

August 13, 2018

VIA EMAIL ONLY

Nancy Breems
Secretary of State, Elections Division
180 State Office Building
100 Rev Dr Martin Luther King Jr Blvd
St. Paul, Minnesota 55155-1299
official.documents@state.mn.us

Re: *In the Matter of the Proposed Rules Governing the Minnesota Food Code, Minnesota Rules, Chapter 4626*
OAH 82-9000-34708; Revisor 4071

Dear Ms. Breems:

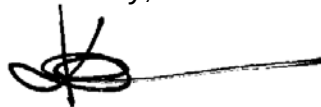
Enclosed for filing is an electronic copy of the above-entitled adopted rules.

Please send the agency copy of the rules to:

Linda D. Prail
Minnesota Department of Health
PO Box 64975
Saint Paul, MN 55164
linda.prail@state.mn.us

If you have any questions regarding this matter, please contact me at (651) 361-7911 or katie.lin@state.mn.us.

Sincerely,

A handwritten signature in black ink, appearing to be 'Katie Lin', with a long horizontal line extending to the right.

Katie Lin

Enclosures

cc: Linda D. Prail (via email)

1.1 **Department of Health**

1.2 **Adopted Permanent Rules Relating to the Food Code**

1.3 **4626.0010 FOOD CODE. 1-101.10**

1.4 This chapter shall be known as the Food Code, hereinafter referred to as "this Code."

1.5 **4626.0015 FOOD SAFETY, ILLNESS PREVENTION, AND HONEST**
1.6 **PRESENTATION. 1-102.10**

1.7 The purpose of this Code is to safeguard public health and ensure that food is safe,
1.8 unadulterated, and honestly presented.

1.9 **4626.0017 SCOPE. 1-103.10**

1.10 A. This Code establishes definitions; sets standards for management and personnel,
1.11 food operations, and equipment and facilities; and provides for food establishment plan
1.12 review, license issuance, inspection, employee restriction, and license suspension.

1.13 B. References to federal law used in this Code shall incorporate future amendments
1.14 to the law.

1.15 C. This Code applies to food establishments licensed and inspected by the
1.16 Department of Agriculture, Department of Health, or delegated regulatory authorities that
1.17 conduct licensing and inspections of food establishments.

1.18 D. This Code also applies to individuals applying for certification and certification
1.19 renewal as a food protection manager, persons providing training for applicants for food
1.20 protection manager certification, and for certified food protection managers, persons
1.21 developing and publishing food protection manager certification examinations, and persons
1.22 proctoring food protection manager certification examinations.

1.23 **~~4626.0018 RESTRICTION OF FOOD TYPE AND PREPARATION METHOD.~~**

1.24 ~~The regulatory authority may restrict the type of food served or the method of food~~
1.25 ~~preparation based on equipment limitations and the availability of approved facilities for~~

2.1 ~~utensil and warewashing, adverse climatic conditions, or any other condition that poses a~~
2.2 ~~hazard to public health.~~

2.3 **4626.0020 STATEMENT OF APPLICATION AND DEFINITIONS. 1-201.10**

2.4 Subpart 1. **Applicability.** The terms used in this chapter have the meanings given
2.5 them in this part.

2.6 Subp. 2. **Additive.**

2.7 A. "Food additive" has the meaning given in the Federal Food, Drug, and Cosmetic
2.8 Act, United States Code, title 21, section 321(s), and Code of Federal Regulations, title 21,
2.9 section 170.3(e)(1).

2.10 B. "Color additive" has the meaning given in the Federal Food, Drug, and Cosmetic
2.11 Act, United States Code, title 21, section 321(t), and Code of Federal Regulations, title 21,
2.12 section 70.3(f).

2.13 Subp. 3. **Adulterated.** "Adulterated" has the meaning given in Minnesota Statutes,
2.14 section 34A.02, and the Federal Food, Drug, and Cosmetic Act, United States Code, title
2.15 21, section 342.

2.16 *[For text of subp 4, see M.R.]*

2.17 Subp. 4a. **Asymptomatic.**

2.18 A. "Asymptomatic" means without obvious symptoms or not showing or producing
2.19 indications of a disease or other medical condition, such as an individual infected with a
2.20 pathogen, but not exhibiting or producing any signs or symptoms of vomiting, diarrhea, or
2.21 jaundice.

2.22 B. Asymptomatic includes not showing symptoms because symptoms have
2.23 resolved or subsided, or because symptoms were never manifested.

3.1 Subp. 5. **a_w**. "a_w" means water activity that is a measure of the free moisture in a food,
3.2 is the quotient of the water vapor pressure of the substance divided by the vapor pressure
3.3 of the pure water at the same temperature, and is indicated by the symbol a_w.

3.4 Subp. 5a. **Balut**. "Balut" means an embryo inside a fertile egg that has been incubated
3.5 until the embryo reaches a specific stage of development and is then removed from incubation
3.6 before hatching.

3.7 *[For text of subps 6 to 8, see M.R.]*

3.8 Subp. 9. [See repealer.]

3.9 *[For text of subp 10, see M.R.]*

3.10 Subp. 10a. **Certified food protection manager or CFPM**. "Certified food protection
3.11 manager" or "CFPM" means an individual who has a valid Minnesota food protection
3.12 manager's certification under part 4626.0033 or an individual who is certified under
3.13 Minnesota Rules 2015, parts 4626.2005 to 4626.2020.

3.14 Subp. 11. **CIP**.

3.15 A. "CIP" means cleaned in place.

3.16 B. A CIP system circulates cleaning, rinsing, and sanitizing solutions through a
3.17 fixed system.

3.18 C. CIP does not include in-place, manual cleaning without the use of a CIP system
3.19 for equipment such as band saws, slicers, or mixers.

3.20 Subp. 11a. [See repealer.]

3.21 Subp. 12. [See repealer.]

3.22 Subp. 12a. **Commingle**. "Commingle" means:

4.1 A. to combine shellstock harvested on different days or from different growing
4.2 areas as identified on the tag or label; or

4.3 B. to combine shucked shellfish from containers with different container codes
4.4 or different shucking dates.

4.5 Subp. 13. **Comminuted.**

4.6 A. "Comminuted" means reduced in size by methods including chopping, flaking,
4.7 grinding, or mincing.

4.8 B. Comminuted products include fish or meat products that are reduced in size
4.9 and restructured or reformulated such as gefilte fish, gyros, ground beef, or sausage; and a
4.10 mixture of two or more types of meat that have been reduced in size and combined, such
4.11 as sausages made from two or more meats.

4.12 Subp. 13a. **Commissioner.** "Commissioner" means the commissioner of health.

4.13 Subp. 14. [See repealer.]

4.14 Subp. 14a. **Conditional employee.** "Conditional employee" means a potential food
4.15 employee to whom a job offer is made, conditional on responses to subsequent medical
4.16 questions or examinations designed to identify potential food employees who may be
4.17 suffering from a disease that can be transmitted through food and done in compliance with
4.18 the Americans with Disabilities Act, United States Code, title 42, chapter 126.

4.19 *[For text of subps 15 and 16, see M.R.]*

4.20 Subp. 17. [See repealer.]

4.21 *[For text of subp 18, see M.R.]*

4.22 Subp. 18a. **Counter-mounted equipment.** "Counter-mounted equipment" means
4.23 equipment that is not portable and is designed to be mounted off the floor on a table, counter,
4.24 or shelf.

5.1 *[For text of subp 19, see M.R.]*

5.2 Subp. 19a. **Critical limit.** "Critical limit" means the maximum or minimum value to
5.3 which a physical, biological, or chemical parameter must be controlled at a critical control
5.4 point to minimize the risk that the identified food safety hazard may occur.

5.5 Subp. 19b. **Cross-contamination.** "Cross-contamination" is the movement or transfer
5.6 of bacteria, microorganisms, or other harmful substances from one person, object, place,
5.7 or food item to another.

5.8 Subp. 20. [See repealer.]

5.9 Subp. 20a. **Cut leafy greens or leafy greens.** "Cut leafy greens" means fresh leafy
5.10 greens whose leaves have been cut, shredded, sliced, chopped, or torn. "Leafy greens"
5.11 includes iceberg lettuce; romaine lettuce; leaf lettuce; butter lettuce; baby leaf lettuce such
5.12 as, immature lettuce or leafy greens; escarole; endive; spring mix; spinach; cabbage; kale;
5.13 arugula; and chard. Leafy greens does not include herbs such as cilantro or parsley.

5.14 Subp. 20b. **Dealer.** "Dealer" means a person who is authorized by a shellfish control
5.15 authority for the activities of shellstock shipper, shucker-packer, repacker, reshipper, or
5.16 depuration processor of molluscan shellfish according to the provisions of the National
5.17 Shellfish Sanitation Program.

5.18 Subp. 20c. **Disclosure.** "Disclosure" means a written statement that clearly identifies
5.19 the animal-derived foods or items containing ingredients that contain animal-derived foods
5.20 that are, or can be ordered, raw, undercooked, or without otherwise being processed to
5.21 eliminate pathogens.

5.22 *[For text of subp 21, see M.R.]*

5.23 Subp. 22. **Dry storage area.** "Dry storage area" means a room or area designated for
5.24 the storage of packaged or containerized food that is not time/temperature control for safety
5.25 food, and dry goods such as single-service items.

6.1 *[For text of subp 23, see M.R.]*

6.2 Subp. 24. **Easily movable.** "Easily movable" means:

6.3 A. portable; mounted on casters, gliders, or rollers; or provided with a mechanical
6.4 means to safely tilt a unit of equipment for cleaning; and

6.5 *[For text of item B, see M.R.]*

6.6 Subp. 24a. **Egg.**

6.7 A. "Egg" means the shell egg of avian species such as chicken, duck, goose,
6.8 guinea, quail, ratite, or turkey.

6.9 B. Egg does not include:

6.10 (1) a balut;

6.11 (2) the egg of reptile species such as alligator; or

6.12 (3) an egg product.

6.13 Subp. 24b. **Egg product.**

6.14 A. "Egg product" means all, or a portion of, the contents found inside eggs
6.15 separated from the shell in a food processing plant, and processed to be free of viable
6.16 *Salmonella* microorganisms.

6.17 B. Egg product does not include food that contains eggs only in a relatively small
6.18 proportion such as cake mixes.

6.19 Subp. 25. **Employee.** "Employee" means a licensee, person in charge, food employee,
6.20 person having supervisory or management duties, person on the payroll, family member,
6.21 volunteer, person performing work under contractual agreement, or other person working
6.22 in a food establishment.

7.1 Subp. 26. **Equipment.**

7.2 A. "Equipment" means an article that is used in the operation of a food
7.3 establishment such as a freezer, grinder, hood, ice maker, mixer, oven, reach-in refrigerator,
7.4 sink, slicer, stove, table, vending machine, warewashing machine, grill, and fryer.

7.5 B. Equipment does not include apparatuses used for handling or storing large
7.6 quantities of packaged foods that are received from a supplier in a cased or overwrapped
7.7 lot, such as hand trucks, forklifts, dollies, pallets, racks, and skids.

7.8 Subp. 26a. **Exclude.** "Exclude" means to prevent a person from working as an
7.9 employee in a food establishment or entering a food establishment as an employee.

7.10 Subp. 27. [See repealer.]

7.11 Subp. 28. [See repealer.]

7.12 Subp. 28a. **FDA.** "FDA" means the U.S. Food and Drug Administration.

7.13 Subp. 29. **Fish.**

7.14 A. "Fish" means fresh or saltwater finfish, crustaceans, and other forms of aquatic
7.15 animal life other than birds or mammals, including alligator, frog, aquatic turtle, jellyfish,
7.16 sea cucumber, and sea urchin, and the roe of such animals, if the animal life is intended for
7.17 human consumption.

7.18 B. Fish includes an edible human food product derived in whole or in part from
7.19 fish, including fish that have been processed in any manner.

7.20 *[For text of subps 30 and 31, see M.R.]*

7.21 Subp. 32. **Food cart.** "Food cart" has the meaning given in Minnesota Statutes, section
7.22 157.15, subdivision 6. A food cart must be a single self-contained unit.

8.1 Subp. 32a. **Food catering.** "Food catering" means food that is prepared for service
8.2 in support of an event with a predetermined guest list such as a reception, party, luncheon,
8.3 conference, ceremony, or trade show. A food establishment doing catering is responsible
8.4 for maintaining control of and ensuring the safety of the food from preparation to service
8.5 to the consumer.

8.6 *[For text of subps 33 and 34, see M.R.]*

8.7 Subp. 35. **Food establishment.**

8.8 A. "Food establishment" means an operation that stores, prepares, packages,
8.9 serves, vends, caters, delivers, or otherwise provides food for human consumption, where
8.10 consumption is on or off the premises and regardless of whether there is a charge for the
8.11 food, and relinquishes possession either directly or indirectly to a consumer.

8.12 Food establishment includes:

8.13 (1) an element of an operation such as a transportation vehicle or central
8.14 preparation facility that supplies a vending location or satellite feeding location unless the
8.15 vending or feeding location is licensed by the regulatory authority; or

8.16 (2) retail operations located within the following establishments:

8.17 (a) wholesale food processors, wholesale food handlers, food
8.18 manufacturers, or food brokers as classified in Minnesota Statutes, section 28A.05,
8.19 paragraphs (b), (c), and (d);

8.20 (b) custom processors as defined in Minnesota Statutes, section 28A.03,
8.21 subdivision 8, or custom processing as defined in section 31A.02, subdivision 5; or

8.22 (c) animal food manufacturers as defined in Minnesota Statutes, section
8.23 31A.02, subdivision 8; and

9.1 (d) those food service operations within a hospital, nursing home, or
9.2 boarding care home licensed under Minnesota Statutes, sections 144.50 to 144.56, that are
9.3 not limited to patient or resident care.

9.4 B. Food establishment does not include:

9.5 (1) an establishment excluded from licensure under Minnesota Statutes,
9.6 sections 28A.15, 28A.151, and 28A.152, or 31.56;

9.7 (2) an establishment exempted under Minnesota Statutes, section 157.22; or

9.8 (3) a private home or other location that receives catered or home-delivered
9.9 food when only invited guests are present; or

9.10 (4) a food service limited to patient or resident care within a hospital, nursing
9.11 home, boarding care home, or supervised living facility licensed under Minnesota Statutes,
9.12 sections 144.50 to 144.56, except for those operations subject to the rules and laws
9.13 administered by the Minnesota Department of Agriculture.

9.14 Subp. 36. **Food processing plant.** "Food processing plant" means a commercial
9.15 operation that manufactures, packages, labels, or stores food for human consumption and
9.16 provides food for sale or distribution only to other business entities such as food processing
9.17 plants or food establishments.

9.18 Subp. 37. **Game animal.** "Game animal" means an animal, the products of which are
9.19 food.

9.20 A. Game animals include: big and small game as defined in Minnesota Statutes,
9.21 section 97A.015, subdivisions 3 and 45, and game birds as defined in Minnesota Statutes,
9.22 section 97A.015, subdivision 24.

9.23 B. Game animal does not include animals classified as livestock in Code of Federal
9.24 Regulations, title 9, section ~~301.02~~ 301.2, or as animals as defined in Minnesota Statutes,

10.1 section 31A.02, subdivision 4, or poultry or fish; or animals raised as livestock, Cervidae,
10.2 Ratitae, or llama as defined in Minnesota Statutes, sections 17.452, 17.453, and 17.455.

10.3 Subp. 38. **General use pesticide.** "General use pesticide" means a pesticide that is
10.4 not classified by the U.S. Environmental Protection Agency for restricted use as specified
10.5 in Code of Federal Regulations, title 40, section 152.175.

10.6 Subp. 38a. **Grade A standards.** "Grade A standards" means the requirements found
10.7 in "Grade A Pasteurized Milk Ordinance" produced with guidance from the U.S. Public
10.8 Health Service and the FDA, and with which certain fluid and dry milk and milk products
10.9 must comply. This publication is incorporated by reference, is subject to frequent change,
10.10 and is available through the FDA Web site at
10.11 www.fda.gov/downloads/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation
10.12 [/Milk/UCM513508.pdf](http://www.fda.gov/downloads/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/Milk/UCM513508.pdf).

10.13 Subp. 39. [See repealer.]

10.14 Subp. 40. **HACCP plan.** "HACCP plan" means a written document that delineates
10.15 the formal procedures for following the hazard analysis and critical control point principles
10.16 developed by the National Advisory Committee on Microbiological Criteria for Foods. This
10.17 publication is incorporated by reference, is subject to infrequent change, and is available at
10.18 www.fsis.usda.gov.

10.19 Subp. 40a. **Handwashing sink.**

10.20 A. "Handwashing sink" means a lavatory, a basin, or a vessel for washing; a wash
10.21 basin; or a plumbing fixture dedicated to handwashing.

10.22 B. Handwashing sink includes an automatic handwashing facility.

10.23 *[For text of subps 41 and 42, see M.R.]*

11.1 Subp. 42a. **Highly susceptible population.** "Highly susceptible population" means
11.2 persons who are more likely than others in the general population to experience foodborne
11.3 disease because they are immunocompromised, preschool-age children, or older adults and
11.4 they are obtaining food at a facility that provides services such as custodial care, health
11.5 care, or nutritional or socialization services.

11.6 *[For text of subp 43, see M.R.]*

11.7 Subp. 44. **Injected.** "Injected" means manipulating meat by introducing a solution
11.8 into its interior by processes referred to as "injecting," "pump marinating," or "stitch
11.9 pumping."

11.10 Subp. 44a. **Juice.**

11.11 A. "Juice" means the aqueous liquid expressed or extracted from one or more
11.12 fruits or vegetables, purees of the edible portions of one or more fruits or vegetables, or any
11.13 concentrates of the liquid or puree.

11.14 B. For purposes of HACCP, juice does not include liquids, purees, or concentrates
11.15 that are not used as beverages or ingredients of beverages.

11.16 *[For text of subps 45 to 47, see M.R.]*

11.17 Subp. 48. **Linens.** "Linens" means fabric items such as cloth hampers, cloth napkins,
11.18 tablecloths, wiping cloths, cloth gloves, and other work garments.

11.19 Subp. 48a. **Major food allergen.**

11.20 A. "Major food allergen" means:

11.21 (1) milk; egg; fish, such as bass, flounder, or cod; crustacean shellfish,
11.22 including crab, lobster, or shrimp; tree nuts, such as almonds, pecans, or walnuts; wheat;
11.23 peanuts; and soybeans; or

12.1 (2) a food ingredient that contains protein derived from a food, as specified
12.2 in subitem (1).

12.3 B. Major food allergen does not include:

12.4 (1) any highly refined oil derived from a food specified in item A, subitem
12.5 (1), and any ingredient derived from the oil; or

12.6 (2) any ingredient that is exempt under the petition or notification process
12.7 specified in the Food Allergen Labeling and Consumer Protection Act of 2004, Public Law
12.8 108-282.

12.9 Subp. 49. [See repealer.]

12.10 Subp. 50. **Meat.**

12.11 A. "Meat" means the flesh of animals used as food including the dressed flesh of
12.12 cattle, swine, sheep, or goats and other edible animals.

12.13 B. Meat does not include fish, poultry, and wild animals as defined in Minnesota
12.14 Statutes, section 97A.015, subdivision 55, and as specified in part 4626.0160, item C.

12.15 Subp. 50a. **Mechanically tenderized.**

12.16 A. "Mechanically tenderized" means manipulating meat with deep penetration by
12.17 processes such as blade tenderizing, jaccarding, pinning, needling, or using blades, pins,
12.18 needles, or any mechanical device.

12.19 B. Mechanically tenderized does not include processes by which solutions are
12.20 injected into meat.

12.21 *[For text of subps 51 and 52, see M.R.]*

12.22 Subp. 52a. [See repealer.]

13.1 Subp. 52b. **Mushrooms.**

13.2 A. "Mushrooms, wild" means edible species of mushrooms that have been
13.3 harvested from their naturally occurring environment where no human intervention occurred
13.4 to support their growth.

13.5 B. "Mushrooms, cultivated" means edible species of mushrooms that have been
13.6 grown by a person or persons under controlled conditions, outdoors or indoors, on natural
13.7 or artificial substrate.

13.8 Subp. 52c. **Neighborhood kitchen.** "Neighborhood kitchen" means a satellite or
13.9 auxiliary kitchen in residential buildings for adults age 55 or older that is secondary to the
13.10 primary approved commercial kitchen where most of the food is received, stored, and
13.11 prepared.

13.12 Subp. 52d. **Noncontinuous cooking.**

13.13 A. "Noncontinuous cooking" means the cooking of food in a food establishment
13.14 using a process in which the initial heating of the food is intentionally halted so that it may
13.15 be cooled and held for complete cooking at a later time prior to sale or service.

13.16 B. Noncontinuous cooking does not include cooking procedures that only involve
13.17 temporarily interrupting or slowing an otherwise continuous cooking process.

13.18 Subp. 52e. **Nonpublic water system.** "Nonpublic water system" means any water
13.19 system that does not meet the definition of a public water system as defined in subpart 66.

13.20 Subp. 53. **Packaged.**

13.21 A. "Packaged" means bottled, canned, cartoned, bagged, or wrapped, whether
13.22 packaged in a food establishment or a food processing plant.

14.1 B. Packaged does not include food delivered to a consumer by a food employee,
14.2 upon consumer request, that is wrapped or placed in a carry-out container to protect the
14.3 food during delivery to the consumer.

14.4 Subp. 54. **Person.** "Person" means an association, corporation, individual, partnership,
14.5 government, or governmental subdivision or agency.

14.6 *[For text of subp 55, see M.R.]*

14.7 Subp. 56. **Personal care item.** "Personal care item" means an item or substance that
14.8 may be poisonous, toxic, or a source of contamination and is used to maintain or enhance
14.9 a person's health, hygiene, or appearance.

14.10 Subp. 57. **pH.** "pH" is the symbol for the negative logarithm of the hydrogen ion
14.11 concentration, which is a measure of the degree of acidity or alkalinity of a solution.

14.12 Subp. 58. **Physical facility.** "Physical facility" means the structure and interior surfaces
14.13 of a food establishment including accessories such as soap and towel dispensers, attachments
14.14 such as light fixtures and heating or air conditioning system vents.

14.15 *[For text of subps 59 and 60, see M.R.]*

14.16 Subp. 61. **Poisonous or toxic material.** "Poisonous or toxic material" means a
14.17 substance that is not intended for ingestion and is included in one of the following 4
14.18 categories:

14.19 A. cleaners and sanitizers, such as cleaning and sanitizing agents and other
14.20 chemicals such as caustics, acids, drying agents, and polishes;

14.21 B. pesticides, except sanitizers, including substances such as insecticides and
14.22 rodenticides;

15.1 C. substances necessary for the operation and maintenance of the establishment,
15.2 such as non-food-grade lubricants and personal care items that may be deleterious to health;
15.3 or

15.4 D. substances that are not necessary for the operation and maintenance of the
15.5 establishment and are on the premises for retail sale, such as petroleum products and paints.

15.6 *[For text of subp 62, see M.R.]*

15.7 Subp. 63. **Poultry.** "Poultry" means:

15.8 A. any domesticated bird, such as chickens, turkeys, ducks, geese, guineas, ratites,
15.9 or squabs, whether live or dead, as defined in Code of Federal Regulations, title 9, part
15.10 381.1; and

15.11 B. any migratory waterfowl or game bird, whether live or dead, as defined in Code
15.12 of Federal Regulations, title 9, part 362.1, including pheasant, partridge, quail, grouse, or
15.13 pigeon.

15.14 Subp. 64. **Premises.** "Premises" means:

15.15 *[For text of item A, see M.R.]*

15.16 B. the physical facility, its contents, and the land or property not described in item
15.17 A, if its facilities and contents that are under the control of the licensee and may impact
15.18 food establishment personnel, facilities, or operations, and a food establishment is only 1
15.19 component of a larger operation such as a health care facility, hotel, motel, school,
15.20 recreational camp, or prison.

15.21 Subp. 64a. **Prepare.** "Prepare" means to process food by means such as heating,
15.22 cooking, canning, extracting, fermenting, distilling, pickling, freezing, baking, drying,
15.23 smoking, grinding, cutting, mixing, coating, stuffing, packing, bottling, packaging, or any
15.24 other treatment or preservation process.

16.1 Subp. 65. **Primal cut.** "Primal cut" means a basic major cut into which carcasses and
16.2 sides of meat are separated, such as a beef round, pork loin, lamb flank, or veal breast.

16.3 Subp. 65a. **Priority 1 item or p₁.**

16.4 A. "Priority 1 item" or "p₁" means a provision in this Code whose application
16.5 contributes directly to the elimination, prevention, or reduction to an acceptable level of
16.6 hazards associated with foodborne illness or injury, and there is no other provision that
16.7 more directly controls the hazard. This is the same as the FDA's "priority designation."

16.8 B. A priority 1 item includes an item with a quantifiable measure to show control
16.9 of hazards such as cooking, reheating, cooling, and handwashing.

16.10 Subp. 65b. **Priority 2 item or p₂.**

16.11 A. "Priority 2 item" or "p₂" means a provision in this Code whose application
16.12 supports, facilitates, or enables one or more priority 1 items. This is the same as the FDA's
16.13 "priority foundation designation."

16.14 B. A priority 2 item includes an item that requires the purposeful incorporation
16.15 of specific actions, equipment, or procedures by industry management to attain control of
16.16 risk factors that contribute to foodborne illness or injury such as personnel training,
16.17 infrastructure or necessary equipment, HACCP plans, documentation or record keeping,
16.18 and labeling.

16.19 Subp. 65c. **Priority 3 item.**

16.20 A. "Priority 3 item" means a provision in this Code that is not designated as a
16.21 priority 1 item or a priority 2 item. This is the same as the FDA's "core designation."

16.22 B. A priority 3 item includes an item that usually relates to general sanitation,
16.23 operational controls, sanitation standard operating procedures (SSOPs), facilities or structures,
16.24 equipment design, or general maintenance.

17.1 C. Items not designated with a _{P1} or _{P2} are priority 3 items. '

17.2 Subp. 66. **Public water system.** "Public water system" has the meaning given in Code
17.3 of Federal Regulations, title 40, part 141.2.

17.4 Subp. 66a. **Ratite.** "Ratite" or "Ratitae" means a flightless bird such as an emu, ostrich,
17.5 or rhea.

17.6 Subp. 67. **Ready-to-eat food.**

17.7 A. "Ready-to-eat food" means food that:

17.8 (1) is in a form that is edible without additional preparation to achieve food
17.9 safety as specified in part 4626.0340 or 4626.0350;

17.10 (2) is a raw or partially cooked animal food and the consumer is advised as
17.11 specified in part 4626.0340, item D, subitem (3); or

17.12 (3) is prepared according to a variance that is granted under part 4626.0340,
17.13 item D, subitem (4); and

17.14 (4) may receive additional preparation for palatability or aesthetic, epicurean,
17.15 gastronomic, or culinary purposes.

17.16 B. Ready-to-eat food includes:

17.17 (1) raw animal food that is cooked as specified under part 4626.0340 or
17.18 4626.0345, or frozen as specified under part 4626.0350;

17.19 (2) raw fruits and vegetables that are washed as specified under part
17.20 4626.0255;

17.21 (3) fruits and vegetables that are cooked for hot holding, as specified in part
17.22 4626.0347;

18.1 (4) plant food for which further washing, cooking, or other processing is not
18.2 required for food safety, and from which rinds, peels, husks, or shells, if naturally present,
18.3 are removed;

18.4 (5) all TCS food as defined in subpart 90a that is cooked to the temperature
18.5 and time required for the specific food under parts 4626.0340 to 4626.0349 and cooled as
18.6 specified in part 4626.0385;

18.7 (6) substances derived from plants such as spices, seasonings, and sugar;

18.8 (7) bakery items such as bread, cakes, pies, fillings, or icing for which further
18.9 cooking is not required for food safety;

18.10 (8) products that are produced according to USDA guidelines and have
18.11 received a lethality treatment for pathogens; and

18.12 (9) food manufactured as specified in Code of Federal Regulations, title 21,
18.13 part 113.

18.14 Subp. 68. **Reduced oxygen packaging.**

18.15 A. "Reduced oxygen packaging" means:

18.16 (1) the reduction of the amount of oxygen in a package by removing oxygen,
18.17 displacing oxygen and replacing it with another gas or combination of gases, or otherwise
18.18 controlling the oxygen content to a level below that normally found in the atmosphere,
18.19 which is approximately 21 percent at sea level; and

18.20 (2) the process in subitem (1) that involves a food for which the hazards
18.21 *Clostridium botulinum* or *Listeria monocytogenes* require control in the final packaged
18.22 form.

18.23 B. Reduced oxygen packaging includes:

19.1 (1) vacuum packaging in which air is removed from a package of food and
19.2 the package is hermetically sealed so that a vacuum remains inside the package;

19.3 (2) modified atmosphere packaging, in which the atmosphere of a package
19.4 of food is modified so that its composition is different from air but the atmosphere may
19.5 change over time due to the permeability of the packaging material or the respiration of the
19.6 food. Modified atmosphere packaging includes reduction in the proportion of oxygen, total
19.7 replacement of oxygen, or an increase in the proportion of other gases such as carbon dioxide
19.8 or nitrogen;

19.9 (3) controlled atmosphere packaging, in which the atmosphere of a package
19.10 of food is modified so that until the package is opened, its composition is different from
19.11 air, and continuous control of that atmosphere is maintained, such as by using oxygen
19.12 scavengers or a combination of total replacement of oxygen, nonrespiring food, and
19.13 impermeable packaging material;

19.14 (4) cook-chill packaging in which cooked food is hot filled into impermeable
19.15 bags that have the air expelled and are then sealed or crimped closed. The bagged food is
19.16 rapidly chilled and refrigerated at temperatures that inhibit the growth of psychotropic
19.17 pathogens; or

19.18 (5) sous-vide packaging in which raw or partially cooked food is vacuum
19.19 packaged in an impermeable bag, cooked in the bag, rapidly chilled, and refrigerated at
19.20 temperatures that inhibit the growth of psychotropic pathogens.

19.21 *[For text of subps 69 and 70, see M.R.]*

19.22 Subp. 70a. **Reminder.** "Reminder" means a written statement concerning the health
19.23 risk of consuming animal foods raw, undercooked, or without otherwise being processed
19.24 to eliminate pathogens.

20.1 Subp. 70b. **Re-service.** "Re-service" means food that is served or sold to a consumer
20.2 who then returns the unused food, which is then transferred by means of serving or selling
20.3 to another person.

20.4 Subp. 70c. **Restrict.** "Restrict" means to limit the activities of a food employee so
20.5 that there is no risk of transmitting a disease that is transmissible through food and the food
20.6 employee does not work with exposed food or handle clean equipment, utensils, linens, or
20.7 unwrapped single-service or single-use articles.

20.8 Subp. 70d. **Restricted egg.** "Restricted egg" means any ~~check, dirty egg, incubator~~
20.9 ~~reject, inedible, leaker, or loss as egg is~~ egg as defined in Code of Federal Regulations, title
20.10 9, section 590.5, that is a check, incubator reject, inedible, leaker, loss, or dirty egg.

20.11 Subp. 71. **Restricted use pesticide.** "Restricted use pesticide" means a pesticide
20.12 product that contains the active ingredients specified in Code of Federal Regulations, title
20.13 40, section 152.175, and that is limited to use by a licensed applicator.

20.14 Subp. 72. [See repealer.]

20.15 *[For text of subp 73, see M.R.]*

20.16 Subp. 73a. **Risk.** "Risk" means the likelihood that an adverse health effect will occur
20.17 within a population as a result of a hazard in a food.

20.18 Subp. 74. **Safe material.** "Safe material" means:

20.19 A. an article manufactured from or composed of materials that may not reasonably
20.20 be expected to result directly or indirectly in their becoming a component or otherwise
20.21 affecting the characteristics of any food;

20.22 *[For text of items B and C, see M.R.]*

20.23 Subp. 75. **Sanitization.** "Sanitization" means the application of cumulative heat or
20.24 chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, yields within

21.1 1 minute a reduction of 5 logs, which is equal to a 99.999 percent reduction, of representative
21.2 disease microorganisms of public health importance.

21.3 *[For text of subp 76, see M.R.]*

21.4 Subp. 76a. **Service animal.** "Service animal" means an animal such as a guide dog,
21.5 signal dog, or other animal individually trained to provide assistance to a person with a
21.6 disability.

21.7 Subp. 77. **Servicing area.** "Servicing area" means an operating base location to which
21.8 a food cart, special event food stand, temporary food establishment, retail food vehicle,
21.9 portable structure, cart, or transportation vehicle returns regularly for such things as vehicle
21.10 and equipment cleaning, discharging liquid or solid wastes or refilling water tanks and ice
21.11 bins, and loading food.

21.12 *[For text of subp 78, see M.R.]*

21.13 Subp. 78a. [See repealer.]

21.14 Subp. 78b. **Shellfish control authority.** "Shellfish control authority" means a state,
21.15 federal, foreign, tribal, or other government entity legally responsible for administering a
21.16 program that includes certification of molluscan shellfish harvesters and dealers for interstate
21.17 commerce.

21.18 *[For text of subp 79, see M.R.]*

21.19 Subp. 79a. **Shiga toxin-producing *Escherichia coli* or STEC.** "Shiga toxin-producing
21.20 *Escherichia coli* " or "STEC" means any *E. coli* capable of producing Shiga toxins, also
21.21 called verocytotoxins or Shiga-like toxins. Examples of serotypes of STEC include both
21.22 O157 and non-O157 *E. coli*.

21.23 Subp. 80. **Shucked shellfish.** "Shucked shellfish" means molluscan shellfish that have
21.24 1 or both shells removed.

22.1 Subp. 81. **Single-service articles.** "Single-service articles " means tableware, carry-out
22.2 utensils, and other items such as bags, containers, placemats, stirrers, straws, toothpicks,
22.3 and wrappers, that are designed and constructed to be used 1 time by 1 person, after which
22.4 they are intended to be discarded.

22.5 Subp. 82. **Single-use article.**

22.6 *[For text of item A, see M.R.]*

22.7 B. Single-use article includes items such as wax paper, butcher paper, plastic
22.8 wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle
22.9 barrels, ketchup bottles, number 10 cans, and other items that do not meet the materials,
22.10 durability, strength, and cleanability specifications contained in parts 4626.0450, 4626.0505,
22.11 and 4626.0515 for multiuse utensils.

22.12 Subp. 83. **Slacking.** "Slacking" means the process of moderating the temperature of
22.13 a food, such as allowing a food to gradually increase from a temperature of -10 degrees F
22.14 (-23 degrees C) to 25 degrees F (-4 degrees C) in preparation for deep-fat frying or for even
22.15 heat penetration during the cooking of previously block-frozen food such as shrimp.

22.16 Subp. 84. **Smooth.** "Smooth" means:

22.17 A. a food-contact surface, free of pits and inclusions with a cleanability equal to
22.18 or exceeding that of number 3 (100 grit) stainless steel;

22.19 B. a non-food-contact surface of equipment having a surface equal to that of
22.20 commercial grade hot-rolled steel free of visible scale; or

22.21 C. a floor, wall, or ceiling having an even or level surface with no roughness or
22.22 projections that render the surface difficult to clean.

22.23 *[For text of subp 85, see M.R.]*

22.24 Subp. 86. [See repealer.]

23.1 Subp. 87. [See repealer.]

23.2 Subp. 88. [See repealer.]

23.3 *[For text of subps 89 and 90, see M.R.]*

23.4 Subp. 90a. **Time/temperature control for safety food (TCS).**

23.5 A. "Time/temperature control for safety food (TCS)" means a food that requires
23.6 time/temperature control for safety to limit pathogenic microorganism growth or toxin
23.7 formation.

