**44:02:07:03.  Person in charge.** The license holder must be the person in charge or must designate a person in charge that oversees all food service operations in the food establishment. A person in charge must be designated for each work shift. At least one person in charge in each establishment must be a certified food service manager. Prior to opening, all new food service establishments and mobile food service establishments must have a certified food service manager as the person in charge. Upon a change of ownership of a food service establishment or mobile food service establishment, a 90-day grace period from the date the ownership change takes place will be given to implement a certified food service manager as the person in charge. By July 1, 2000, all existing food service establishments and mobile food service establishments must have a certified food service manager as the person in charge. When a certified food service manager leaves an establishment, the establishment has a 90-day grace period to obtain another certified food service manager. Temporary food service establishments are exempt from the food service manager certification requirement.

 **Source:** 23 SDR 195, effective May 26, 1997.

 **General Authority:** SDCL 34-1-17, 34-18-22.

 **Law Implemented:** SDCL 34-18-22, 34-18-25.

 **Cross-Reference:** Food service manager certification, § 44:02:07:98.