

40-7-1-.75 License to Operate.

(1) Prerequisite for Operation. A person may not operate a food sales establishment without a valid license to operate issued by the Department.

(2) Form of Submission. A person desiring to operate a food sales establishment shall submit to the Department a written application for a permit on a form provided by the Department.

(a) The Commissioner shall charge the following fees for the licenses issued pursuant to 26-2-25. (a). The fee structure shall be based on the level of risk, procedural effort and inspection time needed for each food sales establishment. Tier 1 \$100.00, Tier 2 \$150.00, Tier 3 \$200.00, Tier 4 \$250.00 and Tier 5 \$300.00. The license shall be renewed annually on July 1. License fees shall be increased by 50 percent for the renewal of a license not renewed by September 1.

Firm Code	Firm Type	Tier
264	Syrup Processing (Seasonal)	1
271	Honey Processing (Seasonal)	1
272	Bulk Honey Producer	1
304	Retail/ Convenience Store	1
309	Shrimp Dock	1
349	Raw Agricultural Commodities (unprocessed)	1
504	Food Sales Area (with Potentially Hazardous Foods)	1
525	Food Banks	1
564	Wholesale Produce Dealer	1
590	Alcoholic Beverage Warehouse	1
604	Health Food Store	1
641	Small Egg Producer	1
701	Prepackaged Food Only (Nonpotentially Hazardous)	1
801	Roadside Fresh Vegetable/Fruit Stand	1
862	Rolling Stores/Mobile Vending	1
867	Out of State Rolling Stores/Mobile Vending	1
904	Retail Ice Manufacturing/Processing	1

Firm Code	Firm Type	Tier
101	Retail Store with Meat Market	2
108	Retail Seafood	2
140	Bottling Plants - Warehouse	2
154	Bulk Water Supplier	2
214	Retail Bakery	2
216	Bakery Outlet/Distribution Center	2
220	Flour Mill/Cornmeal Mill	2
242	Retail Candy Processing	2
260	Syrup Processing	2
270	Honey Processing	2
305	Retail/ Convenience Store with Deli	2
306	Retail/ Convenience Store with Bakery	2
307	Retail/ Convenience Store with Deli, Bakery	2
330	Frozen Fruit / Vegetable Processing	2
354	Pecan Processing - Seasonal	2

403	Shared Time/ Community Kitchen	2
500	Food Storage Warehouse	2
505	Food Sales Area with Deli	2
510	Pub Food Storage Warehouse- Not Refrigerated	2
550	Coffee/Tea Processing	2
552	Retail Coffee/Tea Processing	2
565	Wholesale Produce Dealer	2
591	Alcoholic Beverage Warehouse	2
605	Health Food Store with Deli	2
900	Water and Ice vending Machine	2
901	Ice vending Machine	2
902	Ice Manufacturing	2

Firm Code	Firm Type	Tier
102	Retail Store with Seafood, Deli, Bakery, Meat Market	3
103	Retail Store with Seafood, Deli, Meat Market	3
104	Retail Store with Seafood, Meat Market	3
105	Retail Store with Deli, Meat Market	3
106	Retail Store with Bakery, Meat Market	3
107	Retail Store with Deli, Bakery, Meat Market	3
109	Retail Seafood with Deli	3
110	Fresh/Frozen Seafood Distributor/Warehouse	3
114	Retail/Wholesale Seafood	3
115	Retail/Wholesale Seafood	3
130	Bottling Plants - Non-Alcohol	3
150	Bottling Water - Warehouse	3
151	Bottling Water - Plant	3
198	Sushi - Corporate Owned	3
199	Sushi Franchisee	3
201	Chain Store with Meat Market	3
208	Retail/Wholesale Bakery	3
210	Wholesale Bakery	3
215	Retail Bakery	3
217	Retail Bakery with Deli	3
218	Rice / Noodle Manufacturing Processing	3
219	Tortillas Manufacturing / Processing	3
221	Flour Mill/Cornmeal Mill	3
240	Candy Processing	3
251	Sugar Processing	3
261	Syrup Processing	3
320	Seafood / Fishery Processing	3
331	Frozen Fruit / Vegetable Processing	3
334	Retail Fresh Fruit / Vegetable Processing	3
335	Fresh Fruit / Vegetable Processing - Seasonal	3
344	Acid Foods Processing	3
347	Jams, Jellies, Preserves, Spreads Processing	3
348	Retail Acidified/ Acid Foods Processing	3

350	Pecan Processing	3
360	Peanut Processing	3
380	Vegetable Oil / Shortening/Oleo Margarine Processing	3
384	Retail Juice Processors	3
399	Condiments Processing	3
402	Retail Multi-Product & Misc Food Processing	3
501	Food Storage Warehouse	3
511	Pub Food Storage Warehouse- Not Refrigerated	3
520	Pub Food Storage Warehouse - Refrigerated	3
526	Reclaim Center	3
530	Salvage Food Dealer	3
551	Coffee/Tea Processing	3
600	Alcoholic Beverage Processing	3
640	Egg Producer	3
650	Egg Processing	3
859	Rolling Stores Commissary Store for Provisions	3
903	Ice Manufacturing	3
905	Sandwich Manufacturing/Processing	3
907	Retail Sandwich Manufacturing/Processing	3

