



Town of Plaistow, New Hampshire
Public Health Regulations

PH 143 SANITARY PRODUCTION AND DISTRIBUTION OF FOOD

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Section 143:1 – Food Defined

For the purpose of this chapter the term food shall include all articles used for food, drink, confectionery or condiment, whether simple, mixed or compound, and all substances and ingredients used in the preparation thereof.

Section 143:2 - Unsanitary Conditions.

The existence or maintenance of any unclean, unhealthful or unsanitary condition or practice in any establishment or place where food is produced, manufactured, stored or sold, or in any car or vehicle used for the transportation or distribution thereof, is forbidden.

Section 143:3 - Defined.

Unclean, unhealthful or unsanitary conditions or practices shall be deemed to exist if the floors, sidewalls and ceilings are not properly constructed and maintained; or if food in the process of production, storage, sale or distribution is unnecessarily exposed to flies, dust or dirt, or to the products of decomposition or fermentation incident to such production, storage, sale or distribution; or if any person is permitted to use as a sleeping room any place where food is prepared for sale, stored, served or sold; or if any employer shall knowingly permit or suffer any person who is affected with tuberculosis or any other communicable disease to work in such place; or if there is any other condition or practice which endangers the wholesomeness of food.

Section 143:4 - Inspections.

The Plaistow Board of Health, the Plaistow Health Department, or its inspectors, or special agents, designated for that purpose, shall have full power and authority at all times to enter and inspect every building, room or other place occupied or used for the production, storage, sale or distribution of food, and all utensils and appurtenances relating thereto.

Section 143:5 - Orders.

In the event that a person infected with any communicable disease is employed, or if structural alterations are necessary for the protection of food products as herein required, Plaistow Board of Health shall issue an order prohibiting the employment of such person, or requiring such structural changes as in the opinion of the Board of Health are necessary. Such order shall be transmitted by registered mail, and the receipt of the post office department therefor shall be prima facie evidence of its receipt by the person affected.

Section 143:5-a - Closure.

- I) The Plaistow Health Department may order immediate:
 - (a) Closure of any establishment or place where food is produced, manufactured, stored, or sold; or
 - (b) Discontinuance of use of any car or vehicle used for transportation or distribution of food;

when the physical condition of the establishment, car, or vehicle is such that the health and safety of the public is endangered by unsanitary conditions.

- II) The procedure to be followed to effectuate closure under PH 143:5-a, I shall be as follows:
 - (a) Whenever an inspector of the Plaistow Health Department finds an establishment or vehicle which is believed to be an imminent danger to the health and safety of the public, they shall immediately notify their supervisor of the situation.



- (b) The Health Officer or the Board of Health shall determine, on the basis of the information provided:
- (1) Whether immediate closure is warranted; or
 - (2) Whether the supervisor or another inspector shall immediately view the situation to corroborate the severity of the danger; or
 - (3) Whether further information is needed.
- (c) If the Health Officer or the Board of Health determines that closure is necessary, they or their designee shall orally notify the manager or owner of the closure. The oral notification shall be followed by a written notification, which shall specify the reasons for the closure, the corrective action required prior to reopening, and the rights and options of the owner.
- III) Upon notification under PH 143:5-a, II(c) and request by the manager or owner of any establishment closed under PH 143:5-a, I, the Plaistow Board of Health, Plaistow Health Department, Plaistow Health Officer or its inspectors, or special agents, designated for that purpose, shall reinspect the premises for the purposes of reopening. Reinspection shall occur within 48 hours of the request. Reopening of the premises shall be allowed immediately following notification by the Plaistow Board of Health, Plaistow Health Department, Plaistow Health Officer or its inspectors, or special agents, designated for that purpose, that the conditions causing closure have been corrected and no longer constitute an imminent health danger.

Section 143:6 - Administration and Rulemaking.

