

# Office of the Revisor of Statutes Administrative Rules



**TITLE:** Adopted Permanent Rules Relating to the Minnesota Food Code

**AGENCY:** Department of Health and Department of Agriculture

**MINNESOTA RULES:** Chapters 1547, 1550, 2910, 2930, 2935, 2945, 2950, 4620, 4625, 4626, 4658, 4665, 4717, 9503, 9530, 9545, and 9555

**INCORPORATIONS BY REFERENCE:** (see attached)

The attached rules are approved for  
filing with the Secretary of State

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9802237

## INCORPORATIONS BY REFERENCE

Part 1550.1490, item K: Baking Industry Sanitation Standards Committee, 1994 and subsequent editions, available through the Minitex interlibrary loan system.

Standard No. 1 Equipment for Handling and Storing Dry Ingredients; Standard No. 2 Dough Troughs; Standard No. 3 Mechanical Intermediate Proofers; Standard No. 4 Mechanical Washers; Standard No. 5 Cake Depositors, and Icing Machines; Standard No. 6 Horizontal and Vertical Mixers; Standard No. 7 Conveyors; Standard No. 8 Dividers, Rounders and Bun Machines; Standard No. 9 Bread Moulders; Standard No. 10 Prefabricated Enclosures and Air Conditioning Equipment for Fermentation, Proofing, Cooling and Retarding; Standard No. 11 Ingredient Water Coolers and Ice Makers (Atmospheric Type); Standard No. 12 Coating Equipment; Standard No. 13 Cutting and Slicing Equipment; Standard No. 14 Ovens; Standard No. 15 Caster Assemblies and Wheels; Standard No. 16 Doughnut Equipment; Standard No. 17 Pan Greasers; Standard No. 18 Continuous Mix Equipment; Standard No. 19 Spindle Mixers; Standard No. 20 Liquid Ferment Equipment; Standard No. 21 Dough Chutes, Dough Hoppers, Dough Trough Hoists and Automatic Dough Trough Dumps; Standard No. 22 Depanners and Delidders for Bakery Products; Standard No. 23 Weighing Systems; Standard No. 24 Racks, Pan Trucks and Dollies; Standard No. 25 Kettles and Accessory Equipment; Standard No. 26 Liquid Measuring Systems; Standard No. 27 Equipment Handling; Standard No. 29 Electric Motors and Accessory Equipment; Standard No. 30 Distribution Cabinets and Containers; Standard No. 31 Pie Make-up Equipment; Standard No. 32 Icing and Glazing Machines; Standard No. 33 Coolers for Bakery Foods; Standard No. 34 Portable Ingredient Containers; Standard No. 35 Baking Pans; Standard No. 37 Packaging and Package Handling Equipment; Standard No. 38 Particle Size Reduction Equipment; Standard No. 39 Dough Forming Equipment; Standard No. 40 Sandwiching Equipment for Cookies and Crackers; Standard No. 41 Pretzel Equipment; Standard No. 42 Sugar Wafer, Wafer, and Sugar Rolled Cone Batter Systems.

Part 4626.0150: United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, National Shellfish Sanitation Program Manual of Operations, Part I Sanitation of Shellfish Growing Areas, and Part II Sanitation of the Harvesting, Processing and Distribution of Shellfish (1990 revision), available through the Minitex interlibrary loan system or the United States Food and Drug Administration, Shellfish Sanitation Branch, 200 "C" Street S.W., Washington D.C., 20204; and United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, Interstate Certified Shellfish Shippers List (1987 and subsequent editions), available through the Minitex interlibrary loan system or from the United States Food and Drug

Administration, Shellfish Sanitation Branch, 200 "C" Street S.W., Washington D.C., 20204.

Part 4626.0505: NSF International food service equipment standards; American National Standards Institute (ANSI) Z34.1.

Standard No. 2, Food Equipment, 1996 and subsequent editions; Standard No. 3, Commercial Spray-Type Dishwashing and Glasswashing Machines, 1996 and subsequent editions; Standard No. 4, Commercial Cooking, Rethermalization, and Powered Hot Food Holding and Transport Equipment, 1996 and subsequent editions; Standard No. 5, Water Heaters, Hot Water Supply Boilers, and Heat Recovery Equipment, 1992 and subsequent editions; Standard No. 6, Dispensing Freezers, 1996 and subsequent editions; Standard No. 7, Food Service Refrigerators and Storage Freezers, 1990 and subsequent editions; Standard No. 8, Commercial Powered Food Preparation Equipment, 1992 and subsequent editions; Standard No. 12, Automatic Ice Making Equipment, 1992 and subsequent editions; Standard No. 13, Refuse Compactors and Compactor Systems, 1992 and subsequent editions; Standard No. 18, Manual Food and Beverage Dispensing Equipment, 1996 and subsequent editions; Standard No. 20, Commercial Bulk Milk Dispensing Equipment, 1992 and subsequent editions; Standard No. 25, Vending Machines for Food and Beverages, 1990 and subsequent editions; Standard No. 26, Pot, Pan, and Utensil Commercial Spray-Type Washing Machines, 1990 and subsequent editions; Standard No. 29, Detergent and Chemical Feeders for Commercial Spray-Type Dishwashing Machines, 1992 and subsequent editions; Standard No. 35, Laminated Plastics for Surfacing Food Service Equipment, 1991 and subsequent editions; Standard No. 51, Plastic Materials and Components Used in Food Equipment, 1978 and subsequent editions; Standard No. 59, Food Carts, 1986 and subsequent editions; Criteria C-2, Special Equipment and Devices, 1983 and subsequent editions.

NSF International Standard No. 25; National Automatic Merchandising Association (NAMA) specified in NAMA Standard for the Sanitary Design and Construction of Food and Beverage Vending Machines, April 1990, and subsequent editions.

Part 4626.1040: NSF International standards:

Standard No. 42, Drinking Water Treatment Unit - Aesthetic Effects, 1988 and subsequent editions; Standard No. 44, Cation Exchange Water Softeners, 1987 and subsequent editions; Standard No. 53, Drinking Water Treatment Units - Health Effects, 1996 and subsequent editions; or Standard No. 58, Reverse Osmosis Drinking Water Systems, 1996 and subsequent editions, available through the Minitex interlibrary loan system.

1 Department of Health and Department of Agriculture  
 2 Adopted Permanent Rules Relating to the Minnesota Food Code

3 1547.0110 REVIEW OF PLANS.

4 [For text of subpart 1, see M.R.]

5 Subp. 2. **Plan review fee.** Plans submitted to the Department of Agriculture under  
 6 part 4626.1720 must be accompanied by the appropriate fee and a plan review  
 7 application form provided by the department. Fees are based on the square footage of  
 8 the structure being constructed, remodeled, or converted as prescribed below.

9	Square Footage	Review Fee
10		
11	0 - 4,999	\$125
12	5,000 - 24,999	175
13	25,000 plus	275

14 1550.1255 APPLICABILITY.

15 Parts 1550.1255 to 1550.1530 apply only to bakeries that do not sell bakery products  
 16 directly to the ultimate consumer.

17 1550.1450 WATER SUPPLY.

18 A potable water supply shall be provided for use in all bakeries. Such water supply  
 19 shall be from an approved water source which shall be easily accessible, adequate, and  
 20 produce water of a safe, sanitary quality. Water from a water supply located,  
 21 constructed, and operated in accordance with chapters 4720 and 4725 shall be deemed  
 22 to be an approved source. There shall be no cross connection between the approved  
 23 potable water supply and any unsafe or questionable water supply or any source of  
 24 pollution through which the approved potable water supply might become  
 25 contaminated. The water supply shall be adequate in and connected to conveniently  
 26 located faucets or taps and properly plumbed to all rooms or areas where products are  
 27 processed in order to assure proper cleaning, sanitizing, and sanitation programs.

1 **1550.1490 SATISFACTORY COMPLIANCE FOR EQUIPMENT AND UTENSILS.**

2 Construction and design of equipment and utensils shall be considered satisfactory  
3 when the following conditions are met:

4 A. Product contact surfaces are constructed of smooth, nontoxic,  
5 corrosion-resistant, odorless material.

6 B. Product contact surfaces are free of cracks, crevices, pits, or other imperfections  
7 that contribute to insanitary conditions.

8 C. Equipment is positioned for easy cleaning; it is a minimum of six inches from  
9 the floor and 18 inches from the walls and ceiling, except such stationary equipment  
10 which is sealed to walls, floors, or ceilings in a sanitary manner that does not harbor  
11 insects, rodents, or filth. However, the exceptions to this requirement are supporting  
12 bases and equipment that pass through ceilings, walls, and floors.

13 D. The distances between machines shall be large enough for convenient use of the  
14 machines as intended and for accessibility for cleaning and inspection.

15 E. Equipment is designed to prevent accidental contamination of the product or  
16 product contact surfaces with extraneous material (e.g., lubricants).

17 F. Equipment is easily cleanable. Equipment which is used in handling readily  
18 perishable items is either easily demountable or can be cleaned in place.

19 G. Compressed air introduced into the product area is filtered. If piston-type  
20 compressors are used, the air lines are equipped with oil and water traps.

21 H. The electrical wiring system, including conduits, switch boxes, and control  
22 panels, is so constructed and installed to prevent insect harborage.

23 I. Equipment and utensils are used only for the purpose intended.

24 J. Equipment and utensils are kept in good repair.

25 K. Bakery equipment, when purchased or replaced, shall be of the design,

1 construction, and materials, and shall be installed as to comply with the standards of the  
2 Baking Industry Sanitation Standards Committee, 1994 and subsequent editions, as  
3 follows. The standards are incorporated by reference. They are not subject to frequent  
4 change, and are available through the Minitex interlibrary loan system.

5 (1) Standard No. 1 Equipment for Handling and Storing Dry Ingredients.

6 (2) Standard No. 2 Dough Troughs.

7 (3) Standard No. 3 Mechanical Intermediate Proofers.

8 (4) Standard No. 4 Mechanical Washers.

9 (5) Standard No. 5 Cake Depositors, and Icing Machines.

10 (6) Standard No. 6 Horizontal and Vertical Mixers.

11 (7) Standard No. 7 Conveyors.

12 (8) Standard No. 8 Dividers, Rounders and Bun Machines.

13 (9) Standard No. 9 Bread Moulders.

14 (10) Standard No. 10 Prefabricated Enclosures and Air Conditioning Equipment  
15 for Fermentation, Proofing, Cooling and Retarding.

16 (11) Standard No. 11 Ingredient Water Coolers and Ice Makers (Atmospheric  
17 Type).

18 (12) Standard No. 12 Coating Equipment.

19 (13) Standard No. 13 Cutting and Slicing Equipment.

20 (14) Standard No. 14 Ovens.

21 (15) Standard No. 15 Caster Assemblies and Wheels.

22 (16) Standard No. 16 Doughnut Equipment.

23 (17) Standard No. 17 Pan Greasers.

24 (18) Standard No. 18 Continuous Mix Equipment.

- 1 (19) Standard No. 19 Spindle Mixers.
- 2 (20) Standard No. 20 Liquid Ferment Equipment.
- 3 (21) Standard No. 21 Dough Chutes, Dough Hoppers, Dough Trough Hoists
- 4 and Automatic Dough Trough Dumps.
- 5 (22) Standard No. 22 Depanners and Delidders for Bakery Products.
- 6 (23) Standard No. 23 Weighing Systems.
- 7 (24) Standard No. 24 Racks, Pan Trucks and Dollies.
- 8 (25) Standard No. 25 Kettles and Accessory Equipment.
- 9 (26) Standard No. 26 Liquid Measuring Systems.
- 10 (27) Standard No. 27 Equipment Handling.
- 11 (28) Standard No. 29 Electric Motors and Accessory Equipment.
- 12 (29) Standard No. 30 Distribution Cabinets and Containers.
- 13 (30) Standard No. 31 Pie Make-up Equipment.
- 14 (31) Standard No. 32 Icing and Glazing Machines.
- 15 (32) Standard No. 33 Coolers for Bakery Foods.
- 16 (33) Standard No. 34 Portable Ingredient Containers.
- 17 (34) Standard No. 35 Baking Pans.
- 18 (35) Standard No. 37 Packaging and Package Handling Equipment.
- 19 (36) Standard No. 38 Particle Size Reduction Equipment.
- 20 (37) Standard No. 39 Dough Forming Equipment.
- 21 (38) Standard No. 40 Sandwiching Equipment for Cookies and Crackers.
- 22 (39) Standard No. 41 Pretzel Equipment.
- 23 (40) Standard No. 42 Sugar Wafer, Wafer, and Sugar Rolled Cone Batter
- 24 Systems.

1     **1550.3200 DEFINITIONS.**

2                                     [For text of subps 1 to 4, see M.R.]

3             Subp. 5. **Bottled water.** "Bottled water" means water that is intended for human  
4 consumption and that is sealed in bottles or other containers with no added ingredients,  
5 except that it may contain safe and suitable antimicrobial agents.

6             A. Bottled water may be used as an ingredient in beverages such as diluted juices  
7 and flavored bottled waters.

8             B. Bottled Water may not include food ingredients that are declared in ingredient  
9 labeling as "water," "carbonated water," "disinfected water," "filtered water," "seltzer  
10 water," "soda water," and "tonic water."

11            C. The processing and bottling of bottled water must comply with parts 1550.3200  
12 to 1550.3320 and Code of Federal Regulations, title 21, part 129.

13                                     [For text of subps 6 to 33, see M.R.]

14     **2910.3500 FOOD HANDLING PRACTICES.**

15             Food service shall be provided according to chapter 4626. (Mandatory)

16     **2930.5300 FOOD-HANDLING PRACTICES.**

17             Subpart 1. **General.** Any food service provided in a correctional facility shall be in  
18 accordance with chapter 4626 governing food service and beverage service  
19 establishments.

20                                     [For text of subp 2, see M.R.]

21             Subp. 3. **Service of catered food.** When food is catered into the facility, it shall be  
22 obtained from a source acceptable to the Minnesota Department of Health pursuant to  
23 chapter 4626.

24     **2935.4100 FOOD HANDLING PRACTICES.**

25             Food service shall be in accordance with the Minnesota Department of Health rules,  
26 ~~parts 4625.2500 to 4625.4901~~ chapter 4626. (Mandatory)

**2935.4100**

1 Food catered to a facility shall be obtained from a source licensed by the Minnesota  
2 Department of Health or other authorized agency and transported, handled, and served  
3 in a manner consistent with chapter 4626. (Mandatory)

4 **2945.3400 FOOD HANDLING PRACTICES (MANDATORY).**

5 Food service shall be provided according to chapter 4626.

6 **2950.0900 FOOD HANDLING PRACTICES (MANDATORY).**

7 Food service must be provided in accordance with chapter 4626.

8 **4620.0100 DEFINITIONS.**

9 [For text of subps 1 and 2, see M.R.]

10 Subp. 4. **Bar.** "Bar" means any establishment or portion of an establishment where one  
11 can purchase and consume alcoholic beverages. Any such establishment or portion of an  
12 establishment is not considered a "bar" for the purposes of parts 4620.0050 to 4620.1500  
13 if it has:

14 A. table and seating facilities for more than 50 people at one time; and

15 B. licensed food service provided, in consideration of payment, excluding licensed  
16 limited food service establishments under Minnesota Statutes, section 157.16,  
17 subdivision 3, paragraph (e), clause (1).

18 [For text of subps 4a to 15, see M.R.]

19 Subp. 16. **Restaurant.** "Restaurant" means any building, structure, or area used as,  
20 maintained as, or advertised as, or held out to the public as a food establishment as  
21 defined in part 4626.0020, subpart 35, which requires licensure under Minnesota  
22 Statutes, chapter 157, in consideration of payment other than a bar as defined in subpart  
23 4.

24 [For text of subps 16a and 17, see M.R.]

25 **4620.1025 BARS.**

4620.1025

1 During the hours of operation when food service is available to patrons that requires  
2 licensure as a restaurant under Minnesota Statutes, chapter 157, and as a food  
3 establishment under part 4626.0020, subpart 35, a bar must provide the same percent or  
4 greater of nonsmoking seating as required for restaurants in part 4620.1000. During the  
5 hours of operation when a bar does not make such food service available, the bar may  
6 be designated as smoking-permitted in its entirety.

## 7 FOOD CODE GENERALLY

### 8 4626.0010 1-101.10 FOOD CODE.

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

### 10 4626.0015 1-102.10 FOOD SAFETY.

11 Food offered by a food establishment shall not be adulterated, misbranded, or falsely  
12 advertised.

### 13 4626.0017 1-103.10 APPLICABILITY.

14 The Code applies to food establishments licensed and inspected by the Department of  
15 Agriculture, Department of Health, or local authorities that conduct inspections of food  
16 establishments.

## 17 DEFINITIONS

### 18 4626.0020 1-201.10 STATEMENT OF APPLICATION AND LISTING OF TERMS.

19 Subpart 1. **Applicability.** For purposes of parts 4626.0010 to 4626.1870, the following  
20 terms have the meanings given them.

#### 21 Subp. 2. **Additive.**

22 A. "Food additive" has the meaning given in the Federal Food, Drug, and Cosmetic  
23 Act, United States Code, title 21, section 321, subsection (s), and Code of Federal  
24 Regulations, title 21, section 170.3.

25 B. "Color additive" has the meaning given in the Federal Food, Drug, and Cosmetic

1 Act, United States Code, title 21, section 321, subsection (t), and Code of Federal  
2 Regulations, title 21, section 70.3.

3 Subp. 3. **Adulterated.** "Adulterated" has the meaning given in Minnesota Statutes,  
4 section 31.121.

5 Subp. 4. **Approved.** "Approved" means acceptable to the regulatory authority based  
6 on a determination of conformity with principles, practices, and generally recognized  
7 standards that protect public health.

8 Subp. 5. **a<sub>w</sub>.** "a<sub>w</sub>" means water activity.

9 Subp. 6. **Beverage.** "Beverage" means a liquid for drinking, including water.

10 Subp. 7. **Bottled drinking water.** "Bottled drinking water" means water that is sealed  
11 in bottles, packages, or other containers and offered for sale for human consumption,  
12 including bottled mineral water.

13 Subp. 8. **Bulk food.** "Bulk food" has the meaning given in Minnesota Statutes, section  
14 31.80, subdivision 2.

15 Subp. 9. **C.** "C" means Celsius.

16 Subp. 10. **Certification number.** "Certification number" means a unique combination  
17 of letters and numbers assigned by a shellfish control authority to a molluscan shellfish  
18 dealer according to the National Shellfish Sanitation Program.

19 Subp. 11. **CIP.** "CIP" means cleaned in place by circulating or flowing by mechanical  
20 means through a piping system a detergent solution, water rinse, and sanitizing  
21 solution onto or over equipment surfaces that require cleaning, including the method  
22 used, in part, to clean and sanitize a frozen dessert machine.

23 CIP does not include cleaning band saws, slicers, mixers, or other equipment that are  
24 subjected to in-place manual cleaning without the use of a CIP system.

25 Subp. 11a. **Clean.** "Clean" means free from insects, vermin, and debris and free from

1 physical, chemical, and microbial substances discernible by ordinary sight or touch, by  
2 ultraviolet light, or by artificial light.

3 Subp. 12. **Commercial game animal.**

4 A. "Commercial game animal" means an animal, the products of which are food,  
5 that is not:

6 (1) cattle, sheep, swine, goat, or other equine regulated in Code of Federal  
7 Regulations, title 9, parts 301 to 335;

8 (2) poultry regulated in Code of Federal Regulations, title 9, part 381; or

9 (3) fish as defined in subpart 29.

10 B. Commercial game animal includes:

11 (1) farmed cervidae as defined in Minnesota Statutes, section 17.451, subdivision  
12 2;

13 (2) ratitae as defined in Minnesota Statutes, section 17.453, subdivision 3; or

14 (3) llama as defined in Minnesota Statutes, section 17.455, subdivision 2.

15 Subp. 13. **Comminuted.** "Comminuted" means reduced in size by methods including  
16 chopping, flaking, grinding, or mincing.

17 Comminuted products include:

18 A. gefilte fish, gyros, ground beef, sausage, and other fish or meat products that are  
19 reduced in size and restructured or reformulated; and

20 B. sausages made from two or more meats and other mixtures of two or more types  
21 of meat that have been reduced in size and combined.

22 Subp. 14. **Common dining area.** "Common dining area" means a central location in a  
23 group residence where people gather to eat at mealtime.

24 Common dining area does not include a kitchenette or dining area located within a  
25 resident's private living quarters.

1 Subp. 15. **Confirmed disease outbreak.** "Confirmed disease outbreak" means a  
2 foodborne disease outbreak when laboratory analysis of appropriate specimens  
3 identifies a causative organism and epidemiological analysis implicates the food as the  
4 source of the illness.

5 Subp. 16. **Consumer.** "Consumer" means a person who is a member of the public,  
6 takes possession of food, is not functioning in the capacity of an operator of a food  
7 establishment or food processing plant, and does not offer the food for resale.

8 Subp. 17. **Cook and chill operation.** "Cook and chill operation" means a process that  
9 uses a plastic bag filled with hot cooked food from which air has been expelled and  
10 closed with a plastic or metal crimp.

11 Subp. 18. **Corrosion-resistant material.** "Corrosion-resistant material" means a  
12 material that maintains acceptable surface cleanability characteristics under prolonged  
13 influence of food contact, the normal use of cleaning compounds and sanitizing  
14 solutions, and other conditions of the use environment.

15 Subp. 19. **Critical control point.** "Critical control point" means a point or procedure in  
16 a specific food system where loss of control may result in an unacceptable health risk.

17 Subp. 20. **Critical item.**

18 A. "Critical item" means a part of the Code that, if in noncompliance, is more likely  
19 than other violations to contribute to food contamination, illness, or environmental  
20 degradation.

21 B. A part that is denoted in the Code with an asterisk (\*) is a critical item.

22 C. An asterisk (\*) after a headnote indicates that all of the provisions within that  
23 part are critical for enforcement purposes unless otherwise indicated by being followed  
24 by a superscripted letter<sup>N</sup>. A superscripted<sup>N</sup> indicates that the provision directly  
25 preceding the designation is noncritical for enforcement purposes and is excluded from  
26 the critical designation of the part as a whole.

1 Subp. 21. **Drinking water.** "Drinking water" means water from a source that meets  
2 chapters 4720 and 4725 and Code of Federal Regulations, title 40, part 141.

3 Drinking water includes the term water except the terms boiler water, mop water,  
4 rainwater, wastewater, nondrinking water, and other terms that connote that the water  
5 is not potable.

6 Subp. 22. **Dry storage area.** "Dry storage area" means a room or area designated for  
7 storing packaged or containerized bulk food that is not potentially hazardous and dry  
8 goods, including single-service items.

9 Subp. 23. **Easily cleanable.** "Easily cleanable" means a characteristic of a surface that:

10 A. allows effective removal of soil by normal cleaning methods; and

11 B. is dependent on the material, design, construction, and installation of the  
12 surface.

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

14 A. weighing 14 kilograms (30 pounds) or less, mounted on casters, gliders, or  
15 rollers, or provided with a mechanical means requiring no more than 14 kilograms (30  
16 pounds) of force to safely tilt a unit of equipment for cleaning; and

17 B. having no utility connection, a utility connection that disconnects quickly, or a  
18 flexible utility connection line of sufficient length to allow the equipment to be moved  
19 for cleaning of the equipment and adjacent area.

20 Subp. 25. **Employee.** "Employee" means a licensee, person in charge, person having  
21 supervisory or management duties, person on the payroll, family member, volunteer,  
22 person performing work under contractual agreement, or other person working in a  
23 food establishment.

24 Subp. 26. **Equipment.** "Equipment" means a freezer, grinder, hood, ice maker, meat  
25 block, mixer, oven, reach-in refrigerator, scale, sink, slicer, stove, table, temperature

1 measuring device for ambient air, vending machine, warewashing machine, or other  
2 article that is used in the operation of a food establishment.

3 Equipment does not include hand trucks, forklifts, dollies, pallets, racks, skids, or  
4 other items used for handling or storing large quantities of packaged foods that are  
5 received from a supplier in a cased or overwrapped lot.

6 Subp. 27. **Extensive remodeling.** "Extensive remodeling" means an addition or  
7 change to the physical facility, a major equipment addition, or an equipment installation  
8 that results from changes in the menu.

9 Extensive remodeling does not include redecorating, cosmetic refurbishing, altering  
10 seating design, or reducing seating capacity.

11 Subp. 28. **F.** "F" means Fahrenheit.

12 Subp. 29. **Fish.** "Fish" means fresh or saltwater finfish, mollusks, crustaceans,  
13 alligators, frogs, aquatic turtles, jellyfish, sea cucumbers, sea urchins, roe, and other  
14 forms of aquatic animal life other than birds or mammals, if the animal life is intended  
15 for human consumption.

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

18 Subp. 30. **Food.** "Food" means a raw, cooked, or processed edible substance, ice,  
19 beverage, or ingredient used or intended for use or for sale in whole or in part for  
20 human consumption, or chewing gum.

21 Subp. 31. **Foodborne disease outbreak.**

22 A. "Foodborne disease outbreak" means an incident, except as specified in item B,  
23 when:

24 (1) two or more persons experience a similar illness after ingestion of a common  
25 food; and

1 (2) epidemiological analysis implicates the food as the source of the illness.

2 B. Foodborne disease outbreak includes a single case of illness from botulism or  
3 chemical poisoning.

4 Subp. 32. **Food cart.** "Food cart" has the meaning given in Minnesota Statutes, section  
5 157.15, subdivision 6.

6 Subp. 33. **Food-contact surface.** "Food-contact surface" means:

7 A. a surface of equipment or a utensil with which food normally comes into  
8 contact; or

9 B. a surface of equipment or a utensil from which food may drain, drip, or splash:

10 (1) into a food; or

11 (2) onto a surface normally in contact with food.

12 Subp. 34. **Food employee.** "Food employee" means an individual working with  
13 unpackaged food, food equipment or utensils, or food-contact surfaces.

14 Subp. 35. **Food establishment.**

15 A. "Food establishment" means an operation that:

16 (1) stores, prepares, packages, serves, vends, or otherwise provides food for  
17 human consumption, including a restaurant, satellite or catered feeding location,  
18 market, grocery store, convenience store, special event food stand, school, boarding  
19 establishment, vending machine and vending location, institution, and retail bakery; or

20 (2) relinquishes possession of food to a consumer directly or indirectly through  
21 a delivery service, including the home delivery of grocery orders or restaurant takeout  
22 orders, and a delivery service that is provided by common carriers.

23 B. Food establishment includes:

24 (1) a transportation vehicle or central preparation facility that supplies a

1 vending location or satellite feeding location unless the vending or feeding location is  
2 licensed by the regulatory authority;

3 (2) an operation that is conducted in a mobile, stationary, temporary, or  
4 permanent facility, location, or cart, regardless of whether consumption is on or off the  
5 premises and regardless of whether there is a charge for the food; and

6 (3) those food service operations within a hospital, nursing home, or boarding  
7 care home licensed under Minnesota Statutes, sections 144.50 to 144.56, that are not  
8 limited to patient or resident care.

