



## MISSOURI PUBLIC HEALTH AUTHORITY Legal Technical Assistance

### Authority to Adopt a Local Food Code

#### Questions Presented:

1. Can a Missouri county adopt an ordinance establishing a local food code?
2. Can a Missouri county implement a letter grade system for food safety inspections at restaurants and share restaurant inspection results on its website?
3. Do Missouri counties have authority to establish permitting schemes and fee schedules for food establishments?
  - a. Can a Missouri county charge fees for repeat inspections of food establishments due to ongoing violations?
  - b. Can a Missouri county implement a permit fee applicable to out-of-county food establishments doing business in the county (e.g., food trucks)?
4. Does a Missouri county have authority to enforce state or local food code requirements, such as by closing a food establishment when there are food code violations?
5. What is the federal model food code and what is its potential utility to LPHAs?

#### Summary:

It appears that Missouri statute 192.300 grants authority to counties to adopt an ordinance<sup>1</sup> establishing a local food code, and several counties in Missouri have done so. Our research suggests that a local food code may establish permit and inspection fees, a local enforcement scheme, and a proactive process for publicly disclosing food establishment inspection records. The federal model food code may serve as a sensible guide for jurisdictions seeking to adopt a food code as it reflects federal food safety regulations and current science.

*The legal information provided in this document does not constitute legal advice or legal representation. For legal advice, readers should consult a lawyer in their jurisdiction.*



**Discussion:**

**1. Can a Missouri county adopt an ordinance establishing a local food code?**

Yes, our research suggests that a Missouri county may adopt an ordinance establishing a local food code as long as the local food code's provisions do not conflict with applicable state laws. Section 192.300 of the Missouri Revised Statutes grants authority to counties to adopt ordinances to enhance the public health and prevent the spread of disease:

Mo. Rev. Stat § 192.300

1. The county commissions and the county health center boards of the several counties may make and promulgate orders, ordinances, rules or regulations, respectively as will tend to enhance the public health and prevent the entrance of infectious, contagious, communicable or dangerous diseases into such county, but any orders, ordinances, rules or regulations shall not:

(1) Be in conflict with any rules or regulations authorized and made by the department of health and senior services in accordance with this chapter or by the department of social services under chapter 198; . . .

Courts have interpreted section 192.300 as requiring ordinances promulgated under the law to both enhance public health *and* prevent disease.<sup>2</sup> State courts have also required that ordinances adopted under section 192.300 bear a "reasonable relation to public health."<sup>3</sup> A food code enacted for the purpose of reducing the risk of foodborne illness and protecting the health of consumers appears to meet the requirements articulated by Missouri courts for ordinances adopted under section 192.300.


Furthermore, the Missouri Department of Health and Senior Services (MDHSS) has issued guidance explicitly recognizing a county's authority under Chapter 192, RSMo, to adopt a local food code. For example, the State's Environmental Health Operational Guidelines provide the following guidance:

"In Chapter 192, RSMo, counties are granted the authority to adopt local food ordinances that are equal to or more stringent than current state regulations. When using an ordinance, the local agency should develop and use their own inspection report forms and enforcement policies and procedures. BEHS [Bureau of Environmental Health Services] staff will provide technical assistance and consultation to agencies with ordinances when requested."<sup>4</sup>

MDHSS website language also communicates to the public the authority of local jurisdictions to adopt local food ordinances:

"In Chapter 192, RSMo, local public health agencies in Missouri are granted the authority to adopt local food ordinances that are equal to or more stringent than current state regulations."<sup>5</sup>

"Many counties in Missouri also have adopted food safety ordinances based on the FDA model code or the Missouri code. Retail operations need to note: a local jurisdiction may adopt a more



restrictive set of rules. A local jurisdiction may require manager training, food handler training, permitting, fees to open a food establishment and fines for non-compliance.”<sup>6</sup>

As of May 5, 2023, 51 counties and 30 cities in Missouri had adopted food ordinances.<sup>7</sup> Below are some examples of county food ordinances:

