

MEMORANDUM

To: Melissa Palmer, Public Health Director

From: Tara Stanec, Environmental Health Manager

Date: August 20, 2026

Subject: Revision of Mohave County Ordinance 98-10

Purpose

To request a public hearing be set for October 19, 2026, for consideration and adoption of the proposed revisions to Mohave County Ordinance 98-10, to be effective upon approval.

Discussion and Analysis

The Mohave County Department of Public Health, Environmental Health Division is delegated the responsibility and authority for licensing and inspecting food establishments from Arizona Department of Health Services (ADHS). The Delegation Agreement with ADHS provides that licensing and inspections of food establishments are conducted in a manner consistent with the Model Food Code, and as codified in Title 9, Chapter 8 of the Arizona Administrative Code (9 A.A.C. 8).

On January 5, 2026, Mohave County adopted the 2017 Arizona Food Code to align the division's licensing and inspection activities with the current state rules. A fundamental change in the 2017 Food Code is the addition of section 2-102.12. This section adds the requirement for the person-in-charge to be a Certified Food Protection Manager and allows the regulatory authority to make exemptions for certain types of food establishments that pose minimal risk of causing or contributing to foodborne illness based on the nature of the operation and extent of food preparation.

Revisions to related Mohave County ordinance 98-10 are needed to provide clarification of Certified Food Protection Manager requirements and exemptions for the various types of food establishments. Additional revisions are made to reflect updated language, definitions, and code references. A summary of the proposed revisions is attached. The revisions are purely for clarification and transparency and do not impose additional regulations.

Recommendation

Authorize a public hearing to be set for October 19, 2026, for consideration and adoption of revisions to Mohave County Ordinance 98-10, as proposed, to be effective upon approval.

**MOHAVE COUNTY DEPARTMENT OF PUBLIC HEALTH
ENVIRONMENTAL HEALTH DIVISION**

**AN ORDINANCE PROVIDING REQUIREMENTS FOR MANDATORY FOOD
SAFETY CERTIFICATION ~~HANDLER TRAINING~~**

WHEREAS, A.R.S. §11-251(17) authorizes the Mohave County Board of Supervisors to adopt provisions necessary to preserve the health of the County; and

WHEREAS, A.R.S. §11-251(31) further authorizes the Mohave County Board of Supervisors to make and enforce all local, police, sanitary and other regulations not in conflict with general law; and

WHEREAS, the Mohave County Board of Supervisors is required to establish a county department of health or a public health services district pursuant to A.R.S. §36-182(A); and

WHEREAS, the director of a county health department is mandated, pursuant to A.R.S. §36-186(5), to enforce and observe the rules of the director of the department of health services, the director of the department of environmental quality and the local board of health, county rules and regulations concerning health, and laws of the state pertaining to the preservation of public health and protection of the environment; and

WHEREAS, the department of health services has adopted rules for the certification of food handlers and person-in-charge under 9 A.A.C 8, Article 1; and

WHEREAS, the department of health services has delegated the powers, functions, and duties for food safety and general sanitation to the Mohave County Department of Public Health, Environmental Health division; and

WHEREAS, the adoption of this ordinance would benefit the health and welfare of the residents of and visitors to Mohave County.

NOW, THEREFORE, BE IT ORDAINED by the Mohave County Board of Supervisors as follows:

SECTION 1. Definitions

“Critical violation” means a violation that is more likely than others to directly contribute to food contamination, the risk of foodborne illness, or environmental health hazards.

“Department” means the Mohave County Department of Public Health.

“Division” means the Environmental Health Division, designee of the Department and regulatory authority.