- I) The Plaistow Board of Health shall adopt rules as necessary for the enforcement of this chapter. It shall be the duty of Health Department and Health Officer to assist in carrying out the provisions of this chapter.
- II) The Plaistow Board of Health shall adopt rules relative to:
- (a) Licenses, license classes, and fees under PH 143:11 and PH 143:12.
 - (b) Bottle sterilization and sanitation under PH 143:16.
 - (c) A schedule of administrative fines which may be imposed under PH 143:7-a for violation of this chapter or the rules adopted pursuant to it.
 - (d) Procedures for notice and hearing prior to the imposition of an administrative fine imposed under PH 143:7-a.

Section 143:6-a - Sugar Packets and Containers.

No establishment which serves food or drink to the public with or without charge shall provide sugar except in individually wrapped packets or in covered containers from which sugar is poured through a hole not more than 3/8 of an inch in diameter.

Section 143:7 - Penalty.

Whoever violates any of the provisions of this subdivision, or fails to comply with the lawful orders and requirements of the Plaistow Board of Health, Plaistow Health Department, Plaistow Health Officer or its inspectors, or special agents, designated for that purpose, duly made as herein provided, shall be guilty of a violation.

Section 143:7-a - Administrative Fines.

The Plaistow Board of Health, Plaistow Health Department, Plaistow Health Officer or its inspectors, or special agents, designated for that purpose, after notice and hearing, may impose



an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter or rules adopted under this chapter. Appeals from a decision of the Plaistow Board of Health, Plaistow Health Department, Plaistow Health Officer or its inspectors, or special agents, designated for that purpose, shall be in accordance with Town of Plaistow PH 2306.04. Any administrative fine imposed under this section shall not preclude the imposition of further penalties or administrative actions under this chapter. The Plaistow Board of Health shall adopt rules relative to administrative fines which shall be scaled to reflect the scope and severity of the violation. The sums obtained from the levying of administrative fines under this chapter shall be deposited into the general fund of the Town of Plaistow.

Section 143:8 - Disposal of Fines.

All fines collected for the violation of PH 143 shall be paid to the Town of Plaistow.

Section 143:9 - Beverages and Beverage Concentrates.

The term "beverage" as used in this subdivision shall include all still and carbonated drinks; fruit juices and all beverages compounded therefrom; all bottled waters, whether for medicinal or table use; and all packaged liquids intended for use in the manner of drink. Milk and unmixed products thereof, and fruit juices and waters retailed exclusively by the producer or manufacturer direct, are not included. The term "beverage" as used in this subdivision, shall not apply to a beverage as defined in NH RSA 175:1, VIII. The term "beverage concentrate" as used in this subdivision shall include all concentrated fruit juices, fruit-flavored and other syrups, and compounds and mixtures in concentrated form, put up in packages for retail sale and which are intended as a basis for the preparation of a beverage. Flavoring extracts for general culinary use are not included.

Section 143:10 - License Required.

No person, firm or corporation shall, within the Town of Plaistow, put up for sale in package form any beverage without having obtained a license, to be issued by the Plaistow Health Department.

Section 143:11 - Licenses; Fees.

- I) (a) Upon receipt of an application in writing from a new beverage manufacturer, or from a beverage manufacturer that has changed ownership, or from a beverage manufacturer which has had its previous license revoked, the Plaistow Board of Health, Plaistow Health Department, Plaistow Health Officer or its inspectors, or special agents, designated for that purpose, may issue a provisional license, valid for up to 90 days, if the Plaistow Board of Health, Plaistow Health Department, Plaistow Health Officer or its inspectors, or special agents, designated for that purpose, determines that the applicant's plant is properly equipped and in a sanitary condition and that the products manufactured there are not adulterated or misbranded. Any beverage manufacturer which has had its license revoked shall not be eligible to apply for a provisional license until it
- (1) presents a plan for the correction of any deficiencies which led to the specific revocation, and
 - (2) passes a food safety class, subsequent to the revocation of the license, meeting the standards of the Conference for Food Protection. In order to fulfill the requirements of this section, the new remedial plan shall first receive the approval of the Plaistow Board of Health, Plaistow Health Department, Plaistow Health



Officer or its inspectors, or special agents, designated for that purpose. Any individual denied a full license at the end of the 90-day period shall immediately shut down his or her establishment, unless otherwise ordered by a court of competent jurisdiction.

