

TITLE 3: HUMAN RESOURCES
DIVISION 2: HEALTH

§ 2127. Inspection.

(a) *Pre-operation Inspections.* Before a sanitary permit is issued, a Health Inspector shall conduct one or more pre-operation inspections to verify that:

(1) the applicant has been issued a business license by the Department of Commerce to conduct the particular business for which the sanitary permit is being requested;

(2) the applicant has obtained a Certificate of Occupancy from the Department of Public Works after establishing that the building and equipment, as defined in the Building and Safety Code at 7 CMC § 7122, are in compliance with law; and

(3) the applicant's establishment is sanitary and complies with the requirements of this Act and the regulations promulgated thereunder.

(b) *Inspection Frequency.*

(1) Once a sanitary permit has been granted to an applicant, a Health Inspector shall conduct an inspection of the establishment at least once every six months thereafter unless otherwise provided below.

(2) Except as provided in subsection (d) below, at such time that an establishment receives a grade "A" on three consecutive inspections, inspections of the establishment shall be reduced to one per year until such time that the establishment receives a grade "B" or lower on an inspection. After receiving a grade "B" or lower, the establishment shall be subject to inspections once every six months until such time that the establishment again qualifies for the reduced number of inspections under this section.

(c) *Inspection for Permit Renewal.* The Health Inspector shall inspect an establishment before issuing an annual renewal of the sanitary permit.

(d) *Additional Inspections.* Additional inspections shall be prioritized, and may be conducted more frequently than once every six months based on consideration of the following:

(1) past performance on an inspection which uncovered adverse public health conditions and nonconformance with critical control points as specified in the regulations promulgated pursuant to this Act;

(2) the risk of potential hazards unique to the specific type of business conducted, including the extent of potential hazard to the public;

(3) the number of people who may be affected should an imminent health hazard occur, and whether the population served is a highly susceptible population to the potential hazard; and

(4) complaints received by the Secretary concerning the establishment's operation or sanitary condition that may present an unacceptable health risk.

Source: PL 12-48, § 3 (2127).