"Food" means any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or sale in whole or in part for human consumption. It ~~Does~~ not include unopened, commercially pre-packaged food that does not require time or temperature control for safety. ~~individualized portions of pre-packaged foods, i.e., wrapped candy bars, pastries, etc. intended for direct sale.~~

~~For the purposes of this ordinance,~~ "Food Establishment" means an operation that stores, prepares, packages, serves, vends, caters, or otherwise provides food ~~to a consumer for human consumption. It includes~~ ~~The term includes~~ any food establishment ~~such place~~, regardless of whether consumption is on or off the premises ~~or and regardless~~ whether there is a charge for the food, ~~unless otherwise exempt by law (A.R.S. §36-136).~~

"Food Handler" means any person, ~~whether owner, employee, or volunteer, employed in, volunteering in or operating in~~ a licensed food establishment, ~~whether employer, employee, or independent individual~~ who handles, stores, ~~transports,~~ prepares, packages, manufactures, serves, ~~transports~~ ~~sells~~, or otherwise provides food to a consumer; ~~gives away food or beverage, or any person~~ who comes in contact with eating, drinking, or cooking utensils or other equipment used in the handling, preparation, packaging, ~~manufacture~~, or provision of food. ~~service, or sale of food products.~~

“Highly susceptible population” means a group or groups of individuals at a higher risk for illness and disease and include children under age five (5), adults over age 65, and those who are immunocompromised.

“Person-in-charge” means the individual present at a food establishment who is responsible for the management of the operation of the food establishment at the time of inspection, in accordance with 9 A.A.C. 8, Article 1.

"Special Class" shall mean any food manager or food handler class planned outside of ~~the~~ regularly scheduled classes and at the request of an outside party (non-Environmental Health ~~D~~ivision employee)

“TCS food” means food that requires specific time and temperature controls to prevent the rapid growth of bacteria and other pathogens known to cause foodborne illness. TCS stands for Time/Temperature Control for Safety.

“Type I” means a food establishment with a limited menu and/or limited preparation of TCS food; with no cooking of raw animal foods and no cooling of any TCS food. (low risk)

“Type II” means a food establishment that uses new ingredients, with minimal required assembly

and may involve hot and cold holding of TCS foods for same day service. (moderate risk)

“Type III” means a food establishment that serves a highly susceptible population, prepares food for offsite service, or uses complex processes that include some combination of cooking, cooling, reheating, freezing, or overnight holding of TCS foods. (high risk)

SECTION 2. Food Protection Manager Certification

A. Food establishments shall staff a Certified Food Protection Manager (CFPM) in accordance with risk classification, as follows:

1. Type I: A Certified Food Protection Manager shall be available during hours of food operations, except:
 - i. Food establishments offering only unopened, commercially pre-packaged foods shall be exempt from any CFPM requirement. (i.e. food bank, retail, wholesale) .
 - ii. Food establishments offering only limited open food items at a temporary event or ‘cook-off’ competition shall be exempt from any CFPM requirement.
2. Type II and Type III: A Certified Food Protection Manager shall be onsite during hours of food operations, except:
 - i. Food establishments serving as a satellite facility where food is held, minimally assembled, and/or served shall operate under the primary food establishment’s Certified Food Protection Manager who shall be available during hours of food operations (i.e. school satellite kitchen, concession stand, social/senior center).
 - ii. Food establishments that offer only limited open food items shall only be required to have available a Certified Food Protection Manager during hours of food operations (i.e. bar or tavern, 1053 mobile food).
 - ~~iii.~~ Food establishments operating as a veterans or fraternal club and not open to the general public shall only be required to have available a Certified Food Protection Manager during hours of food operations.
 - iv. Food establishments classified as Type II and III facilities with two or more separately licensed operations that are the legal responsibility of the same license holder and on the same premises may designate a single person-in-charge who is a Certified Food Protection Manager and onsite during hours of food operations.

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B. ~~Type I~~ Food establishments must be able to demonstrate knowledge of ~~the~~ food safety and sanitation practices ~~code~~ and, where otherwise exempt, may be required to employ ~~become a~~ Certified ~~as a~~ Food Protection Manager(s) at the discretion of the department. Considerations for this requirement may include, but are not limited to, ~~EHD should the determination be made that the manager needs more training (e.g. the establishment has multiple violations, repeat violations, or cases of foodborne illness or injury. etc.).~~

- ~~D.C.~~ Certified Food Protection Manager requirements pertain only to each specific license and do not affect other licenses held by the establishment owner.
- D. Food Protection Manager Certification must be obtained through passing an exam from an accredited program recognized by the Conference for Food Protection. ~~One or more certified food protection managers shall be required to be employed at each food establishment. This person shall comply with the Arizona Food Code 2-102. 11 and shall demonstrate adequate food safety knowledge, by being a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program recognized by the Conference for Food Protection. This requirement will apply to all Type II and Type III establishments.~~
- E. Food Protection Manager Certification shall expire five (5) years from the date of issue or in accordance with the issuing program, whichever occurs first.
- F. Certified Food Protection Managers shall make their certifications immediately available for review upon request.