- [Adair County](#)
- [Christian County](#)
- [Dade County](#)
- [Hickory County](#)
- [Jefferson County](#)
- [Laclede County](#)
- [Lafayette County](#)
- [Pike County](#)
- [Platte County](#)

## **2. Can a Missouri county implement a letter grade system for food safety inspections at restaurants and share restaurant inspection results on its website?**

Yes, it appears a Missouri county may implement a letter grade system for food safety inspections at restaurants and may share inspection results on its website. We did not locate any provision of Missouri law that would compel or impede proactive publication of food safety inspection results or grades on a county website. However, Missouri’s Sunshine Law, located at Chapter 610, RSMo, states that governmental entities’ records must be open to public inspection unless specifically protected from disclosure by law. Mo. Rev. Stat §§ 610.011, 610.023. Missouri’s Sunshine Law defines public record broadly to include “any record, whether written or electronically stored, retained by or of any public governmental body” including records prepared for the governmental body by a private contractor paid with public funds.<sup>8</sup> Thus, even if a county does not proactively publish inspection reports, it may be required to disclose them in response to a public record request.

Of note, the Missouri Food Code includes confidentiality protections for trade secrets.<sup>9</sup> A county designing a process to disclose inspection reports publicly may want to include procedures to ensure the redaction or withholding of information considered trade secrets.<sup>10</sup>

Although state law does not require counties to proactively publish restaurant inspection reports, some Missouri counties choose to do so.

Below are examples of counties that have publicly accessible food establishment inspection results online. Some counties report results directly on their websites while others use platforms such as My Health Department or InspectHub.

- Adair County
  - [Restaurant Inspections](#)
    - Reports critical and non-critical violations
- Christian County
  - [Food Inspections \(general information\)](#)
  - [Inspection Results](#)
    - Reports a numerical score and observations

- Clay County
  - [Inspection Results](#)
    - Reports violations and comments on corrective actions
- Laclede County
  - [Food Establishments Permitting, Inspection, and Follow-up Fees](#)
    - Reports critical and non-critical violations
- Lincoln County
  - [Inspection Results](#)
    - Provides access to full inspection report documents
- Polk County
  - [Inspections](#)
    - Reports observations and compliance with 51 inspection criteria

For additional examples of online food inspection reporting throughout Missouri, MDHSS provides links to several counties, available on the map linked here: [Food Safety Inspections](#). Food Safety News also provides a list of links to Missouri county restaurant inspections: [Restaurant Inspections](#).

For additional considerations and critical analysis relating to restaurant grading systems and data disclosure processes, readers may wish to review the following resources:


- National Academy of Sciences, The Potential Consequences of Public Release of Food Safety and Inspection Service Establishment-Specific Data (2011), <https://nap.nationalacademies.org/resource/13304/Food-Safety-Report-Brief-Final.pdf>
- Daniel E. Ho, Fudging the Nudge: Information Disclosure and Restaurant Grading, 122 Yale Law Journal 574 (2012), [https://www.yalelawjournal.org/pdf/1120\\_mparaxzn.pdf](https://www.yalelawjournal.org/pdf/1120_mparaxzn.pdf).

### **3. Do Missouri counties have authority to establish permitting schemes and fee schedules for food establishments?**

Yes, our research indicates that local jurisdictions have authority under Missouri state law to establish permitting schemes and fee schedules for food establishments. As discussed under question 1 above, it appears that counties have authority under section 192.300 to adopt local food codes, as long as local provisions do not conflict with applicable state laws. In addition to granting to counties authority to adopt orders, ordinances, rules or regulations to enhance public health and prevent disease, section 192.300 also provides that a county may charge reasonable fees to pay for costs incurred in carrying out local public health activities. The statute further specifies that the fees must be deposited in the county treasury and used to support the public health activities for which they are generated. When imposing fees via a public health ordinance, counties should carefully evaluate whether the fee is subject to the Hancock Amendment and therefore requires voter approval.<sup>11</sup> For more information on the Hancock Amendment, please review the case summaries and FAQ resource in the Network for Public Health Law's Missouri Public Health Authority Toolkit.