23.8 B. TCS includes:

23.9 (1) an animal food that is raw or heat-treated; a plant food that is heat-treated
23.10 or consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes, or mixtures of
23.11 cut tomatoes that are not modified in a way so that they are unable to support pathogenic
23.12 microorganism growth or toxin formation, or garlic-in-oil mixtures that are not modified
23.13 in a way so that they are unable to support pathogenic microorganism growth or toxin
23.14 formation; and

23.15 (2) except as specified in item C, subitem (4), a food that because of the
23.16 interaction of its a_w and pH values is designated as product assessment (PA) required in
23.17 Table A or B:

23.18	TABLE A. Interaction of pH and a_w for control of spores in food heat-treated to destroy			
23.19	vegetative cells and subsequently packaged			
23.20	a_w values	pH values		
23.21		4.6 or less	> 4.6 up to 5.6	> 5.6
23.22	≤ 0.92	non-TCS FOOD*	non-TCS FOOD	non-TCS FOOD
23.23	> 0.92 up to	non-TCS FOOD	non-TCS FOOD	PA**
23.24	0.95			
23.25	> 0.95	non-TCS FOOD	PA	PA

24.1 * TCS FOOD means TIME/TEMPERATURE CONTROL FOR SAFETY FOOD

24.2 ** PA means Product Assessment required

24.3 TABLE B. Interaction of pH and a_w for control of vegetative cells and spores in food not
24.4 heat-treated or heat-treated but not packaged

24.5 a_w values	pH values			
24.6	< 4.2	4.2 - 4.6	> 4.6 - 5.0	> 5.0
24.7 < 0.88	non-TCS food*	non-TCS food	non-TCS food	non-TCS food
24.8 0.88 - 0.90	non-TCS food	non-TCS food	non-TCS food	PA**
24.9 > 0.90 - 0.92	non-TCS food	non-TCS food	PA	PA
24.10 > 0.92	non-TCS food	PA	PA	PA

24.11 * TCS FOOD means TIME/TEMPERATURE CONTROL FOR SAFETY FOOD

24.12 ** PA means Product Assessment required

24.13 C. TCS does not include:

24.14 (1) an air-cooled hard-boiled egg with shell intact, or an egg with shell intact
24.15 that is not hard-boiled but has been pasteurized to destroy all viable *Salmonellae*;

24.16 (2) a food in an unopened, hermetically sealed container that is commercially
24.17 processed to achieve and maintain commercial sterility under conditions of nonrefrigerated
24.18 storage and distribution;

24.19 (3) a food that because of its pH or a_w value, or interaction of a_w and pH
24.20 values, is designated as a non-TCS food in item B, Table A or B;

24.21 (4) a food that is designated as product assessment (PA) required in item B,
24.22 Table A or B, and has undergone a product assessment showing that the growth or toxin
24.23 formation of pathogenic microorganisms that are reasonably likely to occur in that food is
24.24 precluded due to:

25.1 (a) intrinsic factors including added or natural characteristics of the food
25.2 such as preservatives, antimicrobials, humectants, acidulants, or nutrients;

25.3 (b) extrinsic factors including environmental or operational factors that
25.4 affect the food such as packaging, modified atmosphere such as reduced oxygen packaging,
25.5 shelf life and use, or temperature range of storage and use; or

25.6 (c) a combination of intrinsic and extrinsic factors; or

25.7 (5) a food that does not support the growth or toxin formation of pathogenic
25.8 microorganisms according to subitems (1) to (4) even though the food may contain a
25.9 pathogenic microorganism or chemical or physical contaminant at a level sufficient to cause
25.10 illness or injury.

25.11 Subp. 90b. **USDA.** "USDA" means the U.S. Department of Agriculture.

25.12 Subp. 91. **Utensil.** "Utensil" means a food-contact implement or container used in the
25.13 storage, preparation, transportation, dispensing, sale, or service of food, including kitchenware
25.14 or tableware that is multiuse, single-service, or single-use; gloves used in contact with food;
25.15 and temperature-sensing probes of food temperature measuring devices; and probe-type
25.16 price or identification tags used in contact with food.

25.17 Subp. 92. **Vending machine.** "Vending machine" means a self-service device that,
25.18 upon insertion of a coin, paper currency, token, card, or key, or by optional manual operation,
25.19 dispenses unit servings of food in bulk or in packages without the necessity of replenishing
25.20 the device between each vending operation.

25.21 Subp. 93. **Vending machine location.** "Vending machine location" means the room,
25.22 enclosure, space, or area where one or more vending machines are installed and operated
25.23 and includes the storage areas and areas on the premises that are used to service and maintain
25.24 the vending machines.

26.1 Subp. 94. **Warewashing.** "Warewashing" means the cleaning and sanitizing of utensils
26.2 and food-contact surfaces of equipment.

26.3 Subp. 94a. **Whole-muscle, intact beef.** "Whole-muscle, intact beef" means whole
26.4 muscle beef that is not injected, mechanically tenderized, reconstructed, or scored and
26.5 marinated, from which beef steaks may be cut.

26.6 Subp. 95. [See repealer.]

26.7 Subp. 96. [See repealer.]

26.8 Subp. 97. [See repealer.]

26.9 Subp. 98. [See repealer.]

26.10 **4626.0024 RESPONSIBILITY TO MEET STANDARDS.**

26.11 The licensee shall meet the standards that this Code prescribes, by carrying out its
26.12 requirements directly or ensuring that other entities subject to the licensee's control or
26.13 direction do so ~~unless otherwise specified~~. The licensee bears the responsibility for complying
26.14 and for acts and omissions of its employees, vendors, and subcontractors with respect to
26.15 this Code.

26.16 **4626.0025 ASSIGNMENT OF PERSON IN CHARGE. 2-101.11**

26.17 The licensee shall be the person in charge or shall designate a person in charge and
26.18 shall ensure that a person in charge is present at the food establishment during all hours of
26.19 operation.p2

26.20 **4626.0030 DEMONSTRATION OF KNOWLEDGE BY PERSON IN CHARGE.**
26.21 **2-102.11**

26.22 Based on the risks inherent to the food operation, during inspections and upon request
26.23 by the regulatory authority, the person in charge shall demonstrate knowledge of foodborne
26.24 disease prevention, application of the hazard analysis critical control point principles, and

27.1 the requirements of this Code. The person in charge shall demonstrate this knowledge by
27.2 responding correctly to the inspector's questions as they relate to the specific food operation.

27.3 The areas of knowledge include:

27.4 A. describing the relationship between the prevention of foodborne disease and
27.5 the personal hygiene of a food employee;_{P2}

27.6 B. explaining the responsibility of the person in charge for preventing the
27.7 transmission of foodborne disease by a food employee who has a disease or medical condition
27.8 that may cause foodborne disease;_{P2}

27.9 C. describing the symptoms associated with diseases that are transmissible through
27.10 food;_{P2}

27.11 D. explaining the significance of the relationship between maintaining the time
27.12 and temperature of TCS food and the prevention of foodborne illness;_{P2}

27.13 E. explaining the hazards involved in the consumption of raw or undercooked
27.14 meat, poultry, eggs, and fish;_{P2}

27.15 F. stating the required food temperatures and times for safe cooking of TCS food
27.16 including meat, poultry, eggs, and fish;_{P2}

27.17 G. stating the required temperatures and times for the safe refrigerated storage,
27.18 hot holding, cooling, and reheating of TCS food;_{P2}

27.19 H. describing the relationship between the prevention of foodborne illness and
27.20 the management and control of the following:

27.21 (1) cross-contamination;_{P2}

27.22 (2) hand contact with ready-to-eat foods;_{P2}

27.23 (3) handwashing;_{P2} and

28.1 (4) maintaining the food establishment in a clean condition and in good
28.2 repair;_{P2}

28.3 I. describing foods identified as major food allergens and the symptoms that a
28.4 major food allergen could cause in a sensitive individual who has an allergic reaction;_{P2}

28.5 J. explaining the relationship between food safety and providing equipment that
28.6 is:

28.7 (1) sufficient in number and capacity;_{P2} and

28.8 (2) properly designed, constructed, located, installed, operated, maintained,
28.9 and cleaned;_{P2}

28.10 K. explaining correct procedures for cleaning and sanitizing utensils and
28.11 food-contact surfaces of equipment;_{P2}

28.12 L. identifying the source of water used and measures taken to ensure that the water
28.13 source remains protected from contamination such as providing protection from backflow
28.14 and precluding the creation of cross connections;_{P2}

28.15 M. identifying poisonous or toxic materials in the food establishment and the
28.16 procedures necessary to ensure that they are safely stored, dispensed, used, and disposed
28.17 of according to Minnesota Statutes, chapter 18B;_{P2}

28.18 N. identifying critical control points in the operation from purchasing through
28.19 sale or service that when not controlled may contribute to the transmission of foodborne
28.20 illness, and by explaining the steps to be taken to ensure that the points are controlled
28.21 according to this Code;_{P2}

28.22 O. explaining the details of how the person in charge and food employees comply
28.23 with the HACCP plan if a plan is required;_{P2}

29.1 P. explaining the responsibilities, rights, and authorities assigned by this Code to
29.2 the:

29.3 (1) food employee;p₂

29.4 (2) conditional employee;p₂

29.5 (3) person in charge;p₂ and

29.6 (4) regulatory authority;p₂ and

29.7 Q. explaining how the person in charge, food employees, and conditional
29.8 employees comply with reporting requirements and explaining the exclusion or restriction
29.9 of a food employee who has a disease or medical condition that may cause foodborne
29.10 disease.p₂

29.11 **4626.0033 CERTIFIED FOOD PROTECTION MANAGER (CFPM)**
29.12 **REQUIREMENTS FOR FOOD ESTABLISHMENTS.**

29.13 A. A food establishment licensee shall employ ~~1 full-time~~ a certified food
29.14 protection manager (CFPM) for each establishment including a food establishment that
29.15 reheats ready-to-eat TCS foods for hot holding, except as provided in item B.

29.16 B. A food establishment licensee does not need to employ ~~1 full-time~~ a CFPM:

29.17 (1) where the method of food preparation meets the definition of a low-risk
29.18 food establishment in Minnesota Statutes, section 157.20;

29.19 (2) where the food establishment is licensed as a special event food stand;

29.20 (3) where the establishment operates as a retail food vehicle, portable structure,
29.21 or cart as defined in part 4626.0020, subpart 73; or

29.22 (4) where food preparation activities are solely limited to one or more of the
29.23 following:

30.1 (a) preparing or packaging non-TCS foods that are made from ingredients
30.2 that are not TCS;

30.3 (b) processing raw meat, poultry, fish, or game animals intended for
30.4 cooking by the consumer; or

30.5 (c) heating or serving precooked hot dog or sausage products, popcorn,
30.6 nachos, pretzels, or frozen pizza.

30.7 C. Only upon opening or reopening a food establishment, a licensee may employ
30.8 1 full-time employee who:

30.9 (1) at the time of opening or reopening meets the requirements in item G,
30.10 subitem (1); and

30.11 (2) within 60 days of opening or reopening meets the requirements in item
30.12 A.

30.13 D. A food establishment licensee required to employ a CFPM shall display a
30.14 current original CFPM certificate or a current duplicate CFPM certificate in the establishment.

30.15 E. A food establishment licensee that ceases to employ a CFPM shall employ a
30.16 new CFPM within 60 days.

30.17 F. A food establishment licensee through the CFPM is responsible for:

30.18 (1) identifying hazards in the day-to-day operation of the food establishment;

30.19 (2) developing or implementing specific policies, procedures, or standards
30.20 to prevent foodborne illness in the food establishment;

30.21 (3) coordinating training, supervising or directing food preparation activities,
30.22 and taking corrective action as needed in the food establishment to protect the health of the
30.23 consumer; and

31.1 (4) completing in-house self-inspections of daily operations in the food
31.2 establishment at a frequency that ensures food safety policies and procedures are followed.

31.3 G. The requirements for CFPM initial certification are as specified in this item.

31.4 (1) An applicant for initial certification as a CFPM shall complete a training
31.5 course and pass an examination that is accepted under item H on the date taken. The
31.6 examination must have been taken within 6 months directly preceding the application for
31.7 certification under subitem (2).

31.8 (2) An applicant for initial certification as a CFPM shall submit to the
31.9 commissioner:

31.10 (a) a completed application on a form provided by the commissioner
31.11 containing the name; telephone number; mailing address, including county; e-mail address,
31.12 if applicable; and Social Security number of the applicant;

31.13 (b) documentation of the applicant's qualifications under this subitem
31.14 and subitem (1); and

31.15 (c) the fee specified in Minnesota Statutes, section 157.16, subdivision
31.16 2a.

31.17 H. The commissioner shall accept only examinations that are evaluated and listed
31.18 by a Conference for Food Protection recognized accrediting agency as conforming to the
31.19 Conference for Food Protection Standards for Accreditation of Food Protection Manager
31.20 Certification Programs.

31.21 I. The requirements for CFPM renewal certification are as specified in this item.

31.22 (1) An applicant for renewal as a CFPM shall successfully complete at least
31.23 4 contact hours of continuing education within the effective dates of the valid certificate.
31.24 The continuing education must meet the requirements of item K.

32.1 (2) An applicant for renewal as a CFPM shall submit to the commissioner:

32.2 (a) a completed application on a form provided by the commissioner
32.3 containing the name; telephone number; mailing address, including county; e-mail address,
32.4 if applicable; and Social Security number of the applicant;

32.5 (b) documentation of the applicant's qualifications specified in item J;
32.6 and

32.7 (c) the fee specified in Minnesota Statutes, section 157.16, subdivision
32.8 2a.

32.9 (3) An applicant for renewal whose certification expires before the effective
32.10 date of this rule shall meet the requirements in part 4626.2015, subpart 8. An applicant for
32.11 renewal whose certification expires after the effective date of this rule shall meet the
32.12 requirements in subitem (2) no more than 6 months following the expiration date of the
32.13 certificate. If more than 6 months has elapsed since the expiration date, an applicant for
32.14 renewal shall meet the requirements listed under item G.

32.15 J. Documentation of a continuing education course must include:

32.16 (1) the applicant's name;

32.17 (2) the title of the approved course;

32.18 (3) the number of approved contact hours;

32.19 (4) the course date;

32.20 (5) the instructor's name; and

32.21 (6) the instructor's telephone number or e-mail address.

32.22 K. A continuing education course:

32.23 (1) must address food safety and sanitation topics included in this Code;

33.1 (2) must be submitted to and approved by the commissioner before the course
33.2 is offered and when changes to an approved course are proposed;

33.3 (3) must be taught in an interactive format approved by the commissioner to
33.4 ensure competency and use an assessment, such as a quiz, test, demonstration, or other
33.5 mechanism, approved by the commissioner to evaluate learning;

33.6 (4) must be a minimum of 1 hour;

33.7 (5) is subject to periodic review by the commissioner of health; and

33.8 (6) is subject to audit at no cost to the commissioner to verify that instructor
33.9 qualifications, course content, and course length are being met.

33.10 L. A continuing education course instructor shall:

33.11 (1) be a Minnesota CFPM;

33.12 (2) review developments in topics included in approved courses at least every
33.13 2 years; and

33.14 (3) maintain course records, including attendance records, for 5 years.

33.15 M. Upon review and verification, as needed, of the documents submitted under
33.16 this part, the commissioner shall issue a certificate or a letter of denial within 45 days of
33.17 receiving the application. Grounds for the commissioner to deny an application are provided
33.18 in Minnesota Statutes, section 144.99, subdivision 8, paragraphs (a) and (b).

33.19 N. CFPM certificate effective dates and transferability are as specified in this
33.20 item.

33.21 (1) A certificate issued under this section is valid statewide for 3 years from
33.22 the effective date printed on the certificate.

34.1 (2) The effective date of the initial CFPM certificate is the date the applicant
34.2 passed an approved examination.

34.3 (3) The effective date of the renewal CFPM certificate is 1 day after the
34.4 expiration date of the previous certificate.

34.5 (4) A CFPM certificate is not transferable to another person.

34.6 O. The commissioner shall issue a duplicate certificate to replace a lost, destroyed,
34.7 or damaged certificate if the applicant submits a completed application on a form provided
34.8 by the commissioner for a duplicate certificate and pays the fee specified in Minnesota
34.9 Statutes, section 157.16, subdivision 2a.

34.10 **4626.0035 DUTIES OF PERSON IN CHARGE. 2-103.11**

34.11 The person in charge shall:

34.12 A. ensure food establishment operations are not conducted in a private home or
34.13 in a room used as living or sleeping quarters as specified in part 4626.1425;P2

34.14 B. ensure persons unnecessary to the food establishment operation are not allowed
34.15 in the food preparation, food storage, or warewashing areas, except that brief visits and
34.16 tours may be authorized by the person in charge if steps are taken to ensure that exposed
34.17 food; clean equipment, utensils, and linens; and unwrapped single-service and single-use
34.18 articles are protected from contamination;P2

34.19 C. ensure employees and other persons, such as delivery and maintenance persons
34.20 and pesticide applicators, entering the food preparation, food storage, and warewashing
34.21 areas comply with this Code;P2

34.22 D. ensure employees are effectively cleaning their hands, by routinely monitoring
34.23 the employees' handwashing;P2

35.1 E. ensure employees are visibly observing foods as they are received to determine
35.2 that they are from approved sources, delivered at the required temperatures, protected from
35.3 contamination, unadulterated, and accurately presented, by routinely monitoring the
35.4 employees' observations and periodically evaluating foods upon their receipt;P2

35.5 F. ensure employees are verifying that foods delivered to the food establishment
35.6 during nonoperating hours are from approved sources and are placed into appropriate storage
35.7 locations so that they are maintained at the required temperatures, protected from
35.8 contamination, unadulterated, and accurately presented;P2

35.9 G. ensure employees are properly cooking TCS food, such as through the daily
35.10 oversight of the employees' routine monitoring of the cooking temperatures using appropriate
35.11 temperature measuring devices properly scaled and calibrated as specified in parts 4626.0555
35.12 and 4626.0820, item B;P2

35.13 H. ensure employees are using proper methods to rapidly cool TCS foods that are
35.14 not held hot or are not for consumption within 4 hours, through daily oversight of the
35.15 employees' routine monitoring of food temperatures during cooling;P2

35.16 I. ensure employees are properly maintaining the temperatures of TCS foods
35.17 during hot and cold holding through daily oversight of the employees' routine monitoring
35.18 of food temperatures;P2

35.19 J. ensure consumers who order raw or partially cooked ready-to-eat food of animal
35.20 origin are informed as specified in part 4626.0442 that the food is not cooked sufficiently
35.21 to ensure its safety;P2

35.22 K. ensure employees are properly sanitizing cleaned multiuse equipment and
35.23 utensils before they are reused, through routine monitoring of solution temperature and
35.24 exposure time for hot water sanitizing, and chemical concentration, pH, temperature, and
35.25 exposure time for chemical sanitizing;P2

36.1 L. ensure consumers are notified that clean tableware is to be used when they
36.2 return to self-service areas such as salad bars and buffets as specified in part 4626.0290,
36.3 item B;_{p2}

36.4 M. ensure employees are preventing cross-contamination of ready-to-eat food
36.5 with bare hands by properly using suitable utensils such as deli tissue, spatulas, tongs,
36.6 single-use gloves, or dispensing equipment, except as specified in part 4626.0225, item
36.7 D;_{p2}

36.8 N. ensure employees are properly trained in food safety, including food allergy
36.9 awareness, as it relates to their assigned duties;_{p2}

36.10 O. ensure food employees and conditional employees are informed of their
36.11 responsibility to report, to the person in charge, information about their health and activities
36.12 as they relate to diseases that are transmissible through food, as specified in part 4626.0040,
36.13 item A;_{p2} and

36.14 P. ensure written procedures and plans, where specified by this Code and as
36.15 developed by the food establishment, are maintained and implemented as required._{p2}

36.16 **4626.0040 RESPONSIBILITY OF LICENSEE; PERSON IN CHARGE; FOOD**
36.17 **EMPLOYEES; AND CONDITIONAL EMPLOYEES. 2-201.11**

36.18 A. The licensee shall require food employees and conditional employees to report
36.19 to the person in charge information about their health and activities as they relate to diseases
36.20 transmissible through food. A food employee or conditional employee shall report the
36.21 information in a manner that allows the person in charge to reduce the risk of foodborne
36.22 disease transmission, including providing necessary additional information, such as the date
36.23 of onset of symptoms and an illness, or of a diagnosis without symptoms, if the food
36.24 employee or conditional employee:

36.25 (1) has any of the following symptoms:

- 37.1 (a) vomiting;_{P1}
- 37.2 (b) diarrhea;_{P1}
- 37.3 (c) jaundice;_{P1}
- 37.4 (d) sore throat with fever;_{P1} or
- 37.5 (e) a lesion containing pus such as a boil or infected wound that is open
- 37.6 or draining and is:
- 37.7 i. on the hands or wrists, unless an impermeable cover such as a
- 37.8 finger cot or bandage protects the lesion and a single-use glove is worn over the impermeable
- 37.9 cover;_{P1}
- 37.10 ii. on exposed portions of the arms, unless the lesion is protected
- 37.11 by an impermeable cover;_{P1} or
- 37.12 iii. on other parts of the body, unless the lesion is covered by a dry,
- 37.13 durable, tight-fitting bandage;_{P1}
- 37.14 (2) has an illness diagnosed by a health practitioner due to, or is known to
- 37.15 be infected with:
- 37.16 (a) norovirus;_{P1}
- 37.17 (b) hepatitis A virus;_{P1}
- 37.18 (c) *Salmonella* spp.;_{P1}
- 37.19 (d) *Shigella* spp.;_{P1}
- 37.20 (e) Shiga toxin-producing *Escherichia coli*;_{P1} or
- 37.21 (f) other enteric bacterial, viral, or parasitic pathogens;_{P1} or

38.1 (3) has been exposed to, or is the suspected source of, a probable or confirmed
38.2 disease outbreak within the last 30 days._{P1}

38.3 B. The person in charge shall notify the regulatory authority of a food employee
38.4 known to be infected with:

38.5 (1) norovirus;_{P1}

38.6 (2) hepatitis A virus;_{P1}

38.7 (3) *Salmonella* spp.;_{P1}

38.8 (4) *Shigella* spp.;_{P1}

38.9 (5) Shiga toxin-producing *Escherichia coli*;_{P1} or

38.10 (6) other enteric bacterial, viral, or parasitic pathogens._{P1}

38.11 C. The person in charge shall record all reports of diarrhea or vomiting made by
38.12 food employees and report those illnesses to the regulatory authority at the specific request
38.13 of the regulatory authority._{P1}

38.14 D. The person in charge shall notify the regulatory authority of any complaint
38.15 from a consumer having or suspected of having:

38.16 (1) diarrhea or vomiting;_{P1}

38.17 (2) norovirus;_{P1}

38.18 (3) hepatitis A virus;_{P1}

38.19 (4) *Salmonella* spp.;_{P1}

38.20 (5) *Shigella* spp.;_{P1}

38.21 (6) Shiga toxin-producing *Escherichia coli*;_{P1} or

38.22 (7) other enteric bacterial, viral, or parasitic pathogens._{P1}

39.1 E. A food employee or conditional food employee shall:

39.2 (1) report to the person in charge the information specified in part 4626.0040,
39.3 item A;_{P1} and

39.4 (2) comply with exclusions and restrictions specified in part 4626.0045._{P1}

39.5 **4626.0045 EXCLUSIONS AND RESTRICTIONS. 2-201.12**

39.6 The person in charge shall:

39.7 A. exclude a food employee from a food establishment if the food employee is
39.8 ill with vomiting or diarrhea;_{P1}

39.9 B. exclude a food employee from working with exposed food, clean equipment,
39.10 and clean utensils in a food establishment if the food employee has an enteric bacterial,
39.11 viral, or parasitic pathogen capable of being transmitted by food, such as norovirus,
39.12 *Salmonella* spp., *Shigella* spp., hepatitis A₂ or Shiga toxin-producing *E. coli*;_{P1}

39.13 C. restrict an employee if the results of an epidemiological investigation by the
39.14 commissioner of health under Minnesota Statutes, section 31.171, determines that a food
39.15 employee or conditional employee presents a risk for transmission of foodborne disease;_{P1}
39.16 and

39.17 D. restrict an employee if the employee is infected with a skin lesion containing
39.18 pus such as a boil or infected wound that is open or draining and not properly covered as
39.19 specified in part 4626.0040, item A, subitem (1), unit (e)._{P1}

39.20 **4626.0050 REMOVAL, ADJUSTMENT, OR RETENTION OF EXCLUSIONS AND**
39.21 **RESTRICTIONS. 2-201.13**

39.22 The exclusion specified in part 4626.0045, item A, may be removed by the person in
39.23 charge after the food employee has been asymptomatic for at least 24 hours. The exclusion
39.24 and restriction specified in part 4626.0045, items B and C, must remain in effect for a food

40.1 employee until the commissioner and the regulatory authority determine that the risk of
40.2 foodborne disease transmission has been adequately mitigated._{P1}

40.3 **4626.0065 CLEAN HANDS. 2-301.11**

40.4 A food employee shall keep hands and exposed portions of arms clean._{P1}

40.5 **4626.0070 CLEANING PROCEDURE. 2-301.12**

40.6 A. Except as specified in item D, food employees shall clean their hands and
40.7 exposed portions of their arms, including surrogate prosthetic devices for hands or arms for
40.8 at least 20 seconds, using soap in a handwashing sink that is equipped as specified in parts
40.9 4626.1050 and 4626.1440 to 4626.1457._{P1}

40.10 B. Food employees shall use the following cleaning procedure in the order stated
40.11 to clean their hands and exposed portions of their arms, including surrogate prosthetic
40.12 devices for hands and arms:

40.13 (1) rinse under clean, running warm water;_{P1}

40.14 (2) apply an amount of soap recommended by the soap manufacturer;_{P1}

40.15 (3) rub together vigorously for at least 10 to 15 seconds while:

40.16 (a) paying particular attention to removing soil from underneath the
40.17 fingernails during the cleaning procedure;_{P1} and

40.18 (b) create friction on the surfaces of the hands and arms or surrogate
40.19 prosthetic devices for hands and arms, finger tips, and areas between the fingers;_{P1}

40.20 (4) thoroughly rinse under clean, running warm water;_{P1} and

40.21 (5) immediately follow the cleaning procedure with thorough drying using
40.22 a method as specified in part 4626.1445._{P1}

41.1 C. To avoid recontaminating hands or surrogate prosthetic devices, food employees
41.2 shall use disposable paper towels or similar clean barriers when touching surfaces such as
41.3 manually operated faucet handles on a handwashing sink or the handle of a restroom door.

41.4 D. An automatic handwashing device may be used by a food employee to clean
41.5 hands or surrogate prosthetic devices if it is approved by the regulatory authority and is
41.6 capable of removing the types of soils encountered in the food operations involved.

41.7 **4626.0075 WHEN TO WASH HANDS. 2-301.14**

41.8 A food employee shall clean the hands and exposed portions of the arms or surrogate
41.9 prosthetic devices as specified in part 4626.0070 at the following times:

41.10 A. immediately before:

41.11 (1) engaging in food preparation including working with exposed food;_{P1}

41.12 (2) touching clean equipment and utensils;_{P1} and

41.13 (3) touching unwrapped single-service and single-use articles;_{P1}

41.14 B. after touching bare human body parts other than clean hands and clean, exposed
41.15 portions of arms or surrogate prosthetic devices;_{P1}

41.16 C. after using the toilet;_{P1}

41.17 D. after caring for or handling service animals or fish in an aquarium or ~~molluscan~~
41.18 molluscan shellfish or crustacea in display tanks as specified in part 4626.0120, item B;_{P1}

41.19 E. except as specified in part 4626.0105, item B, after coughing, sneezing, using
41.20 a handkerchief or disposable tissue, using tobacco, eating, or drinking;_{P1}

41.21 F. after handling soiled equipment or utensils;_{P1}

41.22 G. during food preparation, as often as necessary to remove soil and contamination
41.23 and to prevent cross-contamination when changing tasks;_{P1}

42.1 H. when switching between working with raw food and working with ready-to-eat
42.2 food;_{P1}

42.3 I. before donning gloves for working with food;_{P1} and

42.4 J. after engaging in other activities that contaminate the hands._{P1}

42.5 **4626.0080 WHERE TO WASH HANDS. 2-301.15**

42.6 Food employees shall clean their hands in a handwashing sink or approved automatic
42.7 handwashing facility and shall not clean their hands in a sink used for food preparation or
42.8 warewashing or in a service sink or a curbed cleaning facility used for the disposal of mop
42.9 water or similar liquid waste._{P2}

42.10 **4626.0085 HAND ANTISEPTICS. 2-301.16**

42.11 A. A hand antiseptic used as a topical application, a hand antiseptic solution used
42.12 as a hand dip, or a hand antiseptic soap must:

42.13 (1) comply with 1 of the following requirements:

42.14 (a) be an approved drug that is listed in the FDA publication Approved
42.15 Drug Products with Therapeutic Equivalence Evaluations as an approved drug based on
42.16 safety and effectiveness. This publication is incorporated by reference, is subject to frequent
42.17 change, and can be found at www.fda.gov/Drugs/InformationOnDrugs/ucm129662.htm;_{P2}
42.18 or

42.19 (b) have active antimicrobial ingredients that are listed in the FDA
42.20 monograph for OTC Health-Care Antiseptic Drug Products as an antiseptic handwash;_{P2}

42.21 (2) consist only of components that the intended use of each complies with
42.22 one of the following:

42.23 (a) a threshold of regulation exemption under Code of Federal
42.24 Regulations, title 21, section 170.39;_{P2}

43.1 (b) Code of Federal Regulations, title 21, section 178, as regulated for
43.2 use as a food additive with conditions of safe use;_{p2}

43.3 (c) a determination of generally recognized as safe (GRAS). Partial
43.4 listings of substances with food uses that are GRAS may be found in Code of Federal
43.5 Regulations, title 21, sections 182, 184, and 186, and in the FDA's inventory of GRAS
43.6 notices;_{p2}

43.7 (d) a prior sanction listed under Code of Federal Regulations, title 21,
43.8 section 181;_{p2} or

43.9 (e) a food-contact notification that is effective;_{p2} and

43.10 (3) be applied only to hands that are cleaned as specified in part 4626.0070._{p2}

43.11 B. If a hand antiseptic or a hand antiseptic solution used as a hand dip does not
43.12 meet the criteria under item A, subitem (2), use must be:

43.13 (1) followed by thorough hand rinsing in clean water before hand contact
43.14 with food or by the use of gloves;_{p2} or

43.15 (2) limited to situations that involve no direct contact with food by the bare
43.16 hands._{p2}

43.17 C. A hand antiseptic solution used as a hand dip must be maintained clean and at
43.18 a strength equivalent to at least 100 mg/L of chlorine._{p2}

43.19 **4626.0090 FINGERNAIL MAINTENANCE. 2-302.11**

43.20 A. Food employees shall keep their fingernails trimmed, filed, and maintained so
43.21 the edges and surfaces are cleanable and not rough._{p2}

43.22 B. Unless wearing intact gloves in good repair, food employees shall not wear
43.23 fingernail polish or artificial fingernails when working with exposed food.

44.1 **4626.0095 JEWELRY PROHIBITION. 2-303.11**

44.2 Food employees shall not wear jewelry, including medical information jewelry, on
44.3 their arms and hands while preparing food, except for a plain ring such as a flat, smooth
44.4 band.

44.5 **4626.0100 CLOTHING; CLEAN CONDITION. 2-304.11**

44.6 A food employee shall wear clean outer clothing to prevent contamination of food,
44.7 equipment, utensils, linens, and single-service and single-use articles.

44.8 **4626.0105 EATING, DRINKING, OR USING TOBACCO. 2-401.11**

44.9 *[For text of items A and B, see M.R.]*

44.10 **4626.0110 DISCHARGES FROM EYES, NOSE, AND MOUTH. 2-401.12**

44.11 A food employee experiencing persistent sneezing, coughing, or a runny nose that
44.12 causes discharges from the eyes, nose, or mouth shall not work with exposed food; clean
44.13 equipment, utensils, and linens; or unwrapped single-service or single-use articles.

44.14 **4626.0115 HAIR RESTRAINTS. 2-402.11**

44.15 A. Except as provided in item B, a food employee shall wear hair restraints, such
44.16 as a hat, hair covering, or net, a beard restraint, and clothing that covers body hair. Hair
44.17 restraints must be designed and worn to effectively keep hair from contacting exposed food;
44.18 clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.

44.19 B. This part does not apply to food employees such as counter staff who only
44.20 serve beverages and wrapped or packaged foods, hostesses, or wait staff, if they present a
44.21 minimal risk of contaminating exposed food; clean equipment, utensils, and linens; and
44.22 unwrapped single-service and single-use articles.

45.1 **4626.0120 ANIMAL HANDLING PROHIBITION. 2-403.11**

45.2 A. Except as specified in item B, a food employee shall not care for or handle
45.3 animals that may be present such as patrol dogs, service animals, or animals that are allowed
45.4 under part 4626.1585, item B, subitems (2) to (5)._{p2}

45.5 B. A food employee with a service animal may handle or care for the service
45.6 animal and a food employee may handle or care for fish in an aquarium or molluscan shellfish
45.7 or crustacea in display tanks if the food employee's hands are washed as specified in part
45.8 4626.0070._{p2}

45.9 **4626.0123 CLEANUP OF VOMITING AND DIARRHEAL EVENTS. 2-501.11**

45.10 A food establishment must have procedures for employees to follow when responding
45.11 to events that involve the discharge of vomitus or fecal matter onto surfaces in the food
45.12 establishment. The procedures must address the specific actions employees shall take to
45.13 minimize the spread of contamination and the exposure of employees, consumers, food,
45.14 and surfaces to vomitus or fecal matter._{p2}

45.15 **4626.0125 SAFE AND NOT ADULTERATED. 3-101.11**

45.16 Food must be safe and not adulterated, as specified in Minnesota Statutes, section
45.17 34A.02._{p1}

45.18 **4626.0130 COMPLIANCE WITH FOOD LAW. 3-201.11**

45.19 A. Food must be obtained from sources that comply with Minnesota Statutes,
45.20 Minnesota Rules, and United States Code and Code of Federal Regulations._{p1}

45.21 B. Food prepared or stored in a private home must not be used or offered for
45.22 human consumption in a food establishment, except as allowed by Minnesota Statutes,
45.23 sections 28A.15 and 157.22, clauses (6) and (7)._{p1}

45.24 C. Packaged food must be labeled as specified in Minnesota Statutes and Minnesota
45.25 Rules, including parts 4626.0200, 4626.0202, and 4626.0435._{p2}

46.1 D. Fish, other than molluscan shellfish, that are intended for consumption in raw
46.2 or undercooked form and allowed as specified in part 4626.0340, item D, may be offered
46.3 for sale or service if they are obtained from a supplier that freezes the fish as specified in
46.4 part 4626.0350; or frozen on the premises as specified in part 4626.0350 and records must
46.5 be retained as specified in part 4626.0355.

46.6 E. Whole-muscle, intact beef steaks that are intended for consumption in an
46.7 undercooked form without a consumer advisory as specified in part 4626.0340, item C,
46.8 must be:

46.9 (1) obtained from a food processing plant that, upon request by the purchaser,
46.10 packages the steaks and labels them, to indicate that the steaks meet the definition of
46.11 whole-muscle, intact beef;_{p2} or

46.12 (2) deemed acceptable by the regulatory authority based on other evidence,
46.13 such as written buyer specifications or invoices, that indicates that the steaks meet the
46.14 definition of whole-muscle, intact beef;_{p2} and

46.15 (3) if individually cut in a food establishment:

46.16 (a) cut from whole-muscle, intact beef that is labeled by a food processing
46.17 plant as specified in subitem (1) or identified as specified in subitem (2);_{p2}

46.18 (b) prepared so they remain intact;_{p2} and

46.19 (c) if packaged for undercooking in a food establishment, labeled as
46.20 specified in subitem (1) or identified as specified in subitem (2)._{p2}

46.21 F. Meat and poultry that is not a ready-to-eat food and is in a packaged form when
46.22 it is offered for sale or otherwise offered for consumption, must be labeled to include safe
46.23 handling instructions as specified in law, including Code of Federal Regulations.

47.1 G. Eggs that have not been specifically treated to destroy all viable *Salmonellae*
47.2 must be labeled to include safe handling instructions as specified in law, including Code of
47.3 Federal Regulations.

47.4 **4626.0135 FOOD IN HERMETICALLY SEALED CONTAINER; SOURCES.**
47.5 **3-201.12**

47.6 Food in a hermetically sealed container must be obtained from a food processing plant
47.7 that is regulated by the food regulatory agency that has jurisdiction over the plant._{P1}

47.8 **4626.0140 FLUID MILK AND MILK PRODUCTS; SOURCES. 3-201.13**

47.9 Fluid milk and fluid milk products must be obtained from sources that comply with
47.10 Grade A standards specified in Minnesota Statutes, chapter 32D._{P1}

47.11 **4626.0145 FISH. 3-201.14**

47.12 A. Fish that are received for sale or service must be:

47.13 (1) commercially and legally caught or harvested as prescribed in chapters
47.14 1545 and 6200, and Minnesota Statutes, section 31.11 and chapters 97A and 97C, and Code
47.15 of Federal Regulations, title 21, section 123;_{P1} or

47.16 (2) approved for sale or service._{P1}

47.17 B. Molluscan shellfish that are recreationally caught must not be received for sale
47.18 or service._{P1}

47.19 **4626.0150 MOLLUSCAN SHELLFISH. 3-201.15**

47.20 A. Molluscan shellfish must be obtained from sources according to Code of Federal
47.21 Regulations, title 21, section 123, and the requirements specified in the U.S. Department
47.22 of Health and Human Services, Public Health Service, Food and Drug Administration,
47.23 National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish. The
47.24 guide is incorporated by reference and is available through the FDA Web site at

48.1 www.fda.gov/downloads/Food/GuidanceRegulation/FederalStateFoodPrograms/UCM350004.pdf.

48.2 The guide is not subject to frequent change._{p1}

48.3 B. Molluscan shellfish received in interstate commerce must be from sources
48.4 listed in the Interstate Certified Shellfish Shippers List. The list is incorporated by reference
48.5 and is available through the FDA Web site at

48.6 www.fda.gov/downloads/Food/GuidanceRegulation/FederalStateFoodPrograms/UCM2006753.htm.