9 C. Food establishment does not include:

10 (1) an establishment excluded from licensure under Minnesota Statutes, section  
11 28A.15 or 31.56, or a wholesale food handler, wholesale food processor or manufacturer,  
12 or food broker as defined in Minnesota Statutes, section 28A.05, paragraphs (b) to (d);

13 (2) an establishment excluded under Minnesota Statutes, section 157.22;

14 (3) a food processing plant, wholesale food handler, or a custom operator as  
15 described in Code of Federal Regulations, title 9, section 303.1, paragraph (a),  
16 subparagraph (2), except:

17 (a) a custom processor as defined in Minnesota Statutes, section 28A.03,  
18 subdivision 8;

19 (b) a person engaged in custom processing as defined in Minnesota Statutes,  
20 section 31A.02, subdivision 5; or

21 (c) an animal food manufacturer as defined in Minnesota Statutes, section  
22 31A.02, subdivision 8;

23 (4) a private home or other location that receives catered or home-delivered  
24 food when only invited guests are present; or

25 (5) a food service limited to patient or resident care within a hospital, nursing

1 home, ~~or~~ boarding care home, or supervised living facility licensed under Minnesota  
2 Statutes, sections 144.50 to 144.56, except for those operations subject to the rules and  
3 laws administered by the Minnesota Department of Agriculture; ~~or~~

4 ~~(6) a residential facility that is federally certified as an intermediate care facility~~  
5 ~~for persons with mental retardation serving 18 or fewer persons.~~

6 Subp. 36. **Food processing plant.** "Food processing plant" means a commercial  
7 operation that manufactures, packages, labels, or stores food for human consumption  
8 and does not provide food directly to a consumer.

9 Food processing plant does not include a food establishment as defined in subpart 35.

10 Subp. 37. **Game animal.**

11 A. "Game animal" means an animal, the products of which are food, that is not  
12 cattle, sheep, swine, or goat regulated in Code of Federal Regulations, chapter 9, parts  
13 301 to 335, poultry regulated in Code of Federal Regulations, chapter 9, part 381, or fish  
14 as defined in subpart 29.

15 B. Game animal includes:

16 (1) a reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, bear, and  
17 muskrat; an aquatic or nonaquatic bird including a wild duck, goose, quail, and  
18 pheasant; a nonaquatic reptile including a rattlesnake; and an aquatic mammal; and

19 (2) an exotic animal as defined in Code of Federal Regulations, title 9, section  
20 1.1, including a lion, tiger, leopard, elephant, camel, antelope, anteater, kangaroo, water  
21 buffalo, and species of foreign domestic cattle, including ankole, gayal, and yak.

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

25 Subp. 39. **Group residence.** "Group residence" means a private or public housing

1 corporation or institutional facility that provides living quarters and meals. Group  
2 residence includes a retirement home, a long-term health care facility, and other  
3 domiciles for unrelated persons.

4 Subp. 40. **HACCP plan.** "HACCP plan" means a written document that delineates the  
5 formal procedures for following the hazard analysis critical control point principles  
6 developed by the National Advisory Committee on Microbiological Criteria for Foods.

7 Subp. 41. **Hazard.** "Hazard" means a biological, chemical, or physical property that  
8 may cause an unacceptable consumer health risk.

9 Subp. 42. **Hermetically sealed container.** "Hermetically sealed container" means a  
10 container that is designed and intended to be secure against the entry of  
11 microorganisms and, in the case of low acid canned foods, to maintain the commercial  
12 sterility of its contents after processing.

13 Subp. 43. **Imminent health hazard.** "Imminent health hazard" means a significant  
14 threat or danger to health that exists when there is evidence sufficient to show that a  
15 product, practice, circumstance, or event creates a situation that requires immediate  
16 correction or cessation of operation to prevent injury based on:

17 A. the number of potential injuries; and

18 B. the nature, severity, and duration of the anticipated injury.

19 Subp. 44. **Injected.** "Injected" means having manipulated a meat so that infectious or  
20 toxigenic microorganisms may be introduced from its surface to its interior through  
21 tenderizing with deep penetration or injecting the meat with juices, which may be  
22 referred to as "injecting," "pinning," or "stitch pumping."

23 Subp. 45. **Kitchenware.** "Kitchenware" means food preparation and storage utensils.

24 Subp. 46. **License.** "License" means the authorization issued by the regulatory  
25 authority to a person to operate a food establishment.

1 Subp. 47. **Licensee.** "Licensee" means the person licensed by the regulatory authority  
2 who:

3 A. is the owner, the owner's agent, or other person legally responsible for the  
4 operation of the food establishment; and

5 B. possesses a valid license to operate a food establishment according to Minnesota  
6 Statutes, chapter 28A or 157.

7 Subp. 48. **Linens.** "Linens" means fabric items including cloth hampers, cloth napkins,  
8 tablecloths, wiping cloths, cloth gloves, and other work garments.

9 Subp. 49. **Mass gathering.** "Mass gathering" means an actual or reasonably  
10 anticipated assembly of more than 1,500 persons that will continue, or may reasonably  
11 be expected to continue, for more than ten consecutive hours and that is held in an open  
12 space or temporary structure especially constructed, erected, or assembled for the  
13 gathering.

14 Subp. 50. **Meat.** "Meat" means the flesh of animals used as food including the dressed  
15 flesh of cattle, swine, sheep, or goats and other edible animals, except fish, poultry, and  
16 wild game, that is offered for human consumption.

17 Subp. 51. **mg/L.** "mg/L" means milligrams per liter, which is the metric equivalent of  
18 parts per million (ppm).

19 Subp. 52. **Molluscan shellfish.** "Molluscan shellfish" means an edible species of fresh  
20 or frozen oysters, clams, mussels, and scallops or edible portions thereof, except when  
21 the scallop product consists only of the shucked adductor muscle.

22 Subp. 52a. **Noncritical item.**

23 A. "Noncritical item" means a part of the Code that, if in noncompliance, is less  
24 likely than other violations to contribute to food contamination, illness, or  
25 environmental degradation.

1           B. A part that is denoted in the Code without an asterisk (\*) after the headnote is a  
2           noncritical item.

3           C. A part designated as a critical item may have a provision within the part  
4           designated as a noncritical item. This is indicated by a superscripted letter<sup>N</sup> following  
5           the provision.

6           Subp. 53. **Packaged.** "Packaged" means bottled, canned, cartoned, securely bagged, or  
7           securely wrapped, whether packaged in a food establishment or a food processing  
8           plant.

9           Packaged does not include a wrapper, carry-out box, or other nondurable container  
10          used to containerize food to protect food during service and receipt of the food by the  
11          consumer.

12          Subp. 54. **Person.** "Person" means an association, corporation, individual,  
13          partnership, government, governmental subdivision or agency, or other legal entity.

14          Subp. 55. **Person in charge.** "Person in charge" means the individual present at a food  
15          establishment who is responsible for the operation at the time of inspection.

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

19          Personal care item includes medicines, first aid supplies, cosmetics, toothpaste,  
20          mouthwash, and other toiletries.

21          Subp. 57. **pH.** "pH" is the symbol for the negative logarithm of the hydrogen ion  
22          concentration, which is a measure of the degree of acidity or alkalinity of a solution.  
23          Values between 0 and 7 indicate acidity and values between 7 and 14 indicate alkalinity.  
24          The value for pure distilled water is 7, which is neutral.

25          Subp. 58. **Physical facility.** "Physical facility" means the structure and interior  
26          surfaces of a food establishment including soap and towel dispensers and other

1 accessories, light fixtures, heating or air conditioning system vents, and other  
2 attachments.

3 Subp. 59. **Plumbing fixture.** "Plumbing fixture" means a receptacle or device that:

4 A. is permanently or temporarily connected to the water distribution system of the  
5 premises and demands a supply of water from the system; or

6 B. discharges used water, waste materials, or sewage directly or indirectly to the  
7 drainage system of the premises.

8 Subp. 60. **Plumbing system.** "Plumbing system" means the water supply and  
9 distribution pipes; plumbing fixtures and traps; soil, waste, and vent pipes; sanitary and  
10 storm sewers and building drains, including their respective connections, devices, and  
11 appurtenances within the premises; and water-treating equipment.

12 Subp. 61. **Poisonous or toxic material.** "Poisonous or toxic material" means a  
13 substance that is not intended for ingestion and is included in one of the following four  
14 categories:

15 A. cleaners and sanitizers, including caustics, acids, drying agents, and polishes;

16 B. pesticides, including insecticides and rodenticides;

17 C. substances necessary for the operation and maintenance of the establishment,  
18 including non-food-grade lubricants and personal care items that may be deleterious to  
19 health; or

20 D. substances that are not necessary for the operation and maintenance of the  
21 establishment and are on the premises for retail sale including petroleum products and  
22 paints.

23 Subp. 62. **Potentially hazardous food.**

24 A. "Potentially hazardous food" means a food that is natural or synthetic and is in  
25 a form capable of supporting:

- 1 (1) the rapid and progressive growth of infectious or toxigenic microorganisms;
- 2 (2) the growth and toxic production of *Clostridium botulinum*; or
- 3 (3) in raw shell eggs, the growth of *Salmonella enteritidis*.

4 B. Potentially hazardous food includes a food of animal origin that is raw or  
5 heat-treated, a food of plant origin that is heat-treated or consists of raw seed sprouts,  
6 cut melons, and garlic and oil mixtures that are not acidified or otherwise modified at a  
7 food processing plant in a way that results in mixtures that do not support growth as  
8 specified in item A.

9 C. Potentially hazardous food does not include:

- 10 (1) an air-cooled hard-boiled egg with shell intact;
- 11 (2) a food with an  $a_w$  value of 0.85 or less;
- 12 (3) a food with a pH level of 4.6 or below when measured at 24 degrees C (75  
13 degrees F);
- 14 (4) a food, in an unopened hermetically sealed container, that is commercially  
15 processed to achieve and maintain commercial sterility under conditions of  
16 nonrefrigerated storage and distribution;
- 17 (5) a food for which laboratory evidence demonstrates that the rapid and  
18 progressive growth of infectious and toxigenic microorganisms or the growth of  
19 *Salmonella enteritidis* in eggs or *Clostridium botulinum* cannot occur, including a food that  
20 has an  $a_w$  and a pH that are above the levels specified in subitem (2) or (3) and that may  
21 contain a preservative, other barrier to the growth of microorganisms, or a combination  
22 of barriers that inhibit the growth of microorganisms; or
- 23 (6) a food that may contain an infectious or toxigenic microorganism or  
24 chemical or physical contaminant at a level sufficient to cause illness, but that does not  
25 support the growth of microorganisms as specified in item A.

1       Subp. 63. **Poultry.** "Poultry" means any domesticated bird, including chickens,  
2 turkeys, ducks, geese, or guineas, whether live or dead.

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

4           A. the physical facility, its contents, and the contiguous land or property under the  
5 control of the licensee; or

6           B. the physical facility, its contents, and the contiguous land or property and its  
7 facilities and contents that are under the control of the licensee that may impact food  
8 establishment personnel, facilities, or operations, if a food establishment is only one  
9 component of a health care facility, hotel, motel, school, recreational camp, prison, or  
10 other large operation.

11       Subp. 65. **Primal cut.** "Primal cut" means a basic major cut into which carcasses and  
12 sides of meat are separated.

13       Subp. 66. **Public water system.** "Public water system" means a system as defined in  
14 chapter 4720 and Code of Federal Regulations, title 40, section 141.2.

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

16           A. "Ready-to-eat food" means food that is in a form that is edible without washing,  
17 cooking, or additional preparation by the food establishment or the consumer and that  
18 is reasonably expected to be consumed in that form.

19           B. Ready-to-eat food includes:

20               (1) unpackaged potentially hazardous food that is cooked to the temperature  
21 and time required for the specific food under parts 4626.0340 and 4626.0345;

22               (2) raw, washed, cut fruits and vegetables;

23               (3) whole, raw fruits and vegetables that are presented for consumption without  
24 the need for further washing; and

25               (4) other food presented for consumption for which further washing or cooking  
26 is not required and from which rinds, peels, husks, or shells are removed.

1       Subp. 68. **Reduced oxygen packaging.**

2           A. "Reduced oxygen packaging" means the reduction of the amount of oxygen in a  
3 package by mechanically evacuating the oxygen, displacing the oxygen with another  
4 gas or combination of gases, or otherwise controlling the oxygen content in a package to  
5 a level below that normally found in the surrounding atmosphere, which is 21 percent  
6 oxygen.

7           B. Reduced oxygen packaging includes methods that may be referred to as altered  
8 atmosphere, modified atmosphere, controlled atmosphere, low oxygen, and vacuum  
9 packaging including sous vide.

10          C. Reduced oxygen packaging does not include packaging that allows oxygen  
11 transmission of at least 7,200 cubic centimeters per square meter (~~480 cubic centimeters~~  
12 ~~per 100 square inches~~) over a 24-hour period.

13          Subp. 69. **Refuse.** "Refuse" means solid waste not carried by water through the  
14 sewage system.

15          Subp. 70. **Regulatory authority.** "Regulatory authority" means the local, state, or  
16 federal enforcement body or authorized representative having jurisdiction over the food  
17 establishment.

18          Subp. 71. **Restricted use pesticide.** "Restricted use pesticide" means a pesticide  
19 product that contains the active ingredients specified in the Federal Insecticide,  
20 Fungicide, and Rodenticide Act, United States Code, title 7, sections 136 to 136y, and  
21 Code of Federal Regulations, title 40, section 152.175, and that is limited to use by a  
22 commercial applicator.

23          Subp. 72. **Retail bakery.** "Retail bakery" means a building or part of a building used  
24 to process, store, or sell bakery products directly to the consumer.

25          Subp. 73. **Retail food vehicle, portable structure, or cart.** "Retail food vehicle,  
26 portable structure, or cart" means a food establishment licensed under Minnesota

1 Statutes, sections 28A.06 and 28A.07, that is a motor vehicle, portable structure, or  
2 nonmotorized cart where food and food products are:

3 A. offered to the consumer;

4 B. intended for off-premises consumption; and

5 C. not subject to on-site preparation.

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

7 A. an article manufactured from or composed of materials that may not reasonably  
8 be expected to directly or indirectly become a component or otherwise affect the  
9 characteristics of a food;

10 B. an additive that is used as specified in the Federal Food, Drug, and Cosmetic  
11 Act, United States Code, title 21, section 348 or 379e; or

12 C. any other material that is not an additive and that is used in conformity with  
13 applicable regulations of the Food and Drug Administration.

14 Subp. 75. **Sanitization.** "Sanitization" means the application of cumulative heat or  
15 chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, yields a  
16 reduction of five logs, which is equal to a 99.999 percent reduction, of representative  
17 disease microorganisms of public health importance.

18 Subp. 76. **Sealed.** "Sealed" means free of cracks or other openings that allow the entry  
19 or passage of moisture.

20 Subp. 77. **Servicing area.** "Servicing area" means an operating base location to which  
21 a mobile food establishment or transportation vehicle returns regularly for discharging  
22 liquid or solid wastes or refilling water tanks and ice bins, and where food, food  
23 equipment, and supplies for the business are stored.

24 Subp. 78. **Sewage.** "Sewage" means liquid waste containing animal or vegetable  
25 matter in suspension or solution and may include liquids containing chemicals in  
26 solution.

1        Subp. 78a. Shellfish. "Shellfish" means all edible species of oysters, clams, and  
2        mussels either shucked, in the shell, fresh or fresh frozen, whole or in part.

3        Subp. 79. **Shellstock.** "Shellstock" means raw, in-shell molluscan shellfish.

4        Subp. 80. **Shucked shellfish.** "Shucked shellfish" means molluscan shellfish that have  
5        one or both shells removed.

6        Subp. 81. **Single-service article.** "Single-service article" means a tableware, carry-out  
7        utensil, bag, container, placemat, stirrer, straw, toothpick, wrapper, or other item that is  
8        designed and constructed for one-time, one-person use.

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

10        A. "Single-use article" means a utensil or bulk food container designed and  
11        constructed to be used once and discarded.

12        B. Single-use article includes wax paper, butcher paper, plastic wrap, formed  
13        aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels,  
14        ketchup bottles, number 10 cans, and other items that do not meet the materials,  
15        durability, strength, and cleanability specifications contained in parts 4626.0450,  
16        4626.0505, and 4626.0515 for multiuse utensils.

17        Subp. 83. **Slacking.** "Slacking" means the process of moderating the temperature of a  
18        food, including allowing a food to gradually increase from a temperature of -23 degrees  
19        C (-10 degrees F) to -4 degrees C (25 degrees F) in preparation for deep-fat frying or for  
20        even heat penetration during the cooking of previously block-frozen food.

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

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

24        B. for a non-food-contact surface of equipment, equal to the surface of commercial  
25        grade hot-rolled steel free of visible scale; or

1 C. for a floor, wall, or ceiling, even or level with no roughness or projections that  
2 render the surface difficult to clean.

3 Subp. 85. **Special event food stand** ~~or special event food stand-limited~~. "Special  
4 event food stand" or "~~special event food stand-limited~~" ~~have~~ has the ~~meanings~~ meaning  
5 given in Minnesota Statutes, section 157.15, ~~subdivisions~~ subdivision 14 ~~and 15~~.

6 Subp. 86. **Support animal**. "Support animal" means a seeing eye dog or other trained  
7 animal that accompanies a person with a disability to assist in managing the disability  
8 and enables the person to perform functions that the person would otherwise be unable  
9 to perform.

10 Subp. 87. **Table-mounted equipment**. "Table-mounted equipment" means equipment  
11 that is not portable and is designed to be mounted off the floor on a table, counter, or  
12 shelf.

13 Subp. 88. **Tableware**. "Tableware" means eating, drinking, or serving utensils for  
14 table use including forks, knives, spoons, and other flatware; bowls, cups, serving  
15 dishes, tumblers, and other hollowware; and plates.

16 Subp. 89. **Temperature measuring device**. "Temperature measuring device" means a  
17 thermometer, thermocouple, thermistor, or other device that indicates the temperature  
18 of food, air, or water.

19 Subp. 90. **Temporary food establishment**. "Temporary food establishment" means a  
20 food establishment that is a mobile food unit, seasonal permanent food stand, or  
21 ~~seasonal temporary food stand, seasonal permanent food stand, or mobile food unit~~, as  
22 those terms are defined in Minnesota Statutes, section 157.15, subdivisions 9, 12a, and  
23 13.

24 Subp. 91. **Utensil**. "Utensil" means a food-contact implement or container used in the  
25 storage, preparation, transportation, dispensing, sale, or service of food, including  
26 kitchenware or tableware that is multiuse, single-service, or single-use; gloves used in  
27 contact with food; and food temperature measuring devices.

1 Subp. 92. **Vending machine.** "Vending machine" means a self-service device that,  
2 upon insertion of a coin, paper currency, token, card, or key, dispenses unit servings of  
3 food in bulk or in packages without the necessity of replenishing the device between  
4 each vending operation.

5 Subp. 93. **Vending machine location.** "Vending machine location" means a room,  
6 enclosure, space, or area where one or more vending machines are installed and  
7 operated and includes the storage and servicing areas on the premises that are used in  
8 conjunction with the vending machines.

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

11 Subp. 95. **Water activity.** "Water activity" means a measure of the free moisture in a  
12 food, and is the quotient of the water vapor pressure of the substance divided by the  
13 vapor pressure of pure water at the same temperature.

14 Subp. 96. **Wild game animal.**

15 A. "Wild game animal" means:

16 (1) an animal defined as a protected wild animal in Minnesota Statutes, section  
17 97A.015, subdivision 39; and

18 (2) an exotic animal as defined in Code of Federal Regulations, title 9, section  
19 1.1, including a lion, tiger, leopard, elephant, camel, antelope, anteater, kangaroo, water  
20 buffalo, and species of foreign domestic cattle, including an ankole, gayal, and yak.

21 B. Wild game animal does not include:

22 (1) farmed cervidae as defined in Minnesota Statutes, section 17.451, subdivision  
23 2;

24 (2) ratitae as defined in Minnesota Statutes, section 17.453, subdivision 3; or

25 (3) llama as defined in Minnesota Statutes, section 17.455, subdivision 2.



1 F. stating the required food temperatures and times for safe cooking of potentially  
2 hazardous food ~~including meat~~;

3 G. stating the required temperatures and times for the safe refrigerated storage, hot  
4 holding, cooling, reheating, and transportation of potentially hazardous food;

5 H. describing the relationship between the prevention of foodborne illness and the  
6 management and control of:

7 (1) cross-contamination;

8 (2) hand contact with ready-to-eat foods;

9 (3) handwashing; and

10 (4) maintenance of the food establishment in a clean condition and in good  
11 repair;

12 I. explaining the relationship between food safety and providing equipment that is:

13 (1) sufficient in number and capacity; and

14 (2) properly designed, constructed, located, installed, operated, maintained, and  
15 cleaned;

16 J. explaining correct procedures for cleaning and sanitizing utensils and  
17 food-contact surfaces of equipment;

18 K. identifying the source of water used and measures taken to ensure that the  
19 water remains protected from contamination including providing protection from  
20 backflow and precluding the creation of cross connections;

21 L. identifying poisonous or toxic materials in the food establishment and the  
22 procedures necessary to ensure that they are safely stored, dispensed, used, and  
23 disposed of according to Minnesota Statutes, chapter 18B;

24 M. identifying critical control points in the operation from purchasing through sale  
25 or service that may contribute to foodborne illness and explaining steps taken to ensure  
26 that the points are controlled when a HACCP plan is required by part 4626.1730;

1 N. explaining the details of how the person in charge and food employees comply  
2 with the HACCP plan if a plan is required; and

3 O. explaining the responsibilities, rights, and authorities assigned by the Code to  
4 the:

5 (1) food employee;

6 (2) person in charge; and

7 (3) regulatory authority.

8 **4626.0035 2-103.11 PERSON IN CHARGE.**

9 The person in charge shall ensure that:

10 A. food establishment operations are not conducted in a private home or in a room  
11 used as living or sleeping quarters as specified in part 4626.1425;

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

17 C. employees and other persons, including delivery and maintenance persons and  
18 pesticide applicators, entering the food preparation, food storage, and warewashing  
19 areas comply with the Code;

20 D. employees effectively clean their hands, by routinely monitoring the employees'  
21 handwashing;

22 E. employees visibly observe foods as they are received to determine that they are  
23 from approved sources, delivered at the required temperatures, protected from  
24 contamination, unadulterated, and accurately presented, by routinely monitoring the  
25 employees' observations and periodically evaluating foods upon their receipt;

1 F. employees properly cook potentially hazardous food, being particularly careful  
2 in cooking those foods known to cause severe foodborne illness and death, including  
3 eggs and comminuted meats, through daily oversight of the employees' routine  
4 monitoring of the cooking temperatures;

5 G. employees use proper methods to rapidly cool potentially hazardous foods that  
6 are not held hot or are not for consumption within four hours, through daily oversight  
7 of the employees' routine monitoring of food temperatures during cooling;

8 H. employees properly sanitize cleaned multiuse equipment and utensils before  
9 they are reused, through routine monitoring of solution temperature and exposure time  
10 for hot water sanitizing, and chemical concentration, pH, temperature, and exposure  
11 time for chemical sanitizing; and

12 I. consumers are notified that clean tableware is to be used when they return to  
13 salad bars, buffets, or other self-service areas.

#### 14 EMPLOYEE HEALTH

#### 15 4626.0040 2-201.11 RESPONSIBILITY OF PERSON IN CHARGE TO REQUIRE 16 REPORTING BY FOOD EMPLOYEES AND APPLICANTS.\*

17 A. The licensee shall require food employees and food employee applicants to  
18 whom a conditional offer of employment is made to report to the person in charge  
19 information about their health and activities as they relate to diseases transmissible  
20 through food.

21 B. A food employee or applicant shall report to the person in charge if the food  
22 employee or applicant has a symptom caused by illness, infection, or other source that  
23 is:

24 (1) associated with diarrhea, vomiting, or other acute gastrointestinal illness;

25 (2) jaundice; or

26 (3) a boil, infected wound, or other lesion containing pus that is open or  
27 draining and is:

1 (a) on the hands or wrists, unless a finger cot, stall, or other impermeable  
2 cover protects the lesion and a single-use glove is worn over the impermeable cover;

3 (b) on exposed portions of the arms, unless the lesion is protected by an  
4 impermeable cover; or

5 (c) on other parts of the body, unless the lesion is covered by a dry, durable,  
6 tight-fitting bandage.

7 C. The food employee or applicant shall report to the person in charge if the food  
8 employee or applicant is known to be infected with:

9 (1) *Salmonella* spp., *Shigella* spp., *Escherichia coli* 0157:H7, or other enteric  
10 bacterial pathogen; or

11 (2) the hepatitis A virus.

12 D. A food employee or applicant shall report the date of onset of any of the  
13 symptoms or illness specified in this part.

14 **4626.0045 2-201.12 EXCLUSIONS AND RESTRICTIONS.\***

15 The person in charge shall:

16 A. exclude a food employee from a food establishment if the food employee is ill  
17 with vomiting or diarrhea;

18 B. restrict a food employee from working with exposed food, clean equipment, and  
19 clean utensils in a food establishment if the food employee has an enteric bacterial  
20 pathogen capable of being transmitted by food, including *Salmonella* spp., *Shigella* spp.,  
21 or *Escherichia coli* 0157:H7, until the Department of Health ~~has~~ and the licensing  
22 regulatory authority have evaluated the potential for foodborne disease transmission;  
23 and

24 C. restrict an employee if the results of an epidemiological investigation by the  
25 commissioner of health under Minnesota Statutes, section 31.171, determines that a food  
26 employee or applicant presents a risk for transmission of foodborne disease.

1       **4626.0050 2-201.13 REMOVAL OF RESTRICTION.**

2           The restriction specified in part 4626.0045, item C, shall remain in effect for a food  
3       employee until the Department of Health ~~completes~~ and the licensing regulatory  
4       authority complete an investigation of the confirmed disease outbreak and determines  
5       that there is no longer a risk of foodborne disease transmission.

6       **4626.0055 2-201.14 RESPONSIBILITY OF FOOD EMPLOYEE OR APPLICANT TO**  
7       **REPORT TO PERSON IN CHARGE.\***

8           A food employee or a person who applies for a job as a food employee shall:

9           A. report to the person in charge the information specified in part 4626.0040; and

10          B. comply with exclusions and restrictions that are specified in part 4626.0045.

11       **4626.0060 2-201.15 REPORTING BY PERSON IN CHARGE.\***

12          A. The person in charge shall notify the regulatory authority of a food employee  
13       infected with:

14           (1) *Salmonella* spp., *Shigella* spp., *Escherichia coli* 0157:H7, or other enteric  
15       bacterial pathogen capable of being transmitted by food; or

16           (2) the hepatitis A virus.

17          B. The person in charge shall record all reports of diarrhea or vomiting made by  
18       food employees and report those illnesses to the regulatory authority at the specific  
19       request of the regulatory authority.

20          C. The person in charge shall notify the regulatory authority of any complaint from  
21       a ~~patron~~ customer having or suspected of having:

22           (1) diarrhea or vomiting;

23           (2) *Salmonella* spp., *Shigella* spp., *Escherichia coli* 0157:H7, or other enteric  
24       bacterial pathogen capable of being transmitted by food; or

25           (3) a hepatitis A virus infection.



1 G. during food preparation, as often as necessary to remove soil and  
2 contamination and to prevent cross-contamination when changing tasks;

3 H. when switching between working with raw foods and working with  
4 ready-to-eat foods; or

5 I. after engaging in other activities that contaminate the hands.

6 **4626.0080 2-301.15 WHERE TO WASH.**

7 A food employee shall clean the hands in a handwashing lavatory and shall not clean  
8 the hands in a sink used for food preparation or warewashing or in a service sink or a  
9 curbed cleaning facility used for the disposal of mop water or similar liquid waste.