- (b) Within 45 days of issuance of a provisional license under this section, the Plaistow Board of Health, Plaistow Health Department, Plaistow Health Officer or its inspectors, or special agents, designated for that purpose, shall conduct an inspection. If, following inspection, the Plaistow Board of Health, Plaistow Health Department, Plaistow Health Officer or its inspectors, or special agents, designated for that purpose, determines that the applicant's plant is properly equipped and in a sanitary condition and that the products manufactured there are not adulterated or misbranded, the Plaistow Board of Health, Plaistow Health Department, Plaistow Health Officer or its inspectors, or special agents, designated for that purpose, shall issue a license valid until the January 1 next following the date of issuance of the provisional license. Any individual denied a full license at the end of the 90-day period shall immediately shut down his or her establishment, unless otherwise ordered by a court of competent jurisdiction.
 - (c) Upon receipt of an application for renewal of a license from an existing beverage manufacturer, the Plaistow Board of Health, Plaistow Health Department, Plaistow Health Officer or its inspectors, or special agents, designated for that purpose, may conduct an inspection. If the Plaistow Board of Health, Plaistow Health Department, Plaistow Health Officer or its inspectors, or special agents, designated for that purpose, determines that the applicant's plant is properly equipped and in a sanitary condition and that the products manufactured there are not adulterated or misbranded, the Plaistow Board of Health, Plaistow Health Department, Plaistow Health Officer or its inspectors, or special agents, designated for that purpose, shall issue a new license valid until the January 1 next following the date the license was issued.
 - (d) Licenses and provisional licenses issued pursuant to this section shall not be transferable.
- II) Annual graduated license fees and license classes shall be set by rules adopted by the Plaistow Board of Health. Fees shall be based on the administrative costs associated with this subdivision.
- III) All fees collected under this subdivision shall be forwarded to the general fund of the Town of Plaistow.

Section 143:12 – Reserved.

Section 143:13 - Revocation of Licenses, Etc.

In case any establishment, or any part thereof, licensed hereunder shall be deemed by the Plaistow Board of Health, Plaistow Health Department, Plaistow Health Officer or its inspectors, or special agents, designated for that purpose, to be conducted in an insanitary manner, or there shall be any practice deemed in violation of any law, or of any legally adopted rule or regulation of the Plaistow Board of Health, it shall be the duty of the Plaistow Board of Health, Plaistow Health Department, Plaistow Health Officer or its inspectors, or special agents, designated for that purpose, to notify the licensee or registrant concerned, and in case the required changes in conditions, methods, composition or branding are not effected within a reasonable time, to close such establishment or part thereof, or to suspend, revoke or cancel the license or registration accordingly as the Plaistow Board of Health, Plaistow Health Department, Plaistow Health Officer or its inspectors, or special agents, designated for that purpose, may deem expedient.



Section 143:14 - Procedure.

Before revoking or canceling any license or registration the Plaistow Board of Health, Plaistow Health Department, Plaistow Health Officer or its inspectors, or special agents, designated for that purpose, shall give written notice, stating that they contemplate such action and giving his reasons therefor. Said notice shall appoint a time of hearing and shall be sent by registered mail. On the day of the hearing the party concerned may present such evidence as they deem fit.

Section 143:15 - Effect of Revocation, Etc.

Any person, firm or corporation whose license has been suspended or revoked, or for whom a renewal therefor has been denied, shall discontinue the manufacture and sale within the state of the products concerned. The sale of the products of any manufacturer or bottler not licensed or registered as herein provided shall constitute a violation of this subdivision.

Section 143:16 - Container Sterilization and Sanitation; Water Source.