48.7 The list is subject to frequent change._{p1}

48.8 **4626.0155 WILD MUSHROOMS. 3-201.16**

48.9 A. All wild mushroom species served in a retail food establishment must be
48.10 obtained from sources where each mushroom is individually inspected and found to be safe
48.11 by a certified mushroom harvester, except as specified in item E._{p1}

48.12 B. All wild mushroom species served in a retail food establishment must have a
48.13 written buyer specification, except as specified in item E. The buyer shall retain the written
48.14 buyer specification for 90 days from the date of sale or service. The written buyer
48.15 specification must include all of the following information:

48.16 (1) identification of each mushroom species by the scientific and common
48.17 or usual name;_{p2}

48.18 (2) date of sale;_{p2}

48.19 (3) quantity by weight, fresh or dried, of each species sold;_{p2}

48.20 (4) a statement indicating that each mushroom was identified in its fresh
48.21 state;_{p2}

48.22 (5) the name, address, and telephone number of the mushroom harvester;_{p2}

48.23 and

49.1 (6) verification that the seller is listed on the Minnesota Department of
49.2 Agriculture's registry of wild mushroom harvesters.^{p2}

49.3 C. The mushroom harvester shall retain for 90 days all records of wild mushrooms
49.4 sold to any retail food establishments. These records must include all of the following
49.5 information:

49.6 (1) identification of the mushrooms by the scientific and common name;^{p2}

49.7 (2) the country, state, and county location of harvest;^{p2}

49.8 (3) the date of harvest;^{p2}

49.9 (4) the names of the retail food establishments where wild mushrooms were
49.10 sold;^{p2}

49.11 (5) the dates of sale;^{p2} and

49.12 (6) the quantities by weight, fresh or dried, of each species sold.^{p2}

49.13 D. Except as specified in item E, any retail food establishment serving wild
49.14 mushrooms must inform consumers of the risk of consuming wild mushrooms by way of
49.15 a disclosure using brochures, deli case or menu advisories, table tents, placards, or other
49.16 written means. A disclosure must include the statement: "Wild mushrooms are not an
49.17 inspected product and are harvested from a noninspected site."^{p2}

49.18 E. This part does not apply to:

49.19 (1) cultivated mushroom species that are grown, harvested, and processed in
49.20 an operation that is licensed and inspected by a food regulatory agency; and

49.21 (2) wild mushrooms that are packaged and are the product of a processing
49.22 plant that is licensed and inspected by a food regulatory agency.

50.1 **4626.0156 CERTIFIED WILD MUSHROOM HARVESTER.**

50.2 A. A certified wild mushroom harvester shall have successfully completed a wild
50.3 mushroom identification training program provided by an accredited college or university
50.4 or state mycological society. The training program must include a component of actual
50.5 identification of physical specimens of mushroom species.

50.6 B. A document must be issued by an accredited college or accredited university
50.7 or mycological society certifying the mushroom harvester's successful completion of the
50.8 wild mushroom identification course and specifying the species of wild mushroom the
50.9 harvester is qualified to identify.

50.10 C. The mushroom harvester shall submit the document identified in item B to the
50.11 Department of Agriculture.

50.12 D. A wild mushroom harvester's certification documents will be verified by the
50.13 Minnesota Department of Agriculture. The Minnesota Department of Agriculture shall
50.14 maintain these documents on file and maintain a registry of all wild mushroom harvesters.

50.15 **4626.0160 GAME ANIMALS. 3-201.17**

50.16 A. Game animals commercially raised for food must be raised, slaughtered, and
50.17 processed under an inspection program that is conducted by the USDA under Code of
50.18 Federal Regulations, title 9, part 352, or the Minnesota Department of Agriculture under
50.19 Minnesota Statutes, section 17.452, subdivision 8.^{p1}

50.20 B. Exotic species of animals, including animals raised for exhibition purposes in
50.21 a zoo or circus, must:

50.22 (1) comply with item A, or receive antemortem and postmortem examination
50.23 by a veterinarian or a veterinarian's designee, approved by the regulatory authority;^{p1} and

50.24 (2) be slaughtered and processed according to Minnesota Statutes, chapters
50.25 31 and 31A, and rules adopted thereunder governing meat and poultry as determined by the

51.1 USDA as specified in Code of Federal Regulations, title 9, or under laws and rules of another
51.2 state that are equivalent to the Minnesota laws and rules specified in this part.^{p1}

51.3 C. Wild animals lawfully taken and donated according to part 6230.1500 and
51.4 Minnesota Statutes, section 97A.505, and donated to a charitable organization registered
51.5 under Minnesota Statutes, chapter 309, are approved if:

51.6 (1) only pure wild animals are donated;^{p1}

51.7 (2) the intact animal is properly cleaned, stored, and processed in an
51.8 establishment that complies with chapters 1540 and 1545, and Minnesota Statutes, chapters
51.9 28A, 31, 31A, and 157, as those rules and laws relate to the licensing, processing, and
51.10 storage of food;^{p1}

51.11 (3) evisceration was accomplished within 2 hours after harvest;^{p1} and

51.12 (4) a written sanitation standard operating procedure that includes the entire
51.13 process used to eliminate the possibility of cross-contamination from wild animal processing
51.14 to retail products is implemented and available for inspection.^{p1}

51.15 **4626.0165 FOOD TEMPERATURES; RECEIVING. 3-202.11**

51.16 A. Except as specified in items B and C, refrigerated, TCS food must be at a
51.17 temperature of 41 degrees F (5 degrees C) or below when received.^{p1}

51.18 B. If a temperature other than 41 degrees F (5 degrees C) for a TCS food is
51.19 specified in law governing its distribution, such as laws governing milk and molluscan
51.20 shellfish, the food may be received at the specified temperature.

51.21 C. Raw eggs must be received in refrigerated equipment that maintains an ambient
51.22 air temperature of 45 degrees F (7 degrees C) or less.^{p1}

52.1 D. TCS food that has been cooked to a temperature and for a time specified in
52.2 parts 4626.0340 and 4626.0347 and received hot must be at a temperature of 135 degrees
52.3 F (57 degrees C) or above._{P1}

52.4 E. A food that is labeled frozen and shipped frozen by a food processing plant
52.5 must be received frozen._{P2}

52.6 F. Upon receipt, TCS food must be free of evidence of previous temperature
52.7 abuse._{P2}

52.8 **4626.0170 FOOD ADDITIVES. 3-202.12**

52.9 Food must not contain:

52.10 A. unapproved food additives or additives that exceed amounts specified in Code
52.11 of Federal Regulations, title 21, parts 170 to 180;

52.12 B. generally recognized as safe or prior sanctioned substances that exceed amounts
52.13 specified in Code of Federal Regulations, title 21, parts 181 to 186;

52.14 C. substances that exceed amounts specified in Code of Federal Regulations, title
52.15 9, subpart C, section 424.21 (b); or

52.16 D. pesticide residues that exceed provisions specified in Code of Federal
52.17 Regulations, title 40, part 180._{P1}

52.18 **4626.0175 EGGS. 3-202.13**

52.19 Eggs must be received clean and sound and:

52.20 A. must not exceed the restricted egg tolerances for U.S. Consumer Grade B
52.21 specified in U.S. Standards, Grades, and Weight Classes for Shell Eggs, AMS 56.200 et
52.22 seq., maintained by the Agricultural Marketing Service (AMS) of the USDA, which is
52.23 incorporated by reference, is not subject to frequent change, and is available through the

53.1 AMS, USDA at [www.ams.usda.gov/sites/default/files/media/Shell_Egg_Standard\[1\].pdf](http://www.ams.usda.gov/sites/default/files/media/Shell_Egg_Standard[1].pdf);p1

53.2 and

53.3 B. comply with parts 1520.1200 to 1520.2000 and Minnesota Statutes, chapter

53.4 29.p1

53.5 **4626.0177 EGG AND MILK PRODUCTS; PASTEURIZED. 3-202.14**

53.6 A. Egg products must be obtained pasteurized.p1

53.7 B. Fluid and dry milk and milk products must be obtained pasteurized as specified

53.8 in Minnesota Statutes, chapter 32D, and comply with standards as specified in Minnesota

53.9 Statutes, chapter 32D.p1

53.10 C. Frozen milk products, such as ice cream, must be obtained pasteurized as

53.11 specified in Code of Federal Regulations, title 21, part 135, and must comply with Minnesota

53.12 Statutes, chapter 32D.p1

53.13 D. Cheese must be obtained pasteurized unless alternative procedures to

53.14 pasteurization are specified in Code of Federal Regulations, title 21, part 133, and Minnesota

53.15 Statutes, section 32D.22.p1

53.16 **4626.0190 PACKAGE INTEGRITY. 3-202.15**

53.17 Food packages must be in good condition and protect the integrity of the contents so

53.18 that the food is not exposed to adulteration or potential contaminants.p2

53.19 **4626.0195 ICE. 3-202.16**

53.20 Ice for use as a food or a cooling medium must be made from drinking water.p1

53.21 **4626.0200 SHUCKED SHELLFISH; PACKAGING AND IDENTIFICATION.**

53.22 **3-202.17**

53.23 A. Raw shucked shellfish must be obtained in nonreturnable packages that bear

53.24 a legible label that identifies:p2

54.1 (1) the name, address, and certification number of the shucker-packer or
54.2 repacker of the molluscan shellfish;p₂ and

54.3 (2) the "sell by" or "best if used by" date for packages with a capacity of less
54.4 than 1/2 gallon (1.89 liter) or the date shucked for packages with a capacity of 1/2 gallon
54.5 (1.89 liter) or more.p₂

54.6 B. A package of raw shucked shellfish that does not bear a label or that bears a
54.7 label that does not contain all the information specified in item A must be subject to a hold
54.8 order as allowed by Minnesota Statutes, section 34A.11, or seizure and destruction according
54.9 to Code of Federal Regulations, title 21, subpart D, section 1240.60, paragraph (d).

54.10 **4626.0202 SHELLSTOCK IDENTIFICATION. 3-202.18**

54.11 A. Shellstock must be obtained in containers bearing legible source identification
54.12 tags or labels that are affixed by the harvester or dealer that depurates, ships, or reships the
54.13 shellstock, as specified in the National Shellfish Sanitation Program Guide for the Control
54.14 of Molluscan Shellfish which is incorporated by reference, is subject to frequent change,
54.15 and can be found at [www.fda.gov/Food/GuidanceRegulation/FederalStateFoodPrograms/](http://www.fda.gov/Food/GuidanceRegulation/FederalStateFoodPrograms/ucm2006754.htm)
54.16 [ucm2006754.htm](http://www.fda.gov/Food/GuidanceRegulation/FederalStateFoodPrograms/ucm2006754.htm), and that list;p₂

54.17 (1) except as specified in item C, on the harvester's tag or label, the following
54.18 information in the following order;p₂

54.19 (a) the harvester's identification number that is assigned by the shellfish
54.20 control authority;p₂

54.21 (b) the date of harvesting;p₂

54.22 (c) the most precise identification of the harvest location or aquaculture
54.23 site that is practicable based on the system of harvest area designations that is in use by the
54.24 shellfish control authority and including the abbreviation of the name of the state or country
54.25 in which the shellfish are harvested;p₂

55.1 (d) the type and quantity of shellfish;^{p2} and

55.2 (e) the following statement in bold, capitalized type: "THIS TAG OR
55.3 LABEL IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY OR
55.4 RETAGGED OR RELABELED AND THEREAFTER KEPT ON FILE FOR 90 DAYS.";^{p2}
55.5 and

55.6 (2) except as specified in item D, on each dealer's tag or label, the following
55.7 information in the following order:^{p2}

55.8 (a) the dealer's name and address and the certification number assigned
55.9 by the shellfish control authority;^{p2}

55.10 (b) the original shipper's certification number including the abbreviation
55.11 of the name of the state or country in which the shellfish are harvested;^{p2}

55.12 (c) the same information as specified for a harvester's tag under subitem
55.13 (1), units (b) to (d);^{p2} and

55.14 (d) the following statement in bold, capitalized type: "THIS TAG OR
55.15 LABEL IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY AND
55.16 THEREAFTER KEPT ON FILE FOR 90 DAYS." ^{p2}

55.17 B. A container of shellstock that does not bear a tag or label or that bears a tag or
55.18 label that does not contain all the information specified in item A must be subject to a hold
55.19 order as allowed by Minnesota Statutes, section 34A.11, or seizure and destruction according
55.20 to Code of Federal Regulations, title 21, subpart D, section 1240.60, paragraph (d).

55.21 C. If a place is provided on the harvester's tag or label for a dealer's name, address,
55.22 and certification number, the dealer's information must be listed first.

56.1 D. If the harvester's tag or label is designed to accommodate each dealer's
56.2 identification as specified in item A, subitem (2), units (a) and (b), individual dealer tags
56.3 or labels need not be provided.

56.4 **4626.0210 SHELLSTOCK; CONDITION. 3-202.19**

56.5 When received by a food establishment, shellstock must be reasonably free of mud,
56.6 dead shellfish, and shellfish with broken shells. Dead shellfish or shellstock with badly
56.7 broken shells must be discarded.

56.8 **4626.0215 MOLLUSCAN SHELLFISH AND SHELLSTOCK; ORIGINAL**
56.9 **CONTAINER. 3-203.11**

56.10 A. Except as specified in items B to D, molluscan shellfish must not be removed
56.11 from the container in which they were received other than immediately before sale or
56.12 preparation for service.

56.13 B. For display purposes, shellstock may be removed from the container in which
56.14 they were received, displayed on drained ice, or held in a display container, and a quantity
56.15 specified by a consumer may be removed from the display or display container and provided
56.16 to the consumer if:

56.17 (1) the source of the shellstock on display is identified as specified in part
56.18 4626.0202 and recorded as specified in part 4626.0220; and

56.19 (2) the shellstock are protected from contamination.

56.20 *[For text of item C, see M.R.]*

56.21 D. Shucked shellfish may be removed from the container in which they were
56.22 received and repacked in consumer self-service containers where allowed by law if:

57.1 (1) the labeling information for the shellfish is on each consumer self-service
57.2 container as specified in parts 4626.0200 and 4626.0435, items A and B, subitems (1) to
57.3 (5);

57.4 (2) the labeling information specified in part 4626.0200 is retained and
57.5 correlated with the date when, or dates during which, the shellfish are sold or served;

57.6 (3) the labeling information and dates specified in subitem (2) are maintained
57.7 for 90 days; and

57.8 (4) the shellfish are protected from contamination.

57.9 **4626.0220 SHELLSTOCK; MAINTAINING IDENTIFICATION. 3-203.12**

57.10 A. Except as specified in item C, subitem (3), shellstock tags or labels must remain
57.11 attached to the container in which the shellstock are received until the container is empty.p2

57.12 B. The date when the last shellstock from the container is sold or served must be
57.13 recorded on the tag or label.p2

57.14 C. The identity of the source of shellstock that are sold or served must be
57.15 maintained:

57.16 (1) by retaining shellstock tags or labels for 90 calendar days from the date
57.17 that is recorded on the tag or label as specified in item B;p2

57.18 (2) using a record-keeping system that keeps the tags or labels in chronological
57.19 order correlated to the date that is recorded on the tag or label as specified in item B;p2and

57.20 (3) if shellstock are removed from their tagged or labeled container:

57.21 (a) preserving source identification by using a record-keeping system
57.22 specified in subitem (1);p2 and

58.1 (b) ensuring that shellstock from 1 tagged or labeled container are not
58.2 commingled with shellstock from another container with different certification numbers,
58.3 different harvest dates, or different growing areas identified on the tag or label before being
58.4 ordered by the consumer._{p2}

58.5 **4626.0225 PREVENTING CONTAMINATION FROM HANDS (ALSO SEE PART**
58.6 **4626.0070). 3-301.11**

58.7 A. Except when washing fruits and vegetables as specified in items C and D or
58.8 part 4626.0255, food employees shall not contact exposed, ready-to-eat food with their bare
58.9 hands and shall use suitable utensils such as deli tissue, spatulas, tongs, single-use gloves,
58.10 or dispensing equipment as specified in part 4626.0255, items C and D._{p1}

58.11 B. Food employees shall minimize bare hand and arm contact with exposed food
58.12 that is not in a ready-to-eat form._{p2}

58.13 C. Item A does not apply to a food employee who contacts exposed, ready-to-eat
58.14 food with bare hands at the time the ready-to-eat food is being added as an ingredient to a
58.15 food that:

58.16 (1) contains a raw animal food and is to be cooked in the food establishment
58.17 to heat all parts of the food to the minimum temperatures and times specified in part
58.18 4626.0340, items A and B, or 4626.0345; or

58.19 (2) does not contain a raw animal food but is to be cooked in the food
58.20 establishment to heat all parts of the food to a temperature of at least 145 degrees F (63
58.21 degrees C).

58.22 D. Food employees not serving a highly susceptible population may contact
58.23 exposed, ready-to-eat food with their bare hands if written procedures are maintained in the
58.24 food establishment and made available to the regulatory authority upon request that include:

59.1 (1) for each bare hand food-contact procedure, a listing of the specific
59.2 ready-to-eat foods that are touched by bare hands;

59.3 (2) a written employee health policy that details how the food establishment
59.4 complies with parts 4626.0040, 4626.0045, and 4626.0050 including:

59.5 (a) documentation that food employees and conditional employees
59.6 acknowledge that they are informed to report information about their health and activities
59.7 as they relate to gastrointestinal symptoms and diseases that are transmittable through food
59.8 as specified under part 4626.0040, item A;

59.9 (b) documentation that food employees and conditional employees
59.10 acknowledge their responsibilities to comply with exclusion and restriction as specified
59.11 under part 4626.0040, item E; and

59.12 (c) documentation that the person in charge acknowledges the
59.13 responsibilities as specified under parts 4626.0040, items B, C, and D; 4626.0045; and
59.14 4626.0050;

59.15 (3) documentation that food employees acknowledge that they have received
59.16 training in:

59.17 (a) the risks to the consumer that are created when employees contact
59.18 ready-to-eat foods with bare hands;

59.19 (b) proper handwashing as specified under part 4626.0070;

59.20 (c) when to wash their hands as specified under part 4626.0075;

59.21 (d) where to wash their hands as specified under part 4626.0080;

59.22 (e) proper fingernail maintenance as specified under part 4626.0090;

59.23 (f) prohibition of jewelry as specified under part 4626.0095; and

60.1 (g) good hygienic practices as specified under parts 4626.0105 and
60.2 4626.0110;

60.3 (4) documentation that food employees contacting ready-to-eat food with
60.4 bare hands use two or more of the following control measures to provide additional
60.5 safeguards to hazards associated with bare hand contact:

60.6 (a) double handwashing;

60.7 (b) nail brushes;

60.8 (c) a hand antiseptic after handwashing as specified under part 4626.0085;

60.9 (d) incentive programs such as paid sick leave that assist or encourage
60.10 food employees not to work when they are ill; or

60.11 (e) other control measures approved by the regulatory authority; and

60.12 (5) documentation that corrective action is taken when requirements in this
60.13 section are not followed.

60.14 **4626.0230 PREVENTING CONTAMINATION WHEN TASTING. 3-301.12**

60.15 A food employee shall not use a utensil more than once to taste food that is to be sold
60.16 or served._{P1}

60.17 **4626.0235 PREVENTING CROSS-CONTAMINATION. 3-302.11**

60.18 A. Food must be protected from cross-contamination by:

60.19 (1) except as specified in unit (c), separating raw animal foods during storage,
60.20 preparation, holding, and display from:

60.21 (a) raw ready-to-eat food including other raw animal food such as fish
60.22 for sushi, or molluscan shellfish, or other raw ready-to-eat food such as fruits and
60.23 vegetables;_{P1}

61.1 (b) cooked ready-to-eat food;^{p1} and

61.2 (c) frozen, commercially processed and packaged raw animal food may
61.3 be stored or displayed with or above frozen, commercially processed and packaged,
61.4 ready-to-eat food;

61.5 (2) except when combined as ingredients, separating types of raw animal
61.6 foods from each other such as beef, fish, lamb, pork, and poultry during storage, preparation,
61.7 holding, and display by:

61.8 (a) using separate equipment for each type of food;^{p1} or

61.9 (b) arranging each type of food in equipment so that cross-contamination
61.10 of one type with another is prevented;^{p1} and

61.11 (c) preparing each type of food at different times or in separate areas;^{p1}

61.12 *[For text of subitem (3), see M.R.]*

61.13 (4) storing the food in packages, covered containers, or wrappings, except
61.14 as specified in item B;

61.15 *[For text of subitems (5) to (8), see M.R.]*

61.16 B. Item A, subitem (4), does not apply to:

61.17 *[For text of subitems (1) and (2), see M.R.]*

61.18 (3) whole, uncut, processed meats such as country hams and smoked or cured
61.19 sausages that are placed on clean, sanitized racks;

61.20 *[For text of subitems (4) and (5), see M.R.]*

62.1 **4626.0240 FOOD STORAGE CONTAINERS IDENTIFIED WITH COMMON**
62.2 **NAME OF FOOD. 3-302.12**

62.3 Working containers holding food or food ingredients that are removed from their
62.4 original packages for use in the food establishment, such as cooking oils, flour, herbs, potato
62.5 flakes, salt, spices, and sugar must be identified with the common name of the food except
62.6 that containers holding food that can be readily and unmistakably recognized, including dry
62.7 pasta, need not be identified. The identification must be in English and any other language
62.8 used by the employees of the food establishment who handle food.

62.9 **4626.0245 PASTEURIZED EGGS; SUBSTITUTE FOR RAW EGGS. 3-302.13**

62.10 Pasteurized eggs or egg products must be substituted for raw eggs in the preparation
62.11 of food such as Caesar salad, hollandaise or Bearnaise sauce, mayonnaise, meringue, eggnog,
62.12 ice cream, and egg-fortified beverages, that are not:

62.13 A. cooked as specified in part 4626.0340, item A, subitem (1) or (2);_{P1} or

62.14 B. included in part 4626.0340, item D, subitem (1)._{P1}

62.15 **4626.0250 PROTECTION FROM UNAPPROVED ADDITIVES. (SEE ALSO**
62.16 **4626.0170) 3-302.14**

62.17 A. Food must be protected from contamination that may result from the addition
62.18 of:

62.19 (1) unsafe or unapproved food or color additives;_{P1} and

62.20 (2) unsafe or unapproved levels of approved food and color additives._{P1}

62.21 B. A food employee shall not:

62.22 (1) apply sulfiting agents to fresh fruits and vegetables intended for raw
62.23 consumption or to a food considered to be a good source of B1 vitamin;_{P1} or

63.1 (2) serve or sell food specified in subitem (1) that is treated with sulfiting
63.2 agents before receipt by the food establishment, except for grapes.p₁

63.3 **4626.0255 WASHING FRUITS AND VEGETABLES. 3-302.15**

63.4 A. Raw fruits and vegetables must be thoroughly washed in water or by using
63.5 chemicals specified in part 4626.1625 to remove soil and other contaminants before being
63.6 cut, combined with other ingredients, cooked, served, or offered for human consumption
63.7 in ready-to-eat form except for whole, raw fruits and vegetables that are intended for washing
63.8 by the consumer before consumption.

63.9 B. Devices used for on-site generation of chemicals meeting the requirements in
63.10 Code of Federal Regulations, title 21, subpart D, section 173.315, for the washing of raw,
63.11 whole fruits and vegetables must be used according to the manufacturer's instructions.p₂

63.12 **4626.0260 ICE USED AS EXTERIOR COOLANT; PROHIBITED AS INGREDIENT.**
63.13 **3-303.11**

63.14 Ice must not be used as a food after use as a medium for cooling the exterior surfaces
63.15 of food such as melons or fish, packaged foods such as canned beverages, or cooling coils
63.16 and tubes of equipment.p₁

63.17 **4626.0265 FOOD IN CONTACT WITH WATER OR ICE. 3-303.12**

63.18 A. Packaged food must not be stored in direct contact with ice or water if the food
63.19 is subject to the entry of water because of the nature of its packaging, wrapping, or container
63.20 or its positioning in the ice or water.

63.21 B. Bottled and canned beverages on retail display must not be stored in contact
63.22 with water or undrained ice.

63.23 C. Whole, raw fruits or vegetables; cut, raw vegetables such as celery, carrot
63.24 sticks, and cut potatoes; and tofu may be immersed in ice or water.

64.1 D. Raw poultry and raw fish that are received immersed in ice in shipping
64.2 containers may remain in that condition while in storage awaiting preparation, display,
64.3 service, or sale.

64.4 **4626.0270 FOOD CONTACT WITH EQUIPMENT AND UTENSILS. 3-304.11**

64.5 Food must only contact surfaces of:

64.6 A. equipment and utensils that are cleaned as specified in parts 4626.0840 to
64.7 4626.0885 and sanitized as specified in parts 4626.0900 and 4626.0905;_{P1}

64.8 B. single-service and single-use articles;_{P1} or

64.9 C. linens such as cloth napkins specified in part 4626.0280 that are laundered as
64.10 required by parts 4626.0910 to 4626.0930._{P1}

64.11 **4626.0275 IN-USE UTENSILS; BETWEEN-USE STORAGE. 3-304.12**

64.12 During pauses in food preparation or dispensing, food preparation and dispensing
64.13 utensils must be stored:

64.14 A. except as specified in item B G, in the food with the handles above the top of
64.15 the food and the container;

64.16 B. in food that is not TCS food, with the handles above the top of the food within
64.17 containers or equipment that can be closed, such as bins of sugar, flour, or cinnamon;

64.18 C. on a clean portion of the food preparation table or cooking equipment only if
64.19 the in-use utensil and the food-contact surface of the food preparation table or cooking
64.20 equipment are cleaned and sanitized at a frequency specified in parts 4626.0845 and
64.21 4626.0900;

64.22 D. in running water of sufficient velocity to flush particulates to the drain, if used
64.23 with moist food such as ice cream, mashed potatoes, or cooked rice;

65.1 E. in a clean, protected location if the utensils, including ice scoops, are used only
65.2 with a food that is not TCS food;

65.3 F. in a container of water if the water is maintained at a temperature of at least
65.4 135 degrees F (57 degrees C) and the container is cleaned at a frequency specified in part
65.5 4626.0845, item D; or

65.6 G. for consumer self-service of bulk food, a manual dispensing utensil must be
65.7 stored as specified in Minnesota Statutes, section 31.84, subdivision 2.

65.8 **4626.0280 LINENS AND NAPKINS; USE LIMITATION. 3-304.13**

65.9 Linens such as cloth napkins must not be used in contact with food unless they are used
65.10 to line a container for the service of foods and the linens and napkins are replaced each time
65.11 the container is refilled for a new consumer.

65.12 **4626.0285 WIPING CLOTHS; USE LIMITATION. 3-304.14**

65.13 A. Cloths used for wiping food spills from tableware and carry-out containers
65.14 that occur as food is being served must be maintained dry and used for no other purpose.

65.15 B. Cloths used for wiping counters and other equipment surfaces must be:

65.16 (1) held between uses in a chemical sanitizer solution at a concentration
65.17 specified in part 4626.0805; and

65.18 (2) laundered daily as specified in part 4626.0915, item D.

65.19 C. Cloths used for wiping surfaces in contact with raw animal foods must be kept
65.20 separate from cloths used for other purposes.

65.21 D. Dry wiping cloths and the chemical sanitizing solutions specified in item B,
65.22 subitem (1), in which wet wiping cloths are held between uses must be free of food debris
65.23 and visible soil.

66.1 E. Containers of chemical sanitizing solutions specified in item B, subitem (1),
66.2 in which wet wiping cloths are held between uses must be stored and used in a manner that
66.3 prevents contamination of food, equipment, utensils, linens, single-service, or single-use
66.4 articles.

66.5 F. Single-use disposable sanitizer wipes must be used according to U.S.
66.6 Environmental Protection Agency-approved manufacturer's label use instructions.

66.7 **4626.0287 GLOVES; USE LIMITATION. 3-304.15**

66.8 A. If used, single-use gloves must be used for only 1 task such as working with
66.9 ready-to-eat food or with raw animal food, used for no other purpose, and discarded when
66.10 damaged or soiled, or when interruptions occur in the operation._{p1}

66.11 B. Except as specified in item C, slash-resistant gloves that are used to protect
66.12 the hands during operations requiring cutting must be used in direct contact only with food
66.13 that is subsequently cooked as specified in parts 4626.0340 to 4626.0349, such as frozen
66.14 food or a primal cut of meat.

66.15 *[For text of item C, see M.R.]*

66.16 D. Cloth gloves must not be used in direct contact with food unless the food is
66.17 subsequently cooked as required under parts 4626.0340 to 4626.0349, such as frozen food
66.18 or a primal cut of meat.

66.19 **4626.0290 USING CLEAN TABLEWARE FOR SECOND PORTIONS AND**
66.20 **REFILLS. 3-304.16**

66.21 A. Except for refilling a consumer's drinking cup or container without contact
66.22 between the pouring utensil and the lip-contact area of the drinking cup or container, food
66.23 employees shall not use tableware, including single-service articles soiled by the consumer
66.24 to provide second portions or refills.

67.1 B. Except as specified in item C, self-service consumers shall not be allowed to
67.2 use soiled tableware, including single-service articles to obtain additional food from the
67.3 display and serving equipment.

67.4 C. Drinking cups and containers may be reused by self-service consumers if
67.5 refilling is a contamination-free process as specified in part 4626.0575, items A, B, and D.

67.6 **4626.0295 REFILLING RETURNABLES. 3-304.17**

67.7 A. Except as specified in this part, empty containers returned to a food
67.8 establishment for cleaning and refilling with food must be cleaned and refilled in a regulated
67.9 food processing plant.^{p1}

67.10 B. A take-home food container returned to a food establishment may be refilled
67.11 at a food establishment with food if the food container is:

67.12 (1) designed and constructed for reuse and in accordance with the requirements
67.13 specified under parts 4626.0450, 4626.0505, and 4626.0515;^{p1}

67.14 (2) one that was initially provided by the food establishment to the consumer,
67.15 either empty or filled with food by the food establishment, for the purpose of being returned
67.16 for reuse; and

67.17 (3) subject to the following steps before being refilled with food:

67.18 (a) cleaned as specified under parts 4626.0840 to 4626.0885;

67.19 (b) sanitized as specified under parts 4626.0900 to 4626.0905;^{p1} and

67.20 (c) visually inspected by a food employee to verify that the container,
67.21 as returned, meets the requirements under parts 4626.0450 to 4626.0470, 4626.0490, and
67.22 4626.0515.^{p1}

67.23 C. A take-home food container returned to a food establishment may be refilled
67.24 at a food establishment with a beverage if:

- 68.1 (1) the beverage is not TCS food;
- 68.2 (2) the design of the container and of the rinsing equipment and the nature
68.3 of the beverage, when considered together, allow effective cleaning at home or in the food
68.4 establishment;
- 68.5 (3) facilities for rinsing before refilling returned containers with fresh, hot
68.6 water that is under pressure and not recirculated are provided as part of the dispensing
68.7 system;
- 68.8 (4) the consumer-owned container returned to the food establishment for
68.9 refilling is refilled for sale or service only to the same consumer; and
- 68.10 (5) the container is refilled by:
- 68.11 (a) an employee of the food establishment; or
- 68.12 (b) the owner of the container if the beverage system includes a
68.13 contamination-free transfer process as specified under part 4626.0575, items A, B, and D,
68.14 that cannot be bypassed by the container owner.
- 68.15 D. Consumer-owned, personal take-out beverage containers, such as thermally
68.16 insulated bottles, nonspill coffee cups, promotional beverage glasses, and vinegar and oil
68.17 containers, may be refilled by employees or the consumer if refilling is a contamination-free
68.18 process as specified under part 4626.0575, items A, B, and D.
- 68.19 E. Consumer-owned containers that are not food-specific may be filled at a water
68.20 vending machine or system.

68.21 **4626.0300 FOOD STORAGE. 3-305.11**

- 68.22 A. Except as specified in items B and C, food must be protected from
68.23 contamination by storing the food:

68.24 *[For text of subitems (1) and (2), see M.R.]*

69.1 (3) at least 6 inches (15 cm) above the floor.

69.2 B. Food in packages and working containers may be stored less than 6 inches (15
69.3 cm) above the floor on case lot handling equipment specified in part 4626.0665.

69.4 C. Pressurized beverage containers, cased food in waterproof containers, such as
69.5 bottles or cans, and milk containers in plastic crates may be stored on a floor that is clean
69.6 and not exposed to floor moisture.

69.7 **4626.0305 FOOD STORAGE; PROHIBITED AREAS. 3-305.12**

69.8 Food must not be stored:

69.9 A. in locker rooms;

69.10 B. in toilet rooms;

69.11 C. in dressing rooms;

69.12 D. in garbage rooms;

69.13 E. in mechanical rooms;

69.14 F. under sewer lines that are not shielded to intercept potential drips;

69.15 G. under leaking water lines, including leaking automatic fire sprinkler heads, or
69.16 under lines on which water has condensed;

69.17 H. under open stairwells; or

69.18 I. under other sources of contamination.

69.19 **4626.0310 VENDED TCS FOOD; ORIGINAL CONTAINER. 3-305.13**

69.20 TCS food dispensed through a vending machine must be in the package in which it
69.21 was placed at the food establishment or food processing plant at which it was prepared.

70.1 **4626.0315 UNPACKAGED FOOD; PROTECTION FROM CONTAMINATION.**
70.2 **3-305.14**

70.3 During preparation, unpackaged food must be protected from environmental sources
70.4 of contamination.

70.5 **4626.0320 FOOD DISPLAY; PROTECTION FROM CONTAMINATION. 3-306.11**

70.6 A. Except for nuts in the shell and whole, raw fruits and vegetables that are
70.7 intended for hulling, peeling, or washing by the consumer before consumption, food on
70.8 display must be protected from contamination by the use of packaging; counter, service
70.9 line, or salad bar food guards; display cases; or other effective means.^{p1}

70.10 B. Food preparation and cooking areas must be protected by an impervious shield
70.11 or by a separation distance to ensure customer safety and prevent food contamination by
70.12 customers.

70.13 **4626.0325 CONDIMENTS; PROTECTION. 3-306.12**

70.14 A. Condiments must be protected from contamination by being kept in dispensers
70.15 that are designed to provide protection, protected food displays provided with the proper
70.16 utensils, original containers designed for dispensing, or individual packages or portions.

70.17 B. Condiments at a vending machine location must be in individual packages or
70.18 provided in dispensers that are filled at a location that is approved by the regulatory authority,
70.19 such as the food establishment that provides food to the vending machine location, a food
70.20 processing plant that is regulated by the agency that has jurisdiction over the operation, or
70.21 a properly equipped facility that is located on the site of the vending machine location.

70.22 **4626.0330 CONSUMER SELF-SERVICE OPERATIONS. 3-306.13**

70.23 A. Raw, unpackaged animal food, such as beef, lamb, pork, poultry, and fish,
70.24 must not be offered for consumer self-service.^{p1} This item does not apply to:

71.1 (1) consumer self-service of ready-to-eat foods at buffets or salad bars that
71.2 serve foods such as sushi or raw shellfish;

71.3 (2) ready-to-cook individual portions for immediate cooking and consumption
71.4 on the premises such as consumer-cooked meats or consumer-selected ingredients for
71.5 Mongolian barbecue;

71.6 (3) raw, frozen, shell-on shrimp, or lobster; or

71.7 (4) raw shell eggs.

71.8 B. Consumer self-service operations for ready-to-eat foods must be provided with
71.9 suitable utensils or effective dispensing methods that protect the food from contamination.p₂

71.10 C. Consumer self-service operations such as buffets and salad bars must be
71.11 monitored by food employees trained in safe operating procedures.p₂

71.12 **4626.0335 RETURNED FOOD; RE-SERVICE OF FOOD. 3-306.14**

71.13 A. Except as specified in item B, after being served or sold and in the possession
71.14 of a consumer, food that is unused or returned by the consumer must not be offered as food
71.15 for human consumption.p₁

71.16 B. Except as specified in part 4626.0447, item G, a container of food that is not
71.17 TCS food may be re-served from one consumer to another if:

71.18 (1) the food is dispensed so that it is protected from contamination and the
71.19 container is closed between uses, such as a narrow-neck bottle containing catsup, steak
71.20 sauce, or wine; or

71.21 (2) the food, such as crackers, salt, or pepper, is in an unopened original
71.22 package and is maintained in sound condition.

72.1 **4626.0337 MISCELLANEOUS SOURCES OF CONTAMINATION. 3-307.11**

72.2 Food must be protected from contamination that may result from a factor or source not
72.3 specified in parts 4626.0225 to 4626.0335.

72.4 **4626.0340 COOKING RAW ANIMAL FOODS. 3-401.11**

72.5 A. Except as specified in items B to D, raw animal foods, such as eggs, fish, meat,
72.6 poultry, and foods containing these raw animal foods, must be cooked to heat all parts of
72.7 the food to a temperature and for a time that complies with one of the following methods
72.8 based on the food that is being cooked:

72.9 (1) 145 degrees F (63 degrees C) or above for 15 seconds for;_{P1}

72.10 (a) raw eggs that are broken and prepared in response to a consumer's
72.11 order and for immediate service;_{P1} and

72.12 (b) except as specified in subitems (2) and (3) and items B and C, fish
72.13 and meat including game animals commercially raised for food as specified in part
72.14 4626.0160, item A, and game animals under a voluntary inspection program as specified
72.15 in part 4626.0160, item A;_{P1}

72.16 (2) 155 degrees F (68 degrees C) or above for 15 seconds or the temperature
72.17 specified in the following chart that corresponds to the holding time for ratites; mechanically
72.18 tenderized and injected meats; the following if they are comminuted: fish, meat, game
72.19 animals commercially raised for food as specified in part 4626.0160, item A, and game
72.20 animals under a voluntary inspection program as specified in part 4626.0160, item A; and
72.21 raw eggs that are not prepared as specified in subitem (1), unit (a);_{P1}

72.22	Minimum Temperature °F	Time
72.23	(°C)	
72.24	145 (63)	3 minutes

73.1	150 (66)	1 minute
73.2	158 (70)	< 1 second (instantaneous); or

73.3 (3) 165 degrees F (74 degrees C) or above for 15 seconds for poultry; baluts,
 73.4 wild animals as specified in part 4626.0160, item C; stuffed fish; stuffed meat; stuffed pasta;
 73.5 stuffed poultry; stuffed ratites; or stuffing containing fish, meat, poultry, or ratites.^{p1}

73.6 B. Whole meat roasts including beef, corned beef, lamb, pork, and cured pork
 73.7 roasts such as ham must be cooked:

73.8 (1) in an oven that is preheated to the temperature specified for the roast's
 73.9 weight in the following chart and that is held at that temperature:^{p2}

73.10	Oven Type	Oven Temperature Based on Roast Weight	
73.11		Less than 10 lbs (4.5 kg)	10 lbs (4.5 kg) or more
73.12	Still dry	350°F (177°C) or more	250°F (121°C) or more
73.13	Convection	325°F (163°C) or more	250°F (121°C) or more
73.14	High humidity ¹	250°F (121°C) or less	250°F (121°C) or less

73.15 ¹Relative humidity greater than 90 percent for at least 1 hour as measured in the cooking
 73.16 chamber or exit of the oven; or in a moisture-impermeable bag that provides 100 percent
 73.17 humidity.

