

Article 4  
Health Certificate Regulations

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**NOTE:** Rule-making authority cited for formulation of Health Certificate Regulations by the Director of Public Health and Social Services, 10 GCA §29195 and §22104.

The Health Certificate Regulations are reprinted here in form as exact as possible to those filed on October 24, 1980 with the Legislative Secretary. The substance of the regulations has not been changed. However, for the purpose of uniformity and ease of use, a new system of numbering has been adopted by the Editor. It is hoped that the revised numerical system will eventually be substituted for that formulated by the Director of Public Health and Social Services.

**§4401. Authority.** Under and by virtue of the provisions of 10 GCA §22104 (Environmental Health Act), rules and regulations relative to Health Certificates are hereby amended herein.

**§4402. Definitions.** Wherever in these regulations the following words appear, they shall have the following meaning respectively:

(a) *Health Certificate.* A certificate issued to a person employed within any eating and drinking establishment, food establishment, institutional facility or cosmetic establishment under the provisions of these regulations.

(b) *Temporary Health Certificate.* A certificate issued to a person employed within any temporary food service establishment under the provisions of these regulations.

(c) *Eating and Drinking Establishment.* Any mobile food service establishment, vending machine, restaurant, coffee shop, public or private school cafeteria, lunchroom, luncheonette, lunchstand, lunchcounter, in-plant or employee eating establishment, soda fountain, bar, cafe, tavern, short order cafe, sandwich stand, drink stand, any

cafeteria or similar facility connected with an institution and any other eating establishment, organization, club, including veteran's club, boarding house, guesthouse or political subdivision, any stall, stand, booth or concession within any public market which gives, sells or offers for sale food or beverage to the public, guests, patrons or employees as well as kitchens in which food is prepared on the premises for serving elsewhere including catering functions.

(d) *Food Establishment*. Means and includes every establishment or place which is used or occupied as a bakery, confectionery, cannery, dairy, creamery, packing house, grocery, supermarket, meat or poultry market, fruit or vegetable market, delicatessen, beverage plant, slaughter house, poultry processing plant, fish processing plant, frozen food processing plant, bottling plant, food refrigeration locker plant, ice plant, ice cream or frozen dessert plant, public market, food warehouse or for the production, processing, manufacture, preparation for sale, canning, bottling, packing, packaging, storage, sale or distribution of any food.

(e) *Temporary Food Service Establishment*. Any eating and drinking establishment which operates at a fixed location for a period of time not exceeding six (6) months in conjunction with a carnival, fair, circus, exhibition or other transitory gathering not of a permanent nature.

(f) *Institutional Facility*. As used in these regulations include:

(1) *Child Care Facility*. Any person or place which receives or arranges placement of one or more children who are not related to such person, whether for gain or otherwise, apart from the parents or guardian, with or without the transfer of the right of custody for the purpose of providing regular care or training for such child or children during either the day or night, or both. Except as otherwise provided, the term *Child Care Facility* includes, but is not limited to, all facilities defined by the Department of Public Health and Social Services as "family day care homes", "foster family homes", "group day care homes", "residential treatment facilities", "day care center", "day nurseries", "nursery school", "kindergarten school", "day care homes" or similar institutions or units regardless of name.

(2) *Penal Institution.* Any jail, detention center, prison camp, home, juvenile detention home or cottages, or other facility operated by the government of Guam and used as a holding facility, jail or residential custodial facility. This definition does not include hospitals or child care facilities.

(3) *School.* Any establishment, public or private, for the care and education of students from kindergarten through Grade 12 and any college or university or educational institution of higher learning.

(4) *Hospital.* Any building, structure, institution or place, public or private, whether organized for profit or not, devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment and provision of medical or surgical care for three (3) or more non-related individuals admitted for overnight stay or longer in order to obtain medical, including obstetric, psychiatric and nursing care of illness, disease, injury or deformity, whether physical or mental, and regularly making available at least clinical laboratory services, diagnostic x-ray services and treatment facilities for surgery, obstetrical care or other definitive medical treatment.

(5) *Clinic.* Any building, structure, institution or place, public or private, whether organized for profit or not, devoted primarily to the maintenance and operation of facilities for the medical or dental diagnosis and treatment of human illness, injury or deformity, or the veterinary medical or veterinary dental diagnosis and treatment of animal illness, injury or deformity.