All containers used in the manufacture of beverages, other than cider manufacturers regulated by the department of agriculture, shall be cleaned and sterilized in such manner as may be provided in the rules adopted under this chapter. All materials used in the manufacture of beverages shall be pure and wholesome and shall be stored, handled, transported, and kept in such manner as to protect them from spoilage, contamination, and unwholesomeness. Manufacturers of bottled water shall only utilize a source of water for which a permit has been issued by the department of environmental services in accordance with NH RSA 485:3, XI. All products shall comply as to composition, labeling, conditions of manufacture, transportation, storage, handling, and sale with existent statutory provisions relating thereto and with rules adopted under this chapter.

Section 143:17 - Penalty for Violating Requirements.

Whoever violates any provision of this subdivision, or any rule or regulation lawfully made hereunder, shall be guilty of a misdemeanor.

Section 143:18 - Forfeiture of Unregistered Products.

Any beverage or beverage concentrate sold, kept or offered for sale without having been registered as herein provided may be forfeited.

Section 143:19 - Enforcement of Requirements.

The Plaistow Board of Health, Plaistow Health Department, Plaistow Health Officer or its inspectors, or special agents, shall be charged with the enforcement hereof.

Section 143:19-a - Exemption.

The provisions of this subdivision shall not apply to persons, firms, and corporations duly licensed under the provisions of the milk sanitation code, NH RSA 184:79-102.

Section 143:20 – Definition.

The term "shellfish," as used in this subdivision, means all fresh or frozen edible species of oysters, clams or mussels, either shucked or in the shell, or scallops in any form, except when the final product form is the adductor muscle only.



Section 143:21 - Forbidden Harvesting.

No shellfish shall be harvested in New Hampshire for food unless taken from areas approved by the commissioner of the department of environmental services. If taken from out-of-state sources, shellfish harvested for food shall be taken from areas approved by the appropriate state regulatory shellfish authorities having jurisdiction, and secured from shellfish dealers currently listed on the United States Public Health Service publication of approved shellfish shippers.

Section 143:21-a - State Shellfish Sanitation Control Authorities.

The New Hampshire department of health and human services shall serve as the state shellfish sanitation control authority for the commercial sale and processing of shellfish. The department of environmental services shall serve as the state shellfish sanitation control authority for the determination of areas where shellfish may be harvested.

Section 143:22 - Certificate Required; Labeling; Records.

No person or facility shall process or pack shellfish either shucked or in the shell until a certificate has been granted by the New Hampshire department of health and human services. A certificate shall be issued to any facility which has complied with the rules of the commissioner of the department of health and human services relative thereto. All certificates issued under this section shall expire on March 31 next following the date of issuance. All containers of shellfish shall bear identification in accordance with rules adopted by the commissioner of the department of health and human services. An accurate daily record shall be kept by all certified facilities listing the name and location of the dealer, the date and time of the activity that the record reflects, the signature or initials of the person performing the operation, and the identity of the product and the production code. Processing and other information shall be entered on records at the time that it is observed. All records shall be retained at the facility for at least one year after the date the records were prepared in the case of refrigerated products and for at least 2 years after the date the records were prepared in the case of frozen products. Records that relate to the general adequacy of equipment or processes being used by a processor, including the results of scientific studies and evaluations shall be retained at the facility for at least 2 years after their applicability to the product being produced at the facility. All records shall be open to inspection by agents of the department at any time.

Section 143:27 - Penalty.

Whoever violates any provision of this subdivision, or regulations made under authority of the preceding RSA 143:26, shall be guilty of a misdemeanor.

Section 143:28 - Forfeitures.

Any shellfish sold in violation of this subdivision may be forfeited.

Section 143:29 - Registration by Nonresident Vendors

No food produced in an out-of-state residential, non-commercial kitchen shall be sold or offered for sale within the Town of Plaistow.