73.18 ; and

73.19 (2) as specified in the following chart, to heat all parts of the food to a
 73.20 temperature and for the holding time that corresponds to that temperature:^{p1}

73.21	Temperature	Time in
73.22	°F (°C)	Minutes*
73.23	130 (54.4)	112
73.24	131 (55.0)	89
73.25	133 (56.1)	56

74.1	135 (57.2)	36
74.2	136 (57.8)	28
74.3	138 (58.9)	18
74.4	140 (60.0)	12
74.5	142 (61.1)	8
74.6	144 (62.2)	5
74.7	145 (62.8)	4

74.8	Temperature	Time in
74.9	°F (°C)	Seconds*
74.10	147 (63.9)	134 seconds
74.11	149 (65.0)	85 seconds
74.12	151 (66.1)	54 seconds
74.13	153 (67.2)	34 seconds
74.14	155 (68.3)	22 seconds
74.15	157 (69.4)	14 seconds
74.16	158 (70.0)	0 seconds

74.17 *Holding time may include postoven heat rise.

74.18 C. A raw or undercooked whole-muscle, intact beef steak may be served or offered
74.19 for sale in a ready-to-eat form if:

74.20 (1) the food establishment serves a population that is not a highly susceptible
74.21 population;

74.22 (2) the steak is labeled to indicate that it is "whole-muscle, intact beef" as
74.23 specified in part 4626.0130, item E; and

75.1 (3) the steak is cooked on both the top and bottom to a surface temperature
75.2 of 145 degrees F (63 degrees C) or above and a cooked color change is achieved on all
75.3 external surfaces.

75.4 D. A raw animal food such as raw egg, raw fish, raw-marinated fish, raw molluscan
75.5 shellfish, or steak tartare; or a partially cooked food such as lightly cooked fish, soft-cooked
75.6 eggs, or rare meat other than whole-muscle, intact beef steaks as specified in item C, may
75.7 be served or offered for sale upon consumer request or selection in a ready-to-eat form if:

75.8 (1) the food establishment serves a population that is not a highly susceptible
75.9 population;

75.10 (2) the food, if served or offered for service by consumer selection from a
75.11 children's menu, does not contain comminuted meat; ^{p2} and

75.12 (3) the consumer is informed as specified in part 4626.0442 that to ensure
75.13 its safety, the food should be cooked as specified in item A or B; or

75.14 (4) the regulatory authority grants a variance from item A or B as specified
75.15 in part 4626.1690 based on a HACCP plan that:

75.16 (a) is submitted by the licensee and approved as specified in part
75.17 4626.1700;

75.18 (b) documents scientific data or other information showing that a lesser
75.19 time and temperature regimen results in a safe food; and

75.20 (c) verifies that equipment and procedures for food preparation and
75.21 training of food employees at the food establishment meet the conditions of the variance.

75.22 **4626.0345 MICROWAVE COOKING. 3-401.12**

75.23 Raw animal foods cooked in a microwave oven must be:

75.24 *[For text of items A and B, see M.R.]*

76.1 C. heated to a temperature of at least 165 degrees F (74 degrees C) in all parts of
76.2 the food;P1 and

76.3 D. allowed to stand covered for 2 minutes after cooking to obtain temperature
76.4 equilibrium.

76.5 **4626.0347 PLANT FOOD; COOKING FOR HOT HOLDING. 3-401.13**

76.6 Raw fruits and vegetables that are cooked for hot holding must be cooked to a
76.7 temperature of 135 degrees F (57 degrees C).P2

76.8 **4626.0349 NONCONTINUOUS COOKING OF RAW ANIMAL FOODS. 3-401.14**

76.9 Raw animal foods that are cooked using a noncontinuous cooking process must be:

76.10 A. subject to an initial heating process that is no longer than 60 minutes in
76.11 duration;P1

76.12 B. immediately after initial heating, cooled according to the time and temperature
76.13 parameters for cooked TCS food in part 4626.0385, item A;P1

76.14 C. after cooling, held frozen or cold, as specified for TCS food in part 4626.0395,
76.15 item A, subitem (2);P1

76.16 D. prior to sale or service, cooked using a process that heats all parts of the food
76.17 to a temperature and for a time specified in part 4626.0340, items A to C;P1

76.18 E. cooled according to the time and temperature parameters for cooked TCS food
76.19 in part 4626.0385, item A, if not either hot held as specified in part 4626.0395, item A,
76.20 served immediately, or held using time as a public health control as specified in part
76.21 4626.0408 after complete cooking;P1 and

76.22 F. prepared and stored according to written procedures that:

76.23 (1) have obtained prior approval from the regulatory authority based on
76.24 meeting the requirements of this part;P2

77.1 (2) are maintained in the food establishment and are available to the regulatory
77.2 authority upon request;p₂

77.3 (3) describe how the requirements in items A to E are to be monitored and
77.4 documented by the licensee and the corrective actions to be taken if the requirements are
77.5 not met;p₂

77.6 (4) describe how the foods, after initial heating, but prior to complete cooking,
77.7 are to be marked or otherwise identified as foods that must be cooked as specified in item
77.8 D prior to being offered for sale or service;p₂ and

77.9 (5) describe how the foods, after initial heating but prior to cooking are to be
77.10 separated from ready-to-eat foods as specified in part 4626.0235, item A.p₂

77.11 **4626.0350 PARASITE DESTRUCTION. 3-402.11**

77.12 A. Except as specified in item B, before service or sale in ready-to-eat form, raw,
77.13 raw-marinated, partially cooked, or marinated-partially cooked fish must be:

77.14 (1) frozen and stored at a temperature of -4 degrees F (-20 degrees C) or
77.15 below for a minimum of 168 hours (7 days) in a freezer;p₁

77.16 (2) frozen at -31 degrees F (-35 degrees C) or below until solid and stored at
77.17 -31 degrees F (-35 degrees C) or below for a minimum of 15 hours;p₁ or

77.18 (3) frozen at -31 degrees F (-35 degrees C) or below until solid and stored at
77.19 -4 degrees F (-20 degrees C) or below for a minimum of 24 hours.p₁

77.20 B. Item A does not apply to:

77.21 (1) molluscan shellfish;

77.22 (2) a scallop product consisting only of the shucked adductor muscle;

- 78.1 (3) tuna of the species *Thunnus alalunga*, *Thunnus albacares* (Yellowfin
78.2 tuna), *Thunnus atlanticus*, *Thunnus maccoyii* (Bluefin tuna, Southern), *Thunnus obesus*
78.3 (Bigeye tuna), or *Thunnus thynnus* (Bluefin tuna, Northern);
- 78.4 (4) aquacultured fish, such as salmon, that:
- 78.5 (a) if raised in open water, are raised in net-pens; or
- 78.6 (b) are raised in land-based operations such as ponds or tanks; and
- 78.7 (c) are fed formulated feed, such as pellets, that contains no live parasites
78.8 infective to the aquacultured fish; or
- 78.9 (5) fish eggs that have been removed from the skein and rinsed.

78.10 **4626.0355 PARASITE DESTRUCTION; RECORDS. 3-402.12**

- 78.11 A. Except as specified in item B, and part 4626.0350, item B, if raw,
78.12 raw-marinated, partially cooked, or marinated-partially cooked fish are served or sold in
78.13 ready-to-eat form, the person in charge shall record the freezing temperature and time to
78.14 which the fish are subjected and shall retain the records at the food establishment for 90
78.15 calendar days beyond the time of service or sale of the fish._{p2}

78.16 [For text of item B, see M.R.]

- 78.17 C. If raw, raw-marinated, partially cooked, or marinated-partially cooked fish are
78.18 served or sold in ready-to-eat form, and the fish are raised and fed as specified in part
78.19 4626.0350, item B, subitem (4), a written agreement or statement from the supplier or
78.20 aquaculturist stipulating that the fish were raised and fed as specified in part 4626.0350,
78.21 item B, subitem (4), must be obtained by the person in charge and retained in the records
78.22 of the food establishment for 90 calendar days beyond the time of service or sale of the
78.23 fish._{p2}

79.1 **4626.0357 FOODS PREPARED FOR IMMEDIATE SERVICE. 3-403.10**

79.2 Cooked and refrigerated food that is prepared for immediate service in response to an
79.3 individual consumer order, such as a roast beef sandwich au jus, may be served at any
79.4 temperature.

79.5 **4626.0360 REHEATING FOR HOT HOLDING. 3-403.11**

79.6 A. Except as specified in items B, C, and E, TCS food that is cooked, cooled, and
79.7 reheated for hot holding must be reheated so that all parts of the food reach a temperature
79.8 of at least 165 degrees F (74 degrees C) for 15 seconds._{p1}

79.9 B. Except as specified in item C, TCS food reheated in a microwave oven for hot
79.10 holding must be reheated so that all parts of the food reach a temperature of at least 165
79.11 degrees F (74 degrees C) and the food is rotated or stirred, covered, and allowed to stand
79.12 covered for 2 minutes after reheating._{p1}

79.13 C. Ready-to-eat TCS food that has been commercially processed, and packaged
79.14 in a food processing plant that is inspected by the food regulatory authority that has
79.15 jurisdiction over the plant, must be heated to a temperature of at least 135 degrees F (57
79.16 degrees C) when being reheated for hot holding._{p1}

79.17 D. Reheating for hot holding as specified in items A to C must be done rapidly
79.18 and the time the food is between 41 degrees F (5 degrees C) and the temperatures specified
79.19 in items A to C must not exceed 2 hours._{p1}

79.20 E. Remaining unsliced portions of meat roasts that are cooked as specified in part
79.21 4626.0340, item B, may be reheated for hot holding using the oven parameters and minimum
79.22 time and temperature conditions specified in part 4626.0340, item B.

79.23 **4626.0367 TREATING JUICE. 3-404.11**

79.24 Juice packaged in a food establishment must be:

80.1 A. treated under a HACCP plan as specified in parts 4626.1730 to 4626.1735 to
80.2 attain a 5-log reduction, which is equal to a 99.999 percent reduction, of the most resistant
80.3 microorganism of public health significance;^{p1} or

80.4 B. labeled, if not treated to yield a 5-log reduction of the most resistant
80.5 microorganism of public health significance:

80.6 (1) as specified in part 4626.0435;^{p2} and

80.7 (2) as specified in Code of Federal Regulations, title 21, section 101.17 (g).
80.8 Juices that have not been specifically processed to prevent, reduce, or eliminate the presence
80.9 of pathogens must be labeled with the following: "WARNING: This product has not been
80.10 pasteurized and, therefore, may contain harmful bacteria that can cause serious illness in
80.11 children, the elderly, and persons with weakened immune systems."^{p2}

80.12 **4626.0368 JUICE; TREATED. 3-202.110**

80.13 Prepackaged juice must:

80.14 A. be obtained from a processor with a HACCP system as specified in Code of
80.15 Federal Regulations, title 21, part 120;^{p2} and

80.16 B. be obtained pasteurized or otherwise treated to attain a 5-log reduction of the
80.17 most resistant microorganism of public health significance as specified in Code of Federal
80.18 Regulations, title 21, subpart B, section 120.24.^{p1}

80.19 **4626.0370 FROZEN FOOD. 3-501.11**

80.20 Stored frozen foods must be maintained frozen.

80.21 **4626.0375 SLACKING TCS FOOD. 3-501.12**

80.22 Frozen TCS food that is slacked to moderate the temperature must be held:

80.23 A. under mechanical refrigeration that maintains the food temperature at 41 degrees
80.24 F (5 degrees C) or less; or

81.1 B. at any temperature if the food remains frozen.

81.2 **4626.0380 THAWING. 3-501.13**

81.3 Except as specified in item D, TCS food must be thawed:

81.4 A. under mechanical refrigeration that maintains the food temperature at 41 degrees
81.5 F (5 degrees C) or less;

81.6 B. completely submerged under running water:

81.7 (1) at a water temperature of 70 degrees F (21 degrees C) or less;

81.8 (2) with sufficient water velocity to agitate and float off loose particles in an
81.9 overflow; and

81.10 (3) for a period of time that does not allow thawed portions of ready-to-eat
81.11 food to rise above 41 degrees F (5 degrees C); or

81.12 (4) for a period of time that does not allow thawed portions of a raw animal
81.13 food requiring cooking as specified in part 4626.0340, items A and B, to be above 41 degrees
81.14 F (5 degrees C) for more than 4 hours including:

81.15 (a) the time the food is exposed to the running water and the time needed
81.16 for preparation for cooking; or

81.17 (b) the time it takes under mechanical refrigeration to lower the food
81.18 temperature to 41 degrees F (5 degrees C);

81.19 *[For text of item C, see M.R.]*

81.20 D. using any procedure if a portion of frozen ready-to-eat food is thawed and
81.21 prepared for immediate service in response to an individual consumer's order.

81.22 E. reduced oxygen packaged fish that bears a label indicating that it is to be kept
81.23 frozen until time of use must be removed from the reduced oxygen environment:

82.1 (1) prior to thawing under refrigeration as specified in item A; or

82.2 (2) prior to, or immediately upon, completion of thawing using procedures

82.3 specified in item B.

82.4 **4626.0385 COOLING REQUIREMENTS. 3-501.14**

82.5 A. Cooked TCS food must be cooled:

82.6 (1) within 2 hours from 135 degrees F (57 degrees C) to 70 degrees F (21

82.7 degrees C);_{p1} and

82.8 (2) within a total of 6 hours from 135 degrees F (57 degrees C) to 41 degrees

82.9 F (5 degrees C) or less._{p1}

82.10 B. TCS food must be cooled within 4 hours to 41 degrees F (5 degrees C) or less,

82.11 if prepared from ingredients at ambient temperature, such as reconstituted foods and canned

82.12 tuna._{p1}

82.13 C. Except as specified in item D, TCS food received in compliance with laws

82.14 allowing a temperature above 41 degrees F (5 degrees C) during shipment from the supplier

82.15 as specified in part 4626.0165, item B, must be cooled within 4 hours to 41 degrees F (5

82.16 degrees C) or less._{p1}

82.17 **4626.0390 COOLING METHODS. 3-501.15**

82.18 A. Cooling must be accomplished according to the time and temperature criteria

82.19 in part 4626.0385 by using one or more of the following methods based on the type of food

82.20 being cooled:

82.21 (1) placing the food in shallow pans;_{p2}

82.22 (2) separating the food into smaller or thinner portions;_{p2}

82.23 (3) using rapid cooling equipment;_{p2}

83.1 (4) stirring the food in a container placed in an ice water bath;_{P2}

83.2 (5) using containers that facilitate heat transfer;_{P2}

83.3 (6) adding ice as an ingredient;_{P2} or

83.4 (7) other effective methods._{P2}

83.5 B. When placed in cooling or cold holding equipment, food containers in which
83.6 food is being cooled must be:

83.7 *[For text of subitems (1) and (2), see M.R.]*

83.8 **4626.0395 TCS FOOD; HOT AND COLD HOLDING. 3-501.16**

83.9 A. Except during preparation, cooking, or cooling, or when time is used as the
83.10 public health control as specified in part 4626.0408, and except as specified in items B and
83.11 C, TCS food must be maintained:

83.12 (1) at 135 degrees F (57 degrees C) or above, except that roasts cooked to a
83.13 temperature and for a time specified in part 4626.0340, item B, or reheated as specified in
83.14 part 4626.0360, item E, may be held at a temperature of 130 degrees F (54 degrees C) or
83.15 above;_{P1} or

83.16 (2) at 41 degrees F (5 degrees C) or below under mechanical refrigeration._{P1}

83.17 B. Eggs that have not been treated to destroy all viable *Salmonellae* must be stored
83.18 in refrigerated equipment that maintains an ambient air temperature of 45 degrees F (7
83.19 degrees C) or less._{P1}

83.20 C. TCS food in a homogenous liquid form may be maintained outside of the
83.21 temperature control requirements, as specified in item A, while contained within specially
83.22 designed equipment that complies with the design and construction requirements in part
83.23 4626.0575, item E.

84.1 D. For a special event food stand, delivery vehicle, retail food vehicle, portable
84.2 structure, or cart, dry ice or cold packs may be substituted for mechanical refrigeration
84.3 required in this part and part 4626.0375 if the temperatures in parts 4626.0370 to 4626.0420
84.4 are maintained. Mechanical refrigeration must be provided for TCS foods held for 4 hours
84.5 or longer.

84.6 **4626.0400 DATE MARKING; READY-TO-EAT TCS FOOD. 3-501.17**

84.7 A. (1) This part does not apply to items E and F or to food packaged using a
84.8 reduced oxygen packaging method as specified in part 4626.0420.

84.9 (2) Refrigerated, ready-to-eat, TCS food prepared and held in a food
84.10 establishment for more than 24 hours must be clearly marked using an effective method to
84.11 indicate the day or date by which the food must be consumed on the premises, sold, or
84.12 discarded, which is 7 calendar days or less from the date of preparation. The date of the
84.13 preparation must be counted as day 1._{P2}

84.14 B. Refrigerated, ready-to-eat, TCS food prepared and packaged by a processing
84.15 plant and opened and held for more than 24 hours, must be clearly marked using an effective
84.16 method to indicate the day or date by which the food must be consumed on the premises,
84.17 sold, or discarded, which is 7 calendar days or less from the date the original container is
84.18 opened;_{P2} and

84.19 (1) the date the original container is opened in the food establishment must
84.20 be counted as day 1;_{P2} and

84.21 (2) the day or date marked by the food establishment must not exceed the
84.22 manufacturer's use-by date._{P2}

84.23 C. A refrigerated, ready-to-eat TCS food ingredient or a portion of a refrigerated,
84.24 ready-to-eat TCS food that is subsequently combined with additional ingredients or portions
84.25 of food must retain the date marking of the earliest-prepared or first-prepared ingredient._{P2}

85.1 D. A date marking system that meets the criteria in items A and B may include:

85.2 (1) using a method approved by the regulatory authority based on meeting
85.3 the requirements of this part for refrigerated, ready-to-eat TCS food that is frequently
85.4 rewrapped, such as lunchmeat or a roast, or for which date marking is impractical, such as
85.5 soft-serve mix or milk in a dispensing machine;

85.6 (2) marking the date or day of preparation, with a procedure to discard the
85.7 food on or before the last date or day by which the food must be consumed on the premises,
85.8 sold, or discarded as specified in item A;

85.9 (3) marking the date or day the original container is opened in a food
85.10 establishment, with a procedure to discard the food on or before the last date or day by
85.11 which the food must be consumed on the premises, sold, or discarded as specified in item
85.12 B; or

85.13 (4) using calendar dates, days of the week, color-coded marks, or other
85.14 effective marking methods, provided that the marking system is disclosed to the regulatory
85.15 authority upon request.

85.16 E. Items A and B do not apply to individual meal portions served or repackaged
85.17 for sale from a bulk container upon a consumer's request.

85.18 F. Items A and B do not apply to shellstock.

85.19 G. Item B does not apply to the following foods prepared and packaged by a food
85.20 processing plant inspected by a regulatory authority:

85.21 (1) deli salads, such as ham salad, seafood salad, chicken salad, egg salad,
85.22 pasta salad, potato salad, and macaroni salad, manufactured according to Code of Federal
85.23 Regulations, title 21, part 110;

86.1 (2) hard cheeses containing not more than 39 percent moisture such as
86.2 cheddar, gruyere, parmesan reggiano, and romano, as defined in Code of Federal Regulations,
86.3 title 21, part 133;

86.4 (3) semi-soft cheese containing more than 39 percent moisture, such as blue,
86.5 edam, gorgonzola, gouda, and monterey jack, but not more than 50 percent moisture, as
86.6 defined in Code of Federal Regulations, title 21, part 133;

86.7 (4) cultured dairy products such as yogurt, sour cream, and buttermilk, as
86.8 defined in Code of Federal Regulations, title 21, part 131;

86.9 (5) preserved fish products, such as pickled herring and dried or salted cod,
86.10 and other acidified fish products defined in Code of Federal Regulations, title 21, part 114;

86.11 (6) shelf-stable, dry fermented sausages, such as pepperoni and Genoa salami;
86.12 and

86.13 (7) shelf-stable salt-cured products such as prosciutto and Parma (ham).

86.14 **4626.0405 READY-TO-EAT, TCS FOOD; DISPOSITION. 3-501.18**

86.15 A. A food specified in part 4626.0400, item A or B, must be discarded if:

86.16 (1) the time exceeds 7 days as specified in part 4626.0400, item A, except
86.17 time that the product is frozen;_{p1} or

86.18 (2) it is in a container or package that does not bear a date or day._{p1}

86.19 B. Refrigerated, ready-to-eat, TCS food prepared in a food establishment and
86.20 dispensed through a refrigerated vending machine with an automatic shutoff control must
86.21 be discarded if the time exceeds 7 days as specified in part 4626.0400, item A._{p1}

86.22 **4626.0408 TIME AS PUBLIC HEALTH CONTROL. 3-501.19**

86.23 A. Except as specified in item D, if time only, rather than in conjunction with
86.24 temperature control, is used as the public health control for a working supply of TCS food

87.1 before cooking, or for ready-to-eat TCS food that is displayed or held for sale or service,
87.2 written procedures must be prepared in advance, maintained in the food establishment, and
87.3 made available to the regulatory authority upon request that specify:_{P2}

87.4 (1) methods of compliance with item B, subitems (1) to (3), or C;_{P2} and

87.5 (2) methods of compliance with part 4626.0385 for food that is prepared,
87.6 cooked, and refrigerated before time is used as a public health control._{P2}

87.7 B. If time only, rather than in conjunction with temperature control, is used as the
87.8 public health control up to a maximum of 4 hours:

87.9 (1) the food must have an initial temperature of less than 41 degrees F (5
87.10 degrees C) or greater than 135 degrees F (57 degrees C) when it is removed from temperature
87.11 control;_{P1}

87.12 (2) the food must be marked or otherwise identified to indicate the time that
87.13 is 4 hours past the point in time when the food is removed from temperature control;_{P2}

87.14 (3) the food must be cooked and served, served at any temperature if
87.15 ready-to-eat, or discarded, within 4 hours from the point in time when the food is removed
87.16 from temperature control;_{P1} and

87.17 (4) the food in unmarked containers or packages, or food marked to exceed
87.18 a 4-hour limit must be discarded._{P1}

87.19 C. If time only, rather than in conjunction with temperature control, is used as the
87.20 public health control up to a maximum of 6 hours:

87.21 (1) the food must have an initial temperature of 41 degrees F (5 degrees C)
87.22 or less when removed from temperature control and the food temperature must not exceed
87.23 70 degrees F (21 degrees C) within a maximum time period of 6 hours;_{P1}

88.1 (2) the food must be monitored to ensure the warmest portion of the food
88.2 does not exceed 70 degrees F (21 degrees C) during the 6-hour period;_{p2}

88.3 (3) the food must be marked or otherwise identified to indicate;_{p2}

88.4 (a) the time when the food is removed from 41 degrees F (5 degrees C)
88.5 or less cold holding temperature control;_{p2} and

88.6 (b) the time that is 6 hours past the time when the food is removed from
88.7 cold holding temperature control;_{p2}

88.8 (4) the food must be:

88.9 (a) discarded if the temperature of the food exceeds 70 degrees F (21
88.10 degrees C);_{p1} or

88.11 (b) cooked and served, served at any temperature if ready-to-eat, or
88.12 discarded within a maximum of 6 hours from the time the food is removed from 41 degrees
88.13 F (5 degrees C) or less cold holding temperature control;_{p1} and

88.14 (5) the food in unmarked containers or packages, or marked with a time that
88.15 exceeds the 6-hour limit, must be discarded._{p1}

88.16 D. A food establishment that serves a highly susceptible population may not use
88.17 time as specified in item A, B, or C as the public health control for raw eggs.

88.18 **4626.0415 SPECIALIZED PROCESSING VARIANCE REQUIREMENTS. 3-502.11**

88.19 A food establishment must obtain a variance from the regulatory authority as specified
88.20 in parts 4626.1690 to 4626.1700 before:

88.21 A. smoking food as a method of food preservation rather than as a method of
88.22 flavor enhancement;_{p2}

88.23 B. curing food;_{p2}

89.1 C. using food additives or adding components, such as vinegar:

89.2 (1) as a method of food preservation rather than as a method of flavor
89.3 enhancement;_{P2} or

89.4 (2) to render a food so that it is not TCS;_{P2}

89.5 D. packaging TCS food using a reduced oxygen packaging method except where
89.6 the growth of and toxin formation by *Clostridium botulinum* and the growth of *Listeria*
89.7 *monocytogenes* are controlled as specified in part 4626.0420;_{P2}

89.8 E. operating a molluscan shellfish life-support system display tank used to store
89.9 and display shellfish that are offered for human consumption;_{P2}

89.10 F. custom processing game animals that are for personal use as food and not for
89.11 sale or service in a food establishment and not under USDA or "state equal to" inspections;_{P2}

89.12 G. sprouting seeds or beans;_{P2} or

89.13 H. preparing food by any method that is not in compliance with this Code._{P2}

89.14 **4626.0420 REDUCED OXYGEN PACKAGING WITHOUT A VARIANCE;**
89.15 **CRITERIA. 3-502.12**

89.16 A. Except for a food establishment that obtains a variance as specified in part
89.17 4626.0415, a food establishment that packages TCS food using a reduced oxygen packaging
89.18 method must control the growth and toxin formation of *Clostridium botulinum* and the
89.19 growth of *Listeria monocytogenes*._{P1}

89.20 B. Except as specified in item F, a food establishment that packages TCS food
89.21 using a reduced oxygen packaging method must have a HACCP plan that contains the
89.22 information in part 4626.1735 and that:_{P2}

89.23 (1) identifies the food to be packaged;_{P2}

90.1 (2) except as specified in items C to E, requires that the packaged food must
90.2 be maintained at 41 degrees F (5 degrees C) or less and meet at least 1 of the following
90.3 criteria:^{p2}

90.4 (a) has an a_w of 0.91 or less;^{p2}

90.5 (b) has a pH of 4.6 or less;^{p2}

90.6 (c) is a meat or poultry product cured at a food processing plant regulated
90.7 by the USDA using substances specified in Code of Federal Regulations, title 9, subpart C,
90.8 section 424.21, and is received in an intact package;^{p2} or

90.9 (d) is a food with a high level of competing organisms such as raw meat,
90.10 raw poultry, or raw vegetables;^{p2}

90.11 (3) describes how the package must be prominently and conspicuously labeled
90.12 on the principal display panel in bold type on a contrasting background, with instructions
90.13 to:^{p2}

90.14 (a) maintain the food at 41 degrees F (5 degrees C) or below;^{p2} and

90.15 (b) discard the food if within 30 calendar days of its packaging it is not
90.16 served for on-premises consumption, or consumed if served or sold for off-premises
90.17 consumption;^{p2}

90.18 (4) limits the refrigerated shelf life to no more than 30 calendar days from
90.19 packaging to consumption, except the time the product is maintained frozen, or the original
90.20 manufacturer's "sell by" or "use by" date, whichever occurs first;^{p1}

90.21 (5) includes operational procedures that:

90.22 (a) prohibit contacting ready-to-eat food with bare hands as specified in
90.23 part 4626.0225, item A;^{p2}

90.24 (b) identify a designated work area and the method by which;^{p2}

91.1 i. physical barriers or methods of separation of raw foods and
91.2 ready-to-eat foods minimize cross-contamination;_{p2} and

91.3 ii. access to the processing equipment is limited to responsible
91.4 trained personnel familiar with the potential hazards of the operation;_{p2}

91.5 (c) delineate cleaning and sanitization procedures for food-contact
91.6 surfaces;_{p2}

91.7 (6) describes the training program that ensures that the individual responsible
91.8 for the reduced oxygen packaging operation understands the;_{p2}

91.9 (a) concepts required for a safe operation;_{p2}

91.10 (b) equipment and facilities;_{p2} and

91.11 (c) procedures in subitem (5) and part 4626.1735, items C and D;_{p2} and

91.12 (7) is provided to the regulatory authority prior to implementation as required
91.13 by part 4626.1730, item B.

91.14 C. Except for fish that is frozen before, during, and after packaging, a food
91.15 establishment must not package fish using a reduced oxygen packaging method. Reduced
91.16 oxygen packaged fish must be held frozen until used or removed from reduced oxygen
91.17 packaging prior to the thawing process._{p1}

91.18 D. Except as specified in items C and F, a food establishment that packages TCS
91.19 food using a cook-chill or sous-vide process must:

91.20 (1) provide to the regulatory authority prior to implementation a HACCP
91.21 plan that contains the information in part 4626.1735, items C and D;_{p2}

91.22 (2) ensure the food is:

92.1 (a) prepared and consumed on the premises, or prepared and consumed
92.2 off the premises but within the same business entity with no distribution or sale of the
92.3 packaged product to another business entity or the consumer;_{P2}

92.4 (b) cooked to heat all parts of the food to a temperature and for a time
92.5 as specified in part 4626.0340, items A to C;_{P1}

92.6 (c) protected from contamination before and after cooking as specified
92.7 in parts 4626.0225 to 4626.0337 and 4626.0340 to 4626.0367;_{P1}

92.8 (d) placed in a package with an oxygen barrier and sealed before cooking,
92.9 or placed in a package and sealed immediately after cooking and before reaching a
92.10 temperature below 135 degrees F (57 degrees C);_{P1}

92.11 (e) cooled to 41 degrees F (5 degrees C) in the sealed package or bag as
92.12 specified in part 4626.0385 and subsequently;_{P1}

92.13 i. cooled to 34 degrees F (1 degree C) within 48 hours of reaching
92.14 41 degrees F (5 degrees C) and held at that temperature until consumed or discarded within
92.15 30 days after the date of packaging;_{P1}

92.16 ii. held at 41 degrees F (5 degrees C) or less for no more than 7
92.17 days, at which time the food must be consumed or discarded;_{P1} or

92.18 iii. held frozen with no shelf life restriction while frozen until
92.19 consumed or used;_{P1}

92.20 (f) held in a refrigeration unit that is equipped with an electronic system
92.21 that continuously monitors time and temperature and is visually examined for proper
92.22 operation twice daily;_{P2}

93.1 (g) if transported off-site to a satellite location of the same business
93.2 entity, equipped with verifiable electronic monitoring devices to ensure that times and
93.3 temperatures are monitored during transportation;_{P2} and

93.4 (h) labeled with the product name and the date packaged;_{P2}

93.5 (3) maintain the records required to confirm that cooling and cold holding
93.6 refrigeration time/temperature parameters are required as part of the HACCP plan and:

93.7 (a) make records available to the regulatory authority upon request; _{P2}and

93.8 (b) hold records for at least 6 months;_{P2} and

93.9 (4) implement written operational procedures as specified in item B, subitem
93.10 (5), and a training program as specified in item B, subitem (6)._{P2}

93.11 E. Except as specified in item F, a food establishment that packages cheese using
93.12 a reduced oxygen packaging method must:

93.13 (1) limit the cheeses packaged to those that are commercially manufactured
93.14 in a food processing plant with no ingredients added in the food establishment and that meet
93.15 the standards of identity as specified in Code of Federal Regulations, title 21, section 133.150;
93.16 133.169; or 133.187;_{P1}

93.17 (2) have a HACCP plan that contains the information in part 4626.1735,
93.18 items C and D;_{P2}

93.19 (3) label the package on the principal display panel with a "use by" date that
93.20 does not exceed 30 days from its packaging or the original manufacturer's "sell by" or "use
93.21 by" date, whichever occurs first;_{P2} and

93.22 (4) discard the reduced oxygen packaged cheese if it is not sold for
93.23 off-premises consumption or consumed within 30 calendar days of its packaging._{P2}

94.1 F. A HACCP plan is not required when a food establishment uses a reduced
94.2 oxygen packaging method to package TCS food that is always:

94.3 (1) labeled with the production time and date;

94.4 (2) held at 41 degrees F (5 degrees C) or less during refrigerated storage; and

94.5 (3) removed from its package in the food establishment within 48 hours after
94.6 packaging.

94.7 **4626.0425 PACKAGED FOOD; STANDARDS OF IDENTITY. 3-601.11**

94.8 Packaged food must comply with parts 1545.0360 to 1545.0410 and chapter 1550; the
94.9 standard of identity requirements in Code of Federal Regulations, title 21, parts 131 to 169,
94.10 and Code of Federal Regulations, title 9, part 319; and the general requirements in Code of
94.11 Federal Regulations, title 21, part 130.

94.12 **4626.0430 FOOD HONESTLY PRESENTED. 3-601.12**

94.13 A. Food must be offered for human consumption in a way that does not mislead
94.14 or misinform the consumer.

94.15 B. Food or color additives, colored overwraps, or lights must not be used to
94.16 misrepresent the true appearance, color, or quality of food.

94.17 **4626.0435 FOOD LABELS. 3-602.11**

94.18 A. Food packaged in a food establishment must be labeled as specified in law,
94.19 including Code of Federal Regulations, title 21, part 101, and Code of Federal Regulations,
94.20 title 9, part 317.

94.21 B. Label information must include:

94.22 (1) the common name of the food, or absent a common name, an adequately
94.23 descriptive identity statement;

95.1 (2) if made from two or more ingredients, a list of ingredients and
95.2 subingredients in descending order of predominance by weight, including a declaration of
95.3 artificial color or flavor and chemical preservatives, if contained in the food;

95.4 (3) an accurate declaration of the quantity of contents;

95.5 (4) the name and place of business of the manufacturer, packer, or distributor;

95.6 (5) the name of the food source for each major food allergen contained in the
95.7 food unless the food source is already part of the common or usual name of the respective
95.8 ingredient;^{p2}

95.9 (6) except as exempted under United States Code, title 21, section 343(q)(3)
95.10 to (5), nutrition labeling that includes information specified in Code of Federal Regulations,
95.11 title 21, part 101, and Code of Federal Regulations, title 9, part 317, subpart B; and

95.12 (7) for any salmonid fish containing canthaxanthin or astaxanthin as a color
95.13 additive, the labeling of the bulk fish container, including a list of ingredients, displayed on
95.14 the retail container or by other written means, such as a counter card, must disclose the use
95.15 of canthaxanthin or astaxanthin.

95.16 C. Bulk food that is available for consumer self-dispensing must be prominently
95.17 labeled with the following information in plain view of the consumer:

95.18 (1) the manufacturer's or processor's label that was provided with the food;
95.19 or

95.20 (2) a card, sign, or other method of notification that includes the information
95.21 in item B, subitems (1), (2), and (6).

95.22 D. Bulk, unpackaged foods such as bakery products and unpackaged foods that
95.23 are portioned to consumer specification need not be labeled if:

95.24 (1) a health, nutrient content, or other claim is not made;

96.1 (2) labeling is not required under parts 1520.1600 and 1545.0810 to
96.2 1545.0880, chapter 1550, and Minnesota Statutes, section 31.82; and

96.3 (3) the food is manufactured or prepared on the premises of the food
96.4 establishment or at another food establishment or a food processing plant that is owned by
96.5 the same person and is regulated by the food regulatory agency that has jurisdiction.

