

DATE: 8/22/2019

COMMISSION ORDER NO. 05-2019

**IN THE MATTER OF AUTHORIZING THE
WARREN COUNTY HEALTH ADMINISTRATOR
TO REQUIRE THE VACCINATION OF
FOOD HANDLERS FOR HEPATITIS A
FOR WHICH VACCINES ARE AVAILABLE**

WHEREAS, the County Commission of the County of Warren, Missouri (the "Commission") is authorized by Section 192.300 RSMo. to make, promulgate and enforce orders, rules or regulations, respectively as will tend to enhance the public health and prevent the entrance of infectious, contagious, communicable or dangerous diseases into the County of Warren, Missouri (the "County") provided, however that any orders, rules or regulations shall not be in conflict with any rules or regulations authorized and made by the State of Missouri Department of Health and Senior Services or by the State of Missouri Department of Social Services; and

WHEREAS, after the adoption of such orders, rules or regulations by the Commission, the Commission shall make and enter an order or record declaring such orders, rules or regulations to be printed and available for distribution to the public in the office of the County Clerk, and shall require a copy of such order to be published in some newspaper in the County in three successive weeks, not later than thirty days after the entry of such order, rule or regulation.

IT IS THEREFORE ORDERED, that the following regulations are hereby enacted for the purpose of preventing, reporting, controlling, treating and eliminating communicable, environmental, and occupational diseases and for that purpose they are intended to adopt Missouri Department of Health and Senior Services regulations dealing with Communicable Diseases codified in the Code of State Regulations effective as of July 1, 2019, 19 CSR 20-20.010 through 19 CSR 20-20.100 as the same may be adopted.

IT IS FURTHER ORDERED, the provisions of 19 CSR 20-20.010 through 19 CSR 20-20.100 of the Code of State Regulations are hereby incorporated by reference as if fully set forth herein verbatim as existing as of August 1, 2019.

IT IS FURTHER ORDERED, as used in this Order, unless the context clearly indicates otherwise, the definitions found in 19 CSR 20-20.010 shall be applicable to this Order and the following words and terms shall have the following special meanings:

- a) Food Handler - shall mean a person who is employed by any person or entity in any capacity which requires the preparation, handling or touching of any food (except uncut produce), utensils, serving items or kitchen or serving area surfaces or materials, in a place where food that is intended for individual service and consumption is routinely provided completely prepared, regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. Such places include restaurants, hospital cafeterias, school and nursing home kitchens, day care facilities, residential group homes, caterers, banquet facilities, coffee shops, cafeterias, short order cafes, luncheonettes, taverns, sandwich stands, soda fountains, food vending carts and all other eating or drinking establishments, as well as kitchens, commissaries or other places in which food or drink is prepared for individual sale elsewhere. The term does not include a private home where food is

prepared for noncommercial home use, and it does not include the location of food vending machines.

- b) Health Administrator - The Health Administrator shall be the same person and perform the same functions as the Local Health Authority described in 19 CSR 20-20.010(24). The Health Administrator shall generally supervise the administration of this Order. As used in this Order, the term Health Administrator shall also include any person to whom the Administrator has delegated the performance of any duties required of the Health Administrator under this Order.
- c) Health Department – The Warren County Health Department is hereby designated the Local Public Health Agency as defined in 19 CSR 20 20.010(25).
- d) Person - “Person” shall have the same meaning as defined in 19 CSR 20 20.010(28) and in addition thereto shall include any legal entity of any type and any group or association of individuals.

IT IS FURTHER ORDERED, that it shall be unlawful for any person to violate any provision of these regulations or any directive issued by the Health Administrator or Health Department made for the purpose of implementing any section or provision of these regulations, including but not limited to any reporting or record keeping requirement, any order or directive for isolation or quarantine when issued pursuant to these regulations, and compliance with any requirement or directive intended to control, treat, or eliminate a communicable, environmental or occupational disease regulated hereunder.

IT IS FURTHER ORDERED, that the Health Administrator is hereby authorized to seek the assistance of the Circuit Court in enforcement of these regulations, as necessary to protect the public health, including obtaining issuance of restraining orders and other orders of injunction, and other equitable remedy as may be necessary and appropriate under the circumstances.

IT IS FURTHER ORDERED, that the regulations enacted under this Order are intended to be supplementary to other provisions or remedies authorized or prescribed by law or rule or regulation enacted thereunder. The invalidity of any particular regulation enacted herein shall not affect the validity of any other provision and all regulations hereunder shall be construed as consistently and harmoniously as possible with each other and other applicable provisions of law. In the event of conflict between any regulation contained herein and any other rule, regulations or law, the provision more protective of the public health shall apply; provided, however, that in the event of irreconcilable conflict between any provision of these regulations and rules or regulations enacted by the Department of Health and Senior Services under Chapter 192 RSMo, or the Department of Social Services under Chapter 198 RSMo, the rules or regulations enacted by those departments under those chapters shall prevail. These regulations also shall be liberally construed to the fullest extent permitted by law to effectuate the broad remedial purposes for which they are intended.

IT IS FURTHER ORDERED that the regulations contained in this chapter shall be applicable to all incorporated and unincorporated areas within Warren County, Missouri.

IT IS FURTHER ORDERED, that the failure of the Health Administrator or Health Department to enforce any provision of these regulations, or to perform any duty prescribed for them hereunder, shall not itself constitute a violation of these regulations, nor is any regulation in this Order intended to create any legal responsibility or give rise to any legal liability on the part of the Health Administrator or Health Department to the benefit of any person who is or claims to be affected by any such failure or nonperformance.

IT IS FURTHER ORDERED, that all employers shall have ninety (90) days from the date of passage of this Commission Order until all food handlers; full, part time or temporary; must be vaccinated for Hepatitis A. All new employees hired after the 90 days of this Commission Order shall be vaccinated within two (2) weeks of the date of hire.

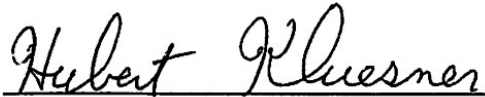
IT IS FURTHER ORDERED that the requirements of this section shall not apply to women while they are pregnant, nor because of medical contraindications that are verified in writing by a duly licensed physician.

IT IS FURTHER ORDERED, that a food handler may decline to be vaccinated pursuant to this Order, however, if a food handler declines to be vaccinated, he/she shall be restricted from working with exposed food, clean equipment, utensils, linens, and unwrapped single-service and single-use articles.

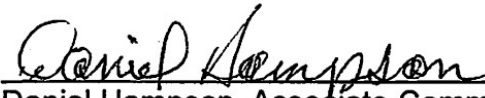
So ordered this 22nd day of August, 2019.



Joe Gildehaus, Presiding Commissioner



Hubert Kluesner, Associate Commissioner



Daniel Hampson, Associate Commissioner

Attest:



Denise Stotler, County Clerk