Firm Code	Firm Type	Tier
111	Fresh/Frozen Seafood Distributor/Warehouse	4
116	Retail/Wholesale Seafood with Deli	4
131	Bottling Plants - Non-Alcohol	4
152	Bottling Water - Plant	4
200	Chain Store with Sushi	4
202	Chain Store with Seafood, Deli, Bakery, Meat Market	4
203	Chain Store with Seafood, Deli, Meat Market	4
204	Chain Store with Seafood, Meat Market	4
205	Chain Store with Deli, Meat Market	4
206	Chain Store with Bakery, Meat Market	4
207	Chain Store with Deli, Bakery, Meat Market	4
209	Retail/Wholesale Bakery	4
211	Wholesale Bakery	4
213	Wholesale / Retail Bakery with Deli	4
241	Candy Processing	4
321	Seafood / Fishery Processing	4
332	Fresh Fruit / Vegetable Processing	4
340	Canned Fruit / Vegetable Processing	4
342	Acidified/ Acid Foods Processing	4
345	Acidified Foods Processing	4
351	Pecan Processing	4
361	Peanut Processing	4
370	Peanut Butter Processing	4
381	Vegetable Oil / Shortening/Oleo Margarine Processing	4

382	Juice Processors	4
385	Baby Food Processors	4
400	Multi-Product & Misc Food Processing	4
410	Imitation Dairy Product Processing	4
502	Food Storage Warehouse (Repacker)	4
521	Pub Food Storage Warehouse - Refrigerated	4
531	Salvage Food Dealer	4
601	Alcoholic Beverage Processing	4
906	Sandwich Manufacturing/Processing	4
908	Snack Food Manufacturing/Processing	4

Firm Code	Firm Type	Tier
333	Fresh Fruit / Vegetable Processing	5
336	Fresh Sprouts Processing	5
341	Canned Fruit / Vegetable Processing	5
343	Acidified/ Acid Foods Processing	5
346	Low Acid Foods Processing	5
371	Peanut Butter Processing	5
383	Juice Processors	5
401	Multi-Product & Misc Food Processing	5

(3) Qualifications and Responsibilities of Applicants. To qualify for licensing, an applicant shall:

- (a) Be an owner of the establishment or an officer of the legal ownership;
- (b) Comply with the requirements of these regulations;

(c) Agree to, that after the Department Representative presents official credentials and provides notice of the purpose of, and an intent to conduct, an inspection, the person in charge shall allow the Department Representative to determine if the food establishment is in compliance with these Regulations by allowing access to the establishment, allowing inspection, and providing information and records specified in these Regulations and to which the Department is entitled according to law, during the food establishment's hours of operation and other reasonable times.

(d) Agree to comply with directives of the Department including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the Department in regard to the license holder's food establishment. Further, a license holder shall at the time of inspection, correct a critical violation of these regulations and/or implement corrective actions for a HACCP plan provision that is not in compliance with its critical limit.

(e) Agree to be subject to the administrative, civil, injunctive, and criminal remedies authorized under law for failure to comply with these regulations or a directive of the Department, including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives.

(4) License Not Transferable. A license may not be transferred from one person to another person, from one food establishment to another, or from one type of operation to another.

(5) Refusal to Sign Acknowledgment. The regulatory authority shall:

- (a) Inform a person who declines to sign an acknowledgment of receipt of inspectional findings that:
 1. An acknowledgment of receipt is not necessarily an agreement with findings,

2. Refusal to sign an acknowledgment of receipt will not affect the permit holder's obligation to correct the violations noted in the inspection report within the time frames specified, and

3. A refusal to sign an acknowledgment of receipt is noted in the inspection report and conveyed to the Department historical record for the food establishment; and

(b) Make a final request that the person in charge sign an acknowledgment of receipt of inspectional findings.

(6) Ceasing Operations and Reporting - Imminent Health Hazard.

(a) Except as specified in paragraph (b) of this section, a license holder shall immediately discontinue operations and notify the Department if an imminent health hazard may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent foodborne illness outbreak, gross insanitary occurrence or condition, or other circumstance that may endanger public health;

(b) A permit holder need not discontinue operations in an area of an establishment that is unaffected by the imminent health hazard.

(7) Resumption of Operations.

(a) If operations are discontinued as specified under 40-7-1-.75(6) or otherwise according to law, the permit holder shall obtain approval from the Department before resuming operations

(b) Withhold From Sale (Embargo: Detained) -The removal or disposal of embargoed or detained food is prohibited without official release from the Department.

Authority Ga. L. 1971, p.66 as amended; O.C.G.A. Sec. 26-2-25 et. seq.