10 **4626.0085 2-301.16 HAND SANITIZERS.**

11 A. A hand sanitizer or hand sanitizing solution shall be used:

12 (1) according to the rules adopted under Minnesota Statutes, section 31.101; or

13 (2) if consisting of or made up of a chemical formulation that is not generally  
14 recognized as safe under Code of Federal Regulations, title 21, parts 182 and 184, or that  
15 is not listed for use as a hand sanitizer under Code of Federal Regulations, title 21,  
16 section 178.1010, only if:

17 (a) followed by thorough hand rinsing in clean water or the use of gloves; or

18 (b) used where there is no direct contact with food by the hands; ~~or~~

19 (c) ~~applied only to hands that are cleaned as specified in part 4626.0070.~~

20 B. A chemical hand sanitizing solution used as a hand dip shall be maintained  
21 clean and at a strength equivalent to 100 mg/L chlorine or above.

22 **4626.0090 2-302.11 FINGERNAIL MAINTENANCE.**

23 A food employee shall keep the fingernails trimmed, filed, free of nail polish, and  
24 maintained so the edges and surfaces are cleanable and not rough.

25 **4626.0095 2-303.11 JEWELRY PROHIBITION.**

**4626.0095**

1 While preparing food, a food employee shall not wear jewelry on the arms and  
2 hands. This part does not apply to a wedding band or other plain ring.

3 **4626.0100 2-304.11 CLOTHING; CLEAN CONDITION.**

4 A food employee shall wear clean outer clothing. When moving from a raw food  
5 operation to a ready-to-eat food operation, a food employee shall wear a clean outer  
6 covering over clothing or change to clean clothing if clothing is soiled.

7 **HYGIENIC PRACTICES**

8 **4626.0105 2-401.11 EATING, DRINKING, OR USING TOBACCO.\***

9 A. Except as specified in item B, an employee shall eat, drink, or use any form of  
10 tobacco only in designated areas where the contamination of exposed food; clean  
11 equipment, utensils, and linens; unwrapped single-service and single-use articles; or  
12 other items needing protection cannot result.

13 B. A food employee may drink from a closed beverage container if the container is  
14 handled to prevent contamination of:

15 (1) the employee's hands;

16 (2) the container; and

17 (3) exposed food; clean equipment, utensils, and linens; and unwrapped  
18 single-service and single-use articles.

19 **4626.0110 2-401.12 DISCHARGES FROM EYES, NOSE, AND MOUTH.\***

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

23 **4626.0115 2-402.11 HAIR RESTRAINTS; EFFECTIVENESS.**

24 A. Except as provided under item B, a food employee shall wear a hat, hair  
25 covering, net, or other hair restraint, a beard restraint, and clothing that covers body

1 hair, all of which are designed and worn to effectively keep hair from contacting  
2 exposed food; clean equipment, utensils, and linens; and unwrapped single-service and  
3 single-use articles.

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

8 **4626.0120 2-403.11 ANIMAL HANDLING PROHIBITION.\***

9 A. Except as specified in item B, a food employee shall not care for or handle patrol  
10 dogs, support animals, pets, or other animals that are allowed under part 4626.1585,  
11 item B, subitems (2) to (4).

12 B. A food employee with a support animal may care for the support animal if the  
13 employee washes ~~the~~ their hands as specified in part 4626.0070 before working with  
14 exposed food; clean equipment, utensils, and linens; or unwrapped single-service and  
15 single-use articles.

16 **FOOD CHARACTERISTICS**

17 **4626.0125 3-101.11 NOT ADULTERATED, MISBRANDED, OR FALSELY**  
18 **ADVERTISED.**

19 Food shall not be adulterated, and, as specified in part 4626.0430, shall not be  
20 misbranded or falsely advertised.

21 **4626.0130 3-201.11 COMPLIANCE WITH FOOD LAW.\***

22 A. Food shall be obtained from sources that comply with:

23 (1) United States Code, title 15, sections 1451 to 1461;

24 (2) United States Code, title 21, sections 301 to 395;

25 (3) United States Code, title 21, sections 451 to 471;

1 (4) United States Code, title 21, sections 601 to 695;

2 (5) Code of Federal Regulations, title 7, parts 46 to 51;

3 (6) Code of Federal Regulations, title 9, parts 301 to 391;

4 (7) Code of Federal Regulations, title 21, parts 1 to 189;

5 (8) Code of Federal Regulations, title 40, parts 104 to 135;

6 (9) Code of Federal Regulations, title 40, parts 152 to 186;

7 (10) Code of Federal Regulations, title 50, parts 260 to 285;

8 (11) Minnesota Statutes, chapters 29, 30, 31, 31A, 32, 33, and 34; and

9 (12) chapters 1520, 1525, 1530, 1535, 1540, 1545, 1550, and 1555 and part  
10 4630.2700.

11 B. Except as allowed by Minnesota Statutes, sections 28A.15 and 157.22, clauses (6)  
12 and (7), food prepared or stored in a private home shall not be used or offered for  
13 human consumption in a food establishment.

14 C. Packaged food shall be labeled as specified in parts 4626.0200, 4626.0205, and  
15 4626.0435.

16 D. Fish, other than molluscan shellfish, that are intended for consumption in raw  
17 form and allowed as specified in part 4626.0340, item B C, subitem (1), shall be obtained  
18 from a supplier that freezes the fish as specified in part 4626.0350; or shall be frozen on  
19 the premises as specified in part 4626.0350 and records shall be retained as specified in  
20 part 4626.0355.

21 **4626.0135 3-201.12 FOOD IN HERMETICALLY SEALED CONTAINER.\***

22 Food in a hermetically sealed container shall be obtained from a food processing  
23 plant that is regulated by the food regulatory agency that has jurisdiction over the plant.

24 **4626.0140 3-201.13 FLUID MILK AND MILK PRODUCTS.\***

1 A. Fluid milk and fluid milk products shall be obtained from sources that comply  
2 with Grade A standards specified in Minnesota Statutes, chapter 32.

3 B. Dry milk and dry milk products used or offered for sale shall be made from  
4 pasteurized milk and milk products.

5 C. All ice cream, frozen custard, ice milk, milk sherbet, fruit or ice sherbet, yogurt,  
6 frozen malted milk, and other frozen dairy food shall comply with Minnesota Statutes,  
7 chapter 32.

8 **4626.0145 3-201.14 FISH.\***

9 A. Fish that are received for sale or service shall be:

10 (1) commercially and legally caught or harvested as prescribed in chapters 1545  
11 and 6200, and Minnesota Statutes, section 31.11 and chapters 97A and 97C; or

12 (2) approved for sale or service.

13 B. Molluscan shellfish that are recreationally caught shall not be received for sale  
14 or service.

15 **4626.0150 3-201.15 MOLLUSCAN SHELLFISH.\***

16 A. Molluscan shellfish shall be obtained from sources according to the  
17 requirements specified in the United States Department of Health and Human Services,  
18 Public Health Service, Food and Drug Administration, National Shellfish Sanitation  
19 Program Manual of Operations, Part I Sanitation of Shellfish Growing Areas, and Part II  
20 Sanitation of the Harvesting, Processing and Distribution of Shellfish (1990 revision).  
21 The operations manual is incorporated by reference and is available through the Minitex  
22 interlibrary loan system or from the United States Food and Drug Administration,  
23 Shellfish Sanitation Branch, 200 "C" Street S.W., Washington D.C., 20204. The manual is  
24 not subject to frequent change.

25 B. Molluscan shellfish received in interstate commerce shall be from sources listed

1 in the United States Department of Health and Human Services, Public Health Service,  
2 Food and Drug Administration, Interstate Certified Shellfish Shippers List (1987 and  
3 subsequent editions). The list is incorporated by reference and is available through the  
4 Minitex interlibrary loan system or from the United States Food and Drug  
5 Administration, Shellfish Sanitation Branch, 200 "C" Street S.W., Washington D.C.,  
6 20204. The list is subject to frequent change.

7 **4626.0155 3-201.16 WILD MUSHROOMS.\***

8 A. Except as specified in item B, mushroom species picked in the wild shall be  
9 obtained from sources where each mushroom is individually inspected and found to be  
10 safe by a mushroom identification expert whose expertise has been verified and  
11 approved by the regulatory authority through the successful completion of a wild  
12 mushroom identification course provided by either an accredited college or university  
13 or a mycological society. An individual who wants to be approved as a wild mushroom  
14 identification expert shall have on file with the regulatory authority a letter from an  
15 accredited college or university certifying successful completion of a wild mushroom  
16 identification course from an accredited college or university.

17 B. This part does not apply to:

18 (1) cultivated wild mushrooms species that are grown, harvested, and processed  
19 in an operation that is regulated by the food regulatory agency that has jurisdiction over  
20 the operation; or

21 (2) wild mushrooms species if they are in packaged form and are the product of  
22 a food processing plant that is regulated by the food regulatory agency that has  
23 jurisdiction over the plant.

24 **4626.0160 3-201.17 GAME ANIMALS.\***

25 A. Game animals commercially raised for food shall be raised, slaughtered, and  
26 processed under an inspection program that is conducted by the United States

1 Department of Agriculture under Code of Federal Regulations, title 9, part 352, or the  
2 Minnesota Department of Agriculture under Minnesota Statutes, section 17.452,  
3 subdivision 8.

4 B. Exotic species of animals, including animals raised for exhibition purposes in a  
5 zoo or circus, shall:

6 (1) comply with item A, or receive antemortem and postmortem examination by  
7 a veterinarian or a veterinarian's designee, approved by the regulatory authority; and

8 (2) be slaughtered and processed according to Minnesota Statutes, chapters 31  
9 and 31A, and rules adopted thereunder governing meat and poultry as determined by  
10 the United States Department of Agriculture as specified in Code of Federal  
11 Regulations, title 9, or under laws and rules of another state that are equivalent to the  
12 Minnesota laws and rules specified in this part.

13 C. Wild game animals lawfully taken and donated according to part 6214.0100 and  
14 Minnesota Statutes, section 97A.505, and donated to a charitable organization registered  
15 under Minnesota Statutes, chapter 309, are approved if:

16 (1) only pure wild game is donated;

17 (2) the intact animal is properly cleaned, stored, and processed in an  
18 establishment that complies with chapters 1540 and 1545, and Minnesota Statutes,  
19 chapters 28A, 31, 31A, and 157, as those rules and laws relate to the licensing,  
20 processing, and storage of food;

21 (3) evisceration was accomplished within two hours after harvest; ~~and~~

22 (4) cooked to at least 74 degrees C (165 degrees F); and

23 (5) a written sanitation standard operating procedure that includes the entire  
24 process used to eliminate the possibility of cross-contamination from wild game  
25 processing to retail products is implemented and available for inspection.

1     **4626.0165 3-202.11 TEMPERATURE.\***

2             A. Except as specified in item B, refrigerated, potentially hazardous food shall be at  
3 a temperature of 5 degrees C (41 degrees F) or below when received.

4             B. If a temperature other than 5 degrees C (41 degrees F) for a potentially  
5 hazardous food is specified in law governing its distribution, including laws governing  
6 milk, molluscan shellfish, and shell eggs, the food may be received at the specified  
7 temperature. A food may be received at the temperature specified in:

8                 (1) Minnesota Statutes, section 29.23, subdivisions 3 and 4, for eggs;

9                 (2) parts 1550.0960, 1550.0970, and 1550.0980, for readily perishable, frozen, and  
10 hot food; and

11                 (3) the National Shellfish Sanitation Program Manual of Operations, Part II,  
12 section B, as the manual is described in part 4626.0150, item A.

13             C. Potentially hazardous food that is cooked to a temperature and for a time  
14 specified in parts 4626.0340 and 4626.0345 and received hot shall be at a temperature of  
15 60 degrees C (140 degrees F) or above.

16             D. A food that is labeled frozen and shipped frozen by a food processing plant  
17 shall be received frozen.

18             E. Upon receipt, potentially hazardous food shall be free of evidence of previous  
19 temperature abuse.

20     **4626.0170 3-202.12 ADDITIVES.\***

21             Food shall not contain unapproved food additives or additives that exceed amounts  
22 allowed in Code of Federal Regulations, title 21, parts 170 to 180; generally recognized  
23 as safe or prior sanctioned substances that exceed amounts allowed in Code of Federal  
24 Regulations, title 21, parts 181 to 186; substances that exceed amounts specified in Code  
25 of Federal Regulations, title 9, section 318.7; or pesticide residues that exceed provisions  
26 specified in Code of Federal Regulations, title 40, part 185.

**4626.0170**

1 **4626.0175 3-202.13 SHELL EGGS.\***

2 Shell eggs shall be received clean and sound and shall:

3 A. not exceed the restricted egg tolerances for United States Consumer Grade B  
4 specified in Code of Federal Regulations, title 7, parts 56 and 59; and

5 B. comply with parts 1520.1200 to 1520.2000 and Minnesota Statutes, chapter 29.

6 **4626.0180 3-202.14 EGGS AND EGG PRODUCTS.\***

7 Liquid, frozen, and dry eggs and egg products shall be obtained pasteurized.

8 **4626.0185 3-202.15 MILK AND MILK PRODUCTS.\***

9 A. Fluid and dry milk and milk products complying with Grade A standards  
10 specified in Minnesota Statutes, chapter 32, shall be obtained pasteurized.

11 B. Frozen milk products, including ice cream, shall be obtained pasteurized  
12 according to Code of Federal Regulations, title 21, part 135.

13 C. Cheese shall be obtained pasteurized unless alternative procedures to  
14 pasteurization are provided for in Code of Federal Regulations, title 21, part 133, for  
15 curing certain cheese varieties.

16 **4626.0190 3-202.16 PACKAGE INTEGRITY.\***

17 Food packages shall be in good condition and protect the integrity of the contents so  
18 that the food is not exposed to adulteration or potential contaminants.

19 **4626.0195 3-202.17 ICE.\***

20 Ice for use as a food or a cooling medium shall be made from drinking water.

21 **4626.0200 3-202.18 SHUCKED SHELLFISH; PACKAGING AND IDENTIFICATION.**

22 A. Raw shucked shellfish shall be obtained in nonreturnable packages that bear a  
23 legible label that identifies:

24 (1) the name, address, and certification number of the shucker-packer or  
25 repacker of the molluscan shellfish; and

**4626.0200**

1 (2) the "sell by" date for packages with a capacity of less than 1.87 liter (one-half  
2 gallon) or the date shucked for packages with a capacity of 1.87 liter (one-half gallon) or  
3 more.

4 B. A package of raw shucked shellfish that does not bear a label or that bears a  
5 label that does not contain all the information specified in item A shall be subject to a  
6 hold order as allowed by Minnesota Statutes, section 31.05, subdivision 1, or seizure and  
7 destruction according to Code of Federal Regulations, title 21, section 1240.60,  
8 paragraph (d).

9 **4626.0205 3-202.19 SHELLSTOCK SHELLFISH IDENTIFICATION.\***

10 Subpart 1. **Tags and labels.** Shellstock shall be obtained in containers bearing legible  
11 source identification tags or labels that:

12 A. are affixed by the harvester and each dealer that depurates, ships, or reships the  
13 shellstock, as specified in the National Shellfish Sanitation Program Manual of  
14 Operations, Part II, as the manual is described in part 4626.0150, items A; and

15 B. list:

16 (1) except as specified in subpart 3, on the harvester's tag or label, the following  
17 information in the following order:

18 (a) the harvester's identification number that is assigned by the shellfish  
19 control authority;

20 (b) the date of harvesting;

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

25 (d) the type and quantity of shellfish; and

1 (e) the following statement in bold, capitalized type: "THIS TAG IS  
2 REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY OR RETAGGED AND  
3 THEREAFTER KEPT ON FILE FOR 90 DAYS."; and

4 (2) except as specified in subpart 4, on each dealer's tag or label, the following  
5 information in the following order:

6 (a) the dealer's name and address and the certification number assigned by  
7 the shellfish control authority;

8 (b) the original shipper's certification number including the abbreviation of  
9 the name of the state or country in which the shellfish are harvested;

10 (c) the information specified in subitem (1), units (b) to (d); and

11 (d) the following statement in bold, capitalized type: "THIS TAG IS  
12 REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY AND THEREAFTER  
13 KEPT ON FILE FOR 90 DAYS."

14 Subp. 2. **Hold order.** A container of shellstock that does not bear a tag or label or that  
15 bears a tag or label that does not contain all the information specified in subpart 1 shall  
16 be subject to a hold order as allowed by Minnesota Statutes, section 31.05, subdivision 1,  
17 or seizure and destruction according to Code of Federal Regulations, title 21, section  
18 1240.60, paragraph (d).

19 Subp. 3. **Dealer information.** If a place is provided on the harvester's tag or label for  
20 a dealer's name, address, and certification number, the dealer's information shall be  
21 listed first.

22 Subp. 4. **Exception.** If the harvester's tag or label is designed to accommodate each  
23 dealer's identification as specified in subpart 1, item B, subitem (2), units (a) and (b),  
24 individual dealer tags or labels need not be provided.

25 **4626.0210 3-202.110 SHELLSTOCK; CONDITION.**

1 When received by a food establishment, shellstock shall be reasonably free of mud,  
2 dead shellfish, and shellfish with broken shells. Dead shellfish or shellstock with badly  
3 broken shells shall be discarded.

4 **4626.0215 3-203.11 MOLLUSCAN SHELLFISH; ORIGINAL CONTAINER.**

5 A. Except as specified in items B and C, molluscan shellfish shall not be removed  
6 from the container in which they were received other than immediately before sale or  
7 preparation for service.

8 B. Shellstock may be removed from the container in which they were received,  
9 displayed on drained ice, or held in a display container, and a quantity specified by a  
10 consumer may be removed from the display or display container and provided to the  
11 consumer if:

12 (1) the source of the shellstock on display is identified as specified in part  
13 4626.0205 and recorded as specified in part 4626.0220; and

14 (2) the shellstock are protected from contamination.

15 C. Shucked shellfish may be removed from the container in which they were  
16 received and held in a display container from which individual servings are dispensed  
17 upon a consumer's request if:

18 (1) the labeling information for the shellfish on display specified in part  
19 ~~4626.0205~~ 4626.0200 is retained and correlated to the date when, or dates during which,  
20 the shellfish are sold or served; and

21 (2) the shellfish are protected from contamination.

22 **4626.0220 3-203.12 SHELLSTOCK; MAINTAINING IDENTIFICATION.\***

23 A. Except as specified in item B, subitem (2), shellstock tags shall remain attached  
24 to the container in which the shellstock are received until the container is empty.

25 B. The identity of the source of shellstock that are sold or served shall be

1 maintained by retaining shellstock tags or labels for 90 calendar days from the date the  
2 container is emptied by:

3 (1) using an approved recordkeeping system that keeps the tags or labels in  
4 chronological order correlated to the date when, or dates during which, the shellstock  
5 are sold or served; and

6 (2) if shellstock are removed from their tagged or labeled container:

7 (a) using only one tagged or labeled container at a time; or

8 (b) using more than one tagged or labeled container at a time and obtaining a  
9 variance from the regulatory authority as specified in parts 4626.1690 to 4626.1715 based  
10 on a HACCP plan developed according to parts 4626.1730 and 4626.1735 that:

11 i. is submitted by the licensee and approved by the regulatory authority as  
12 specified in parts 4626.1690 to 4626.1715;

13 ii. preserves source identification by using a recordkeeping system  
14 specified in subitem (1); and

15 iii. ensures that shellstock from one tagged or labeled container are not  
16 commingled with shellstock from another container before being ordered by the  
17 consumer.

## 18 PROTECTION FROM CONTAMINATION

### 19 4626.0225 3-301.11 PREVENTING CONTAMINATION FROM HANDS.\*

20 A. Food employees shall wash their hands as specified in part 4626.0070.

21 B. Except when washing fruits and vegetables as specified in part 4626.0255, food  
22 employees shall limit direct hand contact with exposed, ready-to-eat food when deli  
23 tissue, spatulas, tongs, dispensing equipment, or other utensils can be used.

24 C. Food employees shall minimize bare hand and arm contact with exposed food  
25 that is not in a ready-to-eat form.

1 D. Except when wounds or lesions are present as described in part 4626.0040,  
2 single-use gloves are not required if proper handwashing as specified in parts 4626.0070  
3 to 4626.0090 is undertaken.

4 **4626.0230 3-301.12 PREVENTING CONTAMINATION WHEN TASTING.\***

5 A food employee shall not use a utensil more than once to taste food that is to be sold  
6 or served.

7 **4626.0235 3-302.11 PACKAGED AND UNPACKAGED FOOD; SEPARATION,  
8 PACKAGING, AND SEGREGATION.\***

9 A. Food shall be protected from cross-contamination by:

10 (1) separating raw animal foods during storage, preparation, holding, and  
11 display from:

12 (a) raw ready-to-eat food including fish for sushi, molluscan shellfish, or  
13 other raw animal food, and vegetables; and

14 (b) cooked ready-to-eat food;

15 (2) except when combined as ingredients, separating types of raw animal foods  
16 from each other during storage, preparation, holding, and display by:

17 (a) one of the following:

18 i. using separate equipment for each type of food; or

19 ii. arranging each type of food in equipment so that cross-contamination of  
20 one type with another is prevented; and

21 (b) preparing each type of food at different times or in separate areas;

22 (3) cleaning equipment and utensils as specified in part 4626.0845, item A, and  
23 sanitizing as specified in part 4626.0905;

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

1 (5) cleaning hermetically sealed containers of food of visible soil before opening;

2 (6) protecting food containers that are received packaged together in a case or  
3 overwrap from cuts when the case or overwrap is opened;

4 (7) storing damaged, spoiled, or recalled food being held in the food  
5 establishment as specified in part 4626.1505; and

6 (8) separating fruits and vegetables, before they are washed as specified in part  
7 4626.0255, from ready-to-eat food.

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

9 (1) whole, uncut, raw fruits and vegetables and nuts in the shell that require  
10 peeling or hulling before consumption;

11 (2) primal cuts, quarters, or sides of raw meat or slab bacon that are hung on  
12 clean, sanitized hooks or placed on clean, sanitized racks;

13 (3) whole, uncut, processed meats including country hams and smoked or cured  
14 sausages that are placed on clean, sanitized racks;

15 (4) food being cooled as specified in part 4626.0390, item B, subitem (2); or

16 (5) shellstock.

17 **4626.0240 3-302.12 FOOD STORAGE CONTAINERS; IDENTIFIED WITH**  
18 **COMMON NAME OF FOOD.**

19 Working containers holding food or food ingredients that are removed from their  
20 original packages for use in the food establishment, including cooking oils, flour, herbs,  
21 potato flakes, salt, spices, and sugar, shall be identified with the common name of the  
22 food except that containers holding food that can be readily and unmistakably  
23 recognized, including dry pasta, need not be identified. The identification must be in  
24 English and any other language used by the employees of the food establishment who  
25 handle food.

1 **4626.0245 3-302.13 PASTEURIZED EGGS; SUBSTITUTE FOR SHELL EGGS.\***

2 A. Pasteurized eggs or egg products shall be substituted for raw shell eggs in the  
3 preparation of Caesar salad, hollandaise or bearnaise sauce, mayonnaise, eggnog, ice  
4 cream, egg-fortified beverages, and other foods that are not:

5 (1) cooked as specified in part 4626.0340, item A, subitem (1) or (2); or

6 (2) included in part 4626.0340, item C, subitem (1).

7 B. Tom and Jerry batter, mix, or base shall be obtained from a source that complies  
8 with parts 1555.7410 to 1555.7500.

9 **4626.0250 3-302.14 PROTECTION FROM UNAPPROVED ADDITIVES.\***

10 A. Food shall be protected from contamination that may result from the addition  
11 of, as specified in part 4626.0170:

12 (1) unsafe or unapproved food or color additives; and

13 (2) unsafe or unapproved levels of approved food and color additives.

14 B. A food employee shall not:

15 (1) apply sulfiting agents to fresh fruits and vegetables intended for raw  
16 consumption or to a food considered to be a good source of vitamin B<sub>1</sub> as specified in  
17 Code of Federal Regulations, title 21, section 101.54, paragraph (c); or

18 (2) serve or sell food specified in subitem (1) that is treated with sulfiting agents  
19 before receipt by the food establishment, except that grapes need not meet this subitem.

20 **4626.0255 3-302.15 WASHING FRUITS AND VEGETABLES.**

21 A. Raw fruits and vegetables shall be thoroughly washed in water to remove soil  
22 and other contaminants before being cut, combined with other ingredients, cooked,  
23 served, or offered for human consumption in ready-to-eat form except that whole, raw  
24 fruits and vegetables that are intended for washing by the consumer before  
25 consumption need not be washed before they are sold.

1 B. Fruits and vegetables may be washed by using chemicals as specified in part  
2 4626.1625.

3 **4626.0260 3-303.11 ICE USED AS EXTERIOR COOLANT; PROHIBITION.**

4 After use as a medium for cooling the exterior surfaces of food including melons, fish,  
5 or canned beverages or other packaged foods, or cooling coils and tubes of equipment,  
6 ice shall not be used as food.

7 **4626.0265 3-303.12 STORAGE OR DISPLAY OF FOOD IN CONTACT WITH WATER**  
8 **OR ICE.**

9 A. Packaged food shall not be stored in direct contact with ice or water if the food  
10 is subject to the entry of water because of the nature of its packaging, wrapping, or  
11 container or its positioning in the ice or water.

12 B. Bottled and canned beverages on retail display shall not be stored in contact  
13 with water or undrained ice.

14 C. Other than for direct retail sales, whole, raw fruits or vegetables; cut, raw  
15 vegetables including celery, carrot sticks, or potatoes; and tofu may be immersed in ice  
16 or water.

17 D. Raw chicken and raw fish that are received immersed in ice in shipping  
18 containers may remain in that condition while in storage awaiting preparation, display,  
19 service, or sale.

20 **4626.0270 3-304.11 FOOD CONTACT WITH EQUIPMENT AND UTENSILS.\***

21 Food shall not contact:

22 A. probe-type price or identification tags;<sup>N</sup> and

23 B. surfaces of equipment and utensils that are not cleaned as specified in parts  
24 4626.0840 to 4626.0890 and sanitized as specified in parts 4626.0895 to 4626.0905.

25 **4626.0275 3-304.12 IN-USE UTENSILS; BETWEEN-USE STORAGE.**

1 A. During pauses in food preparation or dispensing, food preparation and  
2 dispensing utensils shall be stored:

3 (1) except as specified in item B, in the food with the handles above the top of  
4 the food and the container;

5 (2) in food that is not potentially hazardous, with the handles above the top of  
6 the food within containers or equipment that can be closed, including bins of sugar,  
7 flour, or cinnamon;

8 (3) on a clean portion of the food preparation table or cooking equipment and  
9 shall be cleaned and sanitized at a frequency specified in parts 4626.0845 and 4626.0900;

10 (4) in running water of sufficient velocity to flush particulates to the drain, if  
11 used with moist food including ice cream or mashed potatoes; or

12 (5) in a clean, protected location if the utensils, including ice scoops, are used  
13 only with a food that is not potentially hazardous.

14 B. For consumer self-service of bulk food, a manual dispensing utensil shall have a  
15 handle long enough to avoid consumer contact with bulk food. When not in use, the  
16 dispensing utensil shall be stored either in the food with the handle extended out of the  
17 food, or in a protective enclosure attached or adjacent to the display unit with the  
18 utensil on a tether of easily cleanable material short enough to prevent contact with the  
19 floor.

20 **4626.0280 LINENS AND NAPKINS; USE LIMITATION.**

21 Linens and napkins shall not be used in contact with food unless they are used to line  
22 a container for the service of foods and the linens and napkins are replaced each time  
23 the container is refilled for a new consumer.