(6) *Nursing Home.* Any facility established, for profit or non-profit, which provides nursing care and related medical services twenty-four (24) hours per day for two (2) or more individuals because of illness, disease or mental infirmity. It provides care for these persons not in need of hospital care but requiring nursing care or related medical services, which medical services shall be prescribed by a professional nurse, a physical therapist or an occupational therapist, depending upon the service required.

(7) *Laboratory.* Any building, structure, institution or place, public or private, whether organized for profit or not, devoted primarily to the maintenance and operation of facilities for the examination or testing of

humans or animals, living or dead, or any parts or physiologic products thereof, for the purpose of detecting or confirming the presence of illness or infirmity.

(g) *Cosmetic Establishment.* Any premises or portions thereof, wherein any of the following is practiced for compensation:

(1) Singeing, shampooing, arranging, adorning, dressing, curling, waving, permanent waving, tinting, applying tonic to, or dyeing human hair.

(2) Shaving, clipping, trimming or cutting human hair.

(3) Giving facial, scalp, neck or body massages or treatments with oils, creams lotions or other preparations to the scalp, face, neck or hands.

(4) Manicuring or pedicuring.

(h) *Person Employed.* As used in these regulations include in:

(1) *Eating and Drinking Establishments.* Any person employed for compensation or otherwise who transports food or food containers, engages in food preparation or service, or comes in contact with any food utensils or equipment.

(2) *Food Establishments.* Any person employed for compensation or otherwise who transports, stocks, stores, packs, packages, processes, manufactures, cans, bottles or otherwise handles raw or processed food and beverages.

(3) *Institutional Facilities.* All persons employed for compensation or otherwise.

(4) *Cosmetic Establishments.* Any person employed for compensation who sings, shampoos, arranges, adorns, dresses, curls, waves, tints, applies tonics, dyes, shaves, clips, trims or cuts human hair, manicures and pedicures, or gives massages or treatments with oils, creams, lotions or other preparations to scalp, face, neck or hands.

(i) *Non-Profit Organization.* Any religious, charitable or fraternal organization registered and licensed by the Department of Revenue and Taxation as a non-profit organization.

(j) *Department.* Division of Environmental Health, Department of Public Health and Social Services.

(k) *Director.* Director of the Department of Public Health and Social Services or his designated representative.

**§4403. Health Certificate Required.** Every person employed within an eating and drinking establishment, food establishment, institutional facility and cosmetic establishment is required to obtain, every twelve (12) months, a Health Certificate, and every person employed within a temporary food service establishment is required to obtain, every six (6) months, a Temporary Health Certificate from the Department except those persons who sell:

(a) Fresh, unprocessed fruits, vegetables, nuts, eggs, live poultry or live pigs.

(b) Canned or bottled drinks, including alcoholic beverages, in the original container of their manufacturer.

(c) Candies or other confections in the original container of their manufacturer.

**§4404. Health Certificate Form.** The form of the Health Certificate and Temporary Health Certificate shall include, but shall not be limited to, the following information concerning applicants:

(a) Name and mailing address.

(b) Name and location of establishment applied for.

(c) Social Security number.

(d) Occupation in establishment.

(e) Fee receipt number.

(f) Day, month and year of application.

(g) Day, month and year of Health Certificate expiration.

(h) Type of Health Certificate applied for.

(i) Occupation restrictions.

**§4405. Application for Health Certificates and Temporary Health Certificates.** Any person desiring to engage in employment within an eating and drinking establishment, temporary food service establishment, food establishment, institutional facility or cosmetic establishment shall make an application for a Health

Certificate or Temporary Health Certificate to the Department. The applicant will be required to show photo identification or other valid evidence attesting to the applicant's true identity. Whenever an applicant is unable to apply for a Health Certificate or Temporary Health Certificate in person, he may designate an authorized representative to make an application for him, provided the representative has the following information available:

- (a) Applicant's full name.
- (b) Mailing address of applicant.
- (c) Applicant's date of birth.
- (d) Name and location of applicant's employer.
- (e) Name of applicant's supervisor.
- (f) Photo identification of applicant.