96.6 **4626.0440 OTHER FORMS OF INFORMATION. 3-602.12**

96.7 A. If required by law, consumer warnings must be provided.

96.8 B. Food establishment's or manufacturer's dating information on foods must not
96.9 be concealed or altered.

96.10 **4626.0442 CONSUMER ADVISORY; DISCLOSURE. 3-603.11**

96.11 A. Except as specified in parts 4626.0340, items C and D, subitem (4), and
96.12 4626.0447, item C, if an animal food such as beef, eggs, fish, lamb, milk, pork, poultry, or
96.13 shellfish is served or sold raw, undercooked, or without otherwise being processed to
96.14 eliminate pathogens, either in ready-to-eat form or as an ingredient in another ready-to-eat
96.15 food, the license holder shall inform consumers of the significantly increased risk of
96.16 consuming such foods by way of a disclosure and reminder, as specified in items B and C,
96.17 using brochures, deli case or menu advisories, label statements, table tents, placards, or
96.18 other effective written means.p2

96.19 B. The disclosure must include:

96.20 (1) a description of the animal-derived foods, such as "oysters on the half
96.21 shell (raw oysters)," "raw-egg Caesar salad," and "hamburgers (can be cooked to order)";p2or

96.22 (2) identification of the animal-derived foods by asterisking them to a footnote
96.23 that states the items are served raw or undercooked, or contain, or may contain, raw or
96.24 undercooked ingredients.p2

97.1 C. The reminder must include asterisking the animal-derived foods requiring
97.2 disclosure to a footnote that states:

97.3 (1) regarding the safety of these items, written information is available upon
97.4 request;_{p2}

97.5 (2) consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs
97.6 may increase your risk of foodborne illness;_{p2} or

97.7 (3) consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs
97.8 may increase your risk of foodborne illness, especially if you have certain medical
97.9 conditions._{p2}

97.10 **4626.0445 UNSAFE, ADULTERATED, OR CONTAMINATED FOOD. 3-701.11**

97.11 A. A food that is unsafe or adulterated as specified in part 4626.0125 or not
97.12 honestly presented as specified in part 4626.0430 must be discarded or reconditioned
97.13 according to Minnesota Statutes, section 31.495._{p1}

97.14 B. Food that is not from an approved source specified in parts 4626.0130 to
97.15 4626.0160 must be discarded._{p1}

97.16 C. Ready-to-eat food that may have been contaminated by an employee who has
97.17 been restricted or excluded as specified in part 4626.0045 must be discarded._{p1}

97.18 D. Food that is contaminated by food employees, consumers, or other persons
97.19 through contact with hands, bodily discharges, including nasal or oral discharges, or other
97.20 means must be discarded._{p1}

97.21 **4626.0447 FOOD SERVED TO A HIGHLY SUSCEPTIBLE POPULATION. 3-801.11**

97.22 In a food establishment that serves a highly susceptible population, the criteria in this
97.23 part must be followed.

97.24 A. The following criteria apply to juice:

98.1 (1) for the purposes of this item only, children who are age 9 or less and
98.2 receive food in a school, day care setting, or similar facility that provides custodial care are
98.3 included as highly susceptible populations;

98.4 (2) prepackaged juice or a prepackaged beverage containing juice, that bears
98.5 a warning label as specified in Code of Federal Regulations, title 21, part 101, subpart A,
98.6 section 101.17 (g), or a packaged juice or beverage containing juice, that bears a warning
98.7 label as specified in part 4626.0367, item B, must not be served or offered for sale;_{P1} and

98.8 (3) unpackaged juice that is prepared on the premises for service or sale in a
98.9 ready-to-eat form must be processed under a HACCP plan that contains the information in
98.10 part 4626.1735, items C to E, and Code of Federal Regulations, title 21, part 120, subpart
98.11 B, section 120.24._{P1}

98.12 B. Pasteurized eggs or egg products must be substituted for raw eggs in the
98.13 preparation of:

98.14 (1) foods such as Caesar salad, hollandaise or Bearnaise sauce, mayonnaise,
98.15 meringue, eggnog, ice cream, and egg-fortified beverages;_{P1} and

98.16 (2) except as specified in item F, recipes in which more than 1 egg is broken
98.17 and the eggs are combined._{P1}

98.18 C. The following foods may not be served or offered for sale in a ready-to-eat
98.19 form:

98.20 (1) raw animal foods such as raw fish, raw marinated fish, raw molluscan
98.21 shellfish, and steak tartare;_{P1}

98.22 (2) a partially cooked animal food such as lightly cooked fish, rare meat,
98.23 soft-cooked eggs that are made from raw eggs, and meringue;_{P1} and

98.24 (3) raw seed sprouts._{P1}

99.1 D. Food employees may not contact ready-to-eat food as specified in part
99.2 4626.0225, item A._{p1}

99.3 E. Time only, as the public health control as specified in part 4626.0408, item D,
99.4 may not be used for raw eggs._{p1}

99.5 F. Item B, subitem (2), does not apply if:

99.6 (1) the raw eggs are combined immediately before cooking for one consumer's
99.7 serving at a single meal, cooked as specified in part 4626.0340, item A, subitem (1), and
99.8 served immediately, such as an omelet, souffle, or scrambled eggs;

99.9 (2) the raw eggs are combined as an ingredient immediately before baking
99.10 and the eggs are thoroughly cooked to a ready-to-eat form, such as a cake, muffin, or bread;
99.11 or

99.12 (3) the preparation of the food is conducted under a HACCP plan that:

99.13 (a) identifies the food to be prepared;

99.14 (b) prohibits contacting ready-to-eat food with bare hands;

99.15 (c) includes specifications and practices that ensure:

99.16 i. *Salmonella* Enteritidis growth is controlled before and after
99.17 cooking; and

99.18 ii. *Salmonella* Enteritidis is destroyed by cooking the eggs according
99.19 to the temperature and time specified in part 4626.0340, item A, subitem (2);

99.20 (d) contains the information in part 4626.1735, item D, including
99.21 procedures that:

99.22 i. control cross-contamination of ready-to-eat food with raw eggs;
99.23 and

100.1 ii. delineate cleaning and sanitization procedures for food-contact
100.2 surfaces; and

100.3 (e) describes the training program that ensures that the food employee
100.4 responsible for the preparation of the food understands the procedures to be used.

100.5 G. Except as specified in item H, food may be re-served as specified in part
100.6 4626.0335, item B, subitems (1) and (2).

100.7 H. Food may not be re-served under the following conditions:

100.8 (1) any food served to patients or clients who are under contact precautions
100.9 in medical isolation, quarantine, or protective environment isolation may not be re-served
100.10 to others outside; or

100.11 (2) packages of food from any patients, clients, or other consumers must not
100.12 be re-served to persons in protective environment isolation.

100.13 **4626.0450 FOOD-CONTACT SURFACES; CHARACTERISTICS AND**
100.14 **MATERIALS. 4-101.11**

100.15 Materials that are used in the construction of utensils and food-contact surfaces of
100.16 equipment must not allow the migration of deleterious substances or impart colors, odors,
100.17 or tastes to food and under normal use conditions must be:_{p1}

100.18 A. safe;_{p1}

100.19 B. durable, corrosion-resistant, and nonabsorbent;

100.20 C. sufficient in weight and thickness to withstand repeated warewashing;

100.21 D. finished to have a smooth, easily cleanable surface; and

100.22 E. resistant to pitting, chipping, crazing, scratching, scoring, distortion, and
100.23 decomposition.

101.1 **4626.0455 CAST IRON; USE LIMITATION. 4-101.12**

101.2 A. Except as specified in items B and C, cast iron must not be used for utensils
101.3 or food-contact surfaces of equipment.

101.4 *[For text of items B and C, see M.R.]*

101.5 **4626.0460 LEAD USE LIMITATION. 4-101.13**

101.6 A. Ceramic, china, crystal utensils, and decorative utensils, such as hand-painted
101.7 ceramic or china, that are used in contact with food must be lead-free or contain levels of
101.8 lead not exceeding the limits of the following utensil categories:^{p1}

101.9	Utensil Category	Ceramic Article Description	Maximum Lead mg/L
101.10			
101.11	Beverage mugs, cups, pitchers	Coffee mugs	0.5
101.12	Large hollowware (excluding 101.13 pitchers)	Bowls $\geq$ 1.16 quart (1.1 liter)	1.0
101.14	Small hollowware (excluding 101.15 cups and mugs)	Bowls $<$ 1.16 quart (1.1 liter)	2.0
101.16	Flat tableware	Plates, saucers	3.0

101.17 B. Pewter alloys containing lead in excess of 0.05 percent must not be used as a
101.18 food-contact surface.^{p1}

101.19 C. Solder and flux containing lead in excess of 0.2 percent must not be used as a
101.20 food-contact surface.

101.21 **4626.0465 COPPER; USE LIMITATION. 4-101.14**

101.22 A. Except as specified in item B, copper and copper alloys, such as brass, must
101.23 not be used in contact with a food that has a pH below 6, such as vinegar, fruit juice, or
101.24 wine, or for a fitting or tubing installed between a backflow prevention device and a
101.25 carbonator.^{p1}

102.1 B. Copper and copper alloys may be used in contact with beer brewing ingredients
102.2 that have a pH below 6 in the prefermentation and fermentation steps of a beer brewing
102.3 operation such as a brewpub or microbrewery.

102.4 **4626.0470 GALVANIZED METAL; USE LIMITATION. 4-101.15**

102.5 Galvanized metal must not be used for utensils or food-contact surfaces of equipment
102.6 that are used in contact with acidic food._{p1}

102.7 **4626.0475 SPONGES; USE LIMITATION. 4-101.16**

102.8 Sponges must not be used in contact with cleaned and sanitized or in-use food-contact
102.9 surfaces.

102.10 **4626.0490 WOOD; USE LIMITATION. 4-101.17**

102.11 A. Except as specified in items B to D, wood and wood wicker must not be used
102.12 as a food-contact surface.

102.13 B. Hard maple or an equivalently hard, close-grained wood may be used for:

102.14 (1) cutting boards, cutting blocks, bakers' tables, and utensils such as rolling
102.15 pins, doughnut dowels, salad bowls, and chopsticks; and

102.16 (2) wooden paddles used in confectionery operations for pressure scraping
102.17 kettles when manually preparing confections at a temperature of 230 degrees F (110 degrees
102.18 C) or above.

102.19 *[For text of item C, see M.R.]*

102.20 D. If the nature of the food requires removal of rinds, peels, husks, or shells before
102.21 consumption, the whole, uncut, raw food may be kept in:

102.22 *[For text of subitem (1), see M.R.]*

103.1 (2) treated wood containers if the containers are treated with a preservative
103.2 that meets the requirements in Code of Federal Regulations, title 21, section 178.3800.

103.3 **4626.0493 NONSTICK COATINGS; USE LIMITATIONS. 4-101.18**

103.4 Multiuse kitchenware such as frying pans, griddles, sauce pans, cookie sheets, and
103.5 waffle bakers that have a nonstick coating must be used with nonscouring or nonscratching
103.6 utensils and cleaning aids.

103.7 **4626.0495 NON-FOOD-CONTACT SURFACES; CHARACTERISTICS. 4-101.19**

103.8 Non-food-contact surfaces of equipment that are exposed to splash, spillage, or other
103.9 food soiling or that require frequent cleaning must be constructed of a corrosion-resistant,
103.10 nonabsorbent, and smooth material.

103.11 **4626.0500 SINGLE-SERVICE AND SINGLE-USE ARTICLES;**
103.12 **CHARACTERISTICS. 4-102.11**

103.13 Materials that are used to make single-service and single-use articles:

103.14 A. must not:

103.15 (1) allow the migration of deleterious substances;^{p1} or

103.16 (2) impart colors, odors, or tastes to food; and

103.17 B. must be:

103.18 (1) safe;^{p1} and

103.19 (2) clean.

103.20 **4626.0505 EQUIPMENT AND UTENSILS. 4-201.11**

103.21 Equipment and utensils must be designed and constructed to be durable and to retain
103.22 their characteristic qualities under normal use conditions.

104.1 **4626.0506 EQUIPMENT.**

104.2 A. The following equipment, including types of equipment listed in this part that
104.3 are custom fabricated, must be certified or classified for sanitation by an American National
104.4 Standards Institute (ANSI) accredited certification program for food service equipment:

104.5 (1) manual warewashing sinks;

104.6 (2) mechanical warewashing equipment;

104.7 (3) mechanical refrigeration units except for units or equipment designed and
104.8 used to maintain food in a frozen state;

104.9 (4) walk-in freezers;

104.10 (5) food hot-holding equipment;

104.11 (6) cooking equipment, except for microwave ovens and toasters;

104.12 (7) ice machines;

104.13 (8) mechanical slicers;

104.14 (9) mechanical tenderizers and grinders; and

104.15 (10) food preparation surfaces including sinks used for food preparation.

104.16 B. Exhaust hoods must meet the requirements in the Minnesota Mechanical Code,
104.17 Minnesota Rules, chapter 1346.

104.18 C. Vending machines and machines used to dispense water or food must be
104.19 certified or classified for sanitation by an American National Standards Institute (ANSI)
104.20 accredited certification program or be accredited to meet the standards of the National
104.21 Automatic Merchandising Association (NAMA) specified in NAMA Standard for the
104.22 Sanitary Design and Construction of Food and Beverage Vending Machines. This publication

105.1 is incorporated by reference, is subject to infrequent change, and can be found at
105.2 www.namanow.org/vending/certified-companies.

105.3 D. Vending machines that vend water must meet the standards in parts 1550.3200
105.4 to 1550.3320.

105.5 E. If a standard developed by an ANSI-accredited standards developer is not
105.6 available for a piece of equipment specified in item A, the equipment must:

- 105.7 (1) be designed for commercial use;
- 105.8 (2) be durable, smooth, and easily cleanable;
- 105.9 (3) be readily accessible for cleaning; and
- 105.10 (4) have food-contact surfaces that are not toxic.

105.11 F. A neighborhood kitchen may, ~~upon approval of the regulatory authority, use~~
105.12 ~~equipment other than that~~ ANSI-certified equipment required in item A ~~if the cooking of~~
105.13 ~~food such as raw bacon and sausage or the use of butter, cooking oil, lard, shortening, or a~~
105.14 ~~nonstick cooking spray would not result in the production of grease-laden vapors. to heat~~
105.15 and serve food previously cooked in a primary approved commercial kitchen. A neighborhood
105.16 kitchen may also prepare and serve food other than raw animal foods, provided that grease
105.17 or moisture does not accumulate on adjacent surfaces.

105.18 G. A food establishment that is an adult or child care center or boarding
105.19 establishment does not need to comply with item A if approved by the regulatory authority
105.20 and the food establishment:

- 105.21 (1) serves only non-TCS food; or
- 105.22 (2) prepares TCS foods only for same-day service.

105.23 H. A bed and breakfast serving only 1 meal a day does not need to comply with
105.24 item A.

106.1 I. A special event food stand, retail food vehicle, portable structure, or cart does
106.2 not need to comply with item A.

106.3 **4626.0510 FOOD TEMPERATURE MEASURING DEVICES. 4-201.12**

106.4 Food temperature measuring devices must not have sensors or stems constructed of
106.5 glass, except that thermometers with glass sensors or stems that are encased in a shatterproof
106.6 coating such as candy thermometers may be used._{p1}

106.7 **4626.0515 MULTIUSE FOOD-CONTACT SURFACES; CHARACTERISTICS.**
106.8 **4-202.11**

106.9 A. Multiuse food-contact surfaces must be:

106.10 (1) smooth;_{p2}

106.11 (2) free of breaks, open seams, cracks, chips, inclusions, pits, and similar
106.12 imperfections;_{p2}

106.13 (3) free of sharp internal angles, corners, and crevices;_{p2}

106.14 (4) finished to have smooth welds and joints;_{p2} and

106.15 (5) except as specified in item B, accessible for cleaning and inspection by
106.16 one of the following methods:

106.17 (a) without being disassembled;_{p2}

106.18 (b) by disassembling without the use of tools;_{p2} or

106.19 (c) by easy disassembling with the use of hand-held tools commonly
106.20 available to maintenance and cleaning personnel, such as screwdrivers, pliers, open-end
106.21 wrenches, and Allen wrenches._{p2}

106.22 B. Item A, subitem (5), does not apply to cooking oil storage tanks, distribution
106.23 lines for cooking oils, or beverage syrup lines or tubes.

107.1 **4626.0520 CIP EQUIPMENT. 4-202.12**

107.2 A. CIP equipment must meet the characteristics in part 4626.0515 and must be
107.3 designed and constructed so that:

107.4 (1) cleaning and sanitizing solutions circulate throughout a fixed system and
107.5 contact all interior food-contact surfaces; _{p2} and

107.6 *[For text of subitem (2), see M.R.]*

107.7 B. CIP equipment that is not designed to be disassembled for cleaning must be
107.8 designed with inspection access points to ensure that all interior food-contact surfaces
107.9 throughout the fixed system are effectively cleaned.

107.10 **4626.0525 "V"-TYPE THREADS; USE LIMITATION. 4-202.13**

107.11 Except for hot oil cooking or filtering equipment, "V"-type threads must not be used
107.12 on food-contact surfaces.

107.13 **4626.0530 HOT OIL FILTERING EQUIPMENT. 4-202.14**

107.14 Hot oil filtering equipment must meet the characteristics specified in part 4626.0515
107.15 or 4626.0520 and must be readily accessible for filter replacement and cleaning.

107.16 **4626.0535 CAN OPENERS. 4-202.15**

107.17 Cutting or piercing parts of can openers must be readily removable for cleaning and
107.18 replacement.

107.19 **4626.0540 NON-FOOD-CONTACT SURFACES. 4-202.16**

107.20 Non-food-contact surfaces must be free of unnecessary ledges, projections, and crevices,
107.21 and designed and constructed to allow easy cleaning and to facilitate maintenance.

108.1 **4626.0545 KICK PLATES, REMOVABLE; ENCLOSED HOLLOW BASES. 4-202.17**

108.2 A. Kick plates must be designed so that the areas behind them are accessible for
108.3 inspection and cleaning by being:

108.4 (1) removable by one of the methods in part 4626.0515, item A, subitem (5),
108.5 or capable of being rotated open; and

108.6 *[For text of subitem (2), see M.R.]*

108.7 *[For text of item B, see M.R.]*

108.8 **4626.0550 VENTILATION HOOD SYSTEMS; FILTERS. 4-202.18**

108.9 Filters or other grease extracting equipment must be designed to be readily removable
108.10 for cleaning and replacing if not designed to be cleaned in place.

108.11 **4626.0555 TEMPERATURE MEASURING DEVICES; FOOD. 4-203.11**

108.12 A. Food temperature measuring devices that are scaled only in Celsius or dually
108.13 scaled in Celsius and Fahrenheit must be accurate to plus or minus 1 degree C in the intended
108.14 range of use._{p2}

108.15 B. Food temperature measuring devices that are scaled only in Fahrenheit must
108.16 be accurate to plus or minus 2 degrees F in the intended range of use._{p2}

108.17 **4626.0560 TEMPERATURE MEASURING DEVICES; AMBIENT AIR AND**
108.18 **WATER. 4-203.12**

108.19 A. Ambient air and water temperature measuring devices that are scaled in Celsius
108.20 or dually scaled in Celsius and Fahrenheit must be designed to be easily readable and accurate
108.21 to plus or minus 1.5 degrees C in the intended range of use._{p2}

108.22 B. Ambient air and water temperature measuring devices that are scaled only in
108.23 Fahrenheit must be accurate to plus or minus 3 degrees F in the intended range of use._{p2}

109.1 **4626.0563 PRESSURE MEASURING DEVICES; MECHANICAL WAREWASHING**
109.2 **EQUIPMENT. 4-203.13**

109.3 Pressure measuring devices that display the pressures in the water supply line for the
109.4 fresh hot water sanitizing rinse must have increments of 1 pound per square inch (7
109.5 kilopascals) or smaller and must be accurate to plus or minus 2 pounds per square inch (plus
109.6 or minus 14 kilopascals) in the range indicated on the manufacturer's data plate.

109.7 **4626.0565 VENTILATION HOOD SYSTEMS, DRIP PREVENTION. 4-204.11**

109.8 Exhaust ventilation hood systems in food preparation and warewashing areas, including
109.9 hoods, fans, guards, ducting, and other components, must be designed to prevent grease or
109.10 condensation from draining or dripping onto food, equipment, utensils, linens, and
109.11 single-service and single-use articles.

109.12 **4626.0570 EQUIPMENT OPENINGS, CLOSURES, AND DEFLECTORS. 4-204.12**

109.13 A. A cover or lid for equipment must overlap the opening and be sloped to drain.

109.14 B. An opening located within the top of a unit of equipment that is designed for
109.15 use with a cover or lid must be flanged upward at least 2/10 inch (5 millimeters).

109.16 C. Except as specified in item D, fixed piping, temperature measuring devices,
109.17 rotary shafts, and other parts extending into equipment must be provided with a watertight
109.18 joint at the point where the item enters the equipment.

109.19 D. If a watertight joint is not provided:

109.20 (1) the piping, temperature measuring devices, rotary shafts, and other parts
109.21 extending through the openings must be equipped with an apron designed to deflect
109.22 condensation, drips, and dust from openings into the food; and

109.23 (2) the opening must be flanged as specified in item B.

110.1 **4626.0575 DISPENSING EQUIPMENT; PROTECTION OF EQUIPMENT AND**
110.2 **FOOD. 4-204.13**

110.3 In equipment that dispenses or vends liquid food or ice in unpackaged form:

110.4 A. the delivery tube, chute, orifice, and splash surfaces directly above the container
110.5 receiving the food must be designed in a manner, such as with barriers, baffles, or drip
110.6 aprons, so that drips from condensation and splash are diverted from the opening of the
110.7 container receiving the food;

110.8 B. the delivery tube, chute, and orifice must be protected from manual contact
110.9 such as by being recessed;

110.10 C. the delivery tube or chute and orifice of equipment used to vend liquid food
110.11 or ice in unpackaged form to self-service consumers must be designed so that the delivery
110.12 tube or chute and orifice are protected from dust, insects, rodents, and other contamination
110.13 by a self-closing door if the equipment is:

110.14 *[For text of subitem (1), see M.R.]*

110.15 (2) available for self-service during hours when it is not under the full-time
110.16 supervision of a food employee;

110.17 D. the dispensing equipment actuating lever or mechanism and filling device of
110.18 consumer self-service beverage dispensing equipment must be designed to prevent contact
110.19 with the lip-contact surface of glasses or cups that are refilled; and

110.20 E. the dispensing equipment in which TCS food in a homogenous liquid form is
110.21 maintained outside of the temperature control requirements in part 4626.0395, item A, must:

110.22 (1) be specifically designed and equipped to maintain the commercial sterility
110.23 of aseptically packaged food in a homogenous liquid form for a specified duration from the
110.24 time of opening the packaging within the equipment;_{p1} and

111.1 (2) conform to the requirements for this equipment as specified in NSF
111.2 18-2016 (Manual Food and Beverage Dispensing Equipment). This publication is
111.3 incorporated by reference, is subject to frequent change, and can be found at
111.4 www.nsfpdf.com.p1

111.5 **4626.0580 VENDING MACHINE; VENDING STAGE CLOSURE. 4-204.14**

111.6 The dispensing compartment of a vending machine, including a machine that is designed
111.7 to vend prepackaged snack food that is not TCS, such as chips, party mixes, and pretzels,
111.8 must be equipped with a self-closing door or cover if the machine is:

111.9 *[For text of items A and B, see M.R.]*

111.10 **4626.0585 BEARINGS AND GEAR BOXES; LEAKPROOF. 4-204.15**

111.11 Equipment containing bearings and gears that require lubricants must be designed and
111.12 constructed so that the lubricant cannot leak, drip, or be forced into food or onto food-contact
111.13 surfaces.

111.14 **4626.0590 BEVERAGE TUBING; SEPARATION. 4-204.16**

111.15 Except for cold plates that are constructed integrally with an ice storage bin, beverage
111.16 tubing and cold-plate beverage cooling devices must not be installed in contact with stored
111.17 ice.

111.18 **4626.0595 ICE UNITS; SEPARATION OF DRAINS. 4-204.17**

111.19 Liquid waste drain lines must not pass through an ice machine or ice storage bin.

111.20 **4626.0600 CONDENSER UNIT; SEPARATION. 4-204.18**

111.21 If a condenser unit is an integral component of equipment, the condenser unit must be
111.22 separated from the food and food storage space by a dustproof barrier.

112.1 **4626.0605 CAN OPENERS ON VENDING MACHINES. 4-204.19**

112.2 Cutting or piercing parts of can openers on vending machines must be protected from
112.3 manual contact, dust, insects, rodents, and other contamination.

112.4 **4626.0610 MOLLUSCAN SHELLFISH TANKS. 4-204.110**

112.5 A. Except as specified in item B, molluscan shellfish life support system display
112.6 tanks must be used only to display shellfish that are not offered for human consumption
112.7 and must be conspicuously marked so that it is obvious to the consumer that the shellfish
112.8 are for display only._{P1}

112.9 B. Molluscan shellfish life support system display tanks used to store or display
112.10 shellfish that are offered for human consumption must be operated and maintained according
112.11 to a variance granted by the regulatory authority as specified in parts 4626.1690 to 4626.1715,
112.12 and a HACCP plan that:_{P2}

112.13 (1) is submitted by the licensee and approved by the regulatory authority as
112.14 specified in parts 4626.1690 to 4626.1715;_{P2} and

112.15 (2) ensures that:

112.16 (a) water used with fish other than molluscan shellfish does not flow
112.17 into the molluscan tank;_{P2}

112.18 (b) the safety and quality of the shellfish as they were received are not
112.19 compromised by use of the tank;_{P2} and

112.20 (c) the identity of the source of the shellstock is retained as specified in
112.21 part 4626.0220._{P2}

112.22 **4626.0615 VENDING MACHINES; AUTOMATIC SHUTOFF. 4-204.111**

112.23 A. A machine vending TCS food must have an automatic control that prevents
112.24 the machine from vending food:

113.1 (1) if there is a power failure, mechanical failure, or other condition that
113.2 results in an internal machine temperature that cannot maintain food temperatures as specified
113.3 in parts 4626.0370 and 4626.0395;_{p1} and

113.4 (2) if a condition specified in this part occurs, until the machine is serviced
113.5 and restocked with food that has been maintained at temperatures specified in parts 4626.0370
113.6 and 4626.0395._{p1}

113.7 B. When the automatic shutoff within a machine vending TCS food is activated:

113.8 (1) in a refrigerated vending machine, the ambient air temperature must not
113.9 exceed 41 degrees F (5 degrees C) for more than 30 minutes immediately after the machine
113.10 is filled, serviced, or restocked;_{p1} or

113.11 (2) in a hot holding vending machine, the ambient air temperature must not
113.12 be less than 135 degrees F (57 degrees C) for more than 120 minutes immediately after the
113.13 machine is filled, serviced, or restocked._{p1}

113.14 **4626.0620 AMBIENT AIR TEMPERATURE MEASURING DEVICES. 4-204.112**

113.15 A. In a mechanically refrigerated or hot food storage unit, the sensor of a
113.16 temperature measuring device must be located to measure the air temperature or a simulated
113.17 product temperature in the warmest part of a mechanically refrigerated unit and in the coolest
113.18 part of a hot food storage unit.

113.19 B. Except as specified in item C, cold or hot holding equipment used for TCS
113.20 food must be designed to include and must be equipped with at least 1 integral or permanently
113.21 affixed temperature measuring device that is located to allow easy viewing of the device's
113.22 temperature display.

113.23 C. Item B does not apply to equipment for which the placement of a temperature
113.24 measuring device is not a practical means for measuring the ambient air surrounding the

114.1 food because of the design, type, and use of the equipment, such as calrod units, heat lamps,
114.2 cold plates, bainmaries, steam tables, insulated food transport containers, and salad bars.

114.3 D. Temperature measuring devices must be designed to be easily readable.

114.4 E. Food temperature measuring devices and water temperature measuring devices
114.5 on warewashing machines must have a numerical scale, printed record, or digital readout
114.6 in increments no greater than 2 degrees F or 1 degree C in the intended range of use._{p2}

114.7 **4626.0625 WAREWASHING MACHINES; DATA PLATE OPERATING**
114.8 **SPECIFICATIONS. 4-204.113**

114.9 A warewashing machine must be provided with an easily accessible and readable data
114.10 plate affixed to the machine by the manufacturer that indicates the machine's design and
114.11 operating specifications, including the:

114.12 *[For text of items A to C, see M.R.]*

114.13 **4626.0630 WAREWASHING MACHINES; INTERNAL BAFFLES. 4-204.114**

114.14 Warewashing machine wash and rinse tanks must be equipped with baffles, curtains,
114.15 or other means to minimize internal cross-contamination of the solutions in wash and rinse
114.16 tanks.

114.17 **4626.0635 WAREWASHING MACHINES; TEMPERATURE MEASURING**
114.18 **DEVICES. 4-204.115**

114.19 A warewashing machine must be equipped with a temperature measuring device that
114.20 indicates the temperature of the water:

114.21 A. in each wash and rinse tank;_{p2} and

114.22 B. as the water enters the hot water sanitizing final rinse manifold or in the
114.23 chemical sanitizing solution tank._{p2}

115.1 **4626.0640 MANUAL WAREWASHING EQUIPMENT; HEATERS AND BASKETS.**
115.2 **4-204.116**

115.3 If hot water is used for sanitization in manual warewashing operations, the sanitizing
115.4 compartment of the sink must be:

115.5 A. designed with an integral heating device that is capable of maintaining water
115.6 at a temperature not less than 171 degrees F (77 degrees C);_{P2} and

115.7 B. provided with a rack or basket to allow complete immersion of equipment and
115.8 utensils into the hot water._{P2}

115.9 **4626.0643 WAREWASHING MACHINES; AUTOMATIC DISPENSING OF**
115.10 **DETERGENTS AND SANITIZERS. 4-204.117**

115.11 A warewashing machine that is installed after September 8, 1998, must be equipped
115.12 to:

115.13 A. automatically dispense detergents and sanitizers;_{P2} and

115.14 B. incorporate a visual means to verify that detergents and sanitizers are delivered
115.15 or a visual or audible alarm to signal if the detergents and sanitizers are not delivered to the
115.16 respective washing and sanitizing cycles._{P2}

115.17 **4626.0645 WAREWASHING MACHINES; FLOW PRESSURE DEVICE. 4-204.118**

115.18 A. Warewashing machines that provide a fresh hot water sanitizing rinse must be
115.19 equipped with a pressure gauge, or similar device such as a transducer, that measures and
115.20 displays the water pressure in the supply line immediately before entering the warewashing
115.21 machine.

115.22 B. If the flow pressure measuring device is upstream of the fresh hot water
115.23 sanitizing rinse control valve, the device must be mounted in a 1/4-inch (6.4 millimeter)
115.24 iron pipe size (IPS) valve.

115.25 *[For text of item C, see M.R.]*

116.1 **4626.0650 WAREWASHING SINKS AND DRAINBOARDS; SELF-DRAINING.**
116.2 **4-204.119**

116.3 Sinks and drainboards of warewashing sinks and machines must be self-draining.

116.4 **4626.0655 EQUIPMENT; DRAINAGE. 4-204.120**

116.5 Compartments that are subject to accumulation of moisture due to conditions such as
116.6 condensation, food or beverage drip, or water from melting ice, must be sloped to an outlet
116.7 that allows complete draining.

116.8 **4626.0660 VENDING MACHINES; LIQUID WASTE PRODUCTS. 4-204.121**

116.9 A. Vending machines designed to store beverages that are packaged in containers
116.10 made from paper products must be equipped with diversion devices and retention pans or
116.11 drains for container leakage.

116.12 B. Vending machines that dispense liquid food in bulk must be:

116.13 *[For text of subitem (1), see M.R.]*

116.14 (2) equipped with an automatic shutoff device that will place the machine
116.15 out of operation before the waste receptacle overflows.

116.16 C. The shutoff device in item B, subitem (2), must prevent water or liquid food
116.17 from continuously running if there is a failure of a flow control device in the water or liquid
116.18 food system or waste accumulation that could lead to overflow of the waste receptacle.

116.19 **4626.0665 CASE LOT HANDLING APPARATUSES; MOVEABILITY. 4-204.122**

116.20 Apparatuses, such as dollies, pallets, racks, and skids, used to store and transport large
116.21 quantities of packaged foods received from a supplier in a cased or overwrapped lot must
116.22 be designed to be moved by hand or by conveniently available apparatuses such as hand
116.23 trucks and forklifts.

117.1 **4626.0670 VENDING MACHINE DOORS AND OPENINGS. 4-204.123**

117.2 A. Vending machine doors and access opening covers to food and container storage
117.3 spaces must be tight-fitting so that the space along the entire interface between the doors
117.4 or covers and the cabinet of the machine, if the doors or covers are in a closed position, is
117.5 no greater than 1/16 inch (1.5 millimeters) by:

117.6 (1) being covered with louvers, screens, or materials that provide an equivalent
117.7 opening of not greater than 1/16 inch (1.5 millimeters). Screening of 12 or more mesh to
117.8 12 mesh to 1 inch (2.5 centimeters) meets this requirement;

117.9 (2) being effectively gasketed;

117.10 (3) having interface surfaces that are at least 1/2 inch (13 millimeters) wide;

117.11 or

117.12 (4) having jambs or surfaces to form an L-shaped entry path to the interface.

117.13 B. Vending machine service connection openings through an exterior wall of a
117.14 machine must be closed by sealants, clamps, or grommets so that the openings are no larger
117.15 than 1/16 inch (1.5 millimeters).

117.16 **4626.0675 COOLING, HEATING, AND HOLDING CAPACITIES. 4-301.11**

117.17 Equipment for cooling and heating food, and holding cold and hot food, must be
117.18 sufficient in number and capacity to provide the food temperatures specified in parts
117.19 4626.0360, 4626.0370, 4626.0385, and 4626.0395._{P2}

117.20 **4626.0680 MANUAL WAREWASHING; SINK COMPARTMENT**
117.21 **REQUIREMENTS. 4-301.12**

117.22 A. Except as specified in items C to H, a sink with at least 3 compartments and
117.23 with integrally attached drainboards at each end must be provided for manually washing,
117.24 rinsing, and sanitizing equipment and utensils._{P2}

118.1 B. Sink compartments must be large enough to accommodate immersion of the
118.2 largest equipment and utensils. If equipment or utensils are too large for the warewashing
118.3 sink, a warewashing machine or alternative equipment specified in item C must be used._{p2}

118.4 C. Alternative manual warewashing equipment that meets the requirements in
118.5 parts 4626.0875 and 4626.0880 may be used when there are special cleaning needs or
118.6 constraints and its use is approved by the regulatory authority. Alternative manual
118.7 warewashing equipment may include:

118.8 *[For text of subitems (1) to (4), see M.R.]*

118.9 (5) receptacles that substitute for the compartments of a multicompartment
118.10 sink.

118.11 D. The regulatory authority may allow mechanical warewashing equipment in
118.12 lieu of the required 3-compartment sink as long as the mechanical warewashing equipment
118.13 is capable of accommodating the largest piece of equipment to be washed, rinsed, and
118.14 sanitized and meets the requirements of parts 4626.0506 and 4626.0905.

118.15 E. A food cart that does not have an approved 3-compartment sink installed on
118.16 the cart must have a separate licensed facility, or an agreement with a licensed facility. The
118.17 facility must have an approved 3-compartment sink or mechanical warewashing machine
118.18 where all the utensils and multiuse equipment for the food cart are washed, rinsed, and
118.19 sanitized before and after use at an event._{p2}

118.20 F. A mobile food unit must be equipped with warewashing facilities consisting
118.21 of at least a 3-compartment sink, either freestanding or installed in a counter._{p2}

118.22 G. A seasonal temporary food stand that is disassembled after each use may use
118.23 3 containers of sufficient size to immerse utensils in lieu of the requirement in item A.

119.1 H. A special event food stand may be equipped with a warewashing facility
119.2 consisting of at least 3 containers of sufficient size to fully immerse all multiuse equipment
119.3 and utensils.

119.4 I. A food cart, special event food stand, temporary food establishment, retail food
119.5 vehicle, portable structure, or cart is exempt from the manual warewashing sink and
119.6 equipment requirements of this part if no multiuse utensils or equipment are used in the
119.7 operation of the food establishment.

119.8 **4626.0685 DRAINBOARDS. 4-301.13**

119.9 A. Integral drainboards, utensil racks, or tables large enough to accommodate all
119.10 soiled and cleaned items that may accumulate during hours of operation must be provided
119.11 for necessary utensil holding before cleaning and after sanitizing.

119.12 B. Hot water sanitizing machines must have space for and a minimum of 3 racks
119.13 for drying utensils.

119.14 C. Chemical sanitizing machines must have space for and a minimum of 5 racks
119.15 for drying utensils.

119.16 **4626.0690 VENTILATION HOOD SYSTEMS; ADEQUACY. 4-301.14**

119.17 Ventilation hood systems and devices must be sufficient in number and capacity to
119.18 prevent grease or condensation from collecting on walls and ceilings.

119.19 **4626.0695 CLOTHES WASHERS AND DRYERS. 4-301.15**

119.20 A. Except as specified in item B, if work clothes or linens are laundered on the
119.21 premises, a mechanical clothes washer and dryer must be provided and used.

119.22 *[For text of item B, see M.R.]*

120.1 **4626.0700 UTENSILS; CONSUMER SELF-SERVICE. 4-302.11**

120.2 A food dispensing utensil must be available for each container displayed at consumer
120.3 self-service units such as a buffet or salad bar.p₂

120.4 **4626.0705 FOOD TEMPERATURE MEASURING DEVICES REQUIRED. 4-302.12**

120.5 A. Food temperature measuring devices must be provided and readily accessible
120.6 for use in ensuring attainment and maintenance of the food temperatures specified in parts
120.7 4626.0165 and 4626.0340 to 4626.0420.p₂

120.8 B. A temperature measuring device with a suitable small diameter probe that is
120.9 designed to measure the temperature of thin masses must be provided and readily accessible
120.10 to accurately measure the temperature in thin foods such as meat patties and fish fillets.p₂

120.11 **4626.0710 TEMPERATURE MEASURING DEVICES; WAREWASHING. 4-302.13**

120.12 A. In manual warewashing operations, a temperature measuring device must be
120.13 provided and readily accessible for frequently measuring the washing and sanitizing
120.14 temperatures.p₂

120.15 B. In hot water mechanical warewashing operations, an irreversible registering
120.16 temperature indicator must be provided and readily accessible for measuring the utensil
120.17 surface temperature.p₂

120.18 **4626.0715 SANITIZING SOLUTIONS; TESTING DEVICES. 4-302.14**

120.19 A test kit or other device that accurately measures the concentration in mg/L of sanitizing
120.20 solutions must be provided.p₂

120.21 **4626.0721 CLEANING AGENTS AND SANITIZERS; AVAILABILITY. 4-303.11**

120.22 A. Cleaning agents that are used to clean equipment and utensils specified under
120.23 parts 4626.0840 to 4626.0885 must be provided and available for use during all hours of
120.24 operation.