24 **4626.0285 3-304.13 WIPING CLOTHS; USED FOR ONE PURPOSE.**

25 A. Cloths that are in use for wiping food spills shall be used for no other purpose.

1 B. Cloths used for wiping food spills shall be:

2 (1) dry and used for wiping food spills from tableware and carry-out containers;

3 or

4 (2) moist and cleaned as specified in part 4626.0915, item D, stored in a chemical  
5 sanitizer as specified in part 4626.1620, and used for wiping spills from food-contact and  
6 non-food-contact surfaces of equipment.

7 C. Dry or moist cloths that are used with raw animal foods shall be kept separate  
8 from cloths used for other purposes. Moist cloths used with raw animal foods shall be  
9 kept in a separate sanitizing solution.

10 **4626.0287 3-304.14 GLOVES; USE LIMITATION.**

11 A. If used, single-use gloves shall be used for only one task including working  
12 with ready-to-eat food or with raw animal food, used for no other purpose, and  
13 discarded when damaged or soiled, or when interruptions occur in the operation.

14 B. Except as specified in item C, slash-resistant gloves that are used to protect the  
15 hands during operations requiring cutting shall be used in direct contact only with food  
16 that is subsequently cooked as specified in parts 4626.0340 to 4626.0365, including  
17 frozen food or a primal cut of meat.

18 C. Slash-resistant gloves may be used with ready-to-eat food that will not be  
19 subsequently cooked if the slash-resistant gloves have a smooth, durable, and  
20 nonabsorbent outer surface; or if the slash-resistant gloves are covered with a smooth,  
21 durable, nonabsorbent glove, or a single-use glove.

22 D. Cloth gloves shall not be used in direct contact with food unless the food is  
23 subsequently cooked as required under parts 4626.0340 to 4626.0365, including frozen  
24 food or a primal cut of meat.

25 **4626.0290 3-304.15 USING CLEAN TABLEWARE FOR SECOND PORTIONS AND**  
26 **REFILLS.**

**4626.0290**

1           A. A food employee shall not use single-service articles or other tableware soiled  
2 by the consumer to provide second portions or refills.

3           B. Except as specified in item C, self-service consumers shall not be allowed to use  
4 soiled single-service articles or other tableware to obtain additional food from the  
5 display and serving equipment.

6           C. Cups and glasses may be reused by self-service consumers if refilling is a  
7 contamination-free process as specified in part 4626.0575, items A, B, and D.

8           **4626.0295 3-304.16 REFILLING RETURNABLES.**

9           A. A take-home food container returned to a food establishment shall not be  
10 refilled at a food establishment with a potentially hazardous food.

11           B. Except as specified in item C, a take-home food container refilled with food that  
12 is not potentially hazardous shall be cleaned as specified in part 4626.0890.

13           C. Personal take-out beverage containers, including thermally insulated bottles,  
14 nonspill coffee cups, and promotional beverage glasses, may be refilled by employees or  
15 the consumer if refilling is a contamination-free process as specified in part 4626.0575,  
16 items A, B, and D.

17           **4626.0300 3-305.11 FOOD STORAGE.**

18           A. Except as specified in items B and C, food shall be protected from  
19 contamination by storing the food:

20                 (1) in a clean, dry location;

21                 (2) where it is not exposed to splash, dust, or other contamination; and

22                 (3) at least 15 cm (six inches) above the floor.

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

25           C. Pressurized beverage containers, cased food in waterproof containers, including

1 bottles or cans, and milk containers in plastic crates may be stored on a floor that is  
2 clean and not exposed to floor moisture.

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

4 Food shall not be stored:

5 A. in a locker room;

6 B. in a toilet room;

7 C. in a dressing room;

8 D. in a garbage room;

9 E. in a mechanical room;

10 F. under a sewer line that is not shielded to intercept potential drips;

11 G. under a leaking water line, including a leaking automatic fire sprinkler head, or  
12 under a line on which water has condensed;

13 H. under an open stairwell; or

14 I. under any other source of contamination.

15 **4626.0310 3-305.13 VENDED POTENTIALLY HAZARDOUS FOOD; ORIGINAL**  
16 **CONTAINER.**

17 Potentially hazardous food dispensed through a vending machine shall be in the  
18 package in which it was placed at the food establishment or food processing plant  
19 where it was prepared.

20 **4626.0315 3-305.14 FOOD PREPARATION.**

21 During preparation, unpackaged food shall be protected from environmental sources  
22 of contamination.

23 **4626.0320 3-306.11 FOOD DISPLAY.**

24 Except for nuts in the shell and whole, raw fruits and vegetables that are intended for

1 hulling, peeling, or washing by the consumer before consumption, food on display shall  
2 be protected from contamination by the use of packaging; counter, service line, or salad  
3 bar food guards; display cases; or other effective means.

4 **4626.0325 3-306.12 CONDIMENTS; PROTECTION.**

5 A. Condiments shall be protected from contamination by being kept in dispensers  
6 that are designed to provide protection, protected food displays provided with the  
7 proper utensils, original containers designed for dispensing, or individual packages or  
8 portions.

9 B. Condiments at a vending machine location shall be in individual packages or  
10 provided in dispensers that are filled at a location that is approved by the regulatory  
11 authority, including the food establishment that provides food to the vending machine  
12 location, a food processing plant that is regulated by the agency that has jurisdiction  
13 over the operation, or a properly equipped facility that is located on the site of the  
14 vending machine location.

15 **4626.0330 3-306.13 CONSUMER SELF-SERVICE OPERATIONS.\***

16 A. Unpackaged, raw animal food, including beef, lamb, pork, poultry, and fish,  
17 shall not be offered for consumer self-service. This item does not apply to consumer  
18 self-service of ready-to-eat foods at buffets or salad bars that serve foods including sushi  
19 or raw shellfish, or to ready-to-cook individual portions for immediate cooking and  
20 consumption on the premises including consumer-cooked meats or consumer-selected  
21 ingredients for Mongolian barbecue.

22 B. Consumer self-service operations for ready-to-eat foods shall be provided with  
23 suitable utensils or effective dispensing methods that protect the food from  
24 contamination.<sup>N</sup>

25 **4626.0335 3-306.14 RETURNED FOOD; RESERVICE OR SALE.\***

26 A. Except as specified in item B, after being served or sold and in the possession of

1 a consumer, food that is unused or returned by the consumer shall not be offered as  
2 food for human consumption.

3 B. Food that is not potentially hazardous, including crackers and condiments, and  
4 that is in an unopened original package and maintained in sound condition may be  
5 re-served or resold.

6 **DESTROYING ORGANISMS**

7 **4626.0340 3-401.11 RAW ANIMAL FOODS.\***

8 A. Except as specified in items B and C, raw animal foods, including eggs, fish,  
9 poultry, meat, and foods containing these raw animal foods, shall be cooked to heat all  
10 parts of the food to a temperature and for a time that complies with one of the following  
11 methods based on the food that is being cooked:

12 (1) 63 degrees C (145 degrees F) or above for 15 seconds for:

13 (a) raw shell eggs that are broken and prepared in response to a consumer's  
14 order and for immediate service; and

15 (b) except as specified in subitems (2) and (3) and item B, fish and meat  
16 including game animals commercially raised for food as specified in part 4626.0160;

17 (2) 68 degrees C (155 degrees F) or above for 15 seconds or the temperature  
18 specified in the following chart that corresponds to the holding time for pork; ratites;  
19 injected meats; the following if they are comminuted: fish, meat, and game animals  
20 commercially raised for food as specified in part 4626.0160; and raw eggs that are not  
21 prepared as specified in subitem (1), unit (a):

22 **Minimum**

23 **Temperature**  
24 **°C (°F)**

**Time**

25 63 (145)

3 minutes

26 66 (150)

1 minute

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(3) 74 degrees C (165 degrees F) or above for 15 seconds for poultry; wild game animals specified in part 4626.0160; stuffed fish; stuffed meat; stuffed pasta; stuffed poultry; stuffed ratites; or stuffing containing fish, meat, poultry, or ratites.

B. Whole beef roasts and corned beef roasts shall be cooked:

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

Oven Type	Oven Temperature Based on Roast Weight	
	Less than to 4.5 kg (10 lbs)	4.5 kg (10 lbs) or more
Still dry	177°C (350°F) or more	121°C (250°F) or more
Convection	163°C (325°F) or more	<del>163°C (325°F) or more</del> 121°C (250°F) or more
High humidity <sup>1</sup>	121°C (250°F) or less	121°C (250°F) or less

<sup>1</sup>Relative humidity greater than 90 percent for at least one hour as measured in the cooking chamber or exit of the oven; or in a moisture-impermeable bag that provides 100 percent humidity.

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

Temperature °C (°F)	Time <sup>1</sup> in Minutes
54 (130)	121
56 (132)	77
57 (134)	47
58 (136)	32
59 (138)	19
60 (140)	12
61 (142)	8

1	62 (144)	5
2	63 (145)	3

3  
4 1Holding time may include postoven heat rise.

5 C. Items A and B do not apply if:

6 (1) the food is a raw animal food, including raw egg, raw fish, raw-marinated  
 7 fish, raw molluscan shellfish, steak tartare, or a partially cooked food including lightly  
 8 cooked fish, rare meat, and soft cooked eggs that is served or offered for sale in a  
 9 ready-to-eat form, ~~and the consumer is informed that to ensure its safety, the food~~  
 10 ~~should be cooked as specified in item A~~ when the food is prepared in that fashion at the  
 11 request of the consumer; or

12 (2) the regulatory authority grants a variance from item A or B as specified in  
13 part 4626.1695, based on a HACCP plan that:

14 (a) is submitted by the licensee and approved as specified in part 4626.1695;

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

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

19 **4626.0345 3-401.15 MICROWAVE COOKING.\***

20 Raw animal foods cooked in a microwave oven shall be:

21 A. rotated or stirred throughout or midway during cooking to compensate for  
22 uneven distribution of heat;

23 B. covered to retain surface moisture;

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

26 D. allowed to stand covered for two minutes after cooking to obtain temperature  
27 equilibrium.

1     **4626.0350 3-402.11 PARASITE DESTRUCTION.\***

2             A. Except as specified in item B, before service or sale in ready-to-eat form, raw,  
3 raw-marinated, partially cooked, or marinated-partially cooked fish other than  
4 molluscan shellfish shall be frozen throughout to a temperature of:

5                 (1) -20 degrees C (-4 degrees F) or below for 168 hours (seven days) in a freezer;

6             or

7                 (2) -35 degrees C (-31 degrees F) or below for 15 hours in a blast freezer.

8             B. If the fish are tuna of the species *Thunnus alalunga*, *Thunnus albacares* (Yellowfin  
9 tuna), *Thunnus atlanticus*, *Thunnus maccoyii* (Bluefin tuna, Southern), *Thunnus obesus*  
10 (Bigeye tuna), or *Thunnus thynnus* (Bluefin tuna, Northern), the fish may be served or  
11 sold in a raw, raw-marinated, or partially cooked ready-to-eat form without freezing as  
12 specified in item A.

13     **4626.0355 3-402.12 RECORDS; CREATION AND RETENTION.**

14             A. Except as specified in item B, and part 4626.0350, item B, if raw, raw-marinated,  
15 partially cooked, or marinated-partially cooked fish are served or sold in ready-to-eat  
16 form, the person in charge shall record the freezing temperature and time to which the  
17 fish are subjected and shall retain the records at the food establishment for 90 calendar  
18 days beyond the time of service or sale of the fish.

19             B. If the fish are frozen by a supplier, a written agreement or statement from the  
20 supplier stipulating that the fish supplied are frozen to a temperature and for a time  
21 specified in part 4626.0350 may substitute for the records specified in item A.

22     **4626.0360 3-403.11 REHEATING FOR HOT HOLDING.\***

23             A. Except as specified in items B, C, and E, potentially hazardous food that is  
24 cooked, cooled, and reheated for hot holding shall be reheated so that all parts of the  
25 food reach a temperature of at least 74 degrees C (165 degrees F) for 15 seconds.

1 B. Except as specified in item C, potentially hazardous food reheated in a  
2 microwave oven for hot holding shall be reheated so that all parts of the food reach a  
3 temperature of at least 74 degrees C (165 degrees F) and the food is rotated or stirred,  
4 covered, and allowed to stand covered for two minutes after reheating.

5 C. Ready-to-eat food taken from a commercially processed, hermetically sealed  
6 container, or from an intact package from a food processing plant that is inspected by  
7 the food regulatory authority that has jurisdiction over the plant, shall be heated to a  
8 temperature of at least 60 degrees C (140 degrees F) for hot holding.

9 D. Reheating for hot holding shall be done rapidly and the minimum temperature  
10 specified in item A shall be reached within two hours.

11 E. Remaining unsliced portions of roasts of beef that are cooked as specified in part  
12 4626.0340, item B, may be reheated for hot holding using the oven parameters and  
13 minimum time and temperature conditions specified in part 4626.0340, item B.

14 **4626.0365 3-403.12 REHEATING FOR IMMEDIATE SERVICE.**

15 Cooked and refrigerated food that is prepared for immediate service in response to  
16 an individual consumer order, including roast beef sandwich au jus, may be served at  
17 any temperature.

18 **4626.0370 3-501.11 FROZEN FOOD.**

19 Stored frozen foods shall be maintained frozen.

20 **4626.0375 3-501.12 POTENTIALLY HAZARDOUS FOOD; SLACKING.**

21 Frozen potentially hazardous food that is slacked to moderate the temperature shall  
22 be held:

23 A. under refrigeration that maintains the food temperature at 5 degrees C (41  
24 degrees F) or below under mechanical refrigeration; or

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

1     **4626.0380 3-501.13 THAWING.**

2     Potentially hazardous food shall be thawed:

3         A. under refrigeration that maintains the food temperature at 5 degrees C (41  
4     degrees F) or below;

5         B. completely submerged under running water:

6             (1) at a water temperature of 21 degrees C (70 degrees F) or below;

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

9             (3) for a period of time that:

10                 (a) does not allow thawed portions of ready-to-eat food to rise above 5  
11     degrees C (41 degrees F); or

12                 (b) does not allow thawed portions of a raw animal food requiring cooking as  
13     specified in part 4626.0340, items A and B, to be above 5 degrees C (41 degrees F) for  
14     more than four hours including the time the food is exposed to the running water and  
15     the time needed for preparation for cooking or the time it takes under refrigeration to  
16     lower the food temperature to 5 degrees C (41 degrees F);

17         C. as part of a cooking process if the food that is frozen is:

18             (1) cooked as specified in part 4626.0340, items A and B, or 4626.0345; or

19             (2) thawed in a microwave oven and immediately transferred to conventional  
20     cooking equipment, with no interruption in the process; or

21         D. using any approved procedure that thaws a portion of frozen ready-to-eat food  
22     that is prepared for immediate service in response to an individual consumer's order.

23     **4626.0385 3-501.14 COOLING.\***

24         A. Cooked potentially hazardous food shall be cooled:

1 (1) from 60 degrees C (140 degrees F) to 21 degrees C (70 degrees F) within two  
2 hours; and

3 (2) from 21 degrees C (70 degrees F) to 5 degrees C (41 degrees F) or below  
4 within four hours.

5 B. Potentially hazardous food shall be cooled to 5 degrees C (41 degrees F) or  
6 below within four hours if prepared from ingredients at ambient temperature, including  
7 reconstituted foods and canned tuna.

8 C. A potentially hazardous food received in compliance with laws allowing a  
9 temperature above 5 degrees C (41 degrees F) during shipment from the supplier shall  
10 be cooled to 5 degrees C (41 degrees F) or below within four hours.

11 **4626.0390 3-501.15 COOLING METHODS.**

12 A. Cooling shall be accomplished according to the time and temperature criteria  
13 specified in part 4626.0385 by using one or more of the following methods based on the  
14 type of food being cooled:

15 (1) placing the food in shallow pans;

16 (2) separating the food into smaller or thinner portions;

17 (3) using rapid cooling equipment;

18 (4) stirring the food in a container placed in an ice water bath;

19 (5) using containers that facilitate heat transfer;

20 (6) adding ice as an ingredient; or

21 (7) other effective methods.

22 B. When placed in cooling or cold holding equipment, food containers in which  
23 food is being cooled shall be:

24 (1) arranged in the equipment to provide maximum heat transfer through the  
25 container walls; and

1 (2) loosely covered or uncovered if protected from overhead contamination as  
2 specified in part 4626.0300, item A, subitem (2), during the cooling period to facilitate  
3 heat transfer from the surface of the food.

4 **4626.0395 3-501.16 POTENTIALLY HAZARDOUS FOOD; HOT AND COLD**  
5 **HOLDING.\***

6 Except during preparation, cooking, or cooling, or when time is used as the public  
7 health control as specified in part 4626.0410, potentially hazardous food shall be  
8 maintained:

9 A. at 60 degrees C (140 degrees F) or above, except that roasts cooked to a  
10 temperature and for a time specified in part 4626.0340, item B, may be held at a  
11 temperature of 54 degrees C (130 degrees F); or

12 B. at 5 degrees C (41 degrees F) or below under mechanical refrigeration, except as  
13 specified in part 4626.0405, item B.

14 **4626.0400 3-501.17 READY-TO-EAT, POTENTIALLY HAZARDOUS FOOD; DATE**  
15 **MARKING.\***

16 A. Except as specified in item E, refrigerated, ready-to-eat potentially hazardous  
17 food prepared and held refrigerated for more than 24 hours in a food establishment  
18 shall be marked with the date of preparation to indicate the date by which the food shall  
19 be consumed, which is seven calendar days or less from the day of preparation,  
20 including the day of preparation, if the food is maintained at 5 degrees C (41 degrees F)  
21 or less.

22 B. Except as specified in item E, a ready-to-eat, potentially hazardous food  
23 prepared in a food establishment and subsequently frozen shall be clearly marked:

24 (1) when the food is thawed, to indicate that the food shall be consumed within  
25 24 hours; or

26 (2) at both of the following times:

1 (a) when the food is placed into the freezer, to indicate the length of time  
2 before freezing that the food is held refrigerated, which is limited to seven calendar days  
3 or less from the day of preparation, including the day of preparation, if the food is  
4 maintained at 5 degrees C (41 degrees F) or less; and

5 (b) when the food is removed from the freezer, to indicate the date by which  
6 the food shall be consumed, which is seven calendar days or less after the food is  
7 removed from the freezer, minus the time before freezing that the food is held  
8 refrigerated if the food is maintained at 5 degrees C (41 degrees F) or less before and  
9 after freezing.

10 C. Except as specified in items E and F, a container of refrigerated, ready-to-eat  
11 potentially hazardous food prepared and packaged by a food processing plant shall be  
12 clearly marked at the time the original container is opened in a food establishment to  
13 indicate the date by which the food shall be consumed, which is seven calendar days or  
14 less after the original container is opened including the day the original container is  
15 opened, if the food is maintained at 5 degrees C (41 degrees F) or less.

16 D. Except as specified in items E and F, a container of refrigerated, ready-to-eat,  
17 potentially hazardous food prepared and packaged by a food processing plant and  
18 subsequently opened and frozen in a food establishment shall be clearly marked:

19 (1) when the food is thawed, to indicate that the food shall be consumed within  
20 24 hours; or

21 (2) at both of the following times:

22 (a) to indicate the time between the opening of the original container and  
23 freezing that the food is held refrigerated, which is limited to seven calendar days or  
24 less after opening the original container, including the day the original container is  
25 opened, if the food is maintained at 5 degrees C (41 degrees F) or less; and

26 (b) when the food is removed from the freezer, to indicate the date by which

1 the food shall be consumed, which is seven calendar days, minus the time before  
2 freezing that the food is held refrigerated if the food is maintained at 5 degrees C (41  
3 degrees F) or less before and after freezing.

4 E. Items A to D do not apply to individual meal portions served or repackaged for  
5 sale from a bulk container upon a consumer's request.

6 F. Items C and D do not apply to whole, unsliced portions of a cured and  
7 processed product with the original casing maintained on the remaining portion,  
8 including bologna, salami, or other sausage in a cellulose casing.

9 **4626.0405 3-501.18 READY-TO-EAT, POTENTIALLY HAZARDOUS FOOD;**  
10 **DISPOSITION.\***

11 A. A food specified in part 4626.0400, item A, shall be discarded if not consumed  
12 within seven calendar days from the date of preparation, provided the food is  
13 maintained at 5 degrees C (41 degrees F) or less, except for those food products that are  
14 prepared in a food package or container that is sealed, moisture impermeable, and  
15 previously unopened before preparation or handling.

16 B. A food specified in part 4626.0400, item B, subitem (1) or D, subitem (1), shall be  
17 discarded if not consumed within 24 hours after thawing.

18 C. A food specified in part 4626.0400, item B, subitems (2) and (3) or D, subitems  
19 (2) and (3), shall be discarded on or before the most recent date marked on the food  
20 container or package if the food is not consumed by that date.

21 D. A food specified in part 4626.0400, item C, shall be discarded if not consumed  
22 within seven calendar days after the date that the original container is opened,  
23 including the day the original container is opened, if the food is maintained at 5 degrees  
24 C (41 degrees F) or less.

25 E. A food specified in part 4626.0400, item A, B, C, or D, shall be discarded if the  
26 food is:

**4626.0405**

1 (1) marked with the date specified in part 4626.0400, item A, B, C, or D, and the  
2 food is not consumed before the most recent date expires;

3 (2) in a container or package that does not bear a date or time; or

4 (3) inappropriately marked with a date or time that exceeds the date or time  
5 specified in part 4626.0400, item A, B, C, or D.

6 **4626.0410 3-501.19 TIME AS PUBLIC HEALTH CONTROL.\***

7 Subpart 1. [REQUIREMENTS.] Time only, rather than time in conjunction with  
8 temperature, may be used as the public health control for a working supply of  
9 potentially hazardous food before cooking, or for ready-to-eat potentially hazardous  
10 food that is displayed or held for service for immediate consumption, if:

11 A. the food is marked or otherwise identified with the time within which it shall be  
12 cooked, served, or discarded;

13 B. when the food is served or discarded within four hours from the point in time  
14 when the food that is provided for service and consumption is removed from  
15 temperature control, the food:

16 (1) is served or discarded within four hours; and

17 (2) is not removed from time control and returned for use at a later time;

18 C. food in unmarked containers or packages, or for which the time expires, is  
19 discarded; and

20 D. written procedures are maintained in the food establishment and made  
21 available to the regulatory authority upon request, to ensure compliance with:

22 (1) items A to C; and

23 (2) part 4626.0385 for food that is prepared, cooked, and refrigerated before time  
24 is used as a public health control.

25 Subp. 2. [NOTIFICATION.] The food establishment must submit written notification

1 to the regulatory authority of its intention to use the procedures provided under this  
2 part prior to implementing the provisions of this part.

3 **4626.0415 3-502.11 SPECIALIZED PROCESSING HACCP REQUIREMENTS.\***

4 A HACCP plan shall be prepared by a food establishment before:

5 A. smoking or curing food, except for smoking done for the purpose of imparting  
6 flavor only and not as a part of the cooking process;

7 B. using food additives or adding components, including vinegar, to:

8 (1) preserve food rather than to enhance flavor; or

9 (2) render a food so that it is not potentially hazardous; or

10 C. using a reduced oxygen method of packaging food; ~~or~~

11 ~~D. custom processing field-harvested wild game that is for personal use as food~~  
12 ~~and not for sale or service in a food establishment.~~

13 **4626.0420 3-502.12 REDUCED OXYGEN PACKAGING; CRITERIA.\***

14 A. A food establishment that packages potentially hazardous food using a reduced  
15 oxygen packaging method shall have a HACCP plan that contains the information  
16 specified in part 4626.1735, item A, subitem (4).

17 B. A HACCP plan under item A shall:

18 (1) identify the food to be packaged;

19 (2) limit the food packaged to a food that does not support the growth of  
20 *Clostridium botulinum* because the food:

21 (a) has an  $a_w$  of 0.91 or less;

22 (b) has a pH of 4.6 or less;

23 (c) is a food with a high level of competing organisms, including raw meat,  
24 raw poultry, or a naturally cultured standardized cheese; or

1 (d) is a meat or poultry product:

2 i. cured at a food processing plant regulated by the United States  
3 Department of Agriculture and received at the food establishment in an intact package;  
4 or

5 ii. cured using substances specified in Code of Federal Regulations, title 9,  
6 sections 318.7 and 381.147;

7 (3) specify how the food will be maintained at 5 degrees C (41 degrees F) or  
8 below; —

9 (4) describe how the packages will be prominently and conspicuously labeled  
10 on the principal display panel in bold type on a contrasting background, with  
11 instructions to:

12 (a) keep refrigerated or frozen; and

13 (b) discard the food if within 14 calendar days of its packaging it is not served  
14 for on-premises consumption, or consumed if served or sold for off-premises  
15 consumption unless a variance, including a HACCP plan, has been granted by the  
16 regulatory authority under parts 4626.1690 to 4626.1715;

17 (5) limit the shelf life to no more than 14 calendar days from packaging to  
18 consumption or the original manufacturer's "sell by" or "use by" date, whichever occurs  
19 first, unless a variance, including a HACCP plan, has been granted under parts  
20 4626.1690 to 4626.1715;

21 (6) include operational procedures that:

22 (a) comply with part 4626.0225 relating to contamination from hands;

23 (b) identify a designated area and the method by which:

24 i. physical barriers or methods of separation of raw foods and ready-to-eat  
25 foods minimize cross contamination; and



1       **4626.0435 3-602.11 FOOD LABELS.**

2       Packaged food for sale in a food establishment shall be labeled according to:

3           A. United States Code, title 15, sections 1451 to 1461;

4           B. United States Code, title 21, sections 321, 331 to 334, 335b, 337, 341 to 343-1, 345,  
5       346a, 350a, 371 to 374, 376, 379e, and 381;

6           C. Code of Federal Regulations, title 21, parts 1 to 1270;

7           D. Code of Federal Regulations, title 9, parts 301 to 391;

8           E. Code of Federal Regulations, title 7, parts 51, 52, 56, and 59;

9           F. Code of Federal Regulations, title 50, parts 260 to 285;

10          G. Minnesota Statutes, chapters 29, 30, 31, 31A, 32, 33, and 34; and

11          H. chapters 1520, 1525, 1530, 1535, 1540, 1545, 1550, and 1555.

12       **4626.0440 3-602.12 OTHER FORMS OF INFORMATION.**

13          A. Consumer information, including nutritional information, and consumer  
14       warnings shall be provided if required by United States Code, title 21, section 321, 331 to  
15       334, 335b, 337, 341 to 343-1, 345, 346a, 350a, 371 to 374, 376, 379e, or 381.

16          B. The food establishment's or manufacturer's dating information on foods shall  
17       not be concealed or altered and shall be in compliance with parts 1550.1030 to 1550.1250.