Mo. Rev. Stat § 192.300

2. The county commissions and the county health center boards of the several counties may establish reasonable fees to pay for any costs incurred in carrying out such orders, ordinances, rules or regulations, however, the establishment of such fees shall not deny personal health services to those individuals who are unable to pay such fees or impede the prevention or control of communicable disease. Fees generated shall be deposited in the county treasury. All fees



generated under the provisions of this section shall be used to support the public health activities for which they were generated.

Fees collected for public health activities under section 192.300 should be collected to pay for the cost of the service provided and cannot be treated as general revenue; courts may find that charges that subsidize county operations or contribute to the general revenue are taxes.<sup>12</sup> Thus, an inspection fee should reflect a reasonable service charge.

MDHSS website language likewise reflects local jurisdictions' authority to implement food establishment permitting schemes.

“Do I need a food permit from the state for my restaurant? No, the Department of Health and Senior Services does not issue permits. The Missouri Food Code does require an application and preopening inspection process be completed by new food establishments. This process is completed by the Local Public Health Agency in the area of the restaurant. Some local jurisdictions have their own food ordinances and the authority to adopt stricter regulations that may require operational permits.”<sup>13</sup>

**a. Can a Missouri county charge fees for repeat inspections of food establishments due to ongoing violations?**

Yes, it appears a county may charge reasonable fees for restaurant inspections, as discussed above. Charging fees for repeat restaurant inspections appears to be a common practice among Missouri counties. Our research suggests that counties regularly charge directly for repeat inspections, but not necessarily all inspections; it is possible that counties consider the costs associated with preoperational inspections in determining the initial permitting fees for food establishments. For example, Laclede County charges a \$100 fee for repeat inspections not corrected after the first follow-up inspection or for the same violation three times in a row.<sup>14</sup> Similarly, Dade County imposes a \$100 fee for violations found uncorrected upon re-inspection that require a second follow-up inspection.<sup>15</sup> Jackson County imposes a \$110 fee per re-inspection.<sup>16</sup> Lafayette County uses a fee structure for additional inspections based on an hourly rate and mileage.<sup>17</sup> Christian County includes the following language regarding re-inspection fees in its food ordinance, “Facilities that require more than two re-inspections following a routine or complaint inspection may be charged a re-inspection fee.”<sup>18</sup>

**b. Can a Missouri county implement a permit fee applicable to out-of-county food establishments doing business in the county (e.g., food trucks)?**

Yes, it appears a county may implement permit fees for out-of-county businesses selling food within the county (such as temporary food stands<sup>19</sup> and mobile food units<sup>20</sup>) just as it may implement permit fees for in-county food establishments. Section 192.300 grants counties the authority to promulgate ordinances to enhance the public health and prevent the entrance of infectious diseases and further authorizes counties to implement reasonable fees to support the public health activities for which they are generated:

Mo. Rev. Stat § 192.300

1. The county commissions and the county health center boards of the several counties may make and promulgate orders, ordinances, rules or regulations, respectively as will tend to enhance the public health and prevent the entrance of infectious, contagious, communicable

or dangerous diseases into such county, but any orders, ordinances, rules or regulations shall not:

...

2. The county commissions and the county health center boards of the several counties may establish reasonable fees to pay for any costs incurred in carrying out such orders, ordinances, rules or regulations, however, the establishment of such fees shall not deny personal health services to those individuals who are unable to pay such fees or impede the prevention or control of communicable disease. Fees generated shall be deposited in the county treasury. All fees generated under the provisions of this section shall be used to support the public health activities for which they were generated.

Accordingly, any permit fee for out-of-county food establishments must be used to support related public health activities, just as permit fees for in-county food establishments must be.<sup>21</sup> If permit fees are instead collected as a means of raising general revenue funds, courts may interpret the fees as a tax.<sup>22</sup>

MDHSS website language directs mobile food unit owners to check with the local health department in each area they intend to operate regarding the requirements for operation.

“What are the requirements for a mobile food unit? At a minimum a mobile food unit must be properly equipped to prepare and serve food safely. The unit must have a safe water supply, wastewater collection and disposal, cooking and cooling equipment and adequate food storage. Mobile unit owners must check with the local health department in each area they intend to operate their unit to assure they are in compliance.”<sup>23</sup>

Thus, it appears that counties have authority to establish permitting schemes and fee schedules for food establishments, including those that do not permanently operate within the jurisdiction.