An applicant or duly authorized representative of the applicant applying for a Health Certificate shall complete all application requirements and submit all necessary information at any time but not more than three (3) months before commencement of employment. An applicant or duly authorized representative of the applicant applying for a Temporary Health Certificate shall complete all application requirements and submit all necessary information not less than five (5) working days before commencement of employment.

**§4406. Requirements for Health Certificates.** The following requirements for Health Certificate applicants for eating and drinking establishments, food establishments, institutional facilities and cosmetic establishments must be complied with to qualify and hold a Health Certificate:

(a) **Eating and Drinking Establishment.** Any applicant who has previously been issued a Health Certificate by the Department will be required to take and pass an annual oral or written examination prescribed by the Department before a Health Certificate shall be issued. The applicant shall be required to show evidence by examination of satisfactory knowledge (score of 70% or higher) of the provisions of rules and regulations governing eating and drinking establishments including an adequate knowledge of bacteriology and food sanitation to assure that communicable disease and illness shall not be spread by food service practices. Those applicants who fail to show evidence by examination of satisfactory

knowledge (score 69% or lower) of rules and regulations governing eating and drinking establishments including knowledge of bacteriology and food sanitation or who have not previously been issued a Health Certificate by the Department, shall attend a training course approved by the Department before a Health Certificate shall be issued, renewed or reissued. No Health Certificate shall be issued, renewed or reissued to an applicant for any cafeteria or similar facility connected with an institution, unless the applicant has taken a physical examination reported on a form prescribed by the Department within six (6) months prior to issuance, renewal or reissuance which shall include a skin test for tuberculosis or an x-ray of the chest, a blood test for syphilis and gonorrhea, and tests for determination of intestinal helminths, salmonella, shigella and vibrio pathogens. Records of all such examinations shall be kept on file by the holder of the Health Certificate in the establishment where the applicant is employed.

(b) **Food Establishment.** Any applicant who has previously been issued a Health Certificate by the Department shall be required to take and pass an annual oral or written examination prescribed by the Department before a Health Certificate shall be issued. The applicant shall be required to show evidence by examination of satisfactory knowledge (score of 70% or above) of the provisions of rules and regulations governing food establishments including an adequate knowledge of bacteriology and food sanitation to assure that communicable disease and illness shall not be spread by food retail and manufacturing practices. Those applicants who fail to show evidence by examination of satisfactory knowledge (score of 69% or lower) of rules and regulations governing food establishments including knowledge of bacteriology and food sanitation or who have not previously been issued a Health Certificate by the Department shall attend a training course approved by the Department before a Health Certificate shall be issued, renewed or reissued.

(c) **Institutional Facility.** No Health Certificate shall be issued, renewed or reissued, unless the applicant has taken a physical examination reported on a form prescribed by the Department within six (6) months prior to issuance, renewal or reissuance, which shall include a skin test for tuberculosis or an x-ray of the chest, a blood test for syphilis and gonorrhea and tests for intestinal helminths, salmonella, shigella and vibrio pathogens. Records of all

such examinations shall be kept in file in the institution where the applicant is employed.

(d) **Cosmetic Establishment.** No Health Certificate shall be issued, renewed or reissued, unless the applicant has taken a physical examination reported on a form prescribed by the Department within six (6) months prior to issuance, renewal or reissuance, which shall include a skin test for tuberculosis or x-ray of the chest and a blood test for syphilis and gonorrhea. Records of all such examinations shall be kept on file by the holder of the Health Certificate in the establishment where the applicant is employed.

**§4407. Requirements for Temporary Health Certificates.** Any person applying for Health Certificate to work in a carnival, fair or temporary food concession will not be required to take a written examination, attend a workshop or provide physical examination clearance. The applicant shall, however, show evidence that he knows basic knowledge and skills in food handling, preparation and serving. In this regard, sanitation and procedural information booklets are available in addition to consultation services.

**§4408. Double Occupation Health Certificates.** (a) Any person employed within an eating and drinking establishment who holds a Health Certificate for such category of establishment shall be issued upon application and payment of appropriate fees a Health Certificate for a food establishment without meeting further requirements under this category of establishment. Any person employed within a food establishment who holds a Health Certificate for such category shall not be issued upon application a valid Health Certificate for an eating and drinking establishment without showing evidence by examination satisfactory knowledge (score 70% or higher) of the provisions of rules and regulations governing eating and drinking establishments including adequate knowledge of bacteriology and food sanitation or attendance of a training course approved by the Department for such category of establishment.