121.1 B. Except for those that are generated onsite at the time of use, chemical sanitizers
121.2 that are used to sanitize equipment and utensils specified in parts 4626.0900 and 4626.0905
121.3 must be provided and available for use during all hours of operation.

121.4 **4626.0725 FIXED EQUIPMENT; SPACING OR SEALING. 4-402.11**

121.5 A. Equipment that is fixed because it is not easily movable must be installed so
121.6 that it is:

121.7 (1) spaced to allow access for cleaning along the sides of, behind, and above
121.8 the equipment;

121.9 (2) spaced from adjoining equipment, walls, and ceilings a distance of not
121.10 more than 1/32 inch (1 millimeter); or

121.11 (3) sealed to adjoining equipment or walls, if the equipment is exposed to
121.12 spillage or seepage.

121.13 B. Counter-mounted equipment that is not easily movable must be installed to
121.14 allow cleaning of the equipment and areas underneath and around the equipment by being:

121.15 (1) sealed; or

121.16 *[For text of subitem (2), see M.R.]*

121.17 **4626.0730 FIXED EQUIPMENT; ELEVATION OR SEALING. 4-402.12**

121.18 A. Except as specified in items B and C, floor-mounted equipment that is not
121.19 easily movable must be sealed to the floor or elevated on legs that provide at least a 6-inch
121.20 (15 centimeter) clearance between the floor and the equipment.

121.21 B. If no part of the floor under the floor-mounted equipment is more than 6 inches
121.22 (15 centimeters) from the point of cleaning access, the clearance space may be 4 inches (10
121.23 centimeters).

122.1 C. This part does not apply to display shelving units, display refrigeration units,
122.2 and display freezer units located in the consumer shopping areas, if the floor under the units
122.3 is maintained clean.

122.4 D. Except as specified in item E, counter-mounted equipment that is not easily
122.5 movable must be elevated on legs that provide at least a 4-inch (10 centimeter) clearance
122.6 between the table and the equipment.

122.7 E. The clearance space between the table and counter-mounted equipment must
122.8 be:

122.9 (1) 3 inches (7.5 centimeters) if the horizontal distance of the table top under
122.10 the equipment is no more than 20 inches (50 centimeters) from the point of access for
122.11 cleaning; or

122.12 (2) 2 inches (5 centimeters) if the horizontal distance of the table top under
122.13 the equipment is no more than 3 inches (7.5 centimeters) from the point of access for
122.14 cleaning.

122.15 **4626.0735 EQUIPMENT; GOOD REPAIR AND PROPER ADJUSTMENT. 4-501.11**

122.16 A. Equipment must be maintained in a state of repair and condition that meets the
122.17 requirements in parts 4626.0450 to 4626.0670.

122.18 B. Equipment components such as doors, seals, hinges, fasteners, and kick plates
122.19 must be kept intact, tight, and adjusted according to manufacturer's specifications.

122.20 C. Cutting or piercing parts of can openers must be kept sharp to minimize the
122.21 creation of metal fragments that can contaminate food when the container is opened.

123.1 **4626.0740 CUTTING SURFACES. 4-501.12**

123.2 Surfaces such as cutting blocks and boards that are subject to scratching and scoring
123.3 must be resurfaced if they can no longer be effectively cleaned and sanitized, or discarded
123.4 if they are not capable of being resurfaced.

123.5 **4626.0745 MICROWAVE OVENS. 4-501.13**

123.6 Microwave ovens must meet the safety standards in Code of Federal Regulations, title
123.7 21, section 1030.10.

123.8 **4626.0750 WAREWASHING EQUIPMENT AND FOOD PREPARATION SINKS;**
123.9 **CLEANING FREQUENCY. 4-501.14**

123.10 A warewashing machine; the compartments of sinks, basins, or other receptacles used
123.11 for washing and rinsing equipment, utensils, or raw foods, or laundering wiping cloths; and
123.12 drainboards or other equipment used to substitute for drainboards as specified in part
123.13 4626.0685 must be cleaned:

123.14 *[For text of items A and B, see M.R.]*

123.15 C. if used, at least every 24 hours.

123.16 **4626.0755 WAREWASHING MACHINE; MANUFACTURER'S OPERATING**
123.17 **INSTRUCTIONS. 4-501.15**

123.18 A. A warewashing machine and its auxiliary components must be operated
123.19 according to the machine's data plate and other manufacturer's instructions.

123.20 B. A warewashing machine's conveyor speed or automatic cycle times must be
123.21 maintained accurately timed according to manufacturer's specifications.

123.22 **4626.0760 WAREWASHING SINKS; USE LIMITATION. 4-501.16**

123.23 A. A warewashing sink must not be used for handwashing or dumping mop water.

123.24 B. For food establishments licensed before September 8, 1998:

124.1 *[For text of subitem (1), see M.R.]*

124.2 (2) sinks used to wash or thaw food must be sanitized as specified in parts
124.3 4626.0900 and 4626.0905 before and after using the sink to wash or thaw food.

124.4 **4626.0765 WAREWASHING EQUIPMENT; CLEANING AGENTS. 4-501.17**

124.5 When used for warewashing, the wash compartment of a sink, mechanical warewasher,
124.6 or wash receptacle of alternative manual warewashing equipment specified in part 4626.0680,
124.7 item C, must contain a wash solution of soap, detergent, acid cleaner, alkaline cleaner,
124.8 degreaser, abrasive cleaner, or other cleaning agent according to the cleaning agent
124.9 manufacturer's label instructions.p2

124.10 **4626.0770 WAREWASHING EQUIPMENT; CLEAN SOLUTIONS. 4-501.18**

124.11 The wash, rinse, and sanitize solutions must be maintained clean.

124.12 **4626.0775 MANUAL WAREWASHING EQUIPMENT; WASH SOLUTION**
124.13 **TEMPERATURE. 4-501.19**

124.14 The temperature of the wash solution in manual warewashing equipment must be
124.15 maintained at not less than 110 degrees F (43 degrees C) or the temperature specified on
124.16 the cleaning agent manufacturer's label instructions.p2

124.17 **4626.0780 FOOD PREPARATION SINKS.**

124.18 A. A newly licensed food establishment must have a separate food preparation
124.19 sink if food will be washed or thawed using a sink.

124.20 B. If a food establishment is extensively remodeled, or adds a food product to the
124.21 menu that requires washing or thawing in a sink, a separate food preparation sink must be
124.22 provided.

124.23 C. A food preparation sink must not be used for anything other than food
124.24 preparation.

125.1 **4626.0785 MECHANICAL WAREWASHING EQUIPMENT; WASH SOLUTION**
125.2 **TEMPERATURE. 4-501.110**

125.3 A. The temperature of the wash solution in spray-type warewashers that use hot
125.4 water to sanitize must not be less than:

125.5 (1) for a stationary rack, single temperature machine, 165 degrees F (74
125.6 degrees C);_{P2}

125.7 (2) for a stationary rack, dual temperature machine, 150 degrees F (66 degrees
125.8 C);_{P2}

125.9 (3) for a single tank, conveyor, dual temperature machine, 160 degrees F (71
125.10 degrees C);_{P2} or

125.11 (4) for a multitank, conveyor, multitemperature machine, 150 degrees F (66
125.12 degrees C);_{P2}

125.13 B. The temperature of the wash solution in spray-type warewashers that use
125.14 chemicals to sanitize must not be less than 120 degrees F (49 degrees C)._{P2}

125.15 **4626.0790 MANUAL WAREWASHING EQUIPMENT; HOT WATER**
125.16 **SANITIZATION TEMPERATURES. 4-501.111**

125.17 If immersion in hot water is used for sanitizing in a manual operation, the temperature
125.18 of the water must be maintained at 171 degrees F (77 degrees C) or above._{P1}

125.19 **4626.0795 MECHANICAL WAREWASHING EQUIPMENT; HOT WATER**
125.20 **SANITIZATION TEMPERATURES. 4-501.112**

125.21 A. Except as specified in item B, in a mechanical operation, the temperature of
125.22 the fresh hot water sanitizing rinse as it enters the manifold must not be more than 194
125.23 degrees F (90 degrees C) or less than;_{P2}

125.24 (1) for a stationary rack, single temperature machine, 165 degrees F (74
125.25 degrees C);_{P2} or

126.1 (2) for all other machines, 180 degrees F (82 degrees C)._{P2}

126.2 B. The maximum temperature specified in item A does not apply to high pressure
126.3 and temperature systems with wand-type, hand-held spraying devices used for in-place
126.4 cleaning and sanitizing of equipment, such as meat saws.

126.5 **4626.0800 MECHANICAL WAREWASHING EQUIPMENT; SANITIZATION**
126.6 **RINSE PRESSURE. 4-501.113**

126.7 The flow pressure of the fresh hot water sanitizing rinse in a warewashing machine, as
126.8 measured in the water line immediately downstream or upstream from the fresh hot water
126.9 sanitizing rinse control valve, must be within the range specified on the machine
126.10 manufacturer's data plate and must not be less than 5 pounds per square inch (35 kilopascals)
126.11 or more than 30 pounds per square inch (200 kilopascals).

126.12 **4626.0805 MANUAL AND MECHANICAL WAREWASHING EQUIPMENT;**
126.13 **CHEMICAL SANITIZATION, TEMPERATURE, PH, CONCENTRATION, AND**
126.14 **HARDNESS. 4-501.114**

126.15 A. A chemical sanitizer used in a sanitizing solution for a manual or mechanical
126.16 operation at the exposure times specified in part 4626.0905, item C, must be listed in Code
126.17 of Federal Regulations, title 21, section 178.1010 meet the requirements of part 4626.1620.
126.18 The sanitizer must be used according to this part and the manufacturer's label approved by
126.19 the U.S. Environmental Protection Agency._{P1}

126.20 B. The sanitizer must not exceed the amount specified on the manufacturer's label
126.21 approved by the U.S. Environmental Protection Agency._{P1}

126.22 C. If a sanitizer is used in an amount less than the maximum amount specified on
126.23 the label in item B, the sanitizer must be used as specified in this item._{P1}

126.24 (1) Unless the product label specifies otherwise, a chlorine solution must
126.25 have a minimum concentration of 50 ppm,_{P1} and:

127.1 (a) a minimum temperature of 75 degrees F (24 degrees C) for water
127.2 with a pH of 8 or less;_{P1} or

127.3 (b) a minimum temperature of 100 degrees F (38 degrees C) for water
127.4 with a pH of 8.1 to 10._{P1}

127.5 (2) An iodine solution must have:

127.6 (a) a minimum temperature of 68 degrees F (20 degrees C);_{P1}

127.7 (b) a pH of 5.0 or less, unless the manufacturer's use directions included
127.8 in the labeling specify a higher pH limit of effectiveness;_{P1} and

127.9 (c) a concentration between 12.5 mg/L and 25 mg/L._{P1}

127.10 (3) A quaternary ammonium compound solution must:

127.11 (a) have a minimum temperature of 75 degrees F (24 degrees C);_{P1}

127.12 (b) have a concentration specified in Code of Federal Regulations, title
127.13 21, part 178, subpart B, section 178.1010, and as indicated by the manufacturer's use
127.14 directions included in the labeling;_{P1} and

127.15 (c) be used only in water with 500 mg/L hardness or less or in water
127.16 having a hardness no greater than specified by the manufacturer's label._{P1}

127.17 D. If another solution of a chemical specified under items A to C is used, the
127.18 licensee shall demonstrate that the solution achieves sanitization as defined in part 4626.0020,
127.19 subpart 75, and the use of the solution must be approved by the regulatory authority._{P1}

127.20 E. If a chemical sanitizer other than chlorine, iodine, or a quaternary ammonium
127.21 compound is used, the chemical sanitizer must be applied according to U.S. Environmental
127.22 Protection Agency-registered label use instructions._{P1}

128.1 F. If a chemical sanitizer is generated by a device located on site at the food
128.2 establishment, it must be used as specified in items A to D and must be produced by a device
128.3 that:

128.4 (1) complies with regulation as specified in United States Code, title 7,
128.5 sections 136 to 136q;^{p1}

128.6 (2) complies with Code of Federal Regulations, title 40, sections 152.500
128.7 and 156.10;^{p1}

128.8 (3) displays the U.S. Environmental Protection Agency device manufacturing
128.9 facility registration number on the device;^{p2} and

128.10 (4) is operated and maintained according to the manufacturer's instructions.^{p2}

128.11 **4626.0810 MANUAL WAREWASHING EQUIPMENT; CHEMICAL**
128.12 **SANITIZATION USING DETERGENT-SANITIZERS. 4-501.115**

128.13 If a detergent-sanitizer is used to sanitize in a cleaning and sanitizing procedure where
128.14 there is no distinct water rinse between the washing and sanitizing steps, the agent applied
128.15 in the sanitizing step must be the same detergent-sanitizer that is used in the washing step.

128.16 **4626.0815 WAREWASHING EQUIPMENT TEST KIT. 4-501.116**

128.17 Concentration of the sanitizing solution must be accurately determined by using a test
128.18 kit or other device.^{p2}

128.19 **4626.0820 UTENSILS AND TEMPERATURE MEASURING DEVICES; GOOD**
128.20 **REPAIR AND PROPER CALIBRATION. 4-502.11**

128.21 A. Utensils must be maintained in a state of repair or condition that complies with
128.22 parts 4626.0450 to 4626.0670 or must be discarded.

128.23 B. Food temperature measuring devices must be calibrated according to
128.24 manufacturer's specifications as necessary to ensure their accuracy.^{p2}

129.1 C. Ambient air temperature, water pressure, and water temperature measuring
129.2 devices must be maintained in good repair and be accurate within the intended range of use.

129.3 **4626.0825 SINGLE-SERVICE AND SINGLE-USE ARTICLES; REQUIRED USE.**
129.4 **4-502.12**

129.5 A food establishment without facilities specified in parts 4626.0840 to 4626.0905 for
129.6 cleaning and sanitizing kitchenware and tableware must provide only single-use kitchenware,
129.7 single-service articles, and single-use articles for use by food employees and single-service
129.8 articles for use by the consumer._{p1}

129.9 **4626.0830 SINGLE-SERVICE AND SINGLE-USE ARTICLES; RE-USE**
129.10 **LIMITATION. 4-502.13**

129.11 Single-service and single-use articles must not be re-used.

129.12 **4626.0833 BULK MILK CONTAINERS.**

129.13 The bulk milk container dispensing tube must be cut on the diagonal leaving no more
129.14 than 1 inch protruding from the chilled dispensing head.

129.15 **4626.0835 SHELLS; USE LIMITATION. 4-502.14**

129.16 Mollusk and crustacea shells must not be used more than once as serving containers.

129.17 **4626.0840 EQUIPMENT, FOOD-CONTACT SURFACES, NON-FOOD-CONTACT**
129.18 **SURFACES, AND UTENSILS. 4-601.11**

129.19 A. Equipment food-contact surfaces and utensils must be clean to sight and touch._{p2}

129.20 B. The food-contact surfaces of cooking equipment and pans must be kept free
129.21 of encrusted grease deposits and other soil accumulations.

129.22 C. Non-food-contact surfaces of equipment must be kept free of an accumulation
129.23 of dust, dirt, food residue, and other debris.

130.1 D. Water filters used as part of a vending machine must be cleaned or replaced
130.2 according to the manufacturer's instructions.

130.3 **4626.0845 EQUIPMENT; FOOD-CONTACT SURFACES, AND UTENSILS. 4-602.11**

130.4 A. Equipment food-contact surfaces and utensils must be cleaned:

130.5 (1) except as specified in item B, before each use with a different type of raw
130.6 animal food, such as beef, fish, lamb, pork, or poultry;_{P1}

130.7 (2) each time there is a change from working with raw foods to working with
130.8 ready-to-eat foods;_{P1}

130.9 (3) between uses with raw fruits or vegetables and with TCS food;_{P1}

130.10 (4) before using or storing a food temperature measuring device;_{P1} and

130.11 (5) at any time during the operation when contamination may have occurred._{P1}

130.12 B. Item A, subitem (1), does not apply if the food-contact surface or utensil is in
130.13 contact with a succession of different raw animal foods each requiring a higher cooking
130.14 temperature than the previous type as specified in part 4626.0340.

130.15 C. Except as specified in item D, if used with TCS food, equipment food-contact
130.16 surfaces and utensils must be cleaned throughout the day at least once every 4 hours._{P1}

130.17 D. Surfaces of utensils and equipment contacting TCS food may be cleaned less
130.18 frequently than every 4 hours if:

130.19 (1) in storage, containers of TCS food and their contents are maintained at
130.20 temperatures specified in part 4626.0395 and the containers are cleaned when they are
130.21 empty;

130.22 (2) utensils and equipment are used to prepare food in a refrigerated room or
130.23 area that is maintained at one of the temperatures in the chart in unit (a):

131.1 (a) the utensils and equipment are cleaned at the frequency in the
 131.2 following chart that corresponds to the temperature; and

131.3	Temperature	Cleaning Frequency
131.4	41 degrees F (5 degrees C) or less	24 hours
131.5	greater than 41 degrees F to 45 degrees F	20 hours
131.6	(greater than 5 degrees C to 7.2 degrees C)	
131.7	greater than 45 degrees F to 50 degrees F	16 hours
131.8	(greater than 7.2 degrees C to 10 degrees C)	
131.9	greater than 50 degrees F to 55 degrees F	10 hours
131.10	(greater than 10 degrees C to 12.8 degrees C)	

131.11 (b) the cleaning frequency based on the ambient temperature of the
 131.12 refrigerated room or area is documented in the food establishment;

131.13 (3) containers in serving areas such as salad bars, delis, and cafeteria lines
 131.14 that hold ready-to-eat, TCS food that is maintained at the temperatures specified in part
 131.15 4626.0395 are intermittently combined with additional supplies of the same food that is at
 131.16 the required temperature and the containers are cleaned at least every 24 hours;

131.17 (4) temperature measuring devices are maintained in contact with food in a
 131.18 container of deli food or a roast, and held at the temperatures specified in part 4626.0395;

131.19 (5) equipment such as a reach-in refrigerator that is used for storage of
 131.20 packaged or unpackaged food, if the equipment is cleaned at a frequency necessary to
 131.21 preclude accumulation of soil residues;

131.22 (6) the cleaning schedule is approved based on consideration of:

131.23 *[For text of units (a) to (c), see M.R.]*

131.24 (d) the temperature at which the food is maintained during the operation
 131.25 and the potential for the rapid and progressive multiplication of pathogenic or toxigenic
 131.26 microorganisms that are capable of causing foodborne disease; or

132.1 (7) in-use utensils are intermittently stored in a container of water in which
132.2 the water is maintained at 135 degrees F (57 degrees C) or more and the utensils and container
132.3 are cleaned at least every 24 hours or at a frequency necessary to preclude accumulation of
132.4 soil residues.

132.5 E. Except when dry cleaning methods are used as specified in part 4626.0860,
132.6 surfaces of utensils and equipment contacting food that is not TCS food must be cleaned:

132.7 *[For text of subitem (1), see M.R.]*

132.8 (2) at least every 24 hours for iced tea dispensers and consumer self-service
132.9 utensils such as tongs, scoops, or ladles;

132.10 (3) before restocking consumer self-service equipment and utensils such as
132.11 condiment dispensers and display containers; and

132.12 (4) in equipment such as ice bins and beverage dispensing nozzles, and the
132.13 enclosed components of equipment such as ice makers, cooking oil storage tanks and
132.14 distribution lines, beverage and syrup dispensing lines or tubes, coffee bean grinders, and
132.15 water vending equipment:

132.16 *[For text of units (a) and (b), see M.R.]*

132.17 **4626.0850 COOKING AND BAKING EQUIPMENT. 4-602.12**

132.18 A. The food-contact surfaces of cooking and baking equipment must be cleaned
132.19 at least every 24 hours. This part does not apply to hot oil cooking and filtering equipment
132.20 if it is cleaned as specified in part 4626.0845, item D, subitem (6).

132.21 B. The cavities and door seals of microwave ovens must be cleaned at least every
132.22 24 hours by using the manufacturer's recommended cleaning procedure.

133.1 **4626.0855 NON-FOOD-CONTACT SURFACES; CLEANING FREQUENCY.**
133.2 **4-602.13**

133.3 Non-food-contact surfaces of equipment must be cleaned at a frequency necessary to
133.4 preclude accumulation of soil residues.

133.5 **4626.0860 DRY CLEANING. 4-603.11**

133.6 A. If used, dry cleaning methods such as brushing, scraping, and vacuuming must
133.7 contact only surfaces that are soiled with dry food residues that are not TCS food.

133.8 B. Cleaning equipment used in dry cleaning food-contact surfaces must not be
133.9 used for any other purpose.

133.10 **4626.0865 PRECLEANING. 4-603.12**

133.11 A. Food debris on equipment and utensils must be scraped over a waste disposal
133.12 unit or garbage receptacle or must be removed in a warewashing machine with a prewash
133.13 cycle.

133.14 B. If necessary for effective cleaning, utensils and equipment must be preflushed,
133.15 presoaked, or scrubbed with abrasives.

133.16 **4626.0870 LOADING OF SOILED ITEMS; WAREWASHING MACHINES. 4-603.13**

133.17 Soiled items to be cleaned in a warewashing machine must be loaded into racks, trays,
133.18 or baskets or onto conveyors in a position that:

133.19 *[For text of items A and B, see M.R.]*

133.20 **4626.0875 WET CLEANING. 4-603.14**

133.21 A. Equipment food-contact surfaces and utensils must be effectively washed to
133.22 remove or completely loosen soils by using the manual or mechanical means necessary,
133.23 such as the application of detergents containing wetting agents and emulsifiers; acid, alkaline,

134.1 or abrasive cleaners; hot water; brushes; scouring pads; high-pressure sprays; or ultrasonic
134.2 devices.

134.3 B. The washing procedures selected must be based on the type and purpose of the
134.4 equipment or utensil and on the type of soil to be removed.

134.5 **4626.0880 WASHING; PROCEDURES FOR ALTERNATIVE MANUAL**
134.6 **WAREWASHING EQUIPMENT. 4-603.15**

134.7 If washing in sink compartments or a warewashing machine is impractical, such as
134.8 when the equipment is fixed or the utensils are too large, washing must be done by using
134.9 alternative manual warewashing equipment specified in part 4626.0680, item C, according
134.10 to the following procedures:

134.11 A. equipment must be disassembled as necessary to allow access of the detergent
134.12 solution to all parts;

134.13 B. equipment components and utensils must be scraped or roughly cleaned to
134.14 remove food particle accumulation; and

134.15 C. equipment and utensils must be washed as specified in part 4626.0875, item
134.16 A.

134.17 **4626.0885 UTENSILS AND EQUIPMENT; RINSING PROCEDURES. 4-603.16**

134.18 Washed utensils and equipment must be rinsed so that abrasives are removed and
134.19 cleaning chemicals are removed or diluted through the use of water or a detergent-sanitizer
134.20 solution using one of the following procedures:

134.21 A. use of a distinct, separate water rinse after washing and before sanitizing if
134.22 using:

134.23 (1) a 3-compartment sink;

135.1 (2) alternative manual warewashing equipment equivalent to a 3-compartment
135.2 sink specified in part 4626.0680, item C; or

135.3 (3) a 3-step washing, rinsing, and sanitizing procedure in a warewashing
135.4 system for CIP equipment;

135.5 *[For text of item B, see M.R.]*

135.6 C. if using a warewashing machine that does not recycle the sanitizing solution
135.7 as specified in item D, or alternative manual warewashing equipment, such as sprayers, use
135.8 of a nondistinct water rinse that is:

135.9 *[For text of subitems (1) and (2), see M.R.]*

135.10 D. if using a warewashing machine that recycles the sanitizing solution for use
135.11 in the next wash cycle, use of a nondistinct water rinse that is integrated in the application
135.12 of the sanitizing solution.

135.13 **4626.0900 BEFORE USE AFTER CLEANING. 4-702.11**

135.14 Utensils and food-contact surfaces of equipment must be sanitized before use after
135.15 cleaning._{P1}

135.16 **4626.0905 HOT WATER AND CHEMICAL SANITIZATION. 4-703.11**

135.17 After being cleaned, equipment, food-contact surfaces, and utensils must be sanitized
135.18 in:

135.19 A. hot water manual operations by immersion for at least 30 seconds as specified
135.20 in part 4626.0790;_{P1}

135.21 B. hot water mechanical operations by being cycled through equipment that is set
135.22 up as specified in parts 4626.0755, 4626.0795, and 4626.0800 and achieving a utensil surface
135.23 temperature of 160 degrees F (71 degrees C) as measured by an irreversible registering
135.24 temperature indicator;_{P1} or

136.1 C. chemical manual or mechanical operations, including the application of
136.2 sanitizing chemicals by immersion, manual swabbing, brushing, or pressure spraying
136.3 methods, using a solution specified in part 4626.0805. Contact times must be consistent
136.4 with U.S. Environmental Protection Agency-registered label use instructions by providing:

136.5 (1) except as specified under subitem (2), a contact time of at least 10 seconds
136.6 for a chlorine solution specified in part 4626.0805, item C, subitem (1);_{P1}

136.7 (2) a contact time of at least 7 seconds for a chlorine solution of 50 mg/L that
136.8 has a pH of 10 or less and a temperature of at least 100 degrees F (38 degrees C) or a pH
136.9 of 8 or less and a temperature of at least 75 degrees F (24 degrees C);_{P1}

136.10 (3) a contact time of at least 30 seconds for other chemical sanitizing
136.11 solutions;_{P1} or

136.12 (4) a contact time used in relationship with a combination of temperature,
136.13 concentration, and pH that, when evaluated for efficacy, yields sanitization as defined in
136.14 part 4626.0020, subpart 75._{P1}

136.15 **4626.0910 CLEAN LINENS. 4-801.11**

136.16 Clean linens must be free from food residues and other soiling matter.

136.17 **4626.0915 LINENS, CLOTH GLOVES, AND WIPING CLOTHS; FREQUENCY**
136.18 **OF LAUNDERING. 4-802.11**

136.19 A. Linens that do not come in direct contact with food must be laundered between
136.20 operations if they become wet, sticky, or visibly soiled.

136.21 B. Cloth gloves used as specified in part 4626.0287, item D, must be laundered
136.22 before being used with a different type of raw animal food, such as beef, lamb, pork, fish,
136.23 or poultry.

137.1 C. Linens used as specified in part 4626.0280 and cloth napkins must be laundered
137.2 between each use.

137.3 D. Wet wiping cloths must be laundered daily.

137.4 E. Dry wiping cloths must be laundered as necessary to prevent contamination of
137.5 food and clean serving utensils.

137.6 **4626.0920 STORAGE OF SOILED LINENS. 4-803.11**

137.7 Soiled linens must be kept in clean, nonabsorbent receptacles or clean, washable laundry
137.8 bags and stored and transported to prevent contamination of food, clean equipment, clean
137.9 utensils, and single-service and single-use articles.

137.10 **4626.0925 LINENS; MECHANICAL WASHING. 4-803.12**

137.11 A. Except as specified in item B, linens must be mechanically washed.

137.12 B. In food establishments in which only wiping cloths are laundered as specified
137.13 in part 4626.0695, item B, the wiping cloths may be laundered in a mechanical washer, a
137.14 sink designated only for laundering wiping cloths, or a warewashing sink that is cleaned as
137.15 specified in part 4626.0750.

137.16 **4626.0930 LAUNDRY FACILITIES; USE LIMITATIONS. 4-803.13**

137.17 A. Except as specified in item B, laundry facilities on the premises of a food
137.18 establishment must be used only for the washing and drying of items used in the operation
137.19 of the establishment.

137.20 *[For text of item B, see M.R.]*

137.21 **4626.0935 EQUIPMENT AND UTENSILS; AIR-DRYING REQUIRED. 4-901.11**

137.22 A. Except as specified in item B, after cleaning and sanitizing, equipment and
137.23 utensils must be air-dried.

138.1 B. Utensils that have been be air-dried may be polished with cloths that are
138.2 maintained clean and dry.

138.3 C. After cleaning and sanitizing, equipment and utensils must be adequately
138.4 drained before contacting food if chemical sanitizer formulations and limits in Code of
138.5 Federal Regulations, title 40, section 180.940, are used.

138.6 **4626.0940 WIPING CLOTHS; AIR-DRYING LOCATIONS. 4-901.12**

138.7 Wiping cloths laundered in a food establishment that does not have a mechanical clothes
138.8 dryer specified in part 4626.0695, item B, must be air-dried in a location and in a manner
138.9 that prevents contamination of food, equipment, utensils, linens, single-service and single-use
138.10 articles, and the wiping cloths. This part does not apply if wiping cloths are stored after
138.11 laundering in a sanitizing solution as specified in part 4626.0805.

138.12 **4626.0945 LUBRICANTS; FOOD-CONTACT SURFACES. 4-902.11**

138.13 Lubricants as specified in part 4626.1640 must be applied to food-contact surfaces that
138.14 require lubrication in a manner that does not contaminate the food-contact surfaces.

138.15 **4626.0950 EQUIPMENT REASSEMBLY. 4-902.12**

138.16 Equipment must be reassembled so that food-contact surfaces are not contaminated.

138.17 **4626.0955 EQUIPMENT, UTENSILS, LINENS, AND SINGLE-SERVICE AND**
138.18 **SINGLE-USE ARTICLES; STORAGE. 4-903.11**

138.19 A. Except as specified in item D, clean equipment and utensils, laundered linens,
138.20 and single-service and single-use articles must be stored:

138.21 *[For text of subitems (1) and (2), see M.R.]*

138.22 (3) at least 6 inches (15 centimeters) above the floor.

138.23 B. Clean equipment and utensils must be stored as specified in item A and must
138.24 be stored:

139.1 (1) in a self-draining position that allows air drying; and

139.2 (2) covered or inverted.

139.3 C. Single-service and single-use articles must be stored as specified in item A and
139.4 must be kept in the original protective package or stored by using other means that afford
139.5 protection from contamination until used.

139.6 D. Items that are kept in closed packages may be stored less than 6 inches (15
139.7 centimeters) above the floor on dollies, pallets, racks, and skids that are designed as specified
139.8 in part 4626.0665.

139.9 **4626.0960 STORAGE PROHIBITIONS. 4-903.12**

139.10 A. Except as specified in item B, food, cleaned and sanitized equipment, utensils,
139.11 laundered linens, or single-service and single-use articles must not be stored:

139.12 (1) in locker rooms;

139.13 (2) in toilet rooms;

139.14 (3) in garbage rooms;

139.15 (4) in mechanical rooms;

139.16 (5) under sewer lines that are not shielded to intercept potential drips;

139.17 (6) under leaking water lines including leaking automatic fire sprinkler heads
139.18 or under lines on which water has condensed;

139.19 (7) under open stairwells; or

139.20 (8) under other sources of contamination.

139.21 B. Laundered linens and single-service and single-use articles that are packaged
139.22 or in a facility such as a cabinet may be stored in a locker room.

140.1 C. If a mechanical clothes washer and dryer is provided, it must be located so that
140.2 the washer and dryer is protected from contamination and is located only in an area where
140.3 there is no exposed food, clean equipment, utensils, or linens, or unwrapped single-service
140.4 or single-use articles.

140.5 **4626.0965 KITCHENWARE AND TABLEWARE. 4-904.11**

140.6 A. Single-service and single-use articles and cleaned and sanitized utensils must
140.7 be handled, displayed, and dispensed so that contamination of food- and lip-contact surfaces
140.8 is prevented.

140.9 B. Knives, forks, and spoons that are not prewrapped must be presented so that
140.10 only the handles are touched by employees and by consumers if consumer self-service is
140.11 provided.

140.12 C. Except as specified in item B, single-service articles that are intended for food-
140.13 or lip-contact must be furnished for consumer self-service with the original individual
140.14 wrapper intact or from an approved dispenser.

140.15 **4626.0970 SOILED TABLEWARE. 4-904.12**

140.16 Soiled tableware must be removed from consumer eating and drinking areas and handled
140.17 so that clean tableware is not contaminated.

140.18 **4626.0975 PRESET TABLEWARE. 4-904.13**

140.19 A. Except as specified in item B, tableware that is preset must be protected from
140.20 contamination by being wrapped, covered, or inverted.

140.21 B. Preset tableware may be exposed if:

140.22 (1) unused settings are removed when a consumer is seated; or

140.23 (2) settings not removed when a consumer is seated are cleaned and sanitized
140.24 before further use.

141.1 **4626.0977 RINSING EQUIPMENT AND UTENSILS AFTER CLEANING AND**
141.2 **SANITIZING. 4-904.14**

141.3 After being cleaned and sanitized, equipment and utensils must not be rinsed before
141.4 air drying or use unless:

141.5 A. the rinse is applied directly from a drinking water supply by a warewashing
141.6 machine that is maintained and operated as specified in parts 4626.0625 to 4626.0645 and
141.7 4626.0735 to 4626.0815; and

141.8 B. the rinse is applied only after the equipment and utensils have been sanitized
141.9 by the application of hot water, or by the application of a chemical sanitizer solution where
141.10 the U.S. Environmental Protection Agency-registered label use instruction calls for rinsing
141.11 off the sanitizer after it is applied in a commercial warewashing machine.

141.12 **4626.0980 DRINKING WATER APPROVED SOURCE. 5-101.11**

141.13 Drinking water must be obtained from an approved source that meets the requirements
141.14 in chapters 4720 and 4725 and Minnesota Statutes, section 31.175._{P1}

141.15 **4626.0985 DRINKING WATER SYSTEM FLUSHING AND DISINFECTION.**
141.16 **5-101.12**

141.17 A drinking water system must be flushed and disinfected according to chapters 4714,
141.18 4720, and 4725 before being placed in service after construction, repair, or modification
141.19 and after an emergency situation, such as a flood, that may introduce contamination to the
141.20 system._{P1}

141.21 **4626.0990 BOTTLED DRINKING WATER. 5-101.13**

141.22 Bottled drinking water used or sold in a food establishment must be obtained from
141.23 approved sources according to Code of Federal Regulations, title 21, part 129, and must
141.24 comply with parts 1550.3200 to 1550.3320, and applicable federal and state laws._{P1}

142.1 **4626.0995 DRINKING WATER STANDARDS. 5-102.11**

142.2 Except as specified in part 4626.1000:

142.3 A. water from a public water system must meet the requirements of chapters 4714,
142.4 4720, and 4725;_{P1} and

142.5 B. water from a nonpublic water system must meet the drinking water quality
142.6 standards of noncommunity transient water systems._{P1}

142.7 **4626.1000 NONDRINKING WATER. 5-102.12**

142.8 Nondrinking water may be used only for nonculinary purposes such as air conditioning,
142.9 nonfood equipment cooling, and fire protection._{P1}

142.10 **4626.1005 WATER SAMPLING. 5-102.13**

142.11 A. Drinking water from a public water system must be sampled and tested as
142.12 required in chapter 4720._{P2}

142.13 B. Drinking water from a nonpublic water system must be sampled at the same
142.14 frequency and tested for the same parameters as a public noncommunity transient water
142.15 system. Sample collection protocols must follow the requirements in chapter 4720._{P2}

142.16 **4626.1010 WATER SAMPLE REPORT; NOTIFICATION AND RETENTION.**
142.17 **5-102.14**

142.18 A. The most recent report of water quality shall be retained on file in the food
142.19 establishment and the report shall be maintained as specified in chapter 4720.