18          C. Bulk food that is available for consumer self-service shall be prominently  
19       labeled as specified in Minnesota Statutes, sections 31.80 to 31.875, and Code of Federal  
20       Regulations, title 21, part 101, with the following information in plain view of the  
21       consumer:

22               (1) the manufacturer's or processor's label that was provided with the food,  
23       including nutritional labeling; or

24               (2) a card, sign, placard, or other method of notification clearly displayed at the  
25       point of purchase that includes:

- 1 (a) the common or usual name of the food;
- 2 (b) a list of ingredients in descending order of predominance;
- 3 (c) a declaration of artificial color if contained in the food, except that the food
- 4 colors certified under United States Code, title 21, section 379e, and their respective
- 5 lakes, as the term "lake" is defined in Code of Federal Regulations, title 21, section 70.3,
- 6 shall be individually listed;
- 7 (d) a declaration of flavor and chemical preservatives if contained in the food;
- 8 (e) for self-service beverage dispensers, conspicuous labeling attached to the
- 9 beverage dispenser declaring the name of the beverage, artificial flavors, artificial colors
- 10 including the Federal Food, Drug, and Cosmetic Act Yellow No. 5, the name and
- 11 quantity of preservatives, and, if labeled as fruitade or drink, the ingredients in
- 12 descending order of predominance; and
- 13 (f) nutrition labeling if specified in Code of Federal Regulations, title 21, part
- 14 101.

15 D. Foods that meet the exemptions and special labeling provision specified in

16 Code of Federal Regulations, title 21, section 101.9, paragraph (j), are exempt from

17 nutritional labeling if no nutrient content claim or health claim is made.

#### 18 CONTAMINATED FOOD

#### 19 4626.0445 3-701.11 DISCARDING OR RECONDITIONING ADULTERATED OR

#### 20 MISBRANDED FOOD.\*

21 A. Food that is adulterated or misbranded shall be reconditioned according to

22 Minnesota Statutes, section 31.495, or discarded.

23 B. Food that is not from an approved source specified in parts 4626.0130 to

24 4626.0160 shall be discarded.

25 C. Ready-to-eat food that may have been adulterated by an employee who has

26 been restricted or excluded as specified in part 4626.0045 shall be discarded.

1 D. Food that is adulterated by food employees, consumers, or other persons  
2 through contact with hands, bodily discharges, including nasal or oral discharges, or  
3 any other means shall be discarded.

#### 4 EQUIPMENT CONSTRUCTION MATERIALS

##### 5 4626.0450 4-101.11 CHARACTERISTICS.\*

6 Materials that are used in the construction of utensils and food-contact surfaces of  
7 equipment shall not allow the migration of deleterious substances or impart colors,  
8 odors, or tastes to food and under normal use conditions shall be:

9 A. safe;

10 B. durable, corrosion-resistant, and nonabsorbent;<sup>N</sup>

11 C. sufficient in weight and thickness to withstand repeated warewashing;<sup>N</sup>

12 D. finished to have a smooth, easily cleanable surface;<sup>N</sup> and

13 E. resistant to pitting, chipping, crazing, scratching, scoring, distortion, and  
14 decomposition.<sup>N</sup>

##### 15 4626.0455 4-101.12 CAST IRON; USE LIMITATION.

16 A. Except as specified in items B and C, cast iron shall not be used for utensils or  
17 food-contact surfaces of equipment.

18 B. Cast iron may be used as a surface for cooking.

19 C. Cast iron may be used in utensils for serving food if the utensils are used only as  
20 part of an uninterrupted process from cooking through service.

##### 21 4626.0460 4-101.13 CERAMIC, CHINA, AND CRYSTAL UTENSILS; USE 22 LIMITATION.

23 Ceramic, china, crystal utensils, and decorative utensils, including hand-painted  
24 ceramic or china, that are used in contact with food shall be lead-free or contain levels of  
25 lead not exceeding the limits of the following utensil categories:

1	2	3	4
5	6	7	8
Utensil	Description	Maximum Lead mg/L	
Category			
Hot beverage mugs	Coffee mugs	0.5	
Large hollowware	Bowls > 1.1 liter (1.16 quart)	1	
Small hollowware	Bowls < 1.1 liter (1.16 quart)	2.0	
Flat utensils	Plates, saucers	3.0	

**4626.0465 4-101.14 COPPER; USE LIMITATION.\***

A. Except as specified in item B, copper and copper alloys, including brass, shall not be used in contact with a food that has a pH below six, including vinegar, fruit juice, or wine, or for a fitting or tubing installed between a backflow prevention device and a carbonator.

B. Copper and copper alloys may be used in contact with beer brewing ingredients that have a pH below six in the prefermentation and fermentation steps of a brewpub, microbrewery, or other beer brewing operation.

**4626.0470 4-101.15 GALVANIZED METAL; USE LIMITATION.\***

Galvanized metal shall not be used for utensils or food-contact surfaces of equipment that are used for beverages, acidic food, moist food, or hygroscopic food.

**4626.0475 4-101.16 SPONGES; USE LIMITATION.**

Sponges shall not be used in contact with cleaned and sanitized or in-use food-contact surfaces.

**4626.0480 4-101.17 PEWTER; USE LIMITATION.**

A. Pewter shall not be used as a food-contact surface.

1 B. Imitation pewter meeting the characteristics of multiuse utensils specified in  
2 part 4626.0450 may be used as a food-contact surface.

3 **4626.0485 4-101.18 SOLDER AND FLUX; USE LIMITATION.**

4 Solder and flux containing lead in excess of 0.2 percent shall not be used on surfaces  
5 that contact food.

6 **4626.0490 4-101.19 WOOD; USE LIMITATION.**

7 A. Except as specified in items B to D, wood and wood wicker shall not be used as  
8 a food-contact surface.

9 B. Hard maple or an equivalently hard, close-grained wood may be used for:

10 (1) cutting boards, cutting blocks, bakers' tables, rolling pins, doughnut dowels,  
11 salad bowls, chopsticks, and other utensils; and

12 (2) wooden paddles used in confectionery operations for pressure scraping  
13 kettles when manually preparing confections at a temperature of 110 degrees C (230  
14 degrees F) or above.

15 C. Whole, uncut, raw fruits and vegetables and nuts in the shell may be kept in the  
16 wood shipping containers in which they were received, until the fruits, vegetables, or  
17 nuts are used.

18 D. If the nature of the food requires removal of rinds, peels, husks, or shells before  
19 consumption, the whole, uncut, raw food may be kept in:

20 (1) untreated wood containers; or

21 (2) treated wood containers if the containers are treated with a preservative that  
22 meets the requirements specified in Code of Federal Regulations, title 21, section  
23 178.3800.

24 **4626.0493 4-101.110 NONSTICK COATINGS; USE LIMITATIONS.**

25 Frying pans, griddles, sauce pans, cookie sheets, waffle bakers, and other multiuse

1 kitchenware that have a perfluorocarbon resin coating shall be used with nonscouring  
2 or nonscratching utensils and cleaning aids.

3 **4626.0495 4-101.111 NON-FOOD-CONTACT SURFACES.**

4 Non-food-contact surfaces of equipment that are exposed to splash, spillage, or other  
5 food soiling or that require frequent cleaning shall be constructed of a  
6 corrosion-resistant, nonabsorbent, and smooth material.

7 **4626.0500 4-102.11 SINGLE-SERVICE AND SINGLE-USE ARTICLES;**  
8 **CHARACTERISTICS.\***

9 Materials that are used to make single-service and single-use articles:

10 A. shall not:

- 11 (1) allow the migration of deleterious substances; or  
12 (2) impart colors, odors, or tastes to food;<sup>N</sup> and

13 B. shall be:

- 14 (1) safe; and  
15 (2) clean.<sup>N</sup>

16 **EQUIPMENT DESIGN AND CONSTRUCTION**

17 **4626.0505 4-201.11 EQUIPMENT AND UTENSILS.**

18 A. Equipment and utensils shall be designed and constructed to be durable and to  
19 retain their characteristic qualities under normal use conditions.

20 B. Food equipment installed or placed in service after June 6, 1989, shall meet the  
21 applicable NSF International food service equipment standards specified in this item.  
22 The equipment shall be determined by NSF International or an American National  
23 Standards Institute (ANSI) Z34.1 accredited independent entity, including Underwriters  
24 Laboratory or the Edison Testing Laboratory, to be equivalent to the NSF International  
25 standard.

- 1 (1) Standard No. 2, Food Equipment, 1996 and subsequent editions.
- 2 (2) Standard No. 3, Commercial Spray-Type Dishwashing and Glasswashing  
3 Machines, 1996 and subsequent editions.
- 4 (3) Standard No. 4, Commercial Cooking, Rethermalization, and Powered Hot  
5 Food Holding and Transport Equipment, 1996 and subsequent editions.
- 6 (4) Standard No. 5, Water Heaters, Hot Water Supply Boilers, and Heat  
7 Recovery Equipment, 1992 and subsequent editions.
- 8 (5) Standard No. 6, Dispensing Freezers, 1996 and subsequent editions.
- 9 (6) Standard No. 7, Food Service Refrigerators and Storage Freezers, 1990 and  
10 subsequent editions.
- 11 (7) Standard No. 8, Commercial Powered Food Preparation Equipment, 1992  
12 and subsequent editions.
- 13 (8) Standard No. 12, Automatic Ice Making Equipment, 1992 and subsequent  
14 editions.
- 15 (9) Standard No. 13, Refuse Compactors and Compactor Systems, 1992 and  
16 subsequent editions.
- 17 (10) Standard No. 18, Manual Food and Beverage Dispensing Equipment, 1996  
18 and subsequent editions.
- 19 (11) Standard No. 20, Commercial Bulk Milk Dispensing Equipment, 1992 and  
20 subsequent editions.
- 21 (12) Standard No. 25, Vending Machines for Food and Beverages, 1990 and  
22 subsequent editions.
- 23 (13) Standard No. 26, Pot, Pan, and Utensil Commercial Spray-Type Washing  
24 Machines, 1990 and subsequent editions.
- 25 (14) Standard No. 29, Detergent and Chemical Feeders for Commercial  
26 Spray-Type Dishwashing Machines, 1992 and subsequent editions.

1 (15) Standard No. 35, Laminated Plastics for Surfacing Food Service Equipment,  
2 1991 and subsequent editions.

3 (16) Standard No. 51, Plastic Materials and Components Used in Food  
4 Equipment, 1978 and subsequent editions.

5 (17) Standard No. 59, Food Carts, 1986 and subsequent editions.

6 (18) Criteria C-2, Special Equipment and Devices, 1983 and subsequent editions.

7 C. Vending machines and machines used to dispense water shall meet NSF  
8 International Standard No. 25 or meet the standards of the National Automatic  
9 Merchandising Association (NAMA) specified in NAMA Standard for the Sanitary  
10 Design and Construction of Food and Beverage Vending Machines, April 1990, and  
11 subsequent editions.

12 D. Vending machines that vend water shall meet the standards specified in parts  
13 1550.3200 to 1550.3320.

14 E. Baking equipment shall comply with the NSF International standards specified  
15 in item B or the Bakery Industry Sanitation Standards Committee (BISSC) standards  
16 specified in part 1550.1490, item K.

17 F. If baking equipment was manufactured before the effective date of the Code and  
18 does not comply with NSF International or BISSC standards, the equipment shall be in  
19 good repair and shall not constitute a health hazard as determined by the regulatory  
20 authority.

21 G. Used equipment that does not meet the NSF International, NAMA, or BISSC  
22 standards specified in this part at the time of installation is permitted if it:

23 (1) met the NSF International, NAMA, or BISSC standard in effect at the time of  
24 manufacture;

25 (2) remains in good repair;

- 1 (3) is capable of being maintained in a sanitary condition;
- 2 (4) has food-contact surfaces that are not toxic;
- 3 (5) does not constitute a health hazard; and
- 4 (6) is approved by the regulatory authority.

5 H. If a NSF International, NAMA, or BISSC standard is not available for a piece of  
6 equipment used in a food establishment, the equipment shall be designed for  
7 commercial use, smooth, easily cleanable, and readily accessible for cleaning and shall  
8 have contact surfaces that are not toxic.

9 I. Retail shelving and refrigeration and freezer display cases shall be constructed as  
10 specified in item A and designed for commercial use.

11 J. When food service or a food operation in a child care center, residential care  
12 home, supervised living facility, apartment building with congregate dining, boarding  
13 establishment, bed and breakfast, or similar establishment is limited to serving ten or  
14 fewer individuals, domestic equipment may be substituted for the commercial  
15 equipment required under this part.

16 K. The NSF International, NAMA, and BISSC standards specified in this part are  
17 incorporated by reference, are not subject to frequent change, and are available through  
18 the Minitex interlibrary loan system.

19 **4626.0510 4-201.12 FOOD TEMPERATURE MEASURING DEVICES.\***

20 Food temperature measuring devices shall not have sensors or stems constructed of  
21 glass, except that candy thermometers and other thermometers with glass sensors or  
22 stems that are encased in a shatterproof coating may be used.

23 **4626.0515 4-202.11 FOOD-CONTACT SURFACES.\***

24 Multiuse food-contact surfaces shall be:

25 A. smooth;

1 B. free of breaks, open seams, cracks, chips, pits, and similar imperfections;

2 C. free of sharp internal angles, corners, and crevices;

3 D. finished to have smooth welds and joints; and

4 E. accessible for cleaning and inspection by one of the following methods:

5 (1) without being disassembled;

6 (2) by disassembling without the use of tools; or

7 (3) by easy disassembling with the use of hand-held tools commonly available  
8 to maintenance and cleaning personnel, including screwdrivers, pliers, open-end  
9 wrenches, and allen wrenches.

10 **4626.0520 4-202.12 CIP EQUIPMENT.**

11 A. CIP equipment shall meet the characteristics specified in part 4626.0515 and  
12 shall be designed and constructed so that:

13 (1) cleaning and sanitizing solutions circulate throughout a fixed system and  
14 contact all interior food-contact surfaces; and

15 (2) the system is self-draining or capable of being completely drained of  
16 cleaning and sanitizing solutions.

17 B. CIP equipment that is not designed to be disassembled for cleaning shall be  
18 designed with inspection access points to ensure that all interior food-contact surfaces  
19 throughout the fixed system are effectively cleaned.

20 **4626.0525 4-202.13 "V" THREADS; USE LIMITATION.**

21 "V"-type threads shall not be used on food-contact surfaces. This part does not apply  
22 to hot oil cooking or filtering equipment.

23 **4626.0530 4-202.14 HOT OIL FILTERING EQUIPMENT.**

24 Hot oil filtering equipment shall meet the characteristics specified in part 4626.0515 or  
25 4626.0520 and shall be readily accessible for filter replacement and filter cleaning.

1       **4626.0535 4-202.15 CAN OPENERS.**

2       Cutting or piercing parts of can openers shall be readily removable for cleaning and  
3       replacing.

4       **4626.0540 4-202.16 NON-FOOD-CONTACT SURFACES.**

5       Non-food-contact surfaces shall be free of unnecessary ledges, projections, and  
6       crevices, and designed and constructed to allow easy cleaning and to facilitate  
7       maintenance.

8       **4626.0545 4-202.17 KICK PLATES, REMOVABLE; ENCLOSED HOLLOW BASES.**

9       A. Kick plates shall be designed so that the areas behind them are accessible for  
10      inspection and cleaning by being:

11           (1) removable by one of the methods specified in part 4626.0515, item E,  
12      subitems (1) to (3), or capable of being rotated open; and

13           (2) removable or capable of being rotated open without unlocking equipment  
14      doors.

15      B. In new or extensively remodeled establishments, enclosed hollow bases are  
16      prohibited.

17      **4626.0550 4-202.18 VENTILATION HOOD SYSTEMS; FILTERS.**

18      Filters or other grease extracting equipment shall be designed to be readily removable  
19      for cleaning and replacing if not designed to be cleaned in place.

20      **4626.0555 4-203.11 TEMPERATURE MEASURING DEVICES; FOOD.**

21           A. Food temperature measuring devices that are scaled only in Celsius or dually  
22      scaled in Celsius and Fahrenheit shall be accurate to 1 degree C (1.8 degrees F).

23           B. Food temperature measuring devices that are scaled only in Fahrenheit shall be  
24      accurate to 2 degrees F.

25      **4626.0560 4-203.12 TEMPERATURE MEASURING DEVICES; AMBIENT AIR AND**  
26      **WATER.**

4626.0560

1           A. Ambient air and water temperature measuring devices that are scaled in Celsius  
2 or dually scaled in Celsius and Fahrenheit shall be designed to be easily readable and  
3 accurate to 1.5 degrees C (2.7 degrees F) at the use range.

4           B. Ambient air and water temperature measuring devices that are scaled only in  
5 Fahrenheit shall be accurate to 3 degrees F at the use range.

6           **4626.0563 PRESSURE MEASURING DEVICES; MECHANICAL WAREWASHING**  
7           **EQUIPMENT.**

8           Pressure measuring devices that display the pressures in the water supply line for the  
9 fresh hot water sanitizing rinse shall have increments of seven kilopascals (one pound  
10 per square inch) or smaller and shall be accurate to 14 kilopascals (2 pounds per square  
11 inch) in the 100 to 170 kilopascals (15 to 25 pounds per square inch) range.

12           **4626.0565 4-204.11 VENTILATION HOOD SYSTEMS, DRIP PREVENTION.**

13           Exhaust ventilation hood systems in food preparation and warewashing areas,  
14 including hoods, fans, guards, ducting, and other components, shall be designed to  
15 prevent grease or condensation from draining or dripping onto food, equipment,  
16 utensils, linens, and single-service and single-use articles.

17           **4626.0570 4-204.12 EQUIPMENT OPENINGS, CLOSURES, AND DEFLECTORS.**

18           A. A cover or lid for equipment shall overlap the opening and be sloped to drain.

19           B. An opening located within the top of a unit of equipment that is designed for  
20 use with a cover or lid shall be flanged upward at least five millimeters (two-tenths  
21 inch).

22           C. Except as specified in item D, fixed piping, temperature measuring devices,  
23 rotary shafts, and other parts extending into equipment shall be provided with a  
24 watertight joint at the point where the item enters the equipment.

25           D. If a watertight joint is not provided:

1 (1) the piping, temperature measuring devices, rotary shafts, and other parts  
2 extending through the openings shall be equipped with an apron designed to deflect  
3 condensation, drips, and dust from food openings; and

4 (2) the opening shall be flanged as specified in item B.

5 **4626.0575 4-204.13 DISPENSING EQUIPMENT; PROTECTION OF EQUIPMENT**  
6 **AND FOOD.**

7 In equipment that dispenses or vends liquid food or ice in unpackaged form:

8 A. the delivery tube, chute, orifice, and splash surfaces directly above the container  
9 receiving the food shall be designed with barriers, baffles, drip aprons, or similar  
10 devices to divert drips from condensation and splash from the opening of the container  
11 receiving the food;

12 B. the delivery tube, chute, and orifice shall be recessed or otherwise protected  
13 from manual contact;

14 C. the delivery tube or chute and orifice of equipment used to vend to self-service  
15 consumers shall be designed so that the delivery tube or chute and orifice are protected  
16 from dust, insects, rodents, and other contamination by a self-closing door if the  
17 equipment is:

18 (1) located in an outside area that does not otherwise afford the protection of an  
19 enclosure against rain, windblown debris, insects, rodents, and other contaminants that  
20 are present in the environment; or

21 (2) available for self-service during hours when it is not under the full-time  
22 supervision of a food employee; and

23 D. the dispensing equipment actuating lever or mechanism and filling device of  
24 consumer self-service beverage dispensing equipment shall be designed to prevent  
25 contact with the lip-contact surface of glasses or cups that are refilled.

**4626.0580 4-204.14 VENDING MACHINE; VENDING STAGE CLOSURE.**

The dispensing compartment of a vending machine, including a machine that is designed to vend chips, party mixes, pretzels, and other prepackaged snack food that is not potentially hazardous, shall be equipped with a self-closing door or cover if the machine is:

A. located in an outside area that does not otherwise afford the protection of an enclosure against rain, windblown debris, insects, rodents, and other contaminants that are present in the environment; or

B. available for self-service during hours when it is not under the full-time supervision of a food employee.

**4626.0585 4-204.15 BEARINGS AND GEAR BOXES; LEAKPROOF.**

Equipment containing bearings and gears that require lubricants shall be designed and constructed so that the lubricant cannot leak, drip, or be forced into food or onto food-contact surfaces.

**4626.0590 4-204.16 BEVERAGE TUBING; SEPARATION.**

Beverage tubing and cold-plate beverage cooling devices shall not be installed in contact with stored ice. This part does not apply to cold plates that are constructed integrally with an ice storage bin.

**4626.0595 4-204.17 ICE UNITS; SEPARATION OF DRAINS.**

Liquid waste drain lines shall not pass through an ice machine or ice storage bin.

**4626.0600 4-204.18 CONDENSER UNIT; SEPARATION.**

If a condenser unit is an integral component of equipment, the condenser unit shall be separated from the food and food storage space by a dustproof barrier.

**4626.0605 4-204.19 CAN OPENERS ON VENDING MACHINES.**

Cutting or piercing parts of can openers on vending machines shall be protected from manual contact, dust, insects, rodents, and other contamination.

1       **4626.0610 4-204.110 MOLLUSCAN SHELLFISH TANKS.**

2           A. Except as specified in item B, molluscan shellfish life support system display  
3 tanks shall be used only to display shellfish that are not offered for human consumption  
4 and shall be conspicuously marked so that it is obvious to the consumer that the  
5 shellfish are for display only.

6           B. Molluscan shellfish life support system display tanks used to store and display  
7 shellfish that are offered for human consumption shall be operated and maintained  
8 according to a variance granted by the regulatory authority as specified in parts  
9 4626.1690 to 4626.1715, with a HACCP plan as required in parts 4626.1730 and 4626.1735  
10 that:

11           (1) is submitted by the licensee and approved by the regulatory authority as  
12 specified in parts 4626.1690 to 4626.1715; and

13           (2) ensures that:

14           (a) water used with fish other than molluscan shellfish does not flow into the  
15 molluscan tank;

16           (b) the safety and quality of the shellfish as they were received are not  
17 compromised by use of the tank; and

18           (c) the identity of the source of the shellstock is retained as specified in part  
19 4626.0220.

20       **4626.0615 4-204.111 VENDING MACHINES; AUTOMATIC SHUTOFF.\***

21           A. A machine vending potentially hazardous food shall have an automatic control  
22 that prevents the machine from vending food:

23           (1) if there is a power failure, mechanical failure, or other condition that results  
24 in an internal machine temperature that cannot maintain food temperatures specified in  
25 parts 4626.0130 to 4626.0420; and

1 (2) if a condition specified in subitem (1) occurs, until the machine is serviced  
2 and restocked with food that has been maintained at temperatures specified in parts  
3 4626.0130 to 4626.0420.

4 B. The temperature specified for activation of the automatic shutoff within a  
5 machine vending potentially hazardous food may deviate from the temperature and for  
6 a time as follows:

7 (1) in a refrigerated vending machine, at an ambient temperature of 7 degrees C  
8 (45 degrees F) or more, for no more than 30 minutes immediately after the machine is  
9 filled, serviced, or restocked; or

10 (2) in a hot holding vending machine, at an ambient temperature of less than 60  
11 degrees C (140 degrees F), for no more than 120 minutes after the machine is filled,  
12 serviced, or restocked.

13 **4626.0620 4-204.112 TEMPERATURE MEASURING DEVICES.**

14 A. In a mechanically refrigerated or hot food storage unit, the sensor of a  
15 temperature measuring device shall be located to measure the air temperature in the  
16 warmest part of a mechanically refrigerated unit and in the coolest part of a hot food  
17 storage unit.

18 B. Except as specified in item C, cold or hot holding equipment used for potentially  
19 hazardous food shall be designed to include and shall be equipped with at least one  
20 integral or permanently affixed temperature measuring device that is located to allow  
21 easy viewing of the device's temperature display.

22 C. Item B does not apply to equipment for which the placement of a temperature  
23 measuring device is not a practical means for measuring the ambient air surrounding  
24 the food because of the design, type, and use of the equipment, including calrod units,  
25 heat lamps, cold plates, bainmaries, steam tables, insulated food transport containers,  
26 and salad bars.

1 D. Temperature measuring devices shall be designed to be easily readable.

2 E. Food temperature measuring devices and water temperature measuring devices  
3 on warewashing machines shall have a numerical scale, printed record, or digital  
4 readout in increments no greater than 1 degree C or 2 degrees F in the intended range of  
5 use.

6 **4626.0625 4-204.113 WAREWASHING MACHINES; DATA PLATE OPERATING**  
7 **SPECIFICATIONS.**

8 A warewashing machine shall be provided with an easily accessible and readable  
9 data plate affixed to the machine by the manufacturer that indicates the machine's  
10 design and operating specifications, including the:

11 A. temperatures required for washing, rinsing, and sanitizing;

12 B. pressure required for the fresh water sanitizing rinse unless the machine is  
13 designed to use only a pumped sanitizing rinse; and

14 C. conveyor speed for conveyor machines or cycle time for stationary rack  
15 machines.

16 **4626.0630 4-204.114 WAREWASHING MACHINES; INTERNAL BAFFLES.**

17 Warewashing machine wash and rinse tanks shall be equipped with baffles, curtains,  
18 or other means to minimize internal cross-contamination of the solutions in wash and  
19 rinse tanks.

20 **4626.0635 4-204.115 WAREWASHING MACHINES; TEMPERATURE MEASURING**  
21 **DEVICES.**

22 A warewashing machine shall be equipped with a temperature measuring device that  
23 indicates the temperature of the water:

24 A. in each wash and rinse tank; and

25 B. as the water enters the hot water sanitizing final rinse manifold or in the  
26 chemical sanitizing solution tank.

1 **4626.0640 4-204.116 MANUAL WAREWASHING EQUIPMENT; HEATERS AND**  
2 **BASKETS.**

3 If hot water is used for sanitization in manual warewashing operations, the sanitizing  
4 compartment of the sink shall be:

5 A. designed with an integral heating device that is capable of maintaining water at  
6 a temperature not less than 77 degrees C (171 degrees F); and

7 B. provided with a rack or basket to allow complete immersion of equipment and  
8 utensils into the hot water.

9 **4626.0643 WAREWASHING MACHINES; SANITIZER LEVEL INDICATOR.**

10 A warewashing machine that uses a chemical for sanitization and that is installed  
11 after the effective date of the Code shall be equipped with a device that indicates  
12 audibly or visually when more chemical sanitizer needs to be added.

13 **4626.0645 4-204.117 WAREWASHING MACHINES; FLOW PRESSURE DEVICE.**

14 A. Warewashing machines that provide a fresh hot water sanitizing rinse shall be  
15 equipped with a pressure gauge, transducer, or similar device that measures and  
16 displays the water pressure in the supply line immediately before entering the  
17 warewashing machine.

18 B. If the flow pressure measuring device is upstream of the fresh hot water  
19 sanitizing rinse control valve, the device shall be mounted in a 6.4 millimeter  
20 (one-fourth inch) iron pipe size (IPS) valve.

21 C. Items A and B do not apply to a machine that uses only a pumped or  
22 recirculated sanitizing rinse.

23 **4626.0650 4-204.118 WAREWASHING SINKS AND DRAINBOARDS;**  
24 **SELF-DRAINING.**

25 Sinks and drainboards of warewashing sinks and machines shall be self-draining.

1 **4626.0655 4-204.119 EQUIPMENT COMPARTMENTS; DRAINAGE.**

2 Equipment compartments that are subject to accumulation of moisture due to  
3 condensation, food or beverage drip, water from melting ice, or similar conditions shall  
4 be sloped to an outlet that allows complete draining.

5 **4626.0660 4-204.120 VENDING MACHINES; LIQUID WASTE PRODUCTS.**

6 A. Vending machines designed to store beverages that are packaged in containers  
7 made from paper products shall be equipped with diversion devices and retention pans  
8 or drains for container leakage.

9 B. Vending machines that dispense liquid food in bulk shall be:

10 (1) provided with an internally mounted waste receptacle for the collection of  
11 drips, spillage, overflow, or other internal wastes; and

12 (2) equipped with an automatic shutoff device that takes the machine out of  
13 operation before the waste receptacle overflows.

