AAC 31.905 - Permit suspension and establishment closure

State Regulations

Compare

(a) The department may, without prior warning, notice, or hearing, suspend a permit and require that the food establishment immediately stop operating if

(1) an imminent health hazard exists and no immediate correction or containment that is acceptable to the department is available;

(2) during an inspection conducted under [18 AAC 31.900](#), the operator receives

(A) five or more risk factor or intervention violations;

(B) four risk factor or intervention violations and five or more good retail practice violations; or

(C) three risk factor or intervention violations and eight or more good retail practice violations;

(3) a food establishment is placed under a boil water notice under [18 AAC 80.635](#) because of a violation of the maximum contaminant level for coliform bacteria, and the operator fails to take the actions required by [18 AAC 31.500\(e\)](#);

(4) the department advises the operator under 18 AAC 80 that one or more samples of the food establishment's public water system are positive for fecal coliforms;

(5) the operator fails to comply with the terms of a conditional permit issued under 18 AAC 31.021, including if

(A) each violation specified under 18 AAC 31.021 is not corrected on or before the date indicated on the conditional permit;

(B) the operator does not make fee payments in compliance with a fee schedule established under 18 AAC 31.021; or

(C) drinking water plans or wastewater plans submitted as required by 18 AAC 31.030 are not approved;

(6) multiple or repeated violations of a requirement of this chapter occur;

(7) a risk factor or intervention violation is not corrected within the time frame designated during an inspection conducted under 18 AAC 31.900;

(8) during a reinspection of a food establishment within a 12-month period, the department notes on an inspection form, three or more risk factor or intervention violations;

(9) the operator or an employee interferes with a department employee or agent in the performance of official duties; or

(10) the department believes that a food establishment or an employee might be the source of a foodborne illness.

(b) The department may, without prior warning, notice, or hearing, issue a notice of closure to a food establishment and require that the food establishment immediately stop operating if a person is operating a food establishment without a valid permit issued under 18 AAC 31.020.

(c) If the department requires a food establishment to stop operating under (a) or (b) of this section, the operator may not resume operating until

(1) a reinspection shows that the conditions that caused the stoppage no longer exist; the department may, if public health is protected and the purpose of this chapter is otherwise satisfied, accept a written agreement with the operator that establishes a schedule for correcting deficiencies that cannot reasonably be corrected before the scheduled reinspection; and

(2) the operator has implemented a food safety management system, including appropriate written standard operating procedures and self-assessments, as

specified at [18 AAC 31.902](#).

(d) If the department requires a food establishment to stop operating under (a) or (b) of this section, the department will order affixed a notice at the food establishment in a place conspicuous to the public that indicates the establishment is closed. The notice may only be removed by the department or by the operator with the department's written consent.

(e) After the department suspends a permit or issues a notice of closure, the operator may request an informal review under [18 AAC 15.185](#) or may request an adjudicatory hearing under AS 44.62 (Administrative Procedure Act). An adjudicatory hearing is requested by submitting a request for hearing to the commissioner not later than 30 days after the issuance by the department of the notice of suspension or closure. If a timely request for an adjudicatory hearing is received, the commissioner will refer the matter to the office of administrative hearings (AS 44.64.010) for a hearing and recommended decision under [2 AAC 64.100](#) - [2 AAC 64.990](#) to the commissioner or to the commissioner's designee if the designee is a person other than the person who issued the contested decision.

Notes

18 AAC 31.905

Eff. 5/18/97, Register 142; am 12/19/99, Register 152; am 12/30/2000, Register 156; am 6/28/2001, Register 158; am 7/11/2002, Register 163; am 12/1/2004, Register 172; am 12/28/2006, Register 180; am 11/5/2017, Register 224, January 2018

Authority:AS 17.20.005

AS 17.20.010

AS 17.20.020

AS 17.20.072

AS 17.20.180

AS 44.46.020

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