142.20 B. The licensee of a food establishment with a nonpublic water system shall notify
142.21 the regulatory authority of the failure to comply with national primary drinking water
142.22 regulations as follows:

142.23 (1) within 48 hours for nitrate;_{P2}

142.24 (2) within 24 hours for total coliform;_{P2} and

143.1 (3) immediately when the result is known for *E. coli*._{p2}

143.2 **4626.1015 WATER SYSTEM CAPACITY. 5-103.11**

143.3 A. The water source and system must be of sufficient capacity to meet the peak
143.4 water demands of the food establishment._{p2}

143.5 B. Hot water generation and distribution systems must be sufficient to meet the
143.6 peak hot water demands throughout the food establishment._{p2}

143.7 **4626.1020 WATER PRESSURE. 5-103.12**

143.8 Water under pressure must be provided to all fixtures, equipment, and nonfood
143.9 equipment that are required to use water except that a seasonal temporary food stand that
143.10 is disassembled after every use, a special event food stand, or a response to a temporary
143.11 interruption of a water supply need not be under pressure._{p2}

143.12 **4626.1030 WATER SYSTEM. 5-104.11**

143.13 Water must be received from the source through the use of:

143.14 A. an approved public water main regulated under chapter 4720;_{p2} or

143.15 B. one or more of the following means that must be constructed, maintained, and
143.16 operated according to applicable state laws and rules:

143.17 (1) a nonpublic water main, water pumps, pipes, hoses, connections, and
143.18 other appurtenances that comply with chapters 4714 and 4720;_{p2}

143.19 (2) water haulers that comply with parts 4720.4000 to 4720.4400;_{p2} or

143.20 (3) water tanks that comply with parts 4626.1135 to 4626.1175 and 4720.4300
143.21 to 4720.4400._{p2}

144.1 **4626.1035 ALTERNATIVE WATER SUPPLY. 5-104.12**

144.2 Water meeting the requirements of parts 4626.0980 to 4626.1020 must be made available
144.3 for a food cart, mobile food unit, seasonal temporary food stand, or special event food stand
144.4 without a permanent water supply, and for a food establishment with a temporary interruption
144.5 of its water supply through:

144.6 A. containers of commercially bottled drinking water that comply with Code of
144.7 Federal Regulations, title 21, part 129, and parts 1550.3200 to 1550.3320;_{p2}

144.8 B. one or more closed portable water containers that comply with parts 4720.4300
144.9 to 4720.4400 and applicable state laws;_{p2}

144.10 C. an enclosed vehicular water tank that complies with parts 4720.4300 to
144.11 4720.4400;_{p2} or

144.12 D. piping, tubing, or hoses connected to an adjacent source that complies with
144.13 parts 4626.1140 and 4626.1160 and chapters 4720 and 4725;_{p2} or

144.14 E. a water vending machine as defined in part 1550.3200, subpart 32._{p2}

144.15 **4626.1040 PLUMBING SYSTEM; APPROVED MATERIALS, INSTALLATION,**
144.16 **AND MAINTENANCE. 5-201.11**

144.17 A. A plumbing system must be designed, constructed, installed, and repaired with
144.18 approved materials, equipment, and devices according to chapter 4714 and Minnesota
144.19 Statutes, sections 326B.43 to 326B.49._{p1}

144.20 B. A plumbing system must be maintained in good repair.

144.21 C. A water filter must be made of safe materials._{p1}

144.22 **4626.1050 HANDWASHING SINK; INSTALLATION. 5-202.12**

144.23 A. A handwashing sink must be equipped to provide water at a temperature to
144.24 allow handwashing for at least 15 seconds through a mixing valve or combination faucet._{p2}

145.1 B. A steam mixing valve must not be used at a handwashing sink.

145.2 C. A self-closing, slow-closing, or metering faucet must provide a flow of water
145.3 for at least 15 seconds without the need to reactivate the faucet.

145.4 D. An automatic handwashing facility must be installed according to the
145.5 manufacturer's instructions and specifications.

145.6 **4626.1065 WATER CONDITIONING DEVICE; DESIGN. 5-202.15**

145.7 A water filter, screen, or other water conditioning device installed on water lines must
145.8 be designed and located to facilitate disassembly for periodic servicing and cleaning. A
145.9 water filter element must be a replaceable type.

145.10 **4626.1070 HANDWASHING SINKS; NUMBERS AND CAPACITY. 5-203.11**

145.11 A. Except as specified in items B and C, each food establishment must install at
145.12 least 1 handwashing sink, or the number of handwashing sinks necessary for the convenient
145.13 use by employees in the areas specified in part 4626.1095.p2

145.14 B. When food exposure is limited and handwashing sinks are not conveniently
145.15 available at vending machine locations, employees may use chemically treated towelettes
145.16 for handwashing.

145.17 C. A special event food stand or seasonal temporary food stand that is disassembled
145.18 after each use may use a handwashing device with water delivered under pressure or by
145.19 gravity with a faucet or spigot that provides hands-free flow of water.

145.20 **4626.1075 TOILETS AND URINALS. 5-203.12**

145.21 A. At least 1 toilet and not fewer than the number of toilets required by federal
145.22 and state laws and rules must be provided. Urinals may be substituted for toilets if more
145.23 than the minimum number of toilets required under state or federal laws and rules are
145.24 provided.

146.1 B. A plumbing fixture such as a handwashing sink, toilet, or urinal must be easily
146.2 cleanable.

146.3 C. A food cart, special event food stand, temporary food establishment, retail food
146.4 vehicle, portable structure, or cart is exempt from item A.

146.5 **4626.1080 SERVICE SINK. 5-203.13**

146.6 A. At least 1 service sink or 1 curbed cleaning facility equipped with a floor drain
146.7 must be provided and conveniently located for the cleaning of mops or similar wet floor
146.8 cleaning tools and for the disposal of mop water and similar liquid waste. The service sink
146.9 must not be used for any other purpose.

146.10 B. Toilets and urinals must not be used as a service sink for the disposal of mop
146.11 water and similar liquid waste.

146.12 C. A food cart, special event food stand, temporary food establishment, retail food
146.13 vehicle, portable structure, or cart is exempt from item A.

146.14 **4626.1085 BACKFLOW PREVENTION DEVICE; WHEN REQUIRED. 5-203.14**

146.15 A. A plumbing system must be installed to preclude backflow of a solid, liquid,
146.16 or gas contaminant into the water supply system at each point of use at the food establishment
146.17 according to chapter 4714._{p1}

146.18 B. A backflow prevention device must be located so that it may be serviced and
146.19 maintained.

146.20 **4626.1095 HANDWASHING SINKS. 5-204.11**

146.21 A handwashing sink must be located:

146.22 A. to allow convenient use by employees in food preparation, food dispensing,
146.23 and warewashing areas;_{p2} and

146.24 B. in, or immediately adjacent to, toilet rooms._{p2}

147.1 **4626.1110 USING HANDWASHING SINKS. 5-205.11**

147.2 A. A handwashing sink must be maintained so that it is accessible at all times for
147.3 employee use._{p2}

147.4 B. A handwashing sink must not be used for purposes other than handwashing._{p2}

147.5 C. An automatic handwashing facility must be used according to the manufacturer's
147.6 instructions._{p2}

147.7 **4626.1115 CROSS-CONNECTIONS PROHIBITED. 5-205.12**

147.8 A. A person shall not create a cross-connection by connecting a pipe or conduit
147.9 between the drinking water system and a nondrinking water system or a water system of
147.10 unknown quality._{p1}

147.11 B. The piping of a nondrinking water system must be durably identified so that
147.12 it is readily distinguishable from piping that carries drinking water._{p2}

147.13 **4626.1120 SCHEDULING INSPECTION AND SERVICE FOR A WATER SYSTEM**
147.14 **DEVICE. 5-205.13**

147.15 A device such as a water treatment device or backflow preventer must be scheduled
147.16 for inspection and service according to the manufacturer's instructions and as necessary to
147.17 prevent device failure based on local water conditions. Records demonstrating inspection
147.18 and service must be maintained by the person in charge._{p2}

147.19 **4626.1125 WATER RESERVOIR OF FOGGING DEVICES; CLEANING. 5-205.14**

147.20 A. A reservoir that is used to supply water to a produce fogger or similar device
147.21 must be:

147.22 (1) maintained according to the manufacturer's specifications;_{p1} and

147.23 (2) cleaned according to the manufacturer's specifications or according to the
147.24 procedures in item B, whichever is more stringent._{p1}

148.1 B. Cleaning procedures must include at least the following steps and must be
148.2 conducted at least once a week:

148.3 (1) draining and complete disassembly of the water and aerosol contact parts;p₁

148.4 (2) brush-cleaning the reservoir, aerosol tubing, and discharge nozzles with
148.5 a suitable detergent solution;p₁

148.6 (3) flushing the complete system with water to remove the detergent solution
148.7 and particulate accumulation;p₁ and

148.8 (4) rinsing by immersing, spraying, or swabbing the reservoir, aerosol tubing,
148.9 and discharge nozzles with an effective sanitizing chemical per the manufacturer's
148.10 recommendations.p₁

148.11 **4626.1135 WATER TANKS; APPROVED. 5-301.11**

148.12 A water tank used to supply a food establishment, a food cart, a temporary food
148.13 establishment, or any appurtenances must meet:

148.14 A. the requirements specified in parts 4626.1135 to 4626.1175;

148.15 B. the requirements specified in part 4626.0450; and

148.16 C. the standards for water haulers specified in parts 4720.4300 to 4720.4400.

148.17 **4626.1140 DRINKING WATER HOSE; CONSTRUCTION AND IDENTIFICATION.**
148.18 **5-302.16**

148.19 A hose used for conveying drinking water from a water tank must be:

148.20 A. of a food grade material;p₁

148.21 B. durable, corrosion-resistant, and nonabsorbent;

148.22 C. resistant to pitting, chipping, crazing, scratching, scoring, distortion, and
148.23 decomposition;

149.1 D. finished with a smooth interior surface; and

149.2 E. clearly and durably identified as to its use if not permanently attached to the
149.3 water source.

149.4 **4626.1145 FILTER; COMPRESSED AIR. 5-303.11**

149.5 A filter that does not pass oil or oil vapors must be installed in the air supply line
149.6 between the compressor and drinking water system when compressed air is used to pressurize
149.7 the water tank system.^{p1}

149.8 **4626.1150 WATER INLET, OUTLET, AND HOSES; PROTECTIVE COVER OR**
149.9 **DEVICE. 5-303.12**

149.10 A cap and keeper chain, closed cabinet, closed storage tube, or other approved protective
149.11 cover or device must be provided for a water inlet, outlet, and hose when the device is not
149.12 in use.

149.13 **4626.1155 MOBILE FOOD ESTABLISHMENT WATER TANK INLET. 5-303.13**

149.14 A mobile food establishment's water tank inlet must be:

149.15 A. 3/4 inch (19.1 millimeters) in inner diameter or less; and

149.16 *[For text of item B, see M.R.]*

149.17 **4626.1160 WATER SYSTEM FLUSHING AND SANITIZATION. 5-304.11**

149.18 A water tank, pump, and hose must be flushed and sanitized before being placed in
149.19 service after construction, repair, modification, and periods of nonuse.^{p1}

149.20 **4626.1165 WATER TANK, PUMP, AND HOSE; BACKFLOW PREVENTION.**
149.21 **5-304.12**

149.22 A person shall operate a water tank, pump, and hose so that backflow and other
149.23 contamination of the water supply are prevented.

150.1 **4626.1175 WATER TANK, PUMP, AND HOSE; DEDICATION. 5-304.14**

150.2 A. Except as specified in item B, water tanks, pumps, and hoses used for conveying
150.3 drinking water must be used for no other purpose.^{P1}

150.4 B. Water tanks, pumps, and hoses approved for liquid foods may be used for
150.5 conveying drinking water if they are cleaned and sanitized before they are used to convey
150.6 water.

150.7 **4626.1180 SEWAGE HOLDING TANK CAPACITY AND DRAINAGE. 5-401.11**

150.8 A. A sewage holding tank in a mobile food unit or seasonal temporary food
150.9 establishment must be:

150.10 (1) sized 15 percent larger in capacity than the water supply tank; and

150.11 (2) sloped to a drain that is 1 inch (25 millimeters) in inner diameter or greater,
150.12 and equipped with a shut-off valve.

150.13 B. The sewage must not be discharged on the ground.

150.14 C. The regulatory authority may approve an alternate method for conveying and
150.15 disposing of sewage from a mobile food unit or seasonal temporary food establishment in
150.16 lieu of a waste-holding tank. The alternative method of conveying and disposing of sewage
150.17 must meet the requirements of part 4626.1200.

150.18 **4626.1190 BACKFLOW PREVENTION. 5-402.11**

150.19 A. Except as specified in items B, C, and D, a direct connection must not exist
150.20 between the sewage system and a drain originating from equipment in which food, portable
150.21 equipment, or utensils are placed.^{P1}

150.22 B. Item A does not apply to floor drains that originate in refrigerated spaces that
150.23 are constructed as an integral part of the building.

151.1 C. If allowed by chapter 4714, a warewashing machine may have a direct
151.2 connection between its waste outlet and a floor drain when the machine is located within 5
151.3 feet (1.5 meters) of a trapped floor drain and the machine outlet is connected to the inlet
151.4 side of a properly vented floor drain trap.

151.5 D. If allowed by chapter 4714, a warewashing or culinary sink may have a direct
151.6 connection.

151.7 **4626.1195 GREASE TRAP. 5-402.12**

151.8 If used, a grease trap must be located to be easily accessible for cleaning.

151.9 **4626.1200 CONVEYING SEWAGE. 5-402.13**

151.10 Sewage must be conveyed to the point of disposal through an approved sanitary sewage
151.11 system or other system, including use of sewage transport vehicles, waste retention tanks,
151.12 pumps, pipes, hoses, and connections that are constructed, maintained, and operated according
151.13 to chapters 7080 and 7081, and Minnesota Statutes, section 115.55._{p1}

151.14 **4626.1205 REMOVING TEMPORARY FOOD ESTABLISHMENT WASTES.**
151.15 **5-402.14**

151.16 Sewage and other liquid wastes must be removed from a food cart, special event food
151.17 stand, temporary food establishment, retail food vehicle, portable structure, or cart at an
151.18 approved waste servicing area or by a sewage transport vehicle in such a way that a public
151.19 health hazard or nuisance is not created._{p2}

151.20 **4626.1210 FLUSHING WASTE RETENTION TANK. 5-402.15**

151.21 A tank for liquid waste retention must be thoroughly flushed and drained in a sanitary
151.22 manner during the servicing operation.

151.23 **4626.1215 APPROVED SEWAGE DISPOSAL SYSTEM. 5-403.11**

151.24 Sewage must be disposed through an approved facility that is:

152.1 A. a public sewage treatment plant;^{p1} or

152.2 B. an individual sewage disposal system that is sized, constructed, maintained,
152.3 and operated according to chapters 7080 and 7081.^{p1}

152.4 **4626.1220 OTHER LIQUID WASTES AND RAINWATER. 5-403.12**

152.5 Condensate drainage and other nonsewage liquids and rainwater must be drained from
152.6 point of discharge to disposal according to chapters 7080, 7081, and 7083.

152.7 **4626.1225 REFUSE; INDOOR STORAGE AREA. 5-501.10**

152.8 If located within the food establishment, a storage area for refuse, recyclables, and
152.9 returnables must meet the requirements in parts 4626.1325, 4626.1335 to 4626.1370,
152.10 4626.1395, and 4626.1400.

152.11 **4626.1230 REFUSE; OUTDOOR STORAGE SURFACE. 5-501.11**

152.12 An outdoor storage surface for refuse, recyclables, and returnables must be constructed
152.13 of nonabsorbent material such as concrete or asphalt and must be smooth, durable, and
152.14 sloped to drain.

152.15 **4626.1235 REFUSE; OUTDOOR ENCLOSURE. 5-501.12**

152.16 If used, an outdoor enclosure for refuse, recyclables, and returnables must be constructed
152.17 of durable and cleanable materials.

152.18 **4626.1240 REFUSE; RECEPTACLES. 5-501.13**

152.19 A. Except as specified in item B, receptacles and waste handling units for refuse,
152.20 recyclables, and returnables and for use with materials containing food residue must be
152.21 durable, cleanable, insect- and rodent-resistant, leakproof, and nonabsorbent.

152.22 B. Plastic bags and wet strength paper bags may be used to line receptacles for
152.23 storage inside the food establishment or within closed outside receptacles.

153.1 **4626.1245 REFUSE; RECEPTACLES IN VENDING MACHINES. 5-501.14**

153.2 A refuse receptacle must not be located within a vending machine, except that a
153.3 receptacle for beverage bottle crown closures may be located within a vending machine.

153.4 **4626.1250 REFUSE; OUTSIDE RECEPTACLES. 5-501.15**

153.5 A. Receptacles and waste handling units for refuse, recyclables, and returnables
153.6 used with materials containing food residue and used outside the food establishment must
153.7 be designed and constructed to have tight-fitting lids, doors, or covers.

153.8 B. Receptacles and waste handling units for refuse and recyclables, such as an
153.9 on-site compactor, must be installed so that accumulation of debris and insect and rodent
153.10 attraction and harborage are minimized and effective cleaning is facilitated around and, if
153.11 the equipment is not installed flush with the base pad, under the unit.

153.12 **4626.1255 REFUSE; STORAGE AREAS, ROOMS, AND RECEPTACLES;**
153.13 **CAPACITY AND AVAILABILITY. 5-501.16**

153.14 A. An inside storage room and area, an outside storage area and enclosure, and
153.15 receptacles must be of sufficient capacity to hold refuse, recyclables, and returnables that
153.16 accumulate.

153.17 B. A receptacle must be provided in each area of the food establishment or premises
153.18 where refuse is generated or commonly discarded or where recyclables or returnables are
153.19 placed.

153.20 C. If disposable towels are used at handwashing sinks, a waste receptacle must
153.21 be located at each sink or group of adjacent sinks.

153.22 **4626.1260 REFUSE; TOILET ROOM RECEPTACLE; COVERED. 5-501.17**

153.23 A toilet room must be provided with a covered receptacle for sanitary napkins or diapers.

154.1 **4626.1265 REFUSE; CLEANING IMPLEMENTS AND SUPPLIES. 5-501.18**

154.2 A. Except as specified in item B, suitable cleaning implements and supplies such
154.3 as high pressure pumps, hot water, steam, and detergent, must be provided as necessary to
154.4 effectively clean receptacles and waste handling units for refuse, recyclables, and returnables.

154.5 B. Off-premises-based cleaning services with implements and supplies as specified
154.6 in item A may be used if on-premises cleaning implements and supplies are not provided.

154.7 **4626.1270 REFUSE; STORAGE AREAS, REDEEMING MACHINES, EQUIPMENT,**
154.8 **AND RECEPTACLES; LOCATION. 5-501.19**

154.9 A. An area designated for refuse, recyclables, returnables, and, except as specified
154.10 in item B, a redeeming machine for recyclables or returnables must be located so that it is
154.11 separate from food, equipment, utensils, linens, and single-service and single-use articles
154.12 and a nuisance or a public health hazard is not created.

154.13 *[For text of item B, see M.R.]*

154.14 C. The location of receptacles and waste handling units for refuse, recyclables,
154.15 and returnables must not create a public health hazard or nuisance or interfere with the
154.16 cleaning of adjacent space.

154.17 **4626.1275 STORING REFUSE, RECYCLABLES, AND RETURNABLES; INSECT**
154.18 **AND RODENT CONTROL. 5-501.110**

154.19 Refuse, recyclables, and returnables must be stored in receptacles or waste handling
154.20 units so that they are inaccessible to insects and rodents.

154.21 **4626.1280 AREAS, ENCLOSURES, AND RECEPTACLES; GOOD REPAIR.**
154.22 **5-501.111**

154.23 Storage areas, enclosures, and receptacles for refuse, recyclables, and returnables must
154.24 be maintained in good repair.

155.1 **4626.1285 OUTSIDE STORAGE PROHIBITIONS. 5-501.112**

155.2 A. Except as specified in item B, refuse receptacles not meeting the requirements
155.3 specified in part 4626.1240, item A, including receptacles that are not rodent-resistant,
155.4 unprotected plastic bags and paper bags, and baled units that contain materials with food
155.5 residue, must not be stored outside.

155.6 *[For text of item B, see M.R.]*

155.7 **4626.1290 COVERING RECEPTACLES. 5-501.113**

155.8 Receptacles and waste handling units for refuse, recyclables, and returnables must be
155.9 kept covered:

155.10 *[For text of items A and B, see M.R.]*

155.11 **4626.1295 USING DRAIN PLUGS. 5-501.114**

155.12 Drains in receptacles and waste handling units for refuse, recyclables, and returnables
155.13 must have drain plugs in place.

155.14 **4626.1300 MAINTAINING REFUSE AREAS AND ENCLOSURES. 5-501.115**

155.15 A storage area and enclosure for refuse, recyclables, or returnables must be maintained
155.16 free of unnecessary items, as specified in part 4626.1580, and clean.

155.17 **4626.1305 CLEANING RECEPTACLES. 5-501.116**

155.18 A. Receptacles and waste handling units for refuse, recyclables, and returnables
155.19 must be thoroughly cleaned in a way that does not contaminate food, equipment, utensils,
155.20 linens, or single-service and single-use articles, and wastewater must be disposed of according
155.21 to part 4626.1200 and applicable state laws and rules.

155.22 B. Receptacles and waste handling units for refuse, recyclables, and returnables
155.23 must be cleaned at a frequency necessary to prevent them from developing a build-up of
155.24 soil or becoming attractants for insects and rodents.

156.1 **4626.1310 REFUSE, RECYCLABLES, AND RETURNABLES; REMOVAL**
156.2 **FREQUENCY. 5-502.11**

156.3 Refuse, recyclables, and returnables must be removed from the premises at a frequency
156.4 that will minimize the development of objectionable odors and other conditions that attract
156.5 or harbor insects and rodents.

156.6 **4626.1315 RECEPTACLES OR VEHICLES. 5-502.12**

156.7 Refuse, recyclables, and returnables must be removed from the premises by way of:

156.8 A. portable receptacles that are constructed and maintained according to applicable
156.9 state laws and rules; or

156.10 B. a transport vehicle that is constructed, maintained, and operated according to
156.11 applicable state laws and rules.

156.12 **4626.1320 SOLID WASTE COMMUNITY OR INDIVIDUAL FACILITY. 5-503.11**

156.13 Solid waste not disposed of through the sewage system, such as through grinders and
156.14 pulpers, must be recycled or disposed of in an approved public or private community
156.15 recycling or refuse facility; or solid waste must be disposed of in an individual refuse facility
156.16 such as a landfill or incinerator that is sized, constructed, maintained, and operated according
156.17 to applicable state laws and rules.

156.18 **4626.1325 FLOORS, WALLS, AND CEILINGS; CHARACTERISTICS INDOOR**
156.19 **AREAS AND MATERIALS. 6-101.11**

156.20 A. Except as specified in item B, materials for indoor floor, wall, and ceiling
156.21 surfaces under conditions of normal use must be:

156.22 *[For text of subitem (1), see M.R.]*

156.23 (2) closely woven and easily cleanable carpet for all carpeted areas; and

157.1 (3) nonabsorbent for areas subject to moisture such as food preparation areas,
157.2 walk-in refrigerators, warewashing areas, toilet rooms, all servicing areas, and areas subject
157.3 to flushing or spray cleaning methods.

157.4 B. In any food cart, special event food stand, seasonal temporary food stand,
157.5 seasonal permanent food stand, portable structure, or cart:

157.6 *[For text of subitem (1), see M.R.]*

157.7 (2) walls and ceilings must be constructed of a material that protects the
157.8 interior from the weather and windblown dust and debris.

157.9 **4626.1330 OUTDOOR SURFACES; CHARACTERISTICS AND MATERIALS.**
157.10 **6-102.11**

157.11 A. Outdoor walking and driving areas must be surfaced with concrete, asphalt,
157.12 gravel, or other materials that have been effectively treated to minimize dust, facilitate
157.13 maintenance, and prevent muddy conditions.

157.14 B. Exterior surfaces of buildings and mobile food units, seasonal permanent food
157.15 stands, and retail food vehicles must be of weather-resistant materials and must comply
157.16 with law.

157.17 **4626.1335 FLOORS, WALLS, AND CEILINGS; CLEANABILITY. 6-201.11**

157.18 A. Except as specified in part 4626.1350, the floors, floor coverings, walls, wall
157.19 coverings, and ceilings must be designed, constructed, and installed so they are smooth and
157.20 easily cleanable, except that antislip floor coverings or applications may be used for safety
157.21 reasons.

157.22 B. Sealed concrete is prohibited in those areas described in part 4626.1325, item
157.23 A, subitem (3), if food product packages, containers, or cases in those areas are opened.
157.24 Sealed concrete is permitted in areas used exclusively for refuse storage.

158.1 **4626.1340 FLOORS, WALLS, AND CEILINGS; UTILITY LINES. 6-201.12**

158.2 A. Utility service lines and pipes must not be unnecessarily exposed.

158.3 B. Exposed utility service lines and pipes must be installed so they do not obstruct
158.4 or prevent cleaning of the floors, walls, or ceilings.

158.5 C. Exposed horizontal utility service lines and pipes must not be installed directly
158.6 on the floor.

158.7 **4626.1345 FLOOR AND WALL JUNCTURES; COVED AND ENCLOSED OR**
158.8 **SEALED. 6-201.13**

158.9 A. In food establishments in which cleaning methods other than water flushing
158.10 are used for cleaning floors, the floor and wall junctures must be coved and closed to no
158.11 larger than 1/32 inch (1 millimeter).

158.12 B. The floors in food establishments in which water flushing cleaning methods
158.13 are used must be provided with drains and graded to drain, and the floor and wall junctures
158.14 must be coved and sealed.

158.15 **4626.1350 FLOOR CARPETING; RESTRICTIONS AND INSTALLATION. 6-201.14**

158.16 A. Carpeting or similar material must not be installed as a floor covering in food
158.17 preparation areas; walk-in refrigerators or freezers; warewashing areas; toilet room areas
158.18 where handwashing sinks, toilets, and urinals are located; refuse storage areas; wait stations;
158.19 dressing rooms; locker rooms; janitorial areas; within 3 feet around permanently installed
158.20 bars and salad bars, other food service equipment, and food storage rooms; or other areas
158.21 where the floor is subject to moisture, flushing, or spray cleaning methods.

158.22 B. If carpeting is installed as a floor covering in areas other than those specified
158.23 in item A, it must be:

158.24 *[For text of subitems (1) and (2), see M.R.]*

159.1 **4626.1355 FLOOR COVERING; MATS AND DUCKBOARDS. 6-201.15**

159.2 Mats and duckboards must be designed to be removable and easily cleanable.

159.3 **4626.1360 WALL AND CEILING COVERINGS AND COATINGS. 6-201.16**

159.4 A. Wall and ceiling covering materials must be attached so that they are easily
159.5 cleanable.

159.6 B. Except in areas used only for dry storage, concrete, porous blocks or bricks
159.7 used for indoor wall construction must be finished and sealed to provide a smooth,
159.8 nonabsorbent, easily cleanable surface.

159.9 **4626.1365 WALLS AND CEILINGS; ATTACHMENTS. 6-201.17**

159.10 A. Except as specified in item B, attachments to walls and ceilings such as light
159.11 fixtures, mechanical room ventilation system components, vent covers, wall mounted fans,
159.12 decorative items, and other attachments must be easily cleanable.

159.13 *[For text of item B, see M.R.]*

159.14 **4626.1370 WALLS AND CEILINGS; STUDS, JOISTS, AND RAFTERS. 6-201.18**

159.15 Except for temporary food establishments, studs, joists, and rafters must not be exposed
159.16 in areas subject to moisture.

159.17 **4626.1375 LIGHT BULBS; PROTECTIVE SHIELDING. 6-202.11**

159.18 A. Except as specified in item B, light bulbs must be shielded, coated, or otherwise
159.19 shatter-resistant in areas where there is exposed food; clean equipment, utensils, and linens;
159.20 or unwrapped single-service and single-use articles.

159.21 *[For text of item B, see M.R.]*

159.22 C. An infrared or other heat lamp must be protected against breakage by a shield
159.23 surrounding and extending beyond the bulb so that only the face of the bulb is exposed.

160.1 **4626.1380 HEATING, VENTILATING, AND AIR CONDITIONING SYSTEM**
160.2 **VENTS. 6-202.12**

160.3 Heating, ventilating, and air conditioning systems must be designed and installed so
160.4 that make-up air intake and exhaust vents do not cause contamination of food, food-contact
160.5 surfaces, equipment, or utensils. Systems must be installed according to chapter 1346.

160.6 **4626.1385 INSECT CONTROL DEVICES; DESIGN AND INSTALLATION.**
160.7 **6-202.13**

160.8 A. Insect control devices that are used to electrocute or stun flying insects must
160.9 be designed to retain the insect within the device.

160.10 B. Insect control devices must be installed so that:

160.11 *[For text of subitems (1) and (2), see M.R.]*

160.12 **4626.1390 TOILET ROOMS; ENCLOSED. 6-202.14**

160.13 Except where a toilet room is located outside a food establishment and does not open
160.14 directly into the food establishment, such as a toilet room that is provided by the management
160.15 of a shopping mall, a toilet room located on the premises must be completely enclosed and
160.16 provided with a tight-fitting and self-closing door or as specified in part 4626.1555.

160.17 **4626.1395 OUTER OPENINGS; PROTECTED. 6-202.15**

160.18 A. Except in food carts, special event food stands, temporary food establishments,
160.19 retail food vehicles, portable structures, carts, or outside areas used for beverage service,
160.20 such as alcohol bar service or as specified in items B, C, E, and F and under item D, outer
160.21 openings of a food establishment must be protected against the entry of insects and rodents
160.22 by:

160.23 *[For text of subitems (1) to (3), see M.R.]*

160.24 B. Item A does not apply if a food establishment opens into a larger structure,
160.25 such as a mall, airport, or office building, or into an attached structure, such as a porch, and

161.1 the outer openings from the larger or attached structure are protected against the entry of
161.2 insects and rodents.

161.3 C. Exterior doors used as exits need not be self-closing if they are:

161.4 (1) solid and tight-fitting;

161.5 (2) designated for use only when an emergency exists, by the fire protection
161.6 authority that has jurisdiction over the food establishment; and

161.7 (3) limited-use so they are not used for entrance or exit from the building for
161.8 purposes other than the designated emergency exit use.

161.9 D. Except as specified in items B and E, if the windows or doors of a food
161.10 establishment, or those of a larger structure where a food establishment is located, are kept
161.11 open for ventilation or other purposes, the openings must be protected against the entry of
161.12 insects and rodents by:

161.13 (1) 16 mesh to 1 inch (25 mm) screens;

161.14 (2) properly designed and installed air curtains to control flying insects; or

161.15 (3) other effective means.

161.16 E. Item D does not apply to a temporary food establishment that does not have
161.17 windows and doors.

161.18 F. Item D does not apply if flying insects and other pests are absent due to the
161.19 location of the establishment, the weather, or other limiting condition.

161.20 **4626.1400 EXTERIOR WALLS AND ROOFS; PROTECTIVE BARRIER. 6-202.16**

161.21 A. Except as specified in item B, perimeter walls and roofs of a food establishment
161.22 must effectively protect the establishment from the weather and the entry of insects, rodents,
161.23 and other animals.

162.1 B. A food cart, special event food stand, temporary food establishment, retail
162.2 vehicle, portable structure, or cart must provide protection during adverse weather by its
162.3 construction or location. Food activities must cease if protection fails.

162.4 **4626.1405 OUTDOOR FOOD VENDING AREAS; OVERHEAD PROTECTION.**
162.5 **6-202.17**

162.6 If located outside, a machine used to vend food must be provided with overhead
162.7 protection except that machines vending canned beverages need not comply with this part.

162.8 **4626.1410 OUTDOOR SERVICING AREAS; OVERHEAD PROTECTION. 6-202.18**

162.9 Servicing areas must be provided with overhead protection except that areas used only
162.10 for loading water or discharging sewage and other liquid waste, through the use of a closed
162.11 system of hoses, need not be provided with overhead protection.

162.12 **4626.1415 OUTDOOR WALKING AND DRIVING SURFACES; GRADED TO**
162.13 **DRAIN. 6-202.19**

162.14 The exterior walking and driving surfaces must be graded to drain.

162.15 **4626.1420 OUTDOOR REFUSE AREAS; CURBED AND GRADED TO DRAIN.**
162.16 **6-202.110**

162.17 Outdoor refuse areas must be constructed according to law and must be curbed and
162.18 graded to drain to collect and dispose of liquid waste that results from the refuse and from
162.19 cleaning the area and waste receptacles.

162.20 **4626.1425 PRIVATE HOMES AND LIVING OR SLEEPING QUARTERS; USE**
162.21 **PROHIBITION. 6-202.111**

162.22 A private home, a room used as living or sleeping quarters, or an area directly opening
162.23 into a room used as living or sleeping quarters must not be used for conducting food
162.24 establishment operations._{PI}

163.1 **4626.1430 LIVING OR SLEEPING QUARTERS; SEPARATION. 6-202.112**

163.2 Living or sleeping quarters located on the premises of a food establishment, including
163.3 those provided for lodging registration clerks or resident managers, must be separated from
163.4 rooms and areas used for food establishment operations by complete partitioning and solid
163.5 self-closing doors.

163.6 **4626.1440 HANDWASHING SOAP; AVAILABILITY. 6-301.11**

163.7 Each handwashing sink or group of 2 adjacent handwashing sinks must be provided
163.8 with a supply of soap.p2

163.9 **4626.1445 HAND DRYING PROVISION. 6-301.12**

163.10 Each handwashing sink or group of adjacent handwashing sinks must be provided with:

163.11 A. individual, disposable towels;p2

163.12 B. a continuous towel system that supplies the user with a clean towel;p2

163.13 C. a heated-air hand drying device;p2 or

163.14 D. a hand drying device that employs an air-knife system that delivers high
163.15 velocity, pressurized air at ambient temperatures.p2

163.16 **4626.1450 DISPOSABLE TOWELS; WASTE RECEPTACLE. 6-301.20**

163.17 A waste receptacle must be provided as specified in part 4626.1255, item B, for each
163.18 handwashing lavatory or group of adjacent lavatories that is provided with individual,
163.19 disposable towels specified in part 4626.1255, item C.

163.20 **4626.1455 HANDWASHING AIDS AND DEVICES; USE RESTRICTIONS. 6-301.14**

163.21 A sink used for food preparation or utensil washing, or a service sink or curbed cleaning
163.22 facility used for the disposal of mop water or similar wastes, must not be provided with the
163.23 handwashing aids and devices required for a handwashing sink as specified in parts
163.24 4626.1440 to 4626.1450.

164.1 **4626.1457 HANDWASHING SIGNAGE. 6-301.14**

164.2 A sign or poster that notifies food employees to wash their hands must be provided at
164.3 all handwashing sinks used by food employees and must be clearly visible to food employees.

164.4 **4626.1465 TOILET TISSUE; AVAILABILITY. 6-302.11**

164.5 A supply of toilet tissue must be available at each toilet._{p2}

164.6 **4626.1470 LIGHTING INTENSITY. 6-303.11**

164.7 The light intensity must be:

164.8 A. at least 10 foot-candles (108 lux) at a distance of 30 inches (75 cm) above the
164.9 floor, in walk-in refrigeration units and dry food storage areas, and in other areas and rooms
164.10 during periods of cleaning;

164.11 B. at least 20 foot-candles (215 lux):

164.12 (1) at a surface where food is provided for consumer self-service, such as
164.13 buffets and salad bars, or where fresh produce or packaged foods are sold or offered for
164.14 consumption;

164.15 (2) inside equipment such as reach-in and under-counter refrigerators; and

164.16 (3) at a distance of 30 inches (75 cm) above the floor in areas used for
164.17 handwashing, warewashing, and equipment and utensil storage, and in toilet rooms; and

164.18 C. at least 50 foot-candles (540 lux) at a surface where a food employee is working
164.19 with food or working with utensils or equipment, such as knives, slicers, grinders, or saws
164.20 where employee safety is a factor.

164.21 **4626.1475 VENTILATION; MECHANICAL. 6-304.11**

164.22 A. All rooms must have sufficient mechanical tempered make-up air and exhaust
164.23 ventilation to keep them free of grease, excessive heat, steam, condensation, vapors,

165.1 obnoxious or disagreeable odors, smoke, and fumes according to the applicable provisions
165.2 of the Minnesota Building Code and the Minnesota State Mechanical Code.

165.3 *[For text of item B, see M.R.]*

165.4 C. All ventilation systems must be operated as designed while the ventilated
165.5 equipment is in use.

165.6 D. Ventilation systems equipped with filters must not be operated with the filters
165.7 removed.

165.8 **4626.1480 DRESSING ROOMS AND LOCKERS; DESIGNATION. 6-305.11**

165.9 A. Dressing rooms or dressing areas must be designated if employees routinely
165.10 change clothes in the establishment.

165.11 B. Lockers or other suitable facilities must be provided for the orderly storage of
165.12 employees' clothing and other possessions.

165.13 **4626.1495 TOILET ROOMS; CONVENIENCE AND ACCESSIBILITY. 6-402.11**

165.14 Toilet rooms must be conveniently located and accessible to employees during all hours
165.15 of operation.

165.16 **4626.1500 EMPLOYEE BREAK AREAS, LOCKERS; LOCATION. 6-403.11**

165.17 A. Areas designated for employees to eat, drink, and use tobacco must be located
165.18 so that food, equipment, linens, and single-service and single-use articles are protected from
165.19 contamination.

165.20 B. Lockers or other suitable facilities must be located in a designated room or
165.21 area where contamination of food, equipment, utensils, linens, and single-service and
165.22 single-use articles cannot occur.

166.1 **4626.1505 RETURNED PRODUCTS; SEGREGATION AND LOCATION. 6-404.11**

166.2 Products that are held by the licensee for credit, redemption, or return to the distributor,
166.3 including damaged, spoiled, or recalled products, must be segregated and held in designated
166.4 areas that are separated from food, equipment, utensils, linens, and single-service and
166.5 single-use articles.p2

166.6 **4626.1515 PHYSICAL FACILITIES; GOOD REPAIR. 6-501.11**

166.7 Physical facilities must be maintained in good repair.

166.8 **4626.1520 PHYSICAL FACILITIES; CLEANING FREQUENCY AND**
166.9 **RESTRICTIONS. 6-501.12**

166.10 A. Physical facilities must be cleaned as often as necessary to keep them clean.

166.11 B. Cleaning must be done after closing or during other periods when the least
166.12 amount of food is exposed. This item does not apply to cleaning that is necessary due to a
166.13 spill or other accident.

166.14 **4626.1525 CLEANING FLOORS; DUSTLESS METHODS. 6-501.13**

166.15 A. Except as specified in item B, only dustless methods of cleaning must be used,
166.16 such as wet cleaning, vacuum cleaning, mopping with treated dust mops, or sweeping using
166.17 a broom and dust-arresting compounds.