14 C. A shutoff device specified in item B, subitem (2), shall prevent water or liquid  
15 food from continuously running if there is a failure of a flow control device in the water  
16 or liquid food system or waste accumulation that could lead to overflow of the waste  
17 receptacle.

18 **4626.0665 4-204.121 CASE LOT HANDLING EQUIPMENT; MOVEABILITY.**

19 Dollies, pallets, racks, skids, and other equipment used to store and transport large  
20 quantities of packaged foods received from a supplier in a cased or overwrapped lot  
21 shall be designed to be moved by hand or by hand trucks, forklifts, or other  
22 conveniently available equipment.

23 **4626.0670 4-204.122 VENDING MACHINE DOORS AND OPENINGS.**

24 A. Vending machine doors and access opening covers to food and container  
25 storage spaces shall be tight-fitting so that the space along the entire interface between

1 the doors or covers and the cabinet of the machine, if the doors or covers are in a closed  
2 position, is no greater than 1.5 millimeters (1/16 inch) by:

3 (1) being covered with louvers, screens, or materials that provide an equivalent  
4 opening of not greater than 1.5 millimeters (1/16 inch). Screening of 12 or more mesh to  
5 2.5 centimeters (12 mesh to one inch) meets the requirements of this subitem;

6 (2) being effectively gasketed;

7 (3) having interface surfaces that are at least 13 millimeters (one-half inch) wide;

8 or

9 (4) using jambs or surfaces to form an L-shaped entry path to the interface.

10 B. Vending machine service connection openings through an exterior wall of a  
11 machine shall be closed by sealants, clamps, or grommets so that the openings are no  
12 larger than 1.5 millimeters (1/16 inch).

### 13 EQUIPMENT NUMBERS AND CAPACITIES

#### 14 4626.0675 4-301.11 COOLING, HEATING, AND HOLDING CAPACITIES.

15 Equipment for cooling and heating food, and holding cold and hot food, shall be  
16 sufficient in number and capacity to provide food temperatures specified in parts  
17 4626.0130 to 4626.0420.

#### 18 4626.0680 4-301.12 MANUAL WAREWASHING; SINK COMPARTMENT 19 REQUIREMENTS.

20 A. Except as specified in item C, a sink with at least three compartments and with  
21 integrally attached drainboards at each end shall be provided for manually washing,  
22 rinsing, and sanitizing equipment and utensils.

23 B. Sink compartments shall be large enough to accommodate immersion of the  
24 largest equipment and utensils. If equipment or utensils are too large for the  
25 warewashing sink, a warewashing machine or alternative equipment specified in item C  
26 shall be used.

1 C. Alternative manual warewashing equipment may be used when there are  
2 special cleaning needs or constraints and the regulatory authority approves the use of  
3 the alternative equipment. Alternative manual warewashing equipment may include:

4 (1) high-pressure detergent sprayers;

5 (2) low- or line-pressure spray detergent foamers;

6 (3) other task-specific cleaning equipment;

7 (4) brushes or other implements; or

8 (5) receptacles that substitute for the compartments of a multicompartment sink  
9 provided they are used only for on-site vending machine cleaning and sanitizing.

10 **4626.0685 4-301.13 DRAINBOARDS.**

11 A. Integral drainboards, utensil racks, or tables large enough to accommodate all  
12 soiled and cleaned items that may accumulate during hours of operation shall be  
13 provided for necessary utensil holding before cleaning and after sanitizing.

14 B. Hot water sanitizing machines shall have space for and a minimum of three  
15 racks for drying utensils.

16 C. Chemical sanitizing machines shall have space for and a minimum of five racks  
17 for drying utensils.

18 **4626.0690 4-301.14 VENTILATION HOOD SYSTEMS; ADEQUACY.**

19 Ventilation hood systems and devices shall be sufficient in number and capacity to  
20 prevent grease or condensation from collecting on walls and ceilings.

21 **4626.0695 4-301.15 CLOTHES WASHERS AND DRYERS.**

22 A. Except as specified in item B, if work clothes or linens are laundered on the  
23 premises, a mechanical clothes washer and dryer shall be provided and used.

24 B. If on-premises laundering is limited to wiping cloths intended to be used moist,  
25 or wiping cloths are air-dried as specified in part 4626.0940, a mechanical clothes washer  
26 and dryer need not be provided.

1 **4626.0700 4-302.11 UTENSILS; CONSUMER SELF-SERVICE.**

2 A food dispensing utensil shall be available for each display container displayed at a  
3 buffet, salad bar, or other consumer self-service unit.

4 **4626.0705 4-302.12 FOOD TEMPERATURE MEASURING DEVICES.**

5 Food temperature measuring devices shall be provided and readily accessible for use  
6 in ensuring attainment and maintenance of food temperatures specified in parts  
7 4626.0130 to 4626.0420.

8 **4626.0710 4-302.13 TEMPERATURE MEASURING DEVICES; MANUAL**  
9 **WAREWASHING.**

10 In manual warewashing operations, a temperature measuring device shall be  
11 provided and readily accessible for frequently measuring the washing and sanitizing  
12 temperatures.

13 **4626.0715 4-302.14 SANITIZING SOLUTIONS; TESTING DEVICES.**

14 A test kit or other device that accurately measures the concentration in mg/L of  
15 sanitizing solutions shall be provided.

16 **EQUIPMENT LOCATION AND INSTALLATION**

17 **4626.0720 4-401.11 EQUIPMENT, CLOTHES WASHERS AND DRYERS, AND**  
18 **STORAGE CABINETS; CONTAMINATION PREVENTION.**

19 A. Except as specified in items B and C, equipment; a cabinet that is used for the  
20 storage of food; or a cabinet that is used to store cleaned and sanitized equipment,  
21 utensils, laundered linens, or single-service and single-use articles shall not be located:

- 22 (1) in a locker room;
- 23 (2) in a toilet room;
- 24 (3) in a garbage room;
- 25 (4) in a mechanical room;

1 (5) under a sewer line that is not shielded to intercept potential drips;

2 (6) under a leaking water line, including a leaking automatic fire sprinkler head,  
3 or under a line on which water has condensed;

4 (7) under an open stairwell; or

5 (8) under any other source of contamination.

6 B. A storage cabinet used for linens or single-service or single-use articles may be  
7 stored in a locker room.

8 C. If a mechanical clothes washer or dryer is provided, it shall be located so that  
9 the washer or dryer is protected from contamination and only in an area where there is  
10 no exposed food; clean equipment, utensils, or linens; or unwrapped single-service or  
11 single-use articles.

12 **4626.0725 4-402.11 FIXED EQUIPMENT; SPACING OR SEALING.**

13 A. A unit of equipment that is fixed because it is not easily movable shall be  
14 installed so that it is:

15 (1) spaced to allow access for cleaning along the sides of, behind, and above the  
16 unit;

17 (2) spaced from adjoining equipment, walls, and ceilings a distance of not more  
18 than one millimeter (1/32 inch); or

19 (3) sealed to adjoining equipment or walls, if the unit is exposed to spillage or  
20 seepage.

21 B. Table-mounted equipment that is not easily movable shall be installed to allow  
22 cleaning of the equipment and areas underneath and around the equipment by being:

23 (1) sealed to the table; or

24 (2) elevated on legs specified in part 4626.0730, item D.

25 C. Carbon dioxide and bottled gas cylinders shall be secured by chains or other  
26 types of restraint.

1 **4626.0730 4-402.12 FIXED EQUIPMENT; ELEVATION OR SEALING.**

2 A. Except as specified in items B and C, floor-mounted equipment that is not easily  
3 movable shall be sealed to the floor or elevated on legs that provide at least a 15  
4 centimeter (six inch) clearance between the floor and the equipment.

5 B. If no part of the floor under the floor-mounted equipment is more than 15  
6 centimeters (six inches) from the point of cleaning access, the clearance space may be ten  
7 centimeters (four inches).

8 C. This part does not apply to display shelving units, display refrigeration units,  
9 and display freezer units located in the consumer shopping areas of a retail food store, if  
10 the floor under the units is maintained clean.

11 D. Except as specified in item E, table-mounted equipment that is not easily  
12 movable shall be elevated on legs that provide at least a ten centimeter (four inch)  
13 clearance between the table and the equipment.

14 E. The clearance space between the table and table-mounted equipment may be:

15 (1) 7.5 centimeters (three inches) if the horizontal distance of the table top under  
16 the equipment is no more than 50 centimeters (20 inches) from the point of access for  
17 cleaning; or

18 (2) five centimeters (two inches) if the horizontal distance of the table top under  
19 the equipment is no more than 7.5 centimeters (three inches) from the point of access for  
20 cleaning.

21 **EQUIPMENT MAINTENANCE AND OPERATION**

22 **4626.0735 4-501.11 GOOD REPAIR AND PROPER ADJUSTMENT.**

23 A. Equipment shall be maintained in a state of repair and condition that meets the  
24 requirements specified in parts 4626.0450 to 4626.0670.

25 B. Doors, seals, hinges, fasteners, kick plates, and other equipment components  
26 shall be kept intact, tight, and adjusted according to manufacturer's specifications.

1 C. Cutting or piercing parts of can openers shall be kept sharp to minimize the  
2 creation of metal fragments that can contaminate food when the container is opened.

3 **4626.0740 4-501.12 CUTTING SURFACES.**

4 Cutting blocks and boards and other surfaces that are subject to scratching and  
5 scoring shall be resurfaced if they can no longer be effectively cleaned and sanitized, or  
6 discarded if they are not capable of being resurfaced.

7 **4626.0745 4-501.13 MICROWAVE OVENS.**

8 Microwave ovens shall meet the safety standards specified in Code of Federal  
9 Regulations, title 21, section 1030.10.

10 **4626.0750 4-501.14 EQUIPMENT CLEANING FREQUENCY.**

11 A warewashing machine; the compartments of sinks, basins, or other receptacles used  
12 for washing and rinsing equipment, utensils, or raw foods, or laundering wiping cloths;  
13 and drainboards or other equipment used to substitute for drainboards as specified in  
14 part 4626.0685 shall be cleaned:

15 A. before use;

16 B. throughout the day at a frequency necessary to prevent recontamination of  
17 equipment and utensils and to ensure that the equipment performs its intended  
18 function; and

19 C. if used, at least once every 24 hours.

20 **4626.0755 4-501.15 WAREWASHING MACHINE; MANUFACTURER'S OPERATING**  
21 **INSTRUCTIONS.**

22 A. A warewashing machine and its auxiliary components shall be operated  
23 according to the machine's data plate and other manufacturer's instructions.

24 B. A warewashing machine's conveyor speed or automatic cycle times shall be  
25 maintained accurately timed according to manufacturer's specifications.

1       **4626.0760 4-501.16 WAREWASHING SINKS; USE LIMITATION.**

2           A. A warewashing sink shall not be used for handwashing or dumping mop water.

3           B. For food establishments licensed before the effective date of the Code:

4           (1) a warewashing sink may be used to wash wiping cloths, wash produce, or  
5       thaw food if the sink is cleaned as specified in part 4626.0750 before and after each time  
6       it is used to wash wiping cloths, wash produce, or thaw food; and

7           (2) sinks used to wash or thaw food shall be sanitized as specified in parts  
8       4626.0895 to 4626.0905 before and after using the sink to wash or thaw food.

9       **4626.0765 4-501.17 WAREWASHING EQUIPMENT; CLEANING AGENTS.**

10       The wash compartment of a sink, mechanical warewasher, or wash receptacle of  
11       alternative manual warewashing equipment specified in part 4626.0680, item C, shall,  
12       when used for warewashing, contain a wash solution of soap, detergent, acid cleaner,  
13       alkaline cleaner, degreaser, abrasive cleaner, or other cleaning agent according to the  
14       cleaning agent manufacturer's label instructions.

15       **4626.0770 4-501.18 WAREWASHING EQUIPMENT; CLEAN SOLUTIONS.**

16       The wash, rinse, and sanitize solutions shall be maintained clean.

17       **4626.0775 4-501.19 MANUAL WAREWASHING EQUIPMENT; WASH SOLUTION**  
18       **TEMPERATURE.**

19       The temperature of the wash solution in manual warewashing equipment shall be  
20       maintained at not less than 43 degrees C (110 degrees F) unless a different temperature  
21       is specified on the cleaning agent manufacturer's label instructions.

22       **4626.0780 FOOD PREPARATION SINKS; NEW OR EXTENSIVELY REMODELED**  
23       **ESTABLISHMENT.**

24       For a food establishment newly licensed, extensively remodeled, or adding a food  
25       product to the menu that requires washing or thawing in a sink, if food will be washed

1 or thawed using a sink, the food establishment shall have a separate food preparation  
2 sink.

3 **4626.0785 4-501.110 MECHANICAL WAREWASHING EQUIPMENT; WASH**  
4 **SOLUTION TEMPERATURE.**

5 A. The temperature of the wash solution in spray-type warewashers that use hot  
6 water to sanitize shall not be less than:

7 (1) for a single tank, stationary rack, single temperature machine, 74 degrees C  
8 (165 degrees F); —

9 (2) for a single tank, conveyor, dual temperature machine, 71 degrees C (160  
10 degrees F);

11 (3) for a single tank, stationary rack, dual temperature machine, 66 degrees C  
12 (150 degrees F); or

13 (4) for a multitank, conveyor, multitemperature machine, 66 degrees C (150  
14 degrees F).

15 B. The temperature of the wash solution in spray-type warewashers that use  
16 chemicals to sanitize shall not be less than 49 degrees C (120 degrees F).

17 **4626.0790 4-501.111 MANUAL WAREWASHING EQUIPMENT; HOT WATER**  
18 **SANITIZATION TEMPERATURES.\***

19 If immersion in hot water is used for sanitizing in a manual operation, the  
20 temperature of the water shall be maintained at 77 degrees C (171 degrees F) or above.

21 **4626.0795 4-501.112 MECHANICAL WAREWASHING EQUIPMENT; HOT WATER**  
22 **SANITIZATION TEMPERATURES.**

23 A. Except as provided in item B, in a mechanical operation, the temperature of the  
24 fresh hot water sanitizing rinse as it enters the manifold shall not be more than 90  
25 degrees C (194 degrees F) or less than:

1 (1) for a stationary rack, single temperature machine, 74 degrees C (165 degrees  
2 F); or

3 (2) for all other machines, 82 degrees C (180 degrees F).

4 B. The maximum temperature specified in item A does not apply to high pressure  
5 and temperature systems with wand-type, hand-held spraying devices used for in-place  
6 cleaning and sanitizing of equipment, including meat saws.

7 **4626.0800 4-501.113 MECHANICAL WAREWASHING EQUIPMENT;**  
8 **SANITIZATION PRESSURE.**

9 The flow pressure of the fresh hot water sanitizing rinse in a warewashing machine  
10 shall not be less than 100 kilopascals (15 pounds per square inch) or more than 170  
11 kilopascals (25 pounds per square inch) as measured in the water line immediately  
12 downstream or upstream from the fresh hot water sanitizing rinse control valve.

13 **4626.0805 4-501.114 MANUAL AND MECHANICAL WAREWASHING**  
14 **EQUIPMENT; CHEMICAL SANITIZATION, TEMPERATURE, PH,**  
15 **CONCENTRATION, AND HARDNESS.\***

16 A. A chemical sanitizer used in a sanitizing solution for a manual or mechanical  
17 operation at the exposure times specified in part 4626.0905, item C, shall be listed in  
18 Code of Federal Regulations, title 21, section 178.1010, or in Minnesota Statutes, chapter  
19 31. The sanitizer shall be used according to this part and the manufacturer's label  
20 approved by the federal Environmental Protection Agency.

21 B. The sanitizer shall not exceed the amount specified on the manufacturer's label  
22 approved by the federal Environmental Protection Agency.

23 C. If a sanitizer is used in an amount less than the maximum amount specified on  
24 the label in item B, the sanitizer shall be used as specified in this item.

25 (1) Unless the product label specifies otherwise, a chlorine solution shall have a  
26 minimum concentration of 50 ppm and:

1 (a) a minimum temperature of 24 degrees C (75 degrees F) for water with a  
2 pH of eight or less; or

3 (b) a minimum temperature of 38 degrees C (100 degrees F) for water with a  
4 pH of 8.1 to 10.

5 (2) An iodine solution shall have:

6 (a) a minimum temperature of 24 degrees C (75 degrees F);

7 (b) a pH of 5.0 or less, unless the manufacturer's use directions included in  
8 the labeling specify a higher pH limit of effectiveness; and

9 (c) a concentration between 12.5 mg/L and 25 mg/L.

10 (3) A quaternary ammonium compound solution shall:

11 (a) have a minimum temperature of 24 degrees C (75 degrees F);

12 (b) have a concentration specified in part 4626.1620 and as indicated by the  
13 manufacturer's use directions included in the labeling; and

14 (c) be used only in water with 500 mg/L hardness or less or in water having a  
15 hardness no greater than specified by the manufacturer's label.

16 D. Mechanical warewashing equipment shall be equipped with a visual or audible  
17 warning device to permit the operator to easily verify when the sanitizing agent is  
18 depleted.

19 E. Other chemical sanitizers may be used if they are applied according to the  
20 manufacturer's use directions included in the labeling.

21 **4626.0810 4-501.115 MANUAL WAREWASHING EQUIPMENT; CHEMICAL**  
22 **SANITIZATION USING DETERGENT-SANITIZERS.**

23 If a detergent-sanitizer is used to sanitize in a cleaning and sanitizing procedure  
24 where there is no distinct water rinse between the washing and sanitizing steps, the  
25 agent applied in the cleaning step shall be the same detergent-sanitizer.

1 **4626.0815 4-501.116 WAREWASHING EQUIPMENT; DETERMINING CHEMICAL**  
2 **SANITIZER CONCENTRATION.**

3 Concentration of the sanitizing solution shall be accurately determined by using a test  
4 kit or other device.

5 **4626.0820 4-502.11 GOOD REPAIR AND PROPER CALIBRATION.**

6 A. Utensils shall be maintained in a state of repair or condition that complies with  
7 parts 4626.0450 and 4626.0670 or shall be discarded.

8 B. Temperature measuring devices shall be calibrated according to manufacturer's  
9 specifications as necessary to ensure their accuracy.

10 **4626.0825 4-502.12 SINGLE-SERVICE AND SINGLE-USE ARTICLES; REQUIRED**  
11 **USE.\***

12 A food establishment without facilities specified in parts 4626.0840 to 4626.0905 for  
13 cleaning and sanitizing kitchenware and tableware shall provide only single-use  
14 kitchenware, single-service articles, and single-use articles for use by food employees  
15 and single-service articles for use by the consumer.

16 **4626.0830 4-502.13 SINGLE-SERVICE AND SINGLE-USE ARTICLES; RE-USE**  
17 **LIMITATION.**

18 Single-service and single-use articles shall not be re-used.

19 **4626.0833 BULK MILK CONTAINERS.**

20 The bulk milk container dispensing tube shall be cut on the diagonal leaving no more  
21 than one inch protruding from the chilled dispensing head.

22 **4626.0835 4-502.14 SHELLS; USE LIMITATION.**

23 Molluscan and crustacea shells shall not be used more than once as serving  
24 containers.

25 **CLEANING EQUIPMENT AND UTENSILS**

1     **4626.0840     4-601.11     EQUIPMENT,     FOOD-CONTACT     SURFACES,**  
2     **NON-FOOD-CONTACT SURFACES, AND UTENSILS.\***

3             A. Equipment food-contact surfaces and utensils shall be clean to sight and touch.

4             B. The food-contact surfaces of cooking equipment and pans shall be kept free of  
5     encrusted grease deposits and other soil accumulations.<sup>N</sup>

6             C. Non-food-contact surfaces of equipment shall be kept free of an accumulation of  
7     dust, dirt, food residue, and other debris.<sup>N</sup>

8             D. Water filters used as part of a vending machine shall be cleaned or replaced  
9     according to the manufacturer's instructions.

10    **4626.0845 4-602.11 EQUIPMENT, FOOD-CONTACT SURFACES, AND UTENSILS.\***

11            A. Equipment food-contact surfaces and utensils shall be cleaned:

12                (1) except as specified in item B, before each use with a different type of raw  
13     animal food, including beef, fish, lamb, pork, or poultry;

14                (2) each time there is a change from working with raw foods to working with  
15     ready-to-eat foods;

16                (3) between uses with raw fruits or vegetables and with potentially hazardous  
17     food;

18                (4) before using or storing a food temperature measuring device; and

19                (5) at any time during the operation when contamination may have occurred.

20            B. Item A, subitem (1), does not apply if raw animal foods that require cooking  
21     temperatures specified in part 4626.0340, item A, subitem (3), are prepared after foods  
22     that require cooking temperatures specified in part 4626.0340, items A, subitems (1) and  
23     (2), and B.

24            C. Except as specified in item D, if used with potentially hazardous food,  
25     equipment food-contact surfaces and utensils shall be cleaned throughout the day at  
26     least once every four hours.

1 D. Surfaces of utensils and equipment contacting potentially hazardous food may  
2 be cleaned less frequently than once every four hours if:

3 (1) in storage, containers of potentially hazardous food and their contents are  
4 maintained at temperatures specified in parts 4626.0130 to 4626.0420 and the containers  
5 are cleaned when they are empty;

6 (2) utensils and equipment are used to prepare food in a refrigerated room that  
7 maintains the utensils, equipment, and food under preparation at temperatures  
8 specified in parts 4626.0130 to 4626.0420 and the utensils and equipment are cleaned at  
9 least once every 24 hours;

10 (3) containers in salad bars, delis, cafeteria lines, and other serving situations  
11 that hold ready-to-eat, potentially hazardous food that is maintained at the  
12 temperatures specified in parts 4626.0130 to 4626.0420 are intermittently combined with  
13 additional supplies of the same food that is at the required temperature and are cleaned  
14 at least once every 24 hours;

15 (4) temperature measuring devices are maintained in contact with foods that are  
16 held at temperatures specified in parts 4626.0130 to 4626.0420; or

17 (5) equipment is used for storage of packaged or unpackaged food, including a  
18 reach-in refrigerator, and the equipment is cleaned at a frequency necessary to preclude  
19 accumulation of soil residues; or

20 (6) the cleaning schedule is approved based on consideration of:

21 (a) characteristics of the equipment and its use;

22 (b) the type of food involved;

23 (c) the amount of food residue accumulation; and

24 (d) the temperature at which the food is maintained during the operation and  
25 the potential for the rapid and progressive multiplication of pathogenic or toxigenic  
26 microorganisms that are capable of causing foodborne disease.

1 E. Except when dry cleaning methods are used as specified in part 4626.0860,  
2 surfaces of utensils and equipment contacting food that is not potentially hazardous  
3 shall be cleaned:

4 (1) at any time when contamination may have occurred;

5 (2) at least once every 24 hours for iced tea dispensers and tongs, scoops, ladles,  
6 or other consumer self-service utensils;

7 (3) before restocking condiment dispensers, display containers, and other  
8 consumer self-service equipment and utensils;

9 (4) for ice bins, beverage dispensing nozzles, and the enclosed components of ice  
10 makers, beverage dispensing lines or tubes, coffee bean grinders, and water vending  
11 equipment:

12 (a) at a frequency specified by the manufacturer; or

13 (b) absent manufacturer specifications, at a frequency necessary to preclude  
14 accumulation of soil or mold.

15 **4626.0850 4-602.12 COOKING AND BAKING EQUIPMENT.**

16 A. The food-contact surfaces of cooking and baking equipment shall be cleaned at  
17 least once every 24 hours. This part does not apply to hot oil cooking and filtering  
18 equipment if it is cleaned as specified in part 4626.0845, item D, subitem (6).

19 B. The cavities and door seals of microwave ovens shall be cleaned at least once  
20 every 24 hours by using the manufacturer's recommended cleaning procedure.

21 **4626.0855 4-602.13 NON-FOOD-CONTACT SURFACES.**

22 Non-food-contact surfaces of equipment shall be cleaned at a frequency necessary to  
23 preclude accumulation of soil residues.

24 **4626.0860 4-603.11 DRY CLEANING.**

25 A. If used, brushing, scraping, vacuuming, and other dry cleaning methods shall

1 contact only surfaces that are soiled with dry food residues that are not potentially  
2 hazardous.

3 B. Cleaning equipment used in dry cleaning food-contact surfaces shall not be used  
4 for any other purpose.

5 **4626.0865 4-603.12 PRECLEANING.**

6 A. Food debris on equipment and utensils shall be scrapped over a waste disposal  
7 unit, scupper, or garbage receptacle or shall be removed in a warewashing machine  
8 with a prewash cycle.

9 B. If necessary for effective cleaning, utensils and equipment shall be preflushed,  
10 presoaked, or scrubbed with abrasives.

11 **4626.0870 4-603.13 LOADING OF SOILED ITEMS; WAREWASHING MACHINES.**

12 Soiled items to be cleaned in a warewashing machine shall be loaded into racks,  
13 trays, or baskets or onto conveyors in a position that:

14 A. exposes the items to the unobstructed spray from all cycles; and

15 B. allows the items to drain.

16 **4626.0875 4-603.14 WET CLEANING.**

17 A. Equipment food-contact surfaces and utensils shall be effectively washed to  
18 remove or completely loosen soils by using the manual or mechanical means necessary,  
19 including the application of detergents containing wetting agents and emulsifiers; acid,  
20 alkaline, or abrasive cleaners; hot water; brushes; scouring pads; high-pressure sprays;  
21 or ultrasonic devices.

22 B. The washing procedures selected shall be based on the type and purpose of the  
23 equipment or utensil and on the type of soil to be removed.

24 **4626.0880 4-603.15 WASHING; PROCEDURES FOR ALTERNATIVE MANUAL**  
25 **WAREWASHING EQUIPMENT.**

1 When the equipment is fixed, the utensils are too large, or washing in sink  
2 compartments or a warewashing machine is otherwise impractical, washing shall be  
3 done by using alternative manual warewashing equipment specified in part 4626.0680,  
4 item C, according to the following procedures:

5 A. equipment shall be disassembled as necessary to allow access of the detergent  
6 solution to all parts;

7 B. equipment components and utensils shall be scrapped or roughly cleaned to  
8 remove food particle accumulation; and

9 C. equipment and utensils shall be washed as specified in part 4626.0875, item A.

10 **4626.0885 4-603.16 RINSING PROCEDURES.**

11 Washed utensils and equipment shall be rinsed to remove abrasives and to remove or  
12 dilute cleaning chemicals with water or a detergent-sanitizer solution using one of the  
13 following procedures:

14 A. use of a distinct, separate water rinse after washing and before sanitizing if  
15 using:

16 (1) a three-compartment sink;

17 (2) alternative manual warewashing equipment equivalent to a  
18 three-compartment sink specified in part 4626.0680, item C, subitem (1); or

19 (3) a three-step washing, rinsing, and sanitizing procedure in a warewashing  
20 system for CIP equipment;

21 B. use of a detergent-sanitizer specified in part 4626.0810 if using:

22 (1) alternative warewashing equipment specified in part 4626.0680, item C, that  
23 is approved for use with a detergent-sanitizer; or

24 (2) a warewashing system for CIP equipment;

25 C. use of a nondistinct water rinse that is integrated in the hot water sanitization  
26 immersion step of a two-compartment sink operation;

1 D. if using a warewashing machine that does not recycle the sanitizing solution as  
2 specified in item E, or alternative manual warewashing equipment, including sprayers,  
3 use of a nondistinct water rinse that is:

4 (1) integrated in the application of the sanitizing solution; and

5 (2) wasted immediately after each application; or

6 E. if using a warewashing machine that recycles the sanitizing solution for use in  
7 the next wash cycle, use of a nondistinct water rinse that is integrated in the application  
8 of the sanitizing solution.