SECTION 3. Food Handler Certification

- A. All persons employed or functioning as a food handlers in a licensed permitted food establishments shall possess a valid Food Handler's Certification, except:
1. For the purpose of temporary events, the person-in-charge at each food service area/booth shall possess a Food Handler Certification card. At the discretion of the Department EHD, out of area food handler or cards or certified food protection manager certifications training may be accepted.
- B. New Employees new to a food establishment must obtain a Food Handler's Certification within 30 days of their first date of employment.
- ~~B.C.~~ Food Handler Certifications shall be issued by the Mohave County Department of Public Health, Environmental Health Division or an accredited program recognized by the Conference for Food Protection.
- ~~C.B.~~ All food handlers shall make their certifications available for review upon request.
- ~~A.~~
- D. The Mohave County Environmental Health Division shall issue a Food Handler Certificate upon successful completion of a Food Handler class and written exam administered by the Division, or an approved representative of the Division, which demonstrates the individual is knowledgeable in general food safety and sanitation practices.
- ~~B.1.~~ Food Handler's Certification shall expire three (3) years from the date of issue.
- ~~0.~~ Original Food Handler Certifications shall will be kept at the place of employment, with the employer, at all times while the food handler is employed with that a food establishment facility. Certifications must be made available for inspection by the Mohave

~~County Environmental Health Division. Copies of certifications shall not be permitted.~~
2.

~~D.3.~~ A ~~V~~valid, U.S. issued identification shall be required ~~in order~~ to register for a Food Handler's class, in accordance with A.R.S. §-41-1080.

~~E.4.~~ The cost of the Food Handler Certification ~~certificate~~ shall be at the ~~feesuch~~ amount ~~as~~ approved by the Board of Supervisors.

~~i.a. No~~ Refunds will not be given for fees paid for Food Handler classes.

~~ii.b.~~ A person may reschedule for a food handler class one time within one year from their original registration, after which, a new fee must be paid.

~~iii.c.~~ Volunteers may attend a regularly scheduled class at no charge, however, may only reschedule one time, after which they must pay the fee approved by the Board of Supervisors.

~~iv.d.~~ All fees must be paid at the time of registration. ~~Invoicing~~ Billing will only be allowed for other government agencies or non-profit organizations at the discretion of the ~~Division~~ Environmental Health Division.

E. ~~F.~~ All food handlers shall make their certifications immediately available for review upon request.

~~The Mohave County Environmental Health Division shall issue a Food Handler's Certificate upon successful completion of a Food Handler's class and written exam administered by the Division or an approved representative of the Division, which demonstrates the applicant is knowledgeable in food establishment sanitation and regulations.~~

SECTION 4. Special Food Handler Classes

A. Approval to hold a special class will be given by the ~~Division~~ EHD Manager or their designee and may be denied if there is sufficient time and space for participants to be placed in regularly scheduled classes.

B. Requests for special food handler classes must be received at least two weeks prior to the class in writing ~~and~~ ~~[including the~~ proposed date(s) and time(s)].

C. Special classes will be limited to a minimum of 20 and a maximum of 40 participants.

D. A complete ~~and final~~ list of all participants' names, addresses, dates of birth and payments (if applicable), ~~are will be~~ required to be submitted at least one week prior to the ~~scheduled~~ class. ~~being given.~~

1. If a completed list and any applicable payments are not received at least one week (seven days) prior to the ~~scheduled~~ class ~~being given~~, the class will be postponed and/or cancelled.