166.18 B. Spills or drippage on floors that occur between normal floor cleaning times
166.19 may be cleaned:

166.20 *[For text of subitem (1), see M.R.]*

166.21 (2) in the case of liquid spills or drippage, with the use of a small amount of
166.22 absorbent compound such as sawdust or diatomaceous earth applied immediately before
166.23 spot cleaning.

167.1 **4626.1530 CLEANING VENTILATION SYSTEMS; NUISANCE AND DISCHARGE**
167.2 **PROHIBITION. 6-501.14**

167.3 A. Intake and exhaust air ducts must be cleaned and filters changed so they are
167.4 not a source of contamination by dust, dirt, and other materials.

167.5 B. If vented to the outside, ventilation systems must not create a public health
167.6 hazard or nuisance or unlawful discharge.

167.7 **4626.1535 CLEANING MAINTENANCE TOOLS; PREVENTING**
167.8 **CONTAMINATION. 6-501.15**

167.9 Food preparation sinks, handwashing sinks, and warewashing equipment must not be
167.10 used for the cleaning of maintenance tools, the preparation or holding of maintenance
167.11 materials, or the disposal of mop water and similar liquid wastes.p2

167.12 **4626.1540 DRYING MOPS. 6-501.16**

167.13 After use, mops must be placed in a position that allows them to air-dry without soiling
167.14 walls, equipment, or supplies.

167.15 **4626.1545 ABSORBENT MATERIALS ON FLOORS; USE LIMITATION. 6-501.17**

167.16 Except as specified in part 4626.1525, item B, sawdust, wood shavings, granular salt,
167.17 baked clay, diatomaceous earth, or similar absorbent materials must not be used on floors.

167.18 **4626.1550 CLEANING OF PLUMBING FIXTURES. 6-501.18**

167.19 Plumbing fixtures such as handwashing sinks, toilets, and urinals must be cleaned as
167.20 often as necessary to keep them clean.

167.21 **4626.1555 CLOSING TOILET ROOM DOORS. 6-501.19**

167.22 Except during cleaning and maintenance operations, toilet room doors as specified in
167.23 part 4626.1390 must be kept closed. Toilet room entries designed without doors do not need
167.24 to comply with this provision.

168.1 **4626.1560 USING DRESSING ROOMS AND LOCKERS. 6-501.110**

168.2 A. Dressing rooms must be used by employees if the employees regularly change
168.3 clothes in the establishment.

168.4 B. Lockers or other suitable facilities must be used for the orderly storage of
168.5 employee clothing and other possessions.

168.6 **4626.1565 CONTROLLING PESTS. 6-501.111**

168.7 The premises must be maintained free of insects, rodents, and other pests. The presence
168.8 of insects, rodents, and other pests must be controlled to eliminate their presence on the
168.9 premises by:

168.10 A. routinely inspecting incoming shipments of food and supplies;

168.11 B. routinely inspecting the premises for evidence of pests;

168.12 C. using pest control methods if pests are found, such as trapping devices or other
168.13 means of pest control as specified in parts 4626.1610, 4626.1650, and 4626.1655; and

168.14 D. eliminating harborage conditions.

168.15 **4626.1570 REMOVING DEAD OR TRAPPED BIRDS, INSECTS, RODENTS, AND**
168.16 **OTHER PESTS. 6-501.112**

168.17 Dead or trapped birds, insects, rodents, and other pests must be removed from control
168.18 devices and the premises at a frequency that prevents accumulation, decomposition, or
168.19 attraction of pests.

168.20 **4626.1575 STORING MAINTENANCE TOOLS. 6-501.113**

168.21 Maintenance tools such as brooms, mops, vacuum cleaners, and similar items must be:

168.22 *[For text of items A and B, see M.R.]*

169.1 **4626.1580 MAINTAINING PREMISES; UNNECESSARY ITEMS AND LITTER.**
169.2 **6-501.114**

169.3 The premises must be free of:

169.4 A. items that are unnecessary to the operation or maintenance of the establishment,
169.5 such as equipment that is nonfunctional or no longer used; and

169.6 B. litter.

169.7 **4626.1585 PROHIBITING ANIMALS. 6-501.115**

169.8 A. Except as specified in items B and C, live animals must not be allowed on the
169.9 premises of a food establishment._{p2}

169.10 B. Live animals may be allowed in the following situations if the contamination
169.11 of food; clean equipment, utensils, and linens; and unwrapped single-service and single-use
169.12 articles does not result:

169.13 *[For text of subitems (1) and (2), see M.R.]*

169.14 (3) service animals that are controlled by the disabled employee or person in
169.15 areas that are not used for food preparation and that are usually open for customers, such
169.16 as dining and service areas, if no health or safety hazard will result from the presence or
169.17 activities of the service animal;

169.18 (4) pets in the common dining areas of institutional care facilities at times
169.19 other than during meals if:

169.20 *[For text of units (a) and (b), see M.R.]*

169.21 (c) dining areas including tables, countertops, and similar surfaces are
169.22 effectively cleaned before the next meal service; and

169.23 (5) in food establishments licensed by either the department, Minnesota
169.24 Department of Agriculture, or a delegated authority in areas that are not used for food

170.1 preparation, storage, sales, display, or dining, in which there are caged animals or animals
170.2 that are similarly confined.

170.3 C. Live or dead fish bait must be stored so that contamination of food; clean
170.4 equipment, utensils, and linens; and unwrapped single-use articles cannot result.

170.5 **4626.1590 POISONOUS OR TOXIC MATERIALS; IDENTIFYING INFORMATION.**
170.6 **7-101.11**

170.7 Containers of poisonous or toxic materials and personal care items must bear a legible
170.8 manufacturer's label._{p2}

170.9 **4626.1595 POISONOUS OR TOXIC MATERIALS; COMMON NAME. 7-102.11**

170.10 Working containers used for storing poisonous or toxic materials such as cleaners and
170.11 sanitizers taken from bulk supplies must be clearly and individually identified with the
170.12 common name of the material._{p2}

170.13 **4626.1600 POISONOUS OR TOXIC MATERIALS; STORAGE. 7-201.11**

170.14 Poisonous or toxic materials must be stored so they cannot contaminate food, equipment,
170.15 utensils, linens, and single-service and single-use articles by:

170.16 A. separating the poisonous or toxic materials by spacing or partitioning;_{p1} and

170.17 B. locating the poisonous or toxic materials in an area that is not above food,
170.18 equipment, utensils, linens, and single-service or single-use articles. This item does not
170.19 apply to equipment and utensil cleaners and sanitizers that are stored in warewashing areas
170.20 for availability and convenience if the materials are stored to prevent contamination of food,
170.21 equipment, utensils, linens, and single-service and single-use articles._{p1}

171.1 **4626.1605 POISONOUS OR TOXIC MATERIALS; RESTRICTION. 7-202.11**

171.2 A. Only those poisonous or toxic materials that are required for the operation and
171.3 maintenance of a food establishment, such as for the cleaning and sanitizing of equipment
171.4 and utensils and the control of insects and rodents, may be allowed in a food establishment._{p2}

171.5 *[For text of item B, see M.R.]*

171.6 **4626.1610 POISONOUS OR TOXIC MATERIALS; CONDITIONS OF USE. 7-202.12**

171.7 Poisonous or toxic materials must be:

171.8 A. used according to:

171.9 (1) Minnesota Statutes, chapter 18B and this Code;

171.10 (2) the manufacturer's use directions included in labeling and, for a pesticide,
171.11 the manufacturer's label instructions that state that use is allowed in a food establishment;_{p1}
171.12 and

171.13 (3) the conditions of licensing, if licensing is required, for use of the pest
171.14 control materials;_{p1}

171.15 B. applied so that:

171.16 (1) a hazard to employees or other persons is not constituted;_{p1} and

171.17 (2) contamination, including toxic residues due to drip, drain, fog, splash, or
171.18 spray on food, equipment, utensils, linens, and single-service and single-use articles, is
171.19 prevented and for a restricted use pesticide, this is achieved by:_{p1}

171.20 (a) removing the items;_{p1}

171.21 (b) covering the items with impermeable covers;_{p1}

171.22 (c) taking other appropriate preventive actions;_{p1} and

172.1 (d) cleaning and sanitizing equipment and utensils after the application;p₁
172.2 and

172.3 C. a restricted-use pesticide must be applied only by an applicator certified as
172.4 defined in the Federal Insecticide, Fungicide, and Rodenticide Act, United States Code,
172.5 title 7, section 136(e), and Minnesota Statutes, chapter 18B, or under the direct supervision
172.6 of a certified applicator.p₂

172.7 **4626.1615 POISONOUS OR TOXIC MATERIAL CONTAINERS. 7-203.11**

172.8 A container previously used to store poisonous or toxic materials must not be used to
172.9 store, transport, or dispense food.p₁

172.10 **4626.1620 SANITIZERS; CRITERIA. 7-204.11**

172.11 Chemical sanitizers, including chemical sanitizing solutions generated on site and other
172.12 chemical antimicrobials applied to food-contact surfaces, must meet the requirements in
172.13 Code of Federal Regulations, title 40, part 180, subpart D, section 180.940, or part 180,
172.14 subpart E, section 180.2020.p₁

172.15 **4626.1625 CHEMICALS FOR WASHING, TREATMENT, STORAGE AND**
172.16 **PROCESSING; FRUITS AND VEGETABLES; CRITERIA. 7-204.12**

172.17 A. Chemicals, including those generated on site, used to wash or peel raw, whole
172.18 fruits and vegetables must:

172.19 (1) be an approved food additive listed for this intended use in Code of Federal
172.20 Regulations, title 21, section 173;p₁

172.21 (2) be generally recognized as safe (GRAS) for this intended use;p₁ or

172.22 (3) be the subject of an effective food-contact notification for this intended
172.23 use (only effective for the manufacturer or supplier identified in the notification);p₁ and

173.1 (4) meet the requirements in Code of Federal Regulations, title 40, section
173.2 156._{P1}

173.3 B. Ozone as an antimicrobial agent used in the treatment, storage, and processing
173.4 of fruits and vegetables in a food establishment must meet the requirements specified in
173.5 Code of Federal Regulations, title 21, part 173, subpart D, section 173.368._{P1}

173.6 **4626.1630 BOILER WATER ADDITIVES; CRITERIA. 7-204.13**

173.7 Chemicals used as boiler water additives must meet the requirements in Code of Federal
173.8 Regulations, title 21, part 173, subpart D, section 173.310._{P1}

173.9 **4626.1635 DRYING AGENTS; CRITERIA. 7-204.14**

173.10 Drying agents used in conjunction with sanitization must:

173.11 A. contain only components that are listed as one of the following:

173.12 (1) generally recognized as safe for use in food as specified in Code of Federal
173.13 Regulations, title 21, part 182 or 184;_{P1}

173.14 (2) generally recognized as safe for the intended use as specified in Code of
173.15 Federal Regulations, title 21, part 186;_{P1}

173.16 (3) generally recognized as safe for the intended use as determined by experts
173.17 qualified in scientific training and experience to evaluate the safety of substances added
173.18 directly or indirectly to food as described in Code of Federal Regulations, title 21, part 170,
173.19 subpart B, section 170.30;_{P1}

173.20 (4) subject of an effective Food Contact Notification (FCN) for use as a
173.21 component of a drying agent as described in United States Code, title 21, section 348(h);_{P1}

173.22 (5) approved for use as a drying agent under a prior sanction as described in
173.23 United States Code, title 21, section 321(s)(4);_{P1}

174.1 (6) specifically regulated as an indirect food additive for use as a drying agent
174.2 as specified in Code of Federal Regulations, title 21, parts 174 to 178;p₁ or

174.3 (7) approved for use as a drying agent under the threshold of regulation
174.4 process established by Code of Federal Regulations, title 21, part 170, subpart B, section
174.5 170.39;p₁ and

174.6 B. when sanitization is with chemicals, the approval required under item A, subitem
174.7 (5) or (7), or the regulation as an indirect food additive as required under item A, subitem
174.8 (6), must be specifically for use with chemical sanitizing solutions.p₁

174.9 **4626.1640 LUBRICANTS; INCIDENTAL FOOD-CONTACT; CRITERIA. 7-205.11**

174.10 Lubricants must meet the requirements in Code of Federal Regulations, title 21, part
174.11 178, subpart D, section 178.3570, if they are used on food-contact surfaces, on bearings
174.12 and gears located on or within food-contact surfaces, or on bearings and gears that are
174.13 located so that lubricants may leak, drip, or be forced into food or onto food-contact
174.14 surfaces.p₁

174.15 **4626.1645 RESTRICTED USE PESTICIDES; CRITERIA. 7-206.11**

174.16 Restricted use pesticides specified in part 4626.1610, item C, must meet the requirements
174.17 in Code of Federal Regulations, title 40, part 152, subpart A, section 152.1.p₁

174.18 **4626.1650 RODENT BAIT STATIONS. 7-206.12**

174.19 Rodent bait must be contained in a covered, tamper-resistant bait station.p₁

174.20 **4626.1655 TRACKING POWDERS; PEST CONTROL AND MONITORING.**
174.21 **7-206.13**

174.22 A. Except as specified in item B, a tracking powder pesticide must not be used in
174.23 a food establishment.p₁

175.1 B. If used, a nontoxic tracking powder such as talcum or flour must not contaminate
175.2 food, equipment, utensils, linens, and single-service and single-use articles.

175.3 **4626.1660 EMPLOYEE MEDICINES; RESTRICTION AND STORAGE. 7-207.11**

175.4 A. Only those medicines that are necessary for the health of employees may be
175.5 allowed in a food establishment. This part does not apply to medicines that are stored or
175.6 displayed for retail sale.p₂

175.7 B. Medicine that is in a food establishment for an employee's use must be labeled
175.8 as specified in part 4626.1590 and located to prevent the contamination of food, equipment,
175.9 utensils, linens, and single-service and single-use articles.p₁

175.10 **4626.1665 REFRIGERATED MEDICINES; STORAGE. 7-207.12**

175.11 Medicines belonging to employees or children in a day care center that require
175.12 refrigeration and are stored in a food refrigerator must be:

175.13 A. stored in a package or container and kept inside a covered, leakproof container
175.14 that is identified as a container for the storage of medicines;p₁ and

175.15 B. located so they are inaccessible to children.p₁

175.16 **4626.1670 FIRST AID STORAGE. 7-208.11**

175.17 First aid supplies that are in a food establishment for employee use must be:

175.18 A. labeled as specified in part 4626.1590;p₂ and

175.19 B. stored in a kit or container that is located to prevent the contamination of food,
175.20 equipment, utensils, linens, and single-service and single-use articles.p₁

175.21 **4626.1675 PERSONAL CARE ITEMS; STORAGE. 7-209.11**

175.22 Except as specified in parts 4626.1665 and 4626.1670, employees shall store personal
175.23 care items in facilities as specified in part 4626.1560, item B.

176.1 **4626.1680 POISONOUS OR TOXIC MATERIALS; SEPARATION. 7-301.11**

176.2 Poisonous or toxic materials must be stored and displayed for retail sale so they cannot
176.3 contaminate food, equipment, utensils, linens, and single-service and single-use articles by:

176.4 A. separating the poisonous or toxic materials by spacing or partitioning;^{p1} and

176.5 B. locating the poisonous or toxic materials in an area that is not above food,
176.6 equipment, utensils, linens, and single-service or single-use articles.^{p1}

176.7 **4626.1685 PUBLIC HEALTH PROTECTION. 8-101.10**

176.8 In enforcing this Code, the regulatory authority shall assess existing facilities or
176.9 equipment that were in use before September 8, 1998, based on the following considerations:

176.10 A. whether the facilities or equipment are in good repair and capable of being
176.11 maintained in a sanitary condition;

176.12 B. whether food-contact surfaces comply with parts 4626.0450 to 4626.0495 and
176.13 4626.0506, item A;

176.14 C. whether the capacities of cooling, heating, and holding equipment are sufficient
176.15 to comply with part 4626.0675; and

176.16 D. the existence of a documented agreement with the licensee that the facilities
176.17 or equipment will be replaced as specified in the documented agreement.

176.18 **4626.1690 VARIANCE REQUEST; PROCEDURES.* 8-103.11**

176.19 A person may ask the regulatory authority to grant a variance from the provisions of
176.20 this Code according to parts 4626.1690 to 4626.1715.

176.21 A. A variance must not be granted from:

176.22 (1) part 4626.0020, subpart 35;

176.23 (2) parts 4626.0040 to 4626.0120;

177.1 (3) part 4626.1565; and

177.2 (4) parts 4626.1590 to 4626.1675.

177.3 B. The applicant for a variance shall be the person to whom the rule applies.

177.4 C. The person requesting the variance shall submit the request in writing to the
177.5 regulatory authority with the appropriate fee, if required. If a variance is granted, the person
177.6 shall retain the information and variance in the person's files. A request must contain:

177.7 (1) the specified language in the rule or rules from which the variance is
177.8 requested;_{P2}

177.9 (2) the reasons why the rule cannot be met;_{P2}

177.10 (3) the alternative measures that will be taken to ensure a comparable degree
177.11 of protection to health or the environment if a variance is granted;_{P2}

177.12 (4) the length of time for which the variance is requested;_{P2}

177.13 (5) a statement that the person applying for the variance will comply with
177.14 the terms of the variance, if granted;_{P2}

177.15 (6) other relevant information the regulatory authority determines necessary
177.16 to properly evaluate the request for the variance;_{P2} and

177.17 (7) a HACCP plan, if required under part 4626.1730, that includes the
177.18 information in part 4626.1735 that is relevant to the variance requested._{P2}

177.19 **4626.1695 VARIANCE REQUEST; CRITERIA FOR DECISION.**

177.20 The regulatory authority shall grant a variance if:

177.21 *[For text of items A to F, see M.R.]*

178.1 **4626.1700 VARIANCE CONDITIONS; HACCP; NOTIFICATION OF DECISION.**
178.2 **8-103.12**

178.3 *[For text of item A, see M.R.]*

178.4 B. If a HACCP plan is required to verify that the variance provides protection to
178.5 the public health, safety, and environment that is equivalent to or superior to those prescribed
178.6 in rule or law, the licensee shall:

178.7 (1) comply with the HACCP plan and procedures submitted and approved
178.8 as the basis for the variance;_{P1} and

178.9 (2) maintain and provide to the regulatory authority, on request, the records
178.10 specified in part 4626.1735, item D, and item E, subitem (3), that demonstrate that the
178.11 following are routinely employed:

178.12 (a) procedures for monitoring critical control points;_{P2}

178.13 (b) monitoring of the critical control points;_{P2}

178.14 (c) verification of the effectiveness of an operation or process;_{P2} and

178.15 (d) necessary corrective actions if there is failure at a critical control
178.16 point._{P2}

178.17 C. The regulatory authority shall notify the person in writing of the regulatory
178.18 authority's decision to grant or deny the variance.

178.19 (1) If a variance is granted, the notification must specify the period of time
178.20 for which the variance must be effective and the alternative measures or conditions, if any,
178.21 the applicant shall meet.

178.22 *[For text of subitem (2), see M.R.]*

178.23 D. Variances granted are not transferable.

179.1 **4626.1705 VARIANCES; EFFECT OF ALTERNATIVE MEASURES OR**
179.2 **CONDITIONS. 8-103.13**

179.3 *[For text of item A, see M.R.]*

179.4 B. If a person violates alternative measures or conditions attached to a variance,
179.5 the person is subject to the enforcement actions and penalties provided in law or rule.

179.6 C. A person to whom a variance has been issued shall notify the regulatory
179.7 authority in writing within 30 days of a material change in the conditions upon which the
179.8 variance was granted._{p2}

179.9 **4626.1710 RENEWAL OF VARIANCE.**

179.10 A. A request for the renewal of a variance must be submitted to the regulatory
179.11 authority in writing 30 days before its expiration date.

179.12 B. Renewal requests must contain the information in part 4626.1690.

179.13 C. The regulatory authority shall renew a variance if the person continues to satisfy
179.14 the criteria in part 4626.1695 and demonstrates compliance with the alternative measures
179.15 or conditions imposed at the time the original variance was approved.

179.16 *[For text of item D, see M.R.]*

179.17 **4626.1715 VARIANCE DENIAL, REVOCATION, OR REFUSAL TO RENEW;**
179.18 **APPEALS.**

179.19 *[For text of item A, see M.R.]*

179.20 B. A person may appeal the denial, revocation, or refusal to renew a variance by
179.21 requesting, in writing, a contested case hearing under the Administrative Procedure Act,
179.22 Minnesota Statutes, chapter 14, within 30 days of receipt of the notice of denial, revocation,
179.23 or refusal to renew the variance.

180.1 **4626.1720 PLANS; REVIEW REQUIRED. 8-201.11**

180.2 A. A license applicant or licensee shall submit or cause to be submitted and receive
180.3 approval of properly prepared plans and specifications and the required plan review
180.4 application and plan review fee, to the regulatory authority for plan review and approval
180.5 before beginning:

180.6 (1) the construction of a food establishment;_{p2}

180.7 (2) the conversion of an existing structure for use as a food establishment;_{p2}

180.8 or

180.9 (3) the extensive remodeling of a food establishment or a change of type of
180.10 food establishment or food operation if the regulatory authority determines that plans and
180.11 specifications are necessary to ensure compliance with this Code._{p2}

180.12 B. Plans, specifications, an application form, and the fee specified in Minnesota
180.13 Statutes, chapter 28A or 157, must be submitted to the regulatory authority at least 30 days
180.14 before beginning construction, extensive remodeling, or conversion of a food establishment._{p2}

180.15 *[For text of item C, see M.R.]*

180.16 D. The regulatory authority shall approve the completed plans and specifications
180.17 if they meet the requirements of this Code, and the regulatory authority shall report its
180.18 findings to the license applicant or licensee within 30 days of the date the completed plans
180.19 are received.

180.20 E. Plans and specifications that are not approved as submitted must be changed
180.21 to comply or be deleted from the project._{p2}

180.22 F. A license applicant, licensee, or a person who is subject to licensure under
180.23 Minnesota Statutes, chapter 28A or 157, that starts work on construction, extensive
180.24 remodeling, or conversion of a food establishment before plan approval, shall stop work on
180.25 the project when the regulatory authority determines that the work is likely to lead to

181.1 noncompliance with this Code and the regulatory authority orders work to stop. The work
181.2 must not resume until plans have been submitted according to items A and B, and have been
181.3 approved by the regulatory authority.p2

181.4 **4626.1725 CONTENTS OF PLANS AND SPECIFICATIONS. 8-201.12**

181.5 The plans and specifications for a food establishment must include:

181.6 A. the intended menu;

181.7 B. a description of the project including the anticipated volume of food to be
181.8 stored, prepared, sold, or served;

181.9 C. 1 complete set of plans drawn to scale, including the proposed layout,
181.10 mechanical schematics, construction materials, and finish schedules for items such as floors,
181.11 base coves, walls, and ceilings;

181.12 D. the proposed equipment types, manufacturers, model numbers, locations on
181.13 the layout, dimensions, performance capacities, and installation specifications;

181.14 E. HACCP plan as specified in part 4626.1730, if required;

181.15 F. counters and cabinetry shop drawings, indicating cabinet construction, and
181.16 countertop finish;

181.17 G. unique well number and individual sewage treatment system certificate of
181.18 compliance for individual sewage disposal systems;

181.19 H. a copy of the zoning approval or building permit from the local unit of
181.20 government; and

181.21 I. other information that may be required by the regulatory authority for the review
181.22 of the proposed construction, conversion, or modification.

182.1 **4626.1730 WHEN A HACCP PLAN IS REQUIRED. 8-201.13**

182.2 A. Before engaging in an activity that requires a HACCP plan, a license applicant
182.3 or licensee shall submit to the regulatory authority for approval a properly prepared HACCP
182.4 plan as specified in part 4626.1735 and the relevant provisions of this Code if:

182.5 (1) a variance is required as specified in part 4626.0340, item D, subitem (4);
182.6 4626.0415; or 4626.0610, item B; or

182.7 (2) the regulatory authority determines that a food preparation or processing
182.8 method requires a variance based on a plan submittal specified in part 4626.1725, an
182.9 inspection finding, or a variance request.

182.10 B. Before engaging in reduced oxygen packaging without a variance as specified
182.11 in part 4626.0420, a license applicant or licensee shall submit a properly prepared HACCP
182.12 plan to the regulatory authority.

182.13 **4626.1735 CONTENTS OF HACCP PLAN. (SEE ALSO PART 4626.0420) 8-201.14**

182.14 For a food establishment that is required under part 4626.1730 to have a HACCP plan,
182.15 the licensee shall submit to the regulatory authority a properly prepared HACCP plan that
182.16 includes:

182.17 A. general information such as the name of the license applicant or licensee, the
182.18 food establishment address, and contact information;

182.19 B. a categorization of the types of TCS foods that are to be controlled under the
182.20 HACCP plan;_{p2}

182.21 C. a flow diagram or chart for each specific food or category type that identifies:

182.22 (1) each step in the process;_{p2}

182.23 (2) the hazards and controls for each step in the flow diagram or chart;_{p2}

182.24 (3) the steps that are critical control points;_{p2}

183.1 (4) the ingredients, materials, and equipment used in the preparation of that
183.2 food;_{p2} and

183.3 (5) formulations or recipes that delineate methods and procedural control
183.4 measures that address the food safety concerns involved;_{p2}

183.5 D. a critical control points summary for each specific food or category type that
183.6 clearly identifies:

183.7 (1) each critical control point;_{p2}

183.8 (2) the critical limits for each critical control point;_{p2}

183.9 (3) the method and frequency for monitoring and controlling each critical
183.10 control point by the designated food employee or the person in charge;_{p2}

183.11 (4) the method and frequency for the person in charge to routinely verify that
183.12 the food employee is following standard operating procedures and monitoring critical control
183.13 points;_{p2}

183.14 (5) action to be taken by the designated food employee or person in charge
183.15 if the critical limits for each critical control point are not met;_{p2} and

183.16 (6) records to be maintained by the person in charge to demonstrate that the
183.17 HACCP plan is properly operated and managed;_{p2}

183.18 E. supporting documents such as:

183.19 (1) food employee and supervisory training plan that addresses the food safety
183.20 issues of concern;_{p2}

183.21 (2) copies of blank records forms that are necessary to implement the HACCP
183.22 plan;_{p2} and

184.1 (3) additional scientific data or other information, as required by the regulatory
184.2 authority, supporting the determination that food safety is not compromised by the
184.3 proposal;^{p2}and

184.4 F. any other information required by the regulatory authority.

184.5 **4626.1740 TRADE SECRETS. 8-202.10**

184.6 The regulatory authority shall treat as confidential, in accordance with Minnesota
184.7 Statutes, section 13.02, information that meets the criteria in Minnesota Statutes, chapter
184.8 325C, for a trade secret and is contained in the plans and specifications submitted as specified
184.9 in parts 4626.1725 and 4626.1735.

184.10 **4626.1745 PREOPERATIONAL INSPECTIONS. 8-203.10**

184.11 The regulatory authority shall conduct one or more preoperational inspections to verify
184.12 that the food establishment is constructed and equipped according to the approved plans
184.13 and approved modifications of those plans.

184.14 **4626.1750 NOTICE OF OPENING.**

184.15 The food establishment licensee shall provide notice of opening to the regulatory
184.16 authority at least 14 calendar days before the opening date.

184.17 **4626.1755 LICENSE REQUIRED. 8-301.11**

184.18 A. A person shall not operate a food establishment without a valid license to
184.19 operate issued by the regulatory authority.^{p2}

184.20 B. The license must be posted in a location in the food establishment that is
184.21 conspicuous to consumers.

184.22 C. A license must not be transferred from one person to another person, from one
184.23 food establishment to another, or from one type of operation to another.^{p2}

185.1 D. A void license must be surrendered to the regulatory authority immediately by
185.2 anyone in possession of it.

185.3 **4626.1760 LICENSE APPLICATION. 8-302.11**

185.4 An applicant shall submit a written application for a license on a form provided by the
185.5 regulatory authority according to Minnesota Statutes, chapter 28A or 157.

185.6 **4626.1770 QUALIFICATIONS AND RESPONSIBILITIES OF APPLICANTS.**
185.7 **8-302.13**

185.8 To qualify for a license, an applicant shall:

185.9 A. be an owner of the food establishment or an officer of the legal ownership;

185.10 B. comply with the requirements of this Code;

185.11 C. agree to allow access to the food establishment and provide information as
185.12 required under Minnesota Statutes, section 157.20, subdivision 1; and

185.13 D. pay the applicable license fees at the time the application is submitted.

185.14 **4626.1777 DENIAL OF APPLICATION FOR LICENSE; NOTICE. 8-303.30**

185.15 If an application for a license to operate is denied, the regulatory authority shall provide
185.16 the applicant with a notice that includes:

185.17 A. the specific reasons and Code citations for the license denial;

185.18 B. the actions, if any, that the applicant shall take to qualify for a license; and

185.19 C. advising the applicant of the applicant's right to appeal and the appeal process
185.20 and time frames that are provided by law.

185.21 **4626.1785 INSPECTION. 8-401.10**

185.22 The regulatory authority shall inspect a food establishment according to:

186.1 A. Minnesota Statutes, chapters 28A, 30, 31, and 34A, for food establishments
186.2 regulated by the Department of Agriculture;

186.3 *[For text of item B, see M.R.]*

186.4 C. rules adopted under Minnesota Statutes, chapters 28A, 30, 31, 31A, 34A, and
186.5 157.

186.6 **4626.1787 PERFORMANCE AND RISK-BASED INSPECTIONS. 8-401.20**

186.7 Within the parameters in part 4626.1785, the regulatory authority shall prioritize and
186.8 conduct more frequent inspections based upon:

186.9 A. the hazards associated with the particular foods that are prepared, stored, or
186.10 served;

186.11 B. a history of noncompliance with priority 1 or priority 2 items of this Code; or

186.12 C. a history of noncompliance with HACCP plan requirements.

186.13 **4626.1790 ALLOWED AT REASONABLE TIMES AFTER DUE NOTICE. 8-402.11**

186.14 After the regulatory authority presents official credentials and provides notice of the
186.15 purpose of and an intent to conduct an inspection, the person in charge of the food
186.16 establishment shall allow the regulatory authority to determine if the food establishment is
186.17 in compliance with the Code by allowing access to the food establishment, allowing
186.18 inspection, and providing information and the records specified in the Code and to which
186.19 the regulatory authority is entitled according to law, during the food establishment's hours
186.20 of operation and other reasonable times.

186.21 **4626.1791 DOCUMENTING INFORMATION AND OBSERVATIONS. 8-403.10**

186.22 The regulatory authority shall document on an inspection report form:

186.23 A. administrative information about the food establishment's legal identity, street
186.24 and mailing addresses, type of establishment and operation, inspection date, and other

187.1 information such as type of water supply and sewage disposal, status of the license, and
187.2 personnel certificates that may be required; and

187.3 B. specific factual observations of violations or other deviations of this Code,
187.4 including the specific code citation and a correct by or comply by date, that requires
187.5 correction by the license holder.

187.6 **4626.1792 ISSUING A REPORT. 8-403.30**

187.7 The regulatory authority shall provide a copy of the completed inspection report and
187.8 the notice to correct violations to the licensee or to the person in charge.

187.9 **4626.1795 CEASING OPERATIONS AND EMERGENCY REPORTING. 8-404.11**

187.10 A. Except as specified in item B, a licensee shall immediately discontinue
187.11 operations and notify the regulatory authority if an imminent health hazard may exist because
187.12 of an emergency such as a fire, flood, extended interruption of electrical or water service,
187.13 sewage backup, misuse of poisonous or toxic materials, onset of an apparent foodborne
187.14 illness outbreak, gross insanitary occurrence or condition, or other circumstance that may
187.15 endanger public health.

187.16 B. A licensee need not discontinue operations in an area of an establishment that
187.17 is unaffected by the imminent health hazard.

187.18 **4626.1797 RESUMPTION OF OPERATIONS. 8-404.12**

187.19 If operations are discontinued as specified in part 4626.1795, or otherwise according
187.20 to law, the licensee shall obtain approval from the regulatory authority before resuming
187.21 operations.

187.22 **4626.1800 FOOD SAMPLES.**

187.23 The regulatory authority may collect, without cost, and examine samples of food as
187.24 often as necessary for enforcement of this Code.

188.1 **4626.1805 EMBARGO.**

188.2 *[For text of item A, see M.R.]*

188.3 B. Equipment and utensils that do not meet the requirements of this Code may be
188.4 embargoed.

188.5 C. The regulatory authority may release equipment and utensils from an embargo
188.6 when the licensee notifies the regulatory authority that the equipment or utensils have been
188.7 modified to meet the requirements of this Code and after inspection of the equipment and
188.8 utensils by the regulatory authority.

188.9 **4626.1810 CONDEMNATION.**

188.10 The regulatory authority may condemn and cause to be removed any food, equipment,
188.11 clothing, or utensils found in a food establishment, the use of which does not comply with
188.12 this Code or that is being used in violation of this Code, and may also condemn and cause
188.13 to be removed any equipment, clothing, or utensils that because of dirt, filth, extraneous
188.14 matter, insects, corrosion, open seams, or chipped or cracked surfaces are unfit for use.

188.15 **4626.1820 MINNESOTA CLEAN INDOOR AIR ACT.**

188.16 A food establishment must meet the requirements of the Minnesota Clean Indoor Air
188.17 Act, Minnesota Statutes, sections 144.411 to 144.417, and rules adopted under those sections.

188.18 **TERM CHANGES.** The revisor shall make any necessary cross-reference changes to
188.19 Minnesota Rules and Minnesota Statutes as a result of the repealed sections in this rule.
188.20 The revisor shall make necessary grammatical changes and changes to sentence structure
188.21 as a result of the cross-reference changes.

188.22 **REPEALER.** Minnesota Rules, parts 4626.0020, subparts 9, 11a, 12, 14, 17, 20, 27, 28,
188.23 39, 49, 52a, 72, 78a, 86, 87, 88, 95, 96, 97, and 98; 4626.0055; 4626.0060; 4626.0180;
188.24 4626.0185; 4626.0205; 4626.0365; 4626.0410; 4626.0480; 4626.0485; 4626.0720;
188.25 4626.0890; 4626.0895; 4626.1025; 4626.1045; 4626.1055; 4626.1060; 4626.1090;

- 189.1 4626.1100; 4626.1105; 4626.1130; 4626.1170; 4626.1185; 4626.1435; 4626.1460;
189.2 4626.1485; 4626.1490; 4626.1510; 4626.1765; 4626.1775; 4626.1780; 4626.1825;
189.3 4626.1830; 4626.1835; 4626.1840; 4626.1845; 4626.1850; ~~4626.1855~~; 4626.1860;
189.4 4626.1865; 4626.1870; 4626.2000; 4626.2005; 4626.2010; 4626.2015, subparts 1, 2, 3, 4,
189.5 5, 6, 7, and 8; 4626.2020; and 4626.2025, are repealed.
- 189.6 **EFFECTIVE DATE.** This rule is effective on January 1, 2019.

Office of the Revisor of Statutes

Administrative Rules



TITLE: Adopted Permanent Rules Relating to the Food Code

AGENCY: Department of Health

REVISOR ID: R-4071

MINNESOTA RULES: Chapter 4626

INCORPORATIONS BY REFERENCE: [See attached]

The attached rules are approved for
filing with the Secretary of State

A handwritten signature in cursive script that reads "Sandy Glass-Sirany".

Sandy Glass-Sirany
Senior Assistant Revisor

INCORPORATIONS BY REFERENCE:

Part 4626.0020:

"Grade A Pasteurized Milk Ordinance" published by U.S. Public Health Service and the FDA available at FDA Web site.

www.fda.gov/downloads/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/Milk/UCM513508.pdf

"HACCP plan" developed by the National Advisory Committee on Microbiological Criteria for Foods.

www.fsis.usda.gov

Part 4626.0085:

Approved Drug Products with Therapeutic Equivalence Evaluations available at FDA Web site.

www.fda.gov/Drugs/InformationOnDrugs/ucm129662.htm

Part 4626.0150:

National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish available at FDA Web site.

www.fda.gov/downloads/Food/GuidanceRegulation/FederalStateFoodPrograms/UCM350004.pdf

Interstate Certified Shellfish Shippers List available at FDA Web site.

www.fda.gov/downloads/Food/GuidanceRegulation/FederalStateFoodPrograms/UCM2006753.htm

Part 4626.0175:

U.S. Standards, Grades, and Weight Classes for Shell Eggs, AMS 56.200 et seq., maintained by the Agricultural Marketing Service (AMS) of the USDA available at AMS, USDA Web site.

[www.ams.usda.gov/sites/default/files/media/Shell_Egg_Standard\[1\].pdf](http://www.ams.usda.gov/sites/default/files/media/Shell_Egg_Standard[1].pdf)

Part 4626.0202:

National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish available at FDA Web site.

www.fda.gov/Food/GuidanceRegulation/FederalStateFoodPrograms/ucm2006754.htm

Part 4626.0506:

NAMA Standard for the Sanitary Design and Construction of Food and Beverage Vending Machines available at NAMA Web site.

www.namanow.org/vending/certified-companies

Part 4626.0575:

NSF 18-2016 (Manual Food and Beverage Dispensing Equipment) available at NSF Web site.

www.nsfpdf.com