Below are examples of both temporary food service and mobile food unit guidelines and permit requirements employed in Missouri jurisdictions.

### **Temporary Food Service Guidelines and Permit Requirements**

- [MDHSS Temporary Food Service Guidelines](#)
- Counties
  - Jackson County
    - [Temporary Food Permit Application](#)
  - Jefferson County
    - [Temporary Food Permit Requirements](#)
  - Lincoln County
    - [Temporary Food Establishments](#)
  - Springfield-Greene County
    - [Temporary Food Events](#)
  - Warren County
    - [Food Permits](#)
  - Wright County
    - [Temporary Food Establishment Application for Permit](#)
- Cities
  - St. Louis
    - [Apply for Temporary Food Permits](#)



## Mobile Food Unit Guidelines and Permit Requirements


- Counties
  - Butler County
    - [Guidelines for Mobile & Temporary Food Establishments](#)
  - Clay County
    - [Mobile Unit Guidelines](#)
  - Johnson County
    - [Mobile Food Unit Plan Review Guide](#)
    - [Mobile Food Unit Application](#)
  - Platte County
    - [Mobile Food Unit Permit Application](#)
  - Jackson County
    - [Food Establishment Plan Review Application for a New Mobile Unit](#)
  - Springfield-Greene County
    - [Mobile Food Establishments](#)
  - St. Charles County
    - [Mobile Food Units](#)
- Cities
  - Columbia
    - [Mobile Trucks](#)
  - Jefferson
    - [Food Service Guidelines](#)
  - Kansas City
    - [Food Permits for Mobile Units, Catering, Farmers Markets \(and Similar Vendors\)](#)
  - St. Louis City
    - [Food Truck Permits](#)

### 4. Does a Missouri county have authority to enforce state or local food code requirements, such as by closing a food establishment when there are food code violations?

The Missouri food code appears to establish distinct roles for state and local health agencies with respect to enforcing the code's requirements. Chapter eight of the code authorizes MDHSS to issue closing orders to food establishments if an imminent health hazard is found or if code violations are deemed a "health menace."<sup>24</sup> Local agencies, on the other hand, are responsible for conducting preoperational inspections and may reject an application to open a food establishment if it does not meet the code's requirements, but they do not appear to have explicit authority under the code to enforce its requirements in an ongoing manner.<sup>25</sup>

Under section 192.300 of state law, however, it appears a county may adopt a local ordinance empowering the county to enforce violations of the food code. Our research suggests that section 192.300 grants counties the authority to adopt a local food code, as described in the response to Question 1 above. The State's Environmental Health Operational Guidelines further state that "[w]hen using an ordinance, the local agency should develop and use their own inspection report forms and enforcement policies and procedures."<sup>26</sup>

In sum, a county may adopt a local food code ordinance to establish greater local enforcement authority. The standards and requirements within the local food code can be the same as the state standards or the county may adopt more stringent requirements. Absent a local grant of enforcement authority, however, the enforcement structure established by the state food code would apply.<sup>27</sup>



Some counties in Missouri have included enforcement provisions in their county food ordinances authorizing the local regulatory agency to investigate potential health hazards, revoke permits, and issue closing orders, among other things.

For example, in Dade County:<sup>28</sup>

4.3 Regulatory Authority is the Dade County Health Department administrator or authorized representative(s).

6.3 (A) The regulatory authority shall act when it has reasonable cause to believe that food borne disease transmission has occurred, by closing a food establishment in order to investigate a food-borne outbreak associated with the establishment until the regulatory authority determines that no further danger of disease transmission exists.

6.5(B) The regulatory authority may, without warning or hearing, close any food establishment or revoke any permit to operate a food establishment for serious or repeated violations, for interference with the regulatory authority in the performance of duty, or if the operation of the food establishment otherwise constitutes an imminent hazard to public health. Revocation of the permit is effective upon service of the notice.