2. ~~Individuals~~ Participants who arrive at ~~show up to~~ the ~~scheduled~~ class and ~~are not who are~~ NOT on the list submitted may be allowed to attend if there are vacant seats, not exceeding the maximum number of participants. ~~given to EHD prior to the class in accordance with this ordinance's timeline, will not be issued a food handler card and will need to schedule themselves for one of EHD's regular classes.~~

~~D.E. 3. No substitutions will be allowed after the final list is submitted to the EHD. No exceptions. The EHD tracking system does not allow for this.~~ The class location will be determined by the ~~Division~~EHD and any fees for the location will be paid by the entity requesting the special class.

~~Payment must be received at least one week prior to the scheduled class date.~~ F. If ~~a~~the majority of the participants are volunteers, the entity will pay the ~~established~~set fee ~~Sanitarian~~ consultation fee for ~~each~~all trainers ~~and time~~ the ~~division~~EHD ~~deem~~termines are necessary to effectively teach the class ~~and administer the exam.~~

1. Payments ~~for food handler classes~~ will not be accepted in the field and must be submitted directly to a ~~division office.~~ the applicable EHD district office ~~at least one week prior to the scheduled class date.~~

G. ~~Division~~EHD policy will be followed regarding the curriculum of the class, testing method(s) and the passing score.

1. ~~All~~Tests will be graded by ~~division~~EHD ~~personnel~~employees only.
2. Food handler certificates ~~for special classes~~ will not be given until all tests are ~~turned in and graded.~~ and turned in to the EHD.
3. Volunteer certificates must be surrendered and exchanged for a standard-issue food handler certificate should the food handler enter into paid employment.

H. ~~A~~Participants must check-in by presenting a ~~sign-in sheet will be provided at the class.~~ All ~~participants must present~~ valid, U.S. issued ID and signing ~~-in on the roster.~~

~~I. No alcohol or smoking will be allowed in any of the special classes given.~~

SECTION 5. Compliance

~~A. All prospective food handlers shall obtain a Food Handler's Certificate.~~

~~New employees must obtain a Food Handler's Certificate within 30 days of their first date of employment~~

~~B.A.~~ Should EHD find a permitted establishment is not in compliance with the requirements of this ordinance, the ~~Any~~ violation of the food safety certification(s) required by this ordinance shall be considered "a ~~Critical~~ violation" ~~and requiring a follow-up inspection~~ shall be required, including applicable inspection fees.

SECTION 6. Enforcement

A. Suspension of Operating ~~License~~Permit

1. In accordance with A.R.S. §36-183.05, if the ~~Department~~regulatory authority (hereafter referred to as MCDPH) finds that an ~~food~~ establishment is not in compliance with the requirements of these regulations, the Director through the county attorney may file an action in the superior court:
 - a. For a temporary restraining order, a preliminary or permanent injunction or any other appropriate relief necessary to enjoin the person from further violations and to protect public health or the environment.

- b. To compel compliance with a nuisance abatement order or a compliance order, including the collection of civil penalties assessed under that order.
- c. For civil penalties of not to exceed one thousand dollars a day but not more than ten thousand dollars for each violation.

B. Revocation of Operating ~~License~~~~Permit~~

- ~~1.a.~~ The ~~Department~~~~MCDPH~~ may, after providing an opportunity for hearing, revoke a permit for serious or repeated violations of these regulations.
- ~~2.b.~~ Prior to revocation, and pursuant to A.R.S. §36-183.-04, the ~~Department~~~~MCDPH~~ shall notify, by a Notice of Violation, the ~~license~~ holder ~~of the permit~~, or the person ~~in--~~ charge, ~~of~~ the specific reason(s) for which the ~~license~~~~permit~~ is to be revoked and a deadline for compliance. The Notice of Violation shall also state that the license holder may request a hearing, which must be ~~unless~~ a written request ~~for hearing is and~~ filed with the ~~Department~~~~MCDPH~~ ~~by the holder of the permit~~ within ~~a~~ fifteen (15) days. ~~period.~~ If a written request ~~for a hearing~~ is timely filed, the hearing shall be held within fifteen (15) days of receipt of the request.
- ~~3.c.~~ If compliance is not achieved by the stated deadline and ~~no~~ request for a hearing was ~~not~~is filed within the fifteen (15) day period, the ~~Department~~~~MCDPH~~ shall issue a Compliance Order consistent with the terms of the Notice of Violation, pursuant to A.R.S. §36-183.-04. Unless a written request for a hearing is filed with ~~Department~~~~MCDPH~~ by the ~~license~~ holder ~~of the permit~~ within fifteen (15) days, the Order shall become final and enforceable in Superior Court. If a request for a hearing is timely filed, the hearing shall be held within fifteen (15) days of receipt of the request.