9 **4626.0890 4-603.17 RETURNABLES; CLEANING FOR REFILLING.\***

10 A. Except as specified in items B and C, returned empty containers intended for  
11 cleaning and refilling with food shall be cleaned and refilled in a regulated food  
12 processing plant.

13 B. A food-specific container for beverages may be refilled at a food establishment  
14 if:

15 (1) only a beverage that is not a potentially hazardous food is used as specified  
16 in part 4626.0295, item A;

17 (2) the design of the container and of the rinsing equipment and the nature of  
18 the beverage, when considered together, allow effective cleaning at home or in the food  
19 establishment;

20 (3) facilities for rinsing with fresh, hot water that is under pressure and not  
21 recirculated are provided, before refilling returned containers, as part of the dispensing  
22 system;

23 (4) the consumer-owned container returned to the food establishment for  
24 refilling is refilled for sale or service only to the same consumer; and

25 (5) the container is refilled by:

1 (a) an employee of the food establishment; or

2 (b) the owner of the container if the beverage system includes a  
3 contamination-free transfer process that cannot be bypassed by the container owner.

4 C. Consumer-owned containers that are not food-specific may be filled at a water  
5 vending machine or system.

## 6 SANITIZING EQUIPMENT AND UTENSILS

### 7 4626.0895 4-701.11 FOOD-CONTACT SURFACES AND UTENSILS.\*

8 Equipment food-contact surfaces and utensils shall be sanitized.

### 9 4626.0900 4-702.11 BEFORE USE AFTER CLEANING.\*

10 Utensils and food-contact surfaces of equipment shall be sanitized before use after  
11 cleaning.

### 12 4626.0905 4-703.11 HOT WATER AND CHEMICAL.\*

13 After being cleaned, equipment food-contact surfaces and utensils shall be sanitized  
14 in:

15 A. hot water manual operations by immersion for at least 30 seconds as specified  
16 in part 4626.0790;

17 B. hot water mechanical operations by being cycled through equipment that is set  
18 up as specified in parts 4626.0755, 4626.0795, and 4626.0800 and achieving a utensil  
19 surface temperature of 71 degrees C (160 degrees F) as measured by an irreversible  
20 registering temperature indicator; or

21 C. chemical manual or mechanical operations, including the application of  
22 sanitizing chemicals by immersion, manual swabbing, brushing, or pressure spraying  
23 methods, using a solution specified in part 4626.0805 by providing:

24 (1) an exposure time of at least ten seconds for a chlorine solution;

25 (2) an exposure time of at least 30 seconds for other chemical sanitizer solutions;

26 or

4626.0905

1 (3) an exposure time used in relationship with a combination of temperature,  
2 concentration, and pH that, when evaluated for efficacy, yields sanitization as defined in  
3 part 4626.0020, subpart 75.

#### 4 LAUNDERING

##### 5 4626.0910 4-801.11 CLEAN LINENS.

6 Clean linens shall be free from food residues and other soil.

##### 7 4626.0915 4-802.11 FREQUENCY OF LAUNDERING.

8 A. Linens that do not come in direct contact with food shall be laundered between  
9 uses if they become wet, sticky, or visibly soiled.

10 B. Cloth gloves specified in part 4626.0287, item D, shall be laundered before being  
11 used with a different type of raw animal food, including beef, lamb, poultry, pork, and  
12 fish.

13 C. Linens used as specified in part 4626.0280 and cloth napkins shall be laundered  
14 between each use.

15 D. Wet wiping cloths shall be laundered before being used with a fresh solution of  
16 cleanser or sanitizer.

17 E. Dry wiping cloths shall be laundered as necessary to prevent contamination of  
18 food and clean serving utensils.

##### 19 4626.0920 4-803.11 STORAGE OF SOILED LINENS.

20 Soiled linens shall be kept in clean, nonabsorbent receptacles or clean, washable  
21 laundry bags and stored and transported to prevent contamination of food, clean  
22 equipment, clean utensils, and single-service and single-use articles.

##### 23 4626.0925 4-803.12 MECHANICAL WASHING.

24 A. Except as specified in item B, linens shall be mechanically washed.

25 B. In food establishments in which only wiping cloths are laundered as specified in

1 part 4626.0695, item B, the wiping cloths may be laundered in a mechanical washer, a  
2 sink designated only for laundering wiping cloths, or a warewashing or food  
3 preparation sink that is cleaned as specified in part 4626.0750.

4 **4626.0930 4-803.13 USE OF LAUNDRY FACILITIES.**

5 A. Except as specified in item B, laundry facilities on the premises of a food  
6 establishment shall be used only for the washing and drying of items used in the  
7 operation of the establishment.

8 B. Separate laundry facilities located on the premises for general laundering for  
9 institutions providing boarding and lodging may also be used for laundering food  
10 establishment items.

11 **PROTECTING CLEAN ITEMS**

12 **4626.0935 4-901.11 EQUIPMENT AND UTENSILS; AIR-DRYING REQUIRED.**

13 A. Except as specified in item C, after cleaning and sanitizing, equipment and  
14 utensils shall not be cloth-dried.

15 B. Equipment and utensils shall be air-dried or used after adequate draining before  
16 contact with food.

17 C. Utensils that have been air-dried may be polished with cloths that are  
18 maintained clean and dry.

19 **4626.0940 4-901.12 WIPING CLOTHS; AIR-DRYING LOCATIONS.**

20 Wiping cloths laundered in a food establishment that does not have a mechanical  
21 clothes dryer specified in part 4626.0695, item B, shall be air-dried in a location and in a  
22 manner that prevents contamination of food, equipment, utensils, linens, single-service  
23 and single-use articles, and wiping cloths. This part does not apply if wiping cloths are  
24 stored after laundering in a sanitizing solution specified in part 4626.0805.

25 **4626.0945 4-902.11 LUBRICANTS.**

1 Lubricants shall be applied to food-contact surfaces that require lubrication in a  
2 manner that does not contaminate the food-contact surfaces.

3 **4626.0950 4-902.12 EQUIPMENT REASSEMBLY.**

4 Equipment shall be reassembled so that food-contact surfaces are not contaminated.

5 **4626.0955 4-903.11 EQUIPMENT, UTENSILS, LINENS, AND SINGLE-SERVICE**  
6 **AND SINGLE-USE ARTICLES; STORAGE.**

7 A. Except as specified in item D, clean equipment and utensils, laundered linens,  
8 and single-service and single-use articles shall be stored:

9 (1) in a clean, dry location;

10 (2) where they are not exposed to splash, dust, or other contamination; and

11 (3) at least 15 centimeters (six inches) above the floor.

12 B. Clean equipment and utensils shall be stored as specified in item A and shall be  
13 stored:

14 (1) in a self-draining position that permits air drying; and

15 (2) covered or inverted.

16 C. Single-service and single-use articles shall be stored as specified in item A and  
17 shall be kept in the original protective package or stored by using other means that  
18 afford protection from contamination until used.

19 D. Items that are kept in closed packages may be stored less than 15 centimeters  
20 (six inches) above the floor on dollies, pallets, racks, and skids that are designed as  
21 provided in part 4626.0665.

22 **4626.0960 4-903.12 STORAGE PROHIBITIONS.**

23 A. Except as specified in item B, cleaned and sanitized equipment, utensils,  
24 laundered linens, or single-service and single-use articles shall not be stored:

25 (1) in a locker room;

- 1 (2) in a toilet room;
- 2 (3) in a garbage room;
- 3 (4) in a mechanical room;
- 4 (5) under a sewer line that is not shielded to intercept potential drips;
- 5 (6) under a leaking water line including a leaking automatic fire sprinkler head
- 6 or under a line on which water has condensed;
- 7 (7) under an open stairwell; or
- 8 (8) under any other source of contamination.

9 B. Laundered linens and single-service and single-use articles that are packaged or  
10 in a cabinet or similar facility may be stored in a locker room.

11 **4626.0965 4-904.11 KITCHENWARE AND TABLEWARE.**

12 A. Single-service and single-use articles and cleaned and sanitized utensils shall be  
13 handled, displayed, and dispensed so that contamination of food-contact and lip-contact  
14 surfaces is prevented.

15 B. Knives, forks, and spoons that are not prewrapped shall be presented so that  
16 only the handles are touched by employees and by consumers if consumer self-service is  
17 provided.

18 C. Except as specified in item B, single-service articles that are intended for food  
19 contact or lip contact shall be furnished for consumer self-service with the original  
20 individual wrapper intact or from an approved dispenser.

21 **4626.0970 4-904.12 SOILED AND CLEAN TABLEWARE.**

22 Soiled tableware shall be removed from consumer eating and drinking areas and  
23 handled so that clean tableware is not contaminated.

24 **4626.0975 4-904.13 PRESET TABLEWARE.**

25 Tableware may be preset if:

**4626.0975**

1 A. it is protected from contamination by being wrapped, covered, or inverted;

2 B. it is exposed and unused settings are removed when a consumer is seated; or

3 C. it is exposed, unused settings are not removed when a consumer is seated, and  
4 the unused settings are cleaned and sanitized before further use.

## 5 WATER

### 6 **4626.0980 5-101.11 APPROVED SOURCE REQUIREMENT.\***

7 Drinking water shall be obtained only from a source that meets the requirements  
8 specified in chapters 4720 and 4725 and Minnesota Statutes, section 31.175.

### 9 **4626.0985 5-101.12 SYSTEM FLUSHING AND DISINFECTION.\***

10 A drinking water system shall be flushed and disinfected according to chapters 4715,  
11 4720, and 4725 before being placed in service after construction, repair, or modification  
12 and after a flood or other emergency situation that may introduce contamination to the  
13 system.

### 14 **4626.0990 5-101.13 BOTTLED DRINKING WATER.\***

15 Bottled drinking water used or sold in a food establishment shall be obtained from  
16 approved sources according to Code of Federal Regulations, title 21, part 129, and  
17 comply with parts 1550.3200 to 1550.3320.

### 18 **4626.0995 5-102.11 DRINKING WATER STANDARDS.\***

19 Drinking water shall meet the requirements of chapters 4715, 4720, and 4725.

### 20 **4626.1000 5-102.12 NONDRINKING WATER.\***

21 Nondrinking water shall be used only for air conditioning, nonfood equipment  
22 cooling, fire protection, irrigation, and other nonculinary purposes.

### 23 **4626.1005 5-102.13 SAMPLING.**

24 Except when used as specified in part 4626.1000, water shall be sampled and tested as  
25 required in chapter 4720.

1     **4626.1010 5-102.14 SAMPLE REPORT.**

2     The most recent report of water quality shall be retained on file in the food  
3 establishment and the report shall be maintained as specified in chapter 4720.

4     **4626.1015 5-103.11 WATER SYSTEM CAPACITY.\***

5     The water source and system shall be of sufficient capacity to meet the water  
6 demands of the food establishment.

7     **4626.1020 5-103.12 WATER PRESSURE.**

8     Water under pressure shall be provided to all fixtures, equipment, and nonfood  
9 equipment that are required to use water except that water supplied as specified in part  
10 4626.1035, items A and B, to a temporary food establishment or in response to a  
11 temporary interruption of a water supply need not be under pressure.

12     **4626.1025 5-103.13 HOT WATER.**

13     Hot water generation and distribution systems shall be sufficient to meet the peak hot  
14 water demands throughout the food establishment.

15     **4626.1030 5-104.11 WATER SYSTEM.**

16     Water shall be received from the source through the use of:

17         A. an approved public water main regulated under chapter 4720; or

18         B. one or more of the following:

19             (1) a nonpublic water main, water pumps, pipes, connections, and other  
20 appurtenances that comply with chapter 4715;

21             (2) water transport vehicles that comply with parts 4720.4000 to 4720.4400;

22             (3) hoses that comply with NSF International Standard No. 51, which is  
23 incorporated by reference in part 4626.0505; or

24             (4) water containers that comply with parts 4626.1135 to 4626.1175 and  
25 4720.4000 to 4720.4400.



1 (3) Standard No. 53, Drinking Water Treatment Units - Health Effects, 1996 and  
2 subsequent editions; or

3 (4) Standard No. 58, Reverse Osmosis Drinking Water Systems, 1996 and  
4 subsequent editions.

5 C. The NSF International standards specified in item B are incorporated by  
6 reference, are not subject to frequent change, and are available through the Minitex  
7 interlibrary loan system.

8 **4626.1045 5-202.11-APPROVED SYSTEM AND CLEANABLE FIXTURES.\***

9 A. A plumbing system shall be designed, constructed, and installed according to  
10 chapter 4715 and Minnesota Statutes, sections 326.37 to 326.45.

11 B. A handwashing lavatory, toilet, urinal, or other plumbing fixture shall be easily  
12 cleanable.<sup>N</sup>

13 **4626.1050 5-202.12 HANDWASHING LAVATORY; WATER TEMPERATURE AND**  
14 **FLOW.**

15 A. A handwashing lavatory shall be equipped to provide water at a temperature of  
16 at least 43 degrees C (110 degrees F) through a mixing valve or combination faucet.

17 B. A steam mixing valve shall not be used at a handwashing lavatory.

18 C. A self-closing, slow-closing, or metering faucet shall provide a flow of water for  
19 at least 15 seconds without the need to reactivate the faucet.

20 **4626.1055 5-202.13 BACKFLOW PREVENTION; AIR GAP.\***

21 An air gap between the water supply inlet and the flood level rim of the plumbing  
22 fixture, equipment, or nonfood equipment shall be at least twice the diameter of the  
23 water supply inlet and shall not be less than 25 millimeters (one inch).

24 **4626.1060 5-202.14 BACKFLOW PREVENTION DEVICE; DESIGN STANDARD.**

25 A backflow or backsiphonage prevention device installed on a water supply system

1 shall meet American Society of Sanitary Engineering standards for construction,  
2 installation, maintenance, inspection, and testing for that specific application and type  
3 of device.

4 **4626.1065 5-202.15 CONDITIONING DEVICE; DESIGN.**

5 A water filter, screen, or other water conditioning device installed on a water line  
6 shall be designed to facilitate disassembly for periodic servicing and cleaning. A water  
7 filter element shall be replaceable.

8 **4626.1070 5-203.11 HANDWASHING LAVATORY.\***

9 A. At least one handwashing lavatory, the number of handwashing lavatories  
10 necessary for their convenient use by employees in the areas specified in part 4626.1095,  
11 and not fewer than the number of handwashing lavatories required by chapter 4715  
12 shall be provided.

13 B. When food exposure is limited and handwashing lavatories are not  
14 conveniently available at vending machine locations, employees may use chemically  
15 treated towelettes for handwashing.

16 **4626.1075 5-203.12 TOILETS AND URINALS.\***

17 At least one toilet and not fewer than the number of toilets required by chapter 4715  
18 shall be provided. In accordance with chapter 4715, urinals may be substituted for  
19 toilets if more than the required minimum number of toilets are provided.

20 **4626.1080 5-203.13 SERVICE SINK.**

21 At least one service sink or one curbed cleaning facility equipped with a floor drain  
22 shall be provided and conveniently located for cleaning mops or similar wet floor  
23 cleaning tools and for disposing of mop water and similar liquid waste. The service sink  
24 or cleaning facility shall include a faucet accessible for supply of drinking water at all  
25 times.

26 **4626.1085 5-203.14 BACKFLOW PREVENTION DEVICE; WHEN REQUIRED.\***

**4626.1085**

1 A plumbing system shall be installed to preclude backflow of a solid, liquid, or gas  
2 contaminant into the water supply system at each point of use at the food establishment,  
3 including on a hose bibb if a hose is attached or on a hose bibb if a hose is not attached  
4 and backflow prevention is required by law, by:

5 A. providing an air gap specified in part 4626.1055; or

6 B. installing an approved backflow prevention device specified in part 4626.1060.

7 **4626.1090 5-203.15 BACKFLOW PREVENTION DEVICE; CARBONATOR.\***

8 Post-mix carbonated beverage machines shall have backflow prevention that  
9 complies with chapter 4715.

10 **4626.1095 5-204.11 HANDWASHING LAVATORY.\***

11 A handwashing lavatory shall be located:

12 A. to allow convenient use by employees in food preparation, food dispensing,  
13 and warewashing areas; and

14 B. in toilet rooms.

15 **4626.1100 5-204.12 BACKFLOW PREVENTION DEVICE; LOCATION.**

16 A backflow prevention device shall be located so that it may be serviced and  
17 maintained.

18 **4626.1105 5-204.13 CONDITIONING DEVICE; LOCATION.**

19 A water filter, screen, or other water conditioning device installed on a water line  
20 shall be located to facilitate disassembly for periodic servicing and cleaning.

21 **4626.1110 5-205.11 USING HANDWASHING LAVATORY.**

22 A. A handwashing lavatory shall be maintained so that it is accessible at all times  
23 for employee use.

24 B. A handwashing lavatory shall not be used for purposes other than  
25 handwashing.

1 **4626.1115 5-205.12 PROHIBITING CROSS-CONNECTION.\***

2 A. Except as allowed under Code of Federal Regulations, title 9, section 308.3,  
3 paragraph (d), for firefighting, a person shall not create a cross-connection by  
4 connecting a pipe or conduit between the drinking water system and a nondrinking  
5 water system or a water system of unknown quality.

6 B. The piping of a nondrinking water system shall be durably identified so that it is  
7 readily distinguishable from piping that carries drinking water.<sup>N</sup>

8 **4626.1120 5-205.13 SCHEDULING INSPECTION AND SERVICE FOR WATER**  
9 **TREATMENT DEVICE.**

10 A. A water treatment device, other than a water softener, shall be scheduled for  
11 inspection and service according to the manufacturer's instructions and as necessary to  
12 prevent device failure based on local water conditions.

13 B. A backflow preventer shall be inspected, tested, and maintained according to  
14 chapter 4715.

15 **4626.1125 5-205.14 WATER RESERVOIR OF FOGGING DEVICES; CLEANING.\***

16 A. A reservoir that is used to supply water to a produce fogger or similar device  
17 shall be:

18 (1) maintained according to the manufacturer's specifications; and

19 (2) cleaned according to the manufacturer's specifications or according to the  
20 procedures specified in item B, whichever is more stringent.

21 B. Cleaning procedures shall include at least the following steps and shall be  
22 conducted at least once a week:

23 (1) draining and complete disassembly of the water and aerosol contact parts;

24 (2) brush-cleaning the reservoir, aerosol tubing, and discharge nozzles with a  
25 suitable detergent solution;

1 (3) flushing the complete system with water to remove the detergent solution  
2 and particulate accumulation; and

3 (4) rinsing by immersing, spraying, or swabbing the reservoir, aerosol tubing,  
4 and discharge nozzles with at least 50 mg/L hypochlorite solution.

5 **4626.1130 5-205.15 SYSTEM MAINTAINED IN GOOD REPAIR.\***

6 A plumbing system shall be:

7 A. repaired according to chapter 4715; and

8 B. maintained in good repair.<sup>N</sup>

9 **WATER TANKS**

10 **4626.1135 5-301.11 APPROVED.**

11 A mobile water tank used to supply a food establishment, mobile food establishment  
12 water tank, or any appurtenances shall meet:

13 A. the requirements specified in parts 4626.1135 to 4626.1175;

14 B. the requirements specified in part 4626.0450, items A, B, D, and E; and

15 C. the standards for water haulers specified in parts 4720.4000 to 4720.4400.

16 **4626.1140 5-302.16 HOSE; CONSTRUCTION AND IDENTIFICATION.**

17 A hose used for conveying drinking water from a water tank shall have a smooth  
18 interior surface, shall be of food grade material, and, if not permanently attached, shall  
19 be clearly and durably identified as to its use.

20 **4626.1145 5-303.11 FILTER; COMPRESSED AIR.**

21 A filter that does not pass oil or oil vapors shall be installed in the air supply line  
22 between the compressor and drinking water system when compressed air is used to  
23 pressurize the water tank system.

24 **4626.1150 5-303.12 PROTECTIVE EQUIPMENT OR DEVICE.**

25 A cap and keeper chain, closed cabinet, closed storage tube, or other approved  
26 protective equipment or device shall be provided for a water inlet, outlet, and hose.

1 **4626.1155 5-303.13 MOBILE FOOD ESTABLISHMENT TANK INLET.**

2 A mobile food establishment's water tank inlet shall be:

3 A. 19.1 millimeters (three-fourths inch) in inner diameter or less; and

4 B. provided with a hose connection of a size or type that will prevent its use for  
5 any other service.

6 **4626.1160 5-304.11 SYSTEM FLUSHING AND DISINFECTION.\***

7 A water tank, pump, and hose shall be flushed and sanitized before being placed in  
8 service after construction, repair, modification, and periods of nonuse.

9 **4626.1165 5-304.12 USING PUMP AND HOSE; BACKFLOW PREVENTION.**

10 A person shall operate a water tank, pump, and hose so that backflow and other  
11 contamination of the water supply are prevented.

12 **4626.1170 5-304.13 PROTECTING INLET, OUTLET, AND HOSE FITTING.**

13 If not in use, a water tank and hose inlet and outlet fitting shall be protected as  
14 specified in part 4626.1150.

15 **4626.1175 5-304.14 TANK, PUMP, AND HOSE; DEDICATION.**

16 A. Except as specified in item B, a water tank, pump, or hose used for conveying  
17 drinking water shall be used for no other purpose.

18 B. A water tank, pump, or hose approved for liquid foods may be used for  
19 conveying drinking water if it is cleaned and sanitized after each use.

20 **SEWAGE**

21 **4626.1180 5-401.11 CAPACITY AND DRAINAGE.**

22 A sewage holding tank in a mobile food establishment shall be:

23 A. sized 15 percent larger in capacity than the water supply tank; and

24 B. sloped to a drain that is 25 millimeters (one inch) in inner diameter or greater,  
25 equipped with a shut-off valve.

1 **4626.1185 5-402.11 ESTABLISHMENT DRAINAGE SYSTEM.**

2 Food establishment drainage systems, including grease traps, that convey sewage  
3 shall be sized and installed as specified in part 4626.1045, item A.

4 **4626.1190 5-402.12 BACKFLOW PREVENTION.\***

5 A. Except as specified in items B and C, a direct connection shall not exist between  
6 the sewage system and a drain originating from equipment in which food, portable  
7 equipment, or utensils are placed.

8 B. If allowed by chapter 4715, a warewashing machine may have a direct  
9 connection between its waste outlet and a floor drain when the machine is located  
10 within 1.5 meters (five feet) of a trapped floor drain and the machine outlet is connected  
11 to the inlet side of a properly vented floor drain trap.

12 C. If allowed by chapter 4715, a warewashing or culinary sink may have a direct  
13 connection.

14 **4626.1195 5-402.13 GREASE TRAP.**

15 If used, a grease trap shall be located to be easily accessible for cleaning.

16 **4626.1200 5-402.14 CONVEYING SEWAGE.\***

17 Sewage shall be conveyed to the point of disposal through an approved sanitary  
18 sewage system or other system, including use of sewage transport vehicles, waste  
19 retention tanks, pumps, pipes, hoses, and connections that are constructed, maintained,  
20 and operated according to chapter 7080 and Minnesota Statutes, section 115.55.

21 **4626.1205 5-402.15 REMOVING MOBILE FOOD ESTABLISHMENT WASTES.**

22 Sewage and other liquid wastes shall be removed from a mobile food establishment  
23 at an approved waste servicing area or by a sewage transport vehicle in such a way that  
24 a public health hazard or nuisance is not created.

25 **4626.1210 5-402.16 FLUSHING WASTE RETENTION TANK.**

1 A tank for liquid waste retention shall be thoroughly flushed and drained in a  
2 sanitary manner during the servicing operation.

3 **4626.1215 5-403.11 APPROVED SEWAGE DISPOSAL SYSTEM.\***

4 Sewage shall be disposed through an approved facility that is:

5 A. a public sewage treatment plant; or

6 B. an individual sewage disposal system that is sized, constructed, maintained,  
7 and operated according to chapter 7080.

8 **4626.1220 5-403.12 OTHER LIQUID WASTES AND RAINWATER.**

9 Condensate drainage and other nonsewage liquids and rainwater shall be drained  
10 from point of discharge to disposal according to chapter 7080.

11 **REFUSE AND RECYCLABLES**

12 **4626.1225 5-501.10 INDOOR STORAGE AREA.**

13 If located within the food establishment, a storage area for refuse, recyclables, and  
14 returnables shall meet the requirements specified in parts 4626.1325, 4626.1335,  
15 4626.1370, 4626.1395, and 4626.1400.

16 **4626.1230 5-501.11 OUTDOOR STORAGE SURFACE.**

17 An outdoor storage surface for refuse, recyclables, and returnables shall be  
18 constructed of concrete, asphalt, or other nonabsorbent material and shall be smooth,  
19 durable, and sloped to drain.

20 **4626.1235 5-501.12 OUTDOOR ENCLOSURE.**

21 If used, an outdoor enclosure for refuse, recyclables, and returnables shall be  
22 constructed of durable and cleanable materials.

23 **4626.1240 5-501.13 RECEPTACLES.**

24 A. Except as specified in item B, receptacles and waste handling units for refuse,  
25 recyclables, and returnables and for use with materials containing food residue shall be  
26 durable, cleanable, insect- and rodent-resistant, leakproof, and nonabsorbent.

**4626.1240**

1 B. Plastic bags and wet strength paper bags may be used to line receptacles for  
2 storage inside the food establishment or closed outside receptacles.

3 **4626.1245 5-501.14 RECEPTACLES IN VENDING MACHINES.**

4 A refuse receptacle shall not be located within a vending machine, except that a  
5 receptacle for beverage bottle crown closures may be located within a vending machine.

6 **4626.1250 5-501.15 OUTSIDE RECEPTACLES.**

7 A. Receptacles and waste handling units for refuse, recyclables, and returnables  
8 used with materials containing food residue and used outside the food establishment  
9 shall be designed and constructed to have tight-fitting lids, doors, or covers.

10 B. Receptacles and waste handling units for refuse and recyclables, including an  
11 on-site compactor, shall be installed so that accumulation of debris and insect and  
12 rodent attraction and harborage are minimized and effective cleaning is facilitated  
13 around and, if the equipment is not installed flush with the base pad, under the unit.

14 **4626.1255 5-501.16 STORAGE AREAS, ROOMS, AND RECEPTACLES; CAPACITY  
15 AND AVAILABILITY.**

16 A. An inside storage room and area, an outside storage area and enclosure, and  
17 receptacles shall be of sufficient capacity to hold refuse, recyclables, and returnables that  
18 accumulate.

19 B. A receptacle shall be provided in each area of the food establishment or  
20 premises where refuse is generated or commonly discarded or where recyclables or  
21 returnables are placed.

22 C. If disposable towels are used at handwashing lavatories, a waste receptacle shall  
23 be located at each lavatory or group of adjacent lavatories.

24 **4626.1260 5-501.17 TOILET ROOM RECEPTACLE; COVERED.**

25 A toilet room shall be provided with a covered receptacle for sanitary napkins or  
26 diapers.

1       **4626.1265 5-501.18 CLEANING EQUIPMENT AND SUPPLIES.**

2           A. Except as specified in item B, suitable cleaning equipment and supplies,  
3 including high pressure pumps, hot water, steam, and detergent, shall be provided as  
4 necessary to effectively clean receptacles and waste handling units for refuse,  
5 recyclables, and returnables.