For example, in Christian County:<sup>29</sup>

1.01(B) Department: The Christian County Health Department

2.03 Any food establishment that has failed to correct repeat critical violations noted on two consecutive follow up inspections, or complaint inspection shall be issued a work order. The correction time on a work order shall be no more than thirty (30) days. If the issues noted on the work order are not corrected in the time given then the operating permit will be suspended or revoked.

2.04 Any food establishment that has had its permit revoked or suspended will be closed for business until the condition leading to the closure has been corrected. The food establishment will provide 24 hours notice for the Department to schedule the inspection. Once the Department has inspected and verified that corrections have been made, approval may be granted by the department for the establishment to reopen for business. Also, Reference section 9.2 for food handlers training.

9.01 Any food establishment that scores 60 or less and has at least 6 critical items marked on the inspection sheet shall automatically and immediately cease operations until such time as the critical items are determined, by re-inspection, to be corrected. A Re-inspection will occur on the mutually agreed upon date but no sooner than after the establishment has provided 24 hrs notice.

For example, in Lafayette County:<sup>30</sup>



1.2 Department means the Lafayette County Health Department and its designated representative.

- a. The Department shall act when it has reasonable cause to believe that food borne disease transmission has occurred by closing a food establishment in order to investigate a food borne outbreak associated with the establishment until in the opinion of the department no further danger of disease transmission exists

## 5. What is the federal model food code and what is its potential utility to LPHAs?

The FDA Food Code is a model code based on federal food safety regulations. The FDA encourages jurisdictions to adopt the complete model code, though it is not federally mandated.<sup>31</sup> Forty-nine states and the District of Columbia have adopted a version of the FDA Food Code.<sup>32</sup> California is the only state that has not. Each state food code is available on the FDA's website.<sup>33</sup> In 2013, Missouri adopted the 2009 FDA Food Code. According to the FDA, Missouri planned to restart the rulemaking process in 2023 with the newest edition (2022) of the FDA Food Code. State and local regulatory agencies may partially or fully adopt the model code and may make adaptations for their jurisdiction. The FDA Food Code reflects federal regulations and current science making it a sensible choice as a model for state and local jurisdictions seeking to adopt a food code.

The resources below are provided for reference; the Network for Public Health Law has not vetted each resource.

- [Food Code Adoption Toolkit](#)
- [Benefits Associated with Complete Adoption and Implementation of the FDA Food Code](#)
- [National Environmental Health Association Policy Statement on the U.S. Food and Drug Administration Model Food Code](#)
- [Food Safety – Updated Food Code and State of the States](#)

This document was developed by Susan Fleurant, JD, MPH, Staff Attorney, and Colleen Healy Boufides, JD, Co-Director, Network for Public Health Law – Mid-States Region. The Network for Public Health Law provides information and technical assistance on issues related to public health. The legal information and assistance provided in this document does not constitute legal advice or legal representation. For legal advice, please consult specific legal counsel.