C. Service of Notices

1. A notice ~~provided for in these regulations~~ is properly served when it is ~~hand~~ delivered to the ~~license~~ holder ~~of the permit~~, or their agent, or when it is sent by certified or registered mail, to the last known address of the ~~license~~ holder ~~of the permit~~. A copy of any ~~issued~~~~their~~ notice shall be ~~maintained~~~~filed~~ in the records of ~~the Department~~~~MCDPH~~.

D. Hearings

1. Hearings shall be conducted in accordance with Mohave County Ordinance 2010-18.

E. Penalties

1. A Compliance Order issued pursuant to A.R.S. 36-183.04 may provide for a civil penalty of not more than seven hundred fifty dollars for each violation by an individual and not more than five thousand dollars for a violation by an enterprise.
2. A Compliance Order shall not impose a civil penalty for the same acts for which a court has previously imposed a civil or criminal penalty.
3. In determining the amount of a civil penalty under this section, the following shall be considered:
 - a. The seriousness of the violation.
 - b. As an aggravating factor only, any economic benefit that results from the violation.

- c. The history of that violation.
- d. The economic impact of the penalty on the violator.
- e. Any good faith efforts to comply with the applicable requirements.
- f. The duration of the violation as established by any credible evidence.
- g. Payment by the violator of penalties previously assessed for the same violation.
- h. Other factors affecting the public health and safety the Director deems relevant.

F. Exception

- 1. Unless otherwise indicated in ~~this ordinance~~ ~~these regulations~~, the above enforcement process shall apply.

~~G. Fraudulent Certifications~~

- ~~1. Should the Mohave County Environmental Health Division find fraudulent certifications at a food establishment or on a person, a report will be made to the local law enforcement agency and charges may be filed.~~

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of Mohave County, -
Arizona ~~this~~ 5th day of November, 2026~~12~~.

MOHAVE COUNTY BOARD OF SUPERVISORS

ATTEST

Travis Lingenfelter, Chairman

Laura Skubal, Clerk of the Board

APPROVED AS TO FORM:

MOHAVE COUNTY ORDINANCE NO. 98-10

Deputy County Attorney

FOOD HANDLER TRAINING ORDINANCE 98-10

Summary of Proposed Changes:

- Language edits throughout to reflect current nomenclature and add clarity
- Added entire first page: Consistency with more recent ordinances, transparency of authority
- Section 1: Definitions
 - Added and revised definitions for clarity
- Section 2: Food Protection Manager Certification
 - Added subsection (A) to detail establishment requirements and exceptions by license type
 - Added subsection (C) to clarify that operators with multiple licenses need only one CFPM (e.g. grocery store, resort with multiple eateries)
 - Revised subsection (D) to remove additional verbiage that is now in section (A)
 - Added expiration date to be consistent with Food Handler section; also, some jurisdictions make the CFPM renew their certificate every 3 years, regardless of when it expires
- Section 3: Food Handler Certification
 - Revised subsection (C) to add that Food Handler certifications may be accepted by an ANSI accredited program, as required in A.R.S. §11-269.12 (2014)
 - Revised subsection (D.2) to remove the requirement of an original certificate
- Section 4: Special Food Handler Classes (typically conducted at the high schools)
 - Revised subsection (D.2) to allow for unscheduled participants when there is seating availability
- Section 6: Enforcement
 - Removed fraudulent certifications. This is addressed by recording it as a violation for not having the required Food Handler or CFPM.