(b) With the exception of the reciprocal condition noted in §4408(a), any person employed within an eating and drinking establishment, food establishment, institutional facility or cosmetic establishment who holds a Health Certificate within such category of establishment shall not be issued upon application a Health Certificate

for other categories of establishments without meeting the qualifications enumerated under each category of establishment.

(c) Any person employed with an eating and drinking establishment, food establishment, institutional facility or cosmetic establishment shall be issued upon application a Health Certificate for any additional establishment within the same category without meeting further requirements except for payment of appropriate fees.

**§4409. Management Sanitation Training and Health Certification.** (a) All eating and drinking establishments in operation after August 31, 1978 shall be under operational supervision of a designated resident managerial person who shall be certified under the provisions of these regulations.

(b) Any person employed or designated as a manager within an eating and drinking establishment shall be required to take and pass a written examination prescribed by the Department before a Certificate of Management Certification shall be issued. The candidate for certification shall be required to show evidence by examination of satisfactory knowledge (score of 70% or higher) of rules and regulations governing eating and drinking establishments including, but not limited to, bacteriology, food borne diseases, food storage, food preparation and service, equipment design and construction, employee hygiene, cleaning and sanitary procedures and rodent and insect control. Those candidates who fail to show evidence by examination of satisfactory knowledge (score of 69% or lower) shall attend a training course approved by the Department before a Certificate of Management Certification shall be issued.

(c) Certification as a food service manager is renewable every year in accordance with §4409(b).

**§4410. Fees.** The following fees shall be required of applicants at the time of application for Health Certificates. In the event of failure to qualify for a Health Certificate, non-fulfillment or termination of employment, the fee shall not be refunded to the applicant:

(a) The annual fee for a Health Certificate for a person employed within an eating and drinking establishment, food establishment, institutional facility and cosmetic establishment shall be Five Dollars (\$5.00).

(b) The annual fee for a Health Certificate for a person employed within an eating and drinking establishment and food establishment who attends a training course conducted by the Department for that category of establishment shall be Ten Dollars (\$10.00).

(c) The fee for a Temporary Health Certificate for a person employed with a temporary food service establishment shall be Two Dollars (\$2.00).

(d) The fee for a Temporary Health Certificate for a person employed within a temporary food service establishment operated by a non-profit organization shall be One Dollar (\$1.00).

(e) The fee for duplicate Health Certificate, duplicate Temporary Health Certificate or double occupation Health Certificate shall be One Dollar (\$1.00).

**§4411. Effective Date of Health Certificate.** (a) All Health Certificates shall expire one (1) year after the date of application. Applications for renewal of a Health Certificate must be made on or before the date of expiration.

(b) All Temporary Health Certificates shall expire six (6) months after the date of application.

**§4412. Posting of Health Certificate and Certificate of Management Certification.** (a) All Health Certificates, Temporary Health Certificates and Certificates of Management Certification shall be posted in a conspicuous location in the holder's place of employment or business.

(b) A person employed at more than one (1) establishment in the same establishment category shall post the Health Certificate or Temporary Health Certificate in one (1) establishment and obtain a duplicate certificate to be posted at the other establishment.

**§4413. Revocation or Suspension of Health Certificate.** (a) After due notice, the Director may suspend or revoke any Health Certificate or Temporary Health Certificate issued under these regulations for violation of the provisions of these regulations or in the event the holder of the Health Certificate has been determined to be harboring a communicable disease.

(b) After due notice, the Director may suspend or revoke any Certificate of Management Certification issued under these regulations when the holder or persons under

his supervision repeatedly fails to comply with rules and regulations for eating and drinking establishments.

**§4414. Hearing.** (a) Any person employed whose Health Certificate, Temporary Health Certificate or Certificate of Management Certification is to be suspended or revoked, shall have the right of a hearing with the Director, provided such appeal is made in writing not later than ten (10) days after the receipt of the notice of suspension or revocation.

(b) Upon receipt of an appeal, the Director shall arrange to hear the appeal of the person employed.

(c) The final suspension or revocation may, at the discretion of the Director, be stayed.