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### SUPPORTERS

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- <sup>1</sup> We did not examine the differences between orders, ordinances, rules, and regulations under Mo. Rev. Stat § 192.300 and are not commenting on the most appropriate vehicle by which to adopt a local food code. Our response to the questions presented focuses on the general authority to adopt a local food code and it appears from our research that local food codes are commonly adopted as ordinances, so we use that term throughout.
- <sup>2</sup> See *City of Olivette, Missouri v. St. Louis Cnty.*, Missouri, 507 S.W.3d 637 (Mo. Ct. App. 2017).
- <sup>3</sup> See *Avanti Petroleum, Inc. v. St. Louis Cnty.*, 974 S.W.2d 506 (Mo. Ct. App. 1998); *Readey v. St. Louis Cnty. Water Co.*, 352 S.W.2d 622 (Mo. 1961). See *also* *Pro. Houndsmen of Missouri, Inc. v. Cnty. of Boone*, 836 S.W.2d 17 (Mo. Ct. App. 1992).
- <sup>4</sup> Environmental Health Operational Guidelines, Missouri Department of Health and Senior Services, August 2021, <https://health.mo.gov/atoz/ehog/pdf/ehog-2021.pdf>.
- <sup>5</sup> Authority/Regulation, Missouri Department of Health and Human Services, <https://health.mo.gov/safety/foodsafety/industryfoods/retailfoods/authority.php>.
- <sup>6</sup> Retail Food Safety, Missouri Department of Health and Human Services, <https://health.mo.gov/safety/foodsafety/industryfoods/retailfoods/>.
- <sup>7</sup> Food Service Ordinance Map, Missouri Department of Health and Human Services, May 5, 2023, [https://health.mo.gov/atoz/ehog/pdf/Ch\\_9.3.pdf](https://health.mo.gov/atoz/ehog/pdf/Ch_9.3.pdf).
- <sup>8</sup> Mo. Rev. Stat. § 610.010.
- <sup>9</sup> Missouri Food Code 8-202.10.
- <sup>10</sup> Trade secret is defined in state law as “information, including but not limited to, technical or nontechnical data, a formula, pattern, compilation, program, device, method, technique, or process, that: (a) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use; and (b) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.” Mo. Rev. Stat. § 417.453.
- <sup>11</sup> Mo. Const. art. X, § 18-24.
- <sup>12</sup> See *Craig v. City of Macon*, 543 S.W.2d 772 (Mo. 1976) (“None of the money subsidized the operation of the city or went into general revenue. Rather, the payments were collected for a specific purpose, to pay the cost of the service. Hence, the charge is not a tax, but a service charge.”).
- <sup>13</sup> Frequently Asked Questions, Missouri Department of Health and Senior Services, <https://health.mo.gov/safety/foodsafety/industryfoods/retailfoods/faqs.php>.
- <sup>14</sup> Food Establishments Permitting, Inspection and Follow-up Fees, Laclede County Health Department, <https://lacledecountyhealth.com/environmental-services/food-establishments/>.
- <sup>15</sup> Dade County Food Ordinance, Dade County Health Department, <https://view.officeapps.live.com/op/view.aspx?src=http%3A%2F%2Fwww.dadecountyhealthdept.com%2Fcms%2Fuploads%2Fdadefoodordinance.docx&wdOrigin=BROWSELINK>.
- <sup>16</sup> Environmental Health Fees at a Glance, Jackson County Health Department, <https://www.jacksongov.org/Government/Departments/Environmental-Health>.
- <sup>17</sup> An Order Entitled “Food Service Ordinance” That Provides for the Inspection and Licensing of All Food Service Establishments in Lafayette County, Lafayette County Health Department, <https://lafayettecountyhealth.org/wp-content/uploads/2021/07/Food-Ordinance-2017.pdf>.
- <sup>18</sup> An Order Regulating the Operation of Food Establishments and Providing Penalties in the County of Christian, State of Missouri, Christian County Health Department, [https://www.christiancountyhealth.com/files/ugd/9bd019\\_cac1295ed7fa4ba2b267a628945581b3.pdf](https://www.christiancountyhealth.com/files/ugd/9bd019_cac1295ed7fa4ba2b267a628945581b3.pdf).
- <sup>19</sup> Temporary food services are those that operate for a period of no more than 14 consecutive days in conjunction with a single event (e.g., a fair or festival). Mo. Code Regs. Ann. tit. 19, § 20-1.025, Missouri Food Code, 1-201.10 (June 13, 2013). MDHSS guidance on temporary food stands is as follows:

“Temporary food stands are food establishments that operate for a period of no more than 14 consecutive days in conjunction with a single event or celebration. Food stands that set-up for fairs and festivals may receive educational materials and/or inspections through their local health agencies. Prior to setting-up at an event or providing foods for sale, the vendor should consult with their local health agency about the requirements that may need to be met to prepare, serve or sell that food at a temporary event.”

Missouri Department of Health and Human Services, Temporary Food Events,  
<https://health.mo.gov/safety/foodsafety/industryfoods/retailfoods/tempfoodevents.php>.

