

# **TEMPORARY AMENDMENT**

Salt Lake County Health Department  
Health Regulation #5

## **I. Purpose, Reasons and Justification**

1.1 This temporary regulation is adopted to add provisions necessary for the Board of Health to help control outbreaks of Hepatitis A in Salt Lake County.

1.2 Pursuant to Health Regulation #31, Subsection 4.4.2(i) “Standards and Procedures for Adoption of Health Regulations,” presently existing outbreaks of Hepatitis A in Salt Lake County demonstrate an imminent peril or threat to public health, safety, and welfare, in Salt Lake County, and thereby create a need for this temporary amendment, pending a formal substantive amendment of Health Regulation #5, as provided for in Health Regulation #31, Section 4.1, and following public notice and hearing.

## **II. Jurisdiction of the Department**

2.1 The Salt Lake County Board of Health has authority to promulgate regulations as authorized by Utah Code Ann. § 26A-1-121(1), and Chapter 9.04, Salt Lake County Code of Ordinances.

2.2 This temporary regulation is promulgated by the Salt Lake County Board of Health pursuant to Health Regulation #31, Section 4.4.

## **III. Substantive Provisions**

Health Regulation #5, “Food Sanitation Regulation,” is amended to include the following:

### **4.2.8 Authority of the Department to Order Proof of Vaccination for Food Employees and Conditional Employees During an Outbreak of Hepatitis A.**

- (i)
  - a) Outbreak is defined as the increased occurrence of Hepatitis A in a community, institution, region; or two or more cases of Hepatitis A in persons with a common exposure; or as otherwise defined in Utah Admin. Code R. 386-702.
  - b) Contact is defined as an individual having had association with an infected individual or contaminated environment so as to have had an opportunity to acquire an infection. Utah Code. Ann. § 26-6-2(5). For the purposes of Hepatitis A, a contact is a person who was potentially exposed to fecal material of an infectious case either through direct person-to-person contact, or through infected food or water, or through infected surfaces.

- (ii) During an outbreak of Hepatitis A in Salt Lake County, the Salt Lake County Board of Health may order that any food employees and conditional employees in Salt Lake County who are a contact of a confirmed case of Hepatitis A demonstrate proof of vaccination with a dose of the hepatitis A vaccine. The Board of Health may also order that all food employees and conditional employees of a food establishment that has experienced a confirmed case of Hepatitis A demonstrate proof of vaccination with a dose of the hepatitis A vaccine. The Board of Health's order declaring an outbreak of Hepatitis A shall last for one year from the date of its issuance, or upon the Board of Health's subsequent order that the outbreak has ended and that any orders of vaccination may be lifted.
- (iii) Any food employees and conditional employees ordered to demonstrate proof of vaccination shall have 14 days from the date of the Board of Health's order to obtain the required first dose of the hepatitis A vaccination, or to provide proof to the person in charge of an earlier hepatitis A vaccination. After 14 days from the date of the Board of Health's order of vaccination during an outbreak, non-vaccinated food employees and conditional employees shall be excluded from any work assignments that cause them to handle any food, food-contact surfaces, or ready-to-eat food.
- (iv) Upon the Board of Health's order of vaccination during a Hepatitis A outbreak, the Department shall identify and notify any affected food establishments within Salt Lake County of the Board's order, and the requirement that all food employees and conditional employees be vaccinated within 14 days. During any period in which the Board of Health's order of vaccination is in effect, affected food establishments shall maintain an official record of the vaccination status of all food employees and conditional employees.
- (v) While the Board of Health's order of vaccination during an outbreak is in effect, the Department may request to review the official record of the vaccination status of all food employees and conditional employees for any affected food establishment during any inspection, investigation, or review of the food establishment. Any food employees or conditional employees found to be working who have not been vaccinated shall be immediately removed from any work assignments involving handling food, food-contact surfaces, or ready-to-eat food. Each occurrence of non-vaccinated employee handling food, food-contact surfaces, or ready-to-eat food shall be recorded as a critical violation on the food establishment's inspection history. Repeated failure to comply with the order may result in suspension or revocation of the affected food establishment's permit under this regulation.
- (vi) While the Board of Health's order of vaccination during an outbreak is in effect, the Board of Health authorizes the Department to reduce the cost of the first dose of the hepatitis A vaccination by up to 50 percent for anyone who can document they are a food employee or conditional employee in Salt Lake County and seeks vaccination at a Salt Lake County Health Department clinic.

- (vii) Upon the expiration of the Board of Health’s order of vaccination during an outbreak, or upon the Board of Health’s subsequent order the outbreak has ended and that the order of vaccination may be lifted, the Department shall notify all affected food establishments within Salt Lake County that the order of vaccination and its requirements are no longer in effect.

**IV. Effective Date and Duration**

4.1 This temporary regulation shall become effective and enforceable on February 1, 2018, as it is filed with the Board of Health upon delivery to the Chairperson of the Board by the Director.

4.2 No comment period or public hearing shall be required and this temporary regulation shall expire 120 days after the regulation’s effective date, unless the Director specifies an earlier expiration date.

4.3 The Board of Health may review this temporary regulation at any time after the effective date and ratify, modify or repeal this temporary regulation.

4.4 Notice of the adoption of this temporary regulation shall be published in a newspaper of general circulation in Salt Lake County and posted on the Utah Public Notice Website within 72 hours after the temporary regulation is filed with the Board of Health as provided for in Section 4.1 hereinabove.

APPROVED AND ADOPTED this 1 day of February 2018.

**SALT LAKE COUNTY BOARD OF HEALTH**

By \_\_\_\_\_  
Clare Coonan, Chair

ATTEST:

By \_\_\_\_\_  
Gary L. Edwards, M.S.,  
Executive Director

APPROVED AS TO FORM:

By \_\_\_\_\_  
Mitchell F. Park  
Deputy District Attorney