

(Effective until March 1, 2022.)

WAC 246-215-08305 Exempt from permit (2009 FDA Food Code 8-301.12). (1) The REGULATORY AUTHORITY may exempt a PERSON from the provisions of WAC 246-215-08600(1) and 246-215-08300 of this chapter in order to operate without a FOOD ESTABLISHMENT PERMIT, if the PERSON meets the other provisions of this chapter, including not using any FOOD prepared in a residential kitchen or other nonAPPROVED facility, and the types of FOOD served are limited to those specified in subsection (4) of this section.

(2) The PERSON requesting a PERMIT exemption under subsection (1) of this section shall submit a written application for an exemption on a form provided by the REGULATORY AUTHORITY at least 14 calendar days before providing FOOD service, or as otherwise required by the REGULATORY AUTHORITY.

(3) The PERSON requesting a PERMIT exemption under subsection (1) of this section shall submit properly prepared plans and specifications of the FOOD service facilities and EQUIPMENT if the REGULATORY AUTHORITY requires it, based on a review of the application for an exemption submitted under subsection (2) of this section.

(4) The PERSON requesting a PERMIT exemption under subsection (1) of this section shall limit FOOD handling to one or more of the following FOODS:

(a) Popcorn and flavored popcorn prepared from commercially PACKAGED nonPOTENTIALLY HAZARDOUS FOOD ingredients;

(b) Cotton candy;

(c) Dried herbs and spices processed in an APPROVED facility;

(d) Crushed ice drinks containing only nonPOTENTIALLY HAZARDOUS FOOD ingredients and dispensed from a self-contained machine that makes its own ice. Drinks with POTENTIALLY HAZARDOUS FOOD, snow cones, and shaved ice are not included;

(e) Corn on the cob prepared for IMMEDIATE SERVICE;

(f) Whole peppers roasted for IMMEDIATE SERVICE;

(g) Roasted nuts, roasted peanuts, and roasted candy-coated nuts;

(h) Chocolate-dipped ice cream bars prepared from prePACKAGED ice cream bars produced in a FOOD PROCESSING PLANT;

(i) Chocolate-dipped bananas prepared from bananas peeled and frozen in an APPROVED facility; and

(j) Individual samples of nonPOTENTIALLY HAZARDOUS sliced fruits and vegetables.

[Statutory Authority: RCW 43.20.050 and 43.20.145. WSR 13-03-109, § 246-215-08305, filed 1/17/13, effective 5/1/13.]

(Effective March 1, 2022.)

WAC 246-215-08305 Exempt from permit with approval. (1) The REGULATORY AUTHORITY may exempt a PERSON from the provisions of WAC 246-215-08600(1) and 246-215-08300 of this chapter in order to operate without a FOOD ESTABLISHMENT PERMIT, if the PERSON meets the other provisions of this chapter, including not using any FOOD prepared in a residential kitchen or other nonAPPROVED facility, and the types of FOOD served are limited to those specified in subsection (4) of this section.

(2) The PERSON requesting a PERMIT exemption under subsection (1) of this section shall submit a written application for an exemption on

a form provided by the REGULATORY AUTHORITY at least 14 calendar days before providing FOOD service, or as otherwise required by the REGULATORY AUTHORITY.

(3) The PERSON requesting a PERMIT exemption under subsection (1) of this section shall submit properly prepared plans and specifications of the FOOD service facilities and EQUIPMENT if the REGULATORY AUTHORITY requires it, based on a review of the application for an exemption submitted under subsection (2) of this section.

(4) The PERSON requesting a PERMIT exemption under subsection (1) of this section shall limit FOOD handling to one or more of the following FOODS:

(a) Individual samples of nontime/temperature control for safety food sliced fruits and vegetables;

(b) Popcorn and flavored popcorn prepared from commercially packaged nontime/temperature control for safety food ingredients;

(c) Dried herbs and spices processed in an approved facility;

(d) Crushed ice drinks containing only nontime/temperature control for safety food ingredients and dispensed from a self-contained machine that makes its own ice. Drinks with time/temperature control for safety food, snow cones, and shaved ice are not included;

(e) Corn on the cob;

(f) Whole roasted peppers;

(g) Roasted nuts, roasted peanuts, and roasted candy-coated nuts;

(h) Chocolate-dipped ice cream bars prepared from prepackaged ice cream bars produced in a food processing plant;

(i) Chocolate-dipped bananas prepared from bananas peeled and frozen in an approved facility; and

(j) Cotton candy.

[Statutory Authority: RCW 43.20.050 and 43.20.145. WSR 21-01-122, § 246-215-08305, filed 12/15/20, effective 3/1/22; WSR 13-03-109, § 246-215-08305, filed 1/17/13, effective 5/1/13.]