- <sup>20</sup> Mobile food units are not defined in the state food code. Definitions of mobile food units from Missouri counties include “A vehicle-mounted food service establishment, designed to be readily movable, that returns to a commissary daily for clean-up and service” and “[A]n enclosed vehicle-mounted food service establishment designated to be readily movable from which food is composed, compounded, processed or prepared, and from which food is vended, sold or given away.” Jackson County, Chapter 40 Food Safety and Environmental Health, Ord. 4390, [https://www.jacksongov.org/files/sharedassets/public/v/1/departments/environmental-health/40-food-safety-and-environmental-health-10-02-20\\_202010021346383146.pdf](https://www.jacksongov.org/files/sharedassets/public/v/1/departments/environmental-health/40-food-safety-and-environmental-health-10-02-20_202010021346383146.pdf); St. Charles County, Mobile Food Units, <https://www.sccmo.org/841/Mobile-Food-Units>.
- <sup>21</sup> See *City of Olivette, Missouri v. St. Louis Cnty.*, Missouri, 507 S.W.3d 637 (Mo. Ct. App. 2017); *Avanti Petroleum, Inc. v. St. Louis Cnty.*, 974 S.W.2d 506 (Mo. Ct. App. 1998); *Readey v. St. Louis Cnty. Water Co.*, 352 S.W.2d 622 (Mo. 1961); *Pro. Houndsmen of Missouri, Inc. v. Cnty. of Boone*, 836 S.W.2d 17 (Mo. Ct. App. 1992); *Craig v. City of Macon*, 543 S.W.2d 772 (Mo. 1976).
- <sup>22</sup> *Craig v. City of Macon*, 543 S.W.2d 772 (Mo. 1976).
- <sup>23</sup> Frequently Asked Questions, Missouri Department of Health and Senior Services, <https://health.mo.gov/safety/foodsafety/industryfoods/retailfoods/faqs.php>.
- <sup>24</sup> Missouri Food Code 8-403.13, 404.14
- <sup>25</sup> Mo. Code Regs. Ann. tit. 19, § 20-1.025, Missouri Food Code, Chapter 8 (June 3, 2013).
- <sup>26</sup> Environmental Health Operational Guidelines, Missouri Department of Health and Senior Services, August 2021, <https://health.mo.gov/atoz/ehog/pdf/ehog-2021.pdf>.
- <sup>27</sup> Mo. Ann. Stat. § 192.006; Mo. Ann. Stat. § 196.045; Mo. Code Regs. Ann. tit. 19, § 20-1.025.
- <sup>28</sup> Dade County Food Ordinance, Dade County Health Department, <https://view.officeapps.live.com/op/view.aspx?src=http%3A%2F%2Fwww.dadecountyhealthdept.com%2Fcms%2Fuploads%2Fdadefoodordinance.docx&wdOrigin=BROWSELINK>.
- <sup>29</sup> An Order Regulating the Operation of Food Establishments and Providing Penalties in the County of Christian, State of Missouri, Christian County Health Department, [https://www.christiancountyhealth.com/files/ugd/9bd019\\_cac1295ed7fa4ba2b267a628945581b3.pdf](https://www.christiancountyhealth.com/files/ugd/9bd019_cac1295ed7fa4ba2b267a628945581b3.pdf).
- <sup>30</sup> An Order Entitled “Food Service Ordinance” That Provides for the Inspection and Licensing of All Food Service Establishments in Lafayette County, Lafayette County Health Department, <https://lafayettecountyhealth.org/wp-content/uploads/2021/07/Food-Ordinance-2017.pdf>.
- <sup>31</sup> Benefits Associated with Complete Adoption and Implementation of the FDA Food Code, June 11, 2020, <https://www.fda.gov/food/fda-food-code/benefits-associated-complete-adoption-and-implementation-fda-food-code>.
- <sup>32</sup> Adoption of the FDA Food Code by State and Territorial Agencies Responsible for the Oversight of Restaurants and/or Retail Food Stores, U.S. Food and Drug Administration, 2022, <https://www.fda.gov/media/107543/download>.
- <sup>33</sup> State Retail and Food Service Codes and Regulations by State, Oct. 19, 2023, <https://www.fda.gov/food/fda-food-code/state-retail-and-food-service-codes-and-regulations-state>.