APPENDIX A

Town Administrative Rule	Town Regulation which the Rule Implements	Specific State Statute which the Rule Implements
PH 2301.01	PH 143-A; PH 143-A:3; PH 143-A:12, PH 143-A:13; and PH 145	RSA 143-A; RSA 143-A:3; RSA 143-A:12, RSA 143-A:13; and RSA 145
PH 2301.01(o) & (ae)	PH 143-A:12, 13	RSA 143-A:12, 13
PH 2302.01	PH 143-A:4; PH 143-A:5; PH 143-A:12, II	RSA 143-A:4; RSA 143-A:5; RSA 143-A:12, II
PH 2302.02	PH 143-A:5-a	RSA 143-A:5-a
PH 2303.01	PH 143-A:9, V	RSA 143-A:9, V
PH 2303.02	PH 143-A:9, V	RSA 143-A:9, V
PH 2304.01	PH 143-A:6, I and V	RSA 143-A:6, I and V
PH 2304.01(a)	PH 143-A:6, I and V	RSA 143-A:6, I and V
PH 2304.01(a)(1)	PH 143-A:6, I	RSA 143-A:6, I
PH 2304.02	PH 143-A:4, II; PH 143-A:6, I-V	RSA 143-A:4, II; RSA 143-A:6, I-V
PH 2304.03	PH 143-A:6, I-V	RSA 143-A:6, I-V
PH 2304.04	PH 143-A:9, I; PH 143-A:12, II	RSA 143-A:9, I; RSA 143-A:12, II
PH 2304.05	PH 143-A:6, V; PH 143-A:9, I-a; PH 143-A:13, V	RSA 143-A:6, V; RSA 143-A:9, I-a; RSA 143-A:13, V
PH 2304.06	PH 143:3; PH 143-A:9, V	RSA 143:3; RSA 143-A:9, V
PH 2304.07	PH 143:3; PH 143-A:9, V; PH 485-A:29	RSA 143:3; RSA 143-A:9, V; RSA 485-A:29
PH 2304.08	PH 143-A:6; PH 143-A:9, V	RSA 143-A:6; RSA 143-A:9, V
PH 2304.09	PH 143-A:6; PH 143-A:9, V	RSA 143-A:6; RSA 143-A:9, V
PH 2304.10	PH 143-A:6; PH 143-A:9, V	RSA 143-A:6; RSA 143-A:9, V
PH 2304.11	PH 143-A:6; PH 143-A:9, V	RSA 143-A:6; RSA 143-A:9, V
PH 2304.12	PH 143-A:9, V	RSA 143-A:9, V
PH 2304.13	PH 143-A:9, V	RSA 143-A:9, V
PH 2304.14	PH 143-A:9, VI	RSA 143-A:9, VI
PH 2304.15	PH 143-A:9, V	RSA 143-A:9, V
PH 2305.01	PH 143:4; PH 143-A:6	RSA 143:4; RSA 143-A:6
PH 2305.02	PH 143:7-a; PH 143-A:10-a	RSA 143:7-a; RSA 143-A:10-a
PH 2305.03	PH 143:4; PH 143-A:6	RSA 143:4; RSA 143-A:6
PH 2306.01	PH 143:5-a; PH 143-A:6; PH 143-A:7; PH 143-A:9-a, I	RSA 143:5-a; RSA 143-A:6; RSA 143-A:7; RSA 143-A:9-a, I
PH 2306.02	PH 143:7-a; PH 143-A:10-a	RSA 143:7-a; RSA 143-A:10-a
PH 2306.03	PH 143-A:6; PH 143-A:7; PH 143-A:9-a, I	RSA 143-A:6; RSA 143-A:7; RSA 143-A:9-a, I



Town Administrative Rule	Town Regulation which the Rule Implements	Specific State Statute which the Rule Implements
PH 2306.04	PH 143-A:9, IV-c	RSA 143-A:9, IV-c
PH 2306.05	PH 143-A:4; PH 143-A:6; PH 143-A:11	RSA 143-A:4; RSA 143-A:6; RSA 143-A:11
PH 2306.06	PH 143:5-a; PH 143-A:9, V	RSA 143:5-a; RSA 143-A:9, V
PH 2309.01 – PH 2309.05	PH 143-A:9, V	RSA 143-A:9, V
PH 2310.01	PH 143-A:12-13	RSA 143-A:12-13