6           B. If approved, off-premises-based cleaning services may be used if on-premises  
7 cleaning implements and supplies are not provided.

8       **4626.1270 5-501.19 STORAGE AREAS, REDEEMING MACHINES, EQUIPMENT,  
9 AND RECEPTACLES; LOCATION.**

10          A. An area designated for refuse, recyclables, returnables, and, except as specified  
11 in item B, a redeeming machine for recyclables or returnables shall be located so that it  
12 is separate from food, equipment, utensils, linens, and single-service and single-use  
13 articles and a nuisance or a public health hazard ~~or nuisance~~ is not created.

14          B. A redeeming machine may be located in the packaged food storage area or  
15 consumer area of a food establishment if food, equipment, utensils, linens, and  
16 single-service and single-use articles are not subject to contamination from the machine  
17 and a public health hazard or nuisance is not created.

18          C. The location of receptacles and waste handling units for refuse, recyclables, and  
19 returnables shall not create a public health hazard or nuisance or interfere with the  
20 cleaning of adjacent space.

21       **4626.1275 5-501.110 STORING REFUSE, RECYCLABLES, AND RETURNABLES.**

22           Refuse, recyclables, and returnables shall be stored in receptacles or waste handling  
23 units so that they are inaccessible to insects and rodents.

24       **4626.1280 5-501.111 AREAS, ENCLOSURES, AND RECEPTACLES; GOOD REPAIR.**

25           Storage areas, enclosures, and receptacles for refuse, recyclables, and returnables  
26 shall be maintained in good repair.

1       **4626.1285 5-501.112 OUTSIDE STORAGE PROHIBITIONS.**

2           A. Except as specified in item B, refuse receptacles not meeting the requirements  
3 specified in part 4626.1240, item A, including receptacles that are not rodent-resistant,  
4 unprotected plastic bags and paper bags, and baled units that contain materials with  
5 food residue, shall not be stored outside.

6           B. Cardboard or other packaging material that does not contain food residue and  
7 that is awaiting regularly scheduled delivery to a recycling or disposal site may be  
8 stored outside without being in a covered receptacle if it is stored so that it does not  
9 create a rodent harborage problem.

10       **4626.1290 5-501.113 COVERING RECEPTACLES.**

11           Receptacles and waste handling units for refuse, recyclables, and returnables shall be  
12 kept covered:

13           A. inside the food establishment:

14               (1) if the receptacles and units contain food residue and are not in continuous  
15 use; or

16               (2) after they are filled; and

17           B. with tight-fitting lids or doors if kept outside the food establishment.

18       **4626.1295 5-501.114 USING DRAIN PLUGS.**

19           Drains in receptacles and waste handling units for refuse, recyclables, and  
20 returnables shall have drain plugs in place.

21       **4626.1300 5-501.115 MAINTAINING REFUSE AREAS AND ENCLOSURES.**

22           A storage area and enclosure for refuse, recyclables, or returnables shall be  
23 maintained clean and free of unnecessary items as specified in part 4626.1580.

24       **4626.1305 5-501.116 CLEANING RECEPTACLES.**

25           A. Receptacles and waste handling units for refuse, recyclables, and returnables

1 shall be thoroughly cleaned in a way that does not contaminate food, equipment,  
2 utensils, linens, or single-service and single-use articles, and wastewater shall be  
3 disposed of as specified in Minnesota Statutes, chapter 115A.

4 B. Soiled receptacles and waste handling units for refuse, recyclables, and  
5 returnables shall be cleaned at a frequency necessary to prevent them from developing a  
6 build-up of soil or becoming attractants for insects and rodents.

7 **4626.1310 5-502.11 FREQUENCY.**

8 Refuse, recyclables, and returnables shall be removed from the premises at a  
9 frequency that will minimize the development of objectionable odors and other  
10 conditions that attract or harbor insects and rodents.

11 **4626.1315 5-502.12 RECEPTACLES OR VEHICLES.**

12 Refuse, recyclables, and returnables shall be removed from the premises by way of:

13 A. portable receptacles that are constructed and maintained according to  
14 Minnesota Statutes, chapter 115A; or

15 B. a transport vehicle that is constructed, maintained, and operated according to  
16 Minnesota Statutes, chapter 115A.

17 **4626.1320 5-503.11 COMMUNITY OR INDIVIDUAL FACILITY.**

18 Solid waste not disposed of through the sewage system, including that disposed of  
19 with grinders and pulpers, shall be:

20 A. recycled or disposed of in an approved public or private community recycling  
21 or refuse facility; or

22 B. disposed of in a landfill, incinerator, or other individual refuse facility that is  
23 sized, constructed, maintained, and operated according to Minnesota Statutes, chapter  
24 115A, and section 473.803.

25 **PHYSICAL FACILITY CONSTRUCTION MATERIALS**

1       **4626.1325 6-101.11 SURFACE CHARACTERISTICS; INDOOR AREAS.**

2           A. Except as specified in item B, materials for indoor floor, wall, and ceiling  
3 surfaces under conditions of normal use shall be:

4           (1) smooth, durable, and easily cleanable for areas where food establishment  
5 operations are conducted;

6           (2) closely woven and easily cleanable carpet, where carpeting is permitted; and

7           (3) nonabsorbent for food preparation areas, walk-in refrigerators, warewashing  
8 areas, toilet rooms, mobile food establishment servicing areas, handwash areas,  
9 janitorial areas, laundry areas, interior garbage and refuse storage rooms, areas subject  
10 to flushing or spray cleaning methods, and other areas subject to moisture.

11          B. In a temporary food establishment, retail portable structure, special event food  
12 stand, or seasonal food stand:

13           (1) if graded to drain, a floor may be concrete, machine-laid asphalt, or dirt or  
14 gravel if it is covered with mats, removable platforms, duckboards, or other suitable  
15 materials approved by the regulatory authority that are effectively treated to control  
16 dust and mud; and

17           (2) food activities shall cease in adverse weather unless walls and ceilings are  
18 constructed of a material that protects the interior from the weather and windblown  
19 dust and debris.

20       **4626.1330 6-102.11 SURFACE CHARACTERISTICS; OUTDOOR AREAS.**

21           A. Exterior walking and driving areas of a food establishment shall be surfaced  
22 with concrete, asphalt, gravel, or other materials that have been effectively treated to  
23 minimize dust, facilitate maintenance, and prevent muddy conditions.

24           B. Exterior surfaces of buildings and mobile food establishments shall be of  
25 weather-resistant materials and shall comply with law.

1 C. Outdoor storage areas for refuse, recyclables, or returnables shall be of materials  
2 specified in parts 4626.1230 and 4626.1235.

3 **PHYSICAL FACILITY DESIGN AND CONSTRUCTION**

4 **4626.1335 6-201.11 FLOORS, WALLS, AND CEILINGS.**

5 A. Except as specified in part 4626.1350, the floors, floor coverings, walls, wall  
6 coverings, and ceilings shall be designed, constructed, and installed so they are smooth  
7 and easily cleanable, except that antislip floor coverings or applications may be used for  
8 safety reasons.

9 B. Surfaces shall be maintained in good repair.

10 C. Vinyl flooring is prohibited in a walk-in cooler or freezer.

11 D. Sealed concrete is prohibited in those areas described in part 4626.1325, item A,  
12 subitem (3), if food product packages, containers, or cases in those areas are opened.  
13 Sealed concrete is permitted in areas used exclusively for refuse storage.

14 **4626.1340 6-201.12 FLOORS, WALLS, AND CEILINGS; UTILITY LINES.**

15 A. Utility service lines and pipes shall not be unnecessarily exposed.

16 B. Exposed utility service lines and pipes shall be installed so they do not obstruct  
17 or prevent cleaning of the floors, walls, or ceilings.

18 C. Exposed utility service lines and pipes shall not be installed directly on the walls  
19 or floor, except:

20 (1) quick disconnect gas hoses approved by the American Gas Association or  
21 NSF International; and

22 (2) flexible cords and caps for commercial cooking equipment on casters, listed  
23 by Underwriter's Laboratory.

24 **4626.1345 6-201.13 FLOOR AND WALL JUNCTURES; COVED AND ENCLOSED OR**  
25 **SEALED.**

1           A. In food establishments in which cleaning methods other than water flushing are  
2 used for cleaning floors, the floor and wall junctures shall be coved and closed to no  
3 larger than one millimeter (1/32 inch).

4           B. The floors in food establishments in which water flushing cleaning methods are  
5 used shall be provided with drains and graded to drain, and the floor and wall  
6 junctures shall be coved and sealed.

7           **4626.1350 6-201.14 FLOOR CARPETING; RESTRICTIONS AND INSTALLATION.**

8           A. Carpeting or similar material shall not be installed as a floor covering in food  
9 preparation areas; walk-in refrigerators or freezers; warewashing areas; toilet room  
10 areas where handwashing lavatories, toilets, and urinals are located; refuse storage  
11 areas; wait stations; dressing rooms; locker rooms; janitorial areas; within three feet  
12 around permanently installed bars and salad bars, other food service equipment, and  
13 food storage rooms; or other areas subject to moisture, flushing, or spray cleaning  
14 methods.

15           B. If carpeting is installed as a floor covering in areas other than those specified in  
16 item A, it shall be:

17           (1) securely attached to the floor with a durable mastic, by using a stretch and  
18 tack method, or by another method; and

19           (2) installed tightly against the wall under the coving or installed away from the  
20 wall with a space between the carpet and the wall and with the edges of the carpet  
21 secured by metal stripping or some other means.

22           **4626.1355 6-201.15 FLOOR COVERING; MATS AND DUCKBOARDS.**

23           A. Mats and duckboards shall be constructed of nonabsorbent, nonwood,  
24 grease-resistant materials.

25           B. Throw carpeting may be used at customer entrances.

1 C. The size, design, and construction of the material shall facilitate easy cleaning.

2 **4626.1360 6-201.16 WALL AND CEILING COVERINGS AND COATINGS.**

3 A. Wall and ceiling covering materials shall be attached so that they are easily  
4 cleanable.

5 B. Except in areas used only for dry storage, concrete, porous blocks or bricks used  
6 for indoor wall construction shall be finished and sealed to provide a smooth,  
7 nonabsorbent, easily cleanable surface.

8 **4626.1365 6-201.17 WALLS AND CEILINGS; ATTACHMENTS.**

9 A. Except as specified in item B, light fixtures, mechanical room ventilation system  
10 components, vent covers, wall mounted fans, decorative items, and other attachments to  
11 walls and ceilings shall be easily cleanable.

12 B. In a consumer area, wall and ceiling surfaces and decorative items and  
13 attachments that are provided for ambiance need not comply with item A if they are  
14 kept clean.

15 **4626.1370 6-201.18 WALLS AND CEILINGS; STUDS, JOISTS, AND RAFTERS.**

16 Studs, joists, and rafters may be exposed only in areas used exclusively for the  
17 storage of food and single-use articles in unopened packages. This part does not apply  
18 to temporary food establishments.

19 **4626.1375 6-202.11 LIGHT BULBS; PROTECTIVE SHIELDING.**

20 A. Except as specified in item B, light bulbs shall be shielded, coated, or otherwise  
21 shatter-resistant in areas where there is exposed food; clean equipment, utensils, and  
22 linens; or unwrapped single-service and single-use articles.

23 B. Shielded, coated, or otherwise shatter-resistant bulbs need not be used in areas  
24 used only for storing food in unopened packages, if:

25 (1) the integrity of the packages cannot be affected by broken glass falling onto  
26 them; and

1 (2) the packages are capable of being cleaned of debris from broken bulbs before  
2 the packages are opened.

3 C. An infrared or other heat lamp shall be protected against breakage by a shield  
4 surrounding and extending beyond the bulb so that only the face of the bulb is exposed.

5 **4626.1380 6-202.12 HEATING, VENTILATING, AND AIR CONDITIONING**  
6 **SYSTEM VENTS.**

7 Heating, ventilating, and air conditioning systems shall be designed and installed so  
8 that make-up air intake and exhaust vents do not cause contamination of food, food  
9 preparation surfaces, equipment, or utensils. Systems shall be installed according to  
10 chapter 1346.

11 **4626.1385 6-202.13 INSECT CONTROL DEVICES; DESIGN AND INSTALLATION.**

12 A. Devices that are used to electrocute flying insects shall be designed to have  
13 escape-resistant trays.

14 B. Devices that are used to electrocute flying insects and that may impel insects or  
15 insect fragments or to trap insects by adherence shall be installed so that:

16 (1) the devices are not located over a food preparation area; and

17 (2) dead insects and insect fragments are prevented from being impelled onto or  
18 falling on exposed food; clean equipment, utensils, and linens; and unwrapped single-  
19 service and single-use articles.

20 **4626.1390 6-202.14 TOILET ROOMS; ENCLOSED.**

21 A toilet room located on the premises shall be completely enclosed and provided  
22 with a tight-fitting and self-closing door except that this part does not apply to a toilet  
23 room that is located outside a food establishment and does not open directly into the  
24 food establishment, including a toilet room that is provided by the management of a  
25 shopping mall.

1 **4626.1395 6-202.15 OUTER OPENINGS; PROTECTED.**

2 A. Except in temporary food establishments, openings to a portion of a building  
3 that is not part of the food establishment or to the outdoors shall be protected against  
4 the entry of insects and rodents by:

5 (1) filling or closing holes and other gaps along floors, walls, and ceilings;

6 (2) closed, tight-fitting windows; and

7 (3) solid self-closing, tight-fitting doors.

8 B. Except as specified in item C, if windows or doors are kept open for ventilation  
9 or other purposes, or the food operation is conducted in a temporary food establishment  
10 that is not provided with windows and solid doors, the openings shall be protected  
11 against the entry of insects and rodents by:

12 (1) 16 mesh to 25.4 millimeters (one inch) screens;

13 (2) properly designed and installed air curtains; or

14 (3) other effective means.

15 C. Item B does not apply if flying insects and other pests are absent due to the  
16 location of the establishment, the weather, or other limiting condition.

17 **4626.1400 6-202.16 EXTERIOR WALLS AND ROOFS; PROTECTIVE BARRIER.**

18 Perimeter walls and roofs of a food establishment shall effectively protect the  
19 establishment from the weather and the entry of insects, rodents, and other animals.

20 **4626.1405 6-202.17 OUTDOOR FOOD VENDING AREAS; OVERHEAD**  
21 **PROTECTION.**

22 If located outside, a machine used to vend food shall be provided with overhead  
23 protection except that machines vending canned beverages need not comply with this  
24 part.

25 **4626.1410 6-202.18 OUTDOOR SERVICING AREAS; OVERHEAD PROTECTION.**

1 Servicing areas shall be provided with overhead protection except that areas used  
2 only for loading water or discharging sewage and other liquid waste, through the use of  
3 a closed system of hoses, need not be provided with overhead protection.

4 **4626.1415 6-202.19 OUTDOOR WALKING AND DRIVING SURFACES; GRADED**  
5 **TO DRAIN.**

6 The exterior walking and driving surfaces of the food establishment shall be graded  
7 to drain.

8 **4626.1420 6-202.110 OUTDOOR REFUSE AREAS; CURBED AND GRADED TO**  
9 **DRAIN.**

10 Outdoor refuse areas shall be constructed according to law and shall be curbed and  
11 graded to drain to collect and dispose of liquid waste that results from refuse and from  
12 cleaning the area and waste receptacles.

13 **4626.1425 6-202.111 PRIVATE HOMES AND LIVING OR SLEEPING QUARTERS;**  
14 **USE PROHIBITION.**

15 A private home, a room used as living or sleeping quarters, or an area directly  
16 opening into a room used as living or sleeping quarters shall not be used for conducting  
17 food establishment operations.

18 **4626.1430 6-202.112 LIVING OR SLEEPING QUARTERS; SEPARATION.**

19 Living or sleeping quarters located on the premises of a food establishment, including  
20 those provided for lodging registration clerks or resident managers, shall be separated  
21 from rooms and areas used for food establishment operations by complete partitioning  
22 and solid self-closing doors.

23 **PHYSICAL FACILITY NUMBERS AND CAPACITIES**

24 **4626.1435 6-301.10 MINIMUM NUMBER.**

25 Handwashing lavatories shall be provided as specified in part 4626.1070.

26 **4626.1440 6-301.11 HANDWASHING CLEANSER AND NAILBRUSH;**  
27 **AVAILABILITY.**

4626.1440

1 Each handwashing lavatory or group of two adjacent lavatories shall have available:

2 A. a supply of hand cleaning liquid, powder, or bar soap; and

3 B. a nailbrush at the handwashing ~~sink~~ lavatory used by ~~food~~ employees.

4 **4626.1445 6-301.12 HAND DRYING PROVISION.**

5 Each handwashing lavatory or group of adjacent lavatories shall be provided with:

6 A. individual, disposable towels;

7 B. a continuous towel system that supplies the user with a clean towel; or

8 C. a heated-air hand drying device except that a heated-air hand drying device  
9 shall not be the only device provided at a sink used by food employees in a food  
10 preparation or warewashing area.

11 **4626.1450 6-301.13 DISPOSABLE TOWELS; WASTE RECEPTACLE.**

12 A waste receptacle shall be provided as specified in part 4626.1255, item B, for each  
13 handwashing lavatory or group of adjacent lavatories that is provided with individual,  
14 disposable towels specified in part 4626.1445, item A.

15 **4626.1455 6-301.14 HANDWASHING AIDS AND DEVICES; USE RESTRICTIONS.**

16 A sink used for food preparation or utensil washing, or a service sink or curbed  
17 cleaning facility used for the disposal of mop water or similar wastes, shall not be  
18 provided with the handwashing aids and devices required for a handwashing lavatory  
19 specified in parts 4626.1440 to 4626.1450.

20 **4626.1460 6-302.10 TOILETS AND URINALS; MINIMUM NUMBER.**

21 Toilets and urinals shall be provided as specified in part 4626.1075.

22 **4626.1465 6-302.11 TOILET TISSUE; AVAILABILITY.**

23 A supply of toilet tissue shall be available at each toilet.

24 **4626.1470 6-303.11 LIGHTING INTENSITY.**

25 The light intensity shall be:

**4626.1470**

1 A. at least 110 lux (ten foot candles) at a distance of 75 cm (30 inches) above the  
2 floor, in walk-in refrigeration units and dry food storage areas, and in other areas and  
3 rooms during periods of cleaning;

4 B. at least 220 lux (20 foot candles):

5 (1) at a surface where food is provided for consumer self-service, including  
6 buffets and salad bars, or where fresh produce or packaged foods are sold or offered for  
7 consumption;

8 (2) inside equipment including reach-in and under-counter refrigerators;

9 (3) at a distance of 75 cm (30 inches) above the floor in areas used for equipment  
10 and utensil storage and in toilet rooms; and

11 (4) for areas behind a bar exempt under item C; and

12 C. at least 540 lux (50 foot candles) at a surface where a food employee is working  
13 with food or working with utensils or equipment, including knives, slicers, grinders, or  
14 saws, where employee safety is a factor and in areas used for warewashing other than  
15 the area behind a bar.

16 **4626.1475 6-304.11 MECHANICAL.**

17 A. All rooms shall have sufficient tempered make-up air and exhaust ventilation to  
18 keep them free of excessive heat, steam, condensation, vapors, obnoxious or  
19 disagreeable odors, smoke, and fumes.

20 B. All ventilation systems, furnaces, gas- or oil-fired room heaters, and water  
21 heaters shall be designed, installed, and operated according to chapters 1305, 1346, and  
22 7510.

23 C. All ventilation systems shall be operated as designed while the ventilated  
24 equipment is in use.

25 D. Ventilation systems equipped with filters shall not be operated with the filters  
26 removed.

1 **4626.1480 6-305.11 DRESSING ROOMS AND LOCKERS; DESIGNATION.**

2 A. Dressing rooms or dressing areas shall be designated if employees routinely  
3 change clothes in the establishment.

4 B. Lockers or other suitable facilities shall be provided for the orderly storage of  
5 employees' clothing and other possessions.

6 **4626.1485 6-306.10 SERVICE SINK; AVAILABILITY.**

7 A service sink or curbed cleaning facility shall be provided as specified in part  
8 4626.1080.

9 **PHYSICAL FACILITY PLACEMENT**

10 **4626.1490 6-401.10 HANDWASHING LAVATORIES; CONVENIENTLY LOCATED.**

11 Handwashing lavatories shall be conveniently located as specified in part 4626.1095.

12 **4626.1495 6-402.11 TOILET ROOMS; CONVENIENCE AND ACCESSIBILITY.**

13 Toilet rooms shall be conveniently located and accessible to employees during all  
14 hours of operation.

15 **4626.1500 6-403.11 DESIGNATED AREAS.**

16 A. Areas designated for employees to eat, drink, and use tobacco shall be located  
17 so that food, equipment, linens, and single-service and single-use articles are protected  
18 from contamination.

19 B. Lockers or other suitable facilities shall be located in a designated room or area  
20 where contamination of food, equipment, utensils, linens, and single-service and  
21 single-use articles cannot occur.

22 **4626.1505 6-404.11 SEGREGATION AND LOCATION.**

23 Products that are held by the licensee for credit, redemption, or return to the  
24 distributor, including damaged, spoiled, or recalled products, shall be segregated and  
25 held in designated areas that are separated from food, equipment, utensils, linens, and  
26 single-service and single-use articles.

**4626.1505**

1 **4626.1510 6-405.10 EQUIPMENT, RECEPTACLES, AND DESIGNATED STORAGE**  
2 **AREA.**

3 Equipment, receptacles, and areas designated for storage of refuse and recyclable and  
4 returnable containers shall be located as specified in part 4626.1270.

5 **PHYSICAL FACILITY MAINTENANCE AND OPERATION**

6 **4626.1515 6-501.11 REPAIRING.**

7 The physical facilities shall be maintained in good repair.

8 **4626.1520 6-501.12 CLEANING; FREQUENCY AND RESTRICTIONS.**

9 A. The physical facilities shall be cleaned as often as necessary to keep them clean.

10 B. Cleaning shall be done after closing or during other periods when the least  
11 amount of food is exposed. This item does not apply to cleaning that is necessary due to  
12 a spill or other accident.

13 **4626.1525 6-501.13 CLEANING FLOORS; DUSTLESS METHODS.**

14 A. Except as specified in item B, only wet cleaning, vacuum cleaning, mopping  
15 with treated dust mops, sweeping using a broom and dust-arresting compounds, or  
16 other dustless methods of cleaning shall be used to clean floors.

17 B. Spills or drippage on floors that occur between normal floor cleaning times may  
18 be cleaned:

19 (1) without the use of dust-arresting compounds; and

20 (2) in the case of liquid spills or drippage, with the use of a small amount of  
21 sawdust, diatomaceous earth, or other absorbent compound applied immediately before  
22 spot cleaning.

23 **4626.1530 6-501.14 CLEANING VENTILATION SYSTEMS; NUISANCE AND**  
24 **DISCHARGE PROHIBITION.**

25 A. Intake and exhaust air ducts shall be cleaned and filters changed so they are not  
26 a source of contamination by dust, dirt, and other materials.

1 B. If vented to the outside, ventilation systems shall not create a public health  
2 hazard or nuisance or unlawful discharge.

3 **4626.1535 6-501.15 CLEANING MAINTENANCE TOOLS; PREVENTING**  
4 **CONTAMINATION.**

5 Food preparation sinks, handwashing lavatories, and warewashing equipment shall  
6 not be used to clean maintenance tools, to prepare or hold maintenance materials, or to  
7 dispose of mop water and similar liquid wastes.

8 **4626.1540 6-501.16 DRYING MOPS.**

9 After use, mops shall be placed in a position that allows them to air-dry without  
10 soiling walls, equipment, or supplies.

11 **4626.1545 6-501.17 ABSORBENT MATERIALS ON FLOORS; USE LIMITATION.**

12 Except as specified in part 4626.1525, item B, sawdust, wood shavings, granular salt,  
13 baked clay, diatomaceous earth, or similar absorbent materials shall not be used on  
14 floors.

15 **4626.1550 6-501.18 MAINTAINING AND USING HANDWASHING LAVATORIES.**

16 Handwashing lavatories shall be kept clean and maintained and used as specified in  
17 part 4626.1110.

18 **4626.1555 6-501.19 CLOSING TOILET ROOM DOORS.**

19 Toilet room doors specified in part 4626.1390 shall be kept closed except during  
20 cleaning and maintenance operations.

21 **4626.1560 6-501.110 USING DRESSING ROOMS AND LOCKERS.**

22 A. Dressing rooms shall be used by employees if the employees regularly change  
23 clothes in the establishment.

24 B. Lockers or other suitable facilities shall be used for the orderly storage of  
25 employee clothing and other possessions.

1 **4626.1565 6-501.111 CONTROLLING PESTS.\***

2 The presence of insects, rodents, and other pests shall be controlled to minimize their  
3 presence on the premises by:

4 A. routinely inspecting incoming shipments of food and supplies;<sup>N</sup>

5 B. routinely inspecting the premises for evidence of pests;<sup>N</sup>

6 C. if pests are found, using trapping devices or other means of pest control  
7 specified in parts 4626.1610, 4626.1650, and 4626.1655; and

8 D. eliminating harborage conditions.<sup>N</sup>

9 **4626.1570 6-501.112 REMOVING DEAD OR TRAPPED PESTS.**

10 Dead or trapped birds, insects, rodents, and other pests shall be removed from  
11 control devices and the premises at a frequency that prevents accumulation,  
12 decomposition, or attraction of pests.

13 **4626.1575 6-501.113 STORING MAINTENANCE EQUIPMENT.**

14 Brooms, mops, vacuum cleaners, and similar maintenance tools shall be:

15 A. stored so they do not contaminate food, equipment, utensils, linens, and  
16 single-service and single-use articles; and

17 B. stored in an orderly manner that facilitates cleaning the area used for storing  
18 maintenance tools.

19 **4626.1580 6-501.114 MAINTAINING PREMISES; UNNECESSARY ITEMS AND**  
20 **LITTER.**

21 The food establishment premises shall be free of:

22 A. items that are unnecessary to the operation or maintenance of the establishment,  
23 including equipment that is nonfunctional or no longer used; and

24 B. litter.

25 **4626.1585 6-501.115 PROHIBITING ANIMALS.\***

4626.1585

1 A. Except as specified in items B and C, live animals shall not be allowed on the  
2 premises of a food establishment.

3 B. Live animals may be allowed in the following situations if the contamination of  
4 food; clean equipment, utensils, and linens; and unwrapped single-service and  
5 single-use articles cannot result:

6 (1) edible fish or decorative fish in aquariums, shellfish or crustacea on ice or  
7 under refrigeration, and shellfish or crustacea in display tank systems;

8 (2) patrol dogs accompanying police or security officers in offices and dining,  
9 sales, and storage areas, and sentry dogs running loose in outside fenced areas;

10 (3) in areas that are not used for food preparation, including dining and sales  
11 areas, support animals that are trained to assist an employee or other person who is  
12 handicapped, are controlled by the handicapped employee or person, and are not  
13 allowed on seats or tables; and

14 (4) pets in the common dining areas of group residences at times other than  
15 during meals if:

16 (a) effective partitioning and self-closing doors separate the common dining  
17 areas from food storage or food preparation areas;

18 (b) condiments, equipment, and utensils are stored in enclosed cabinets or  
19 removed from the common dining areas when pets are present; and

20 (c) dining areas including tables, countertops, and similar surfaces are  
21 effectively cleaned before the next meal service.

22 C. Live or dead bait may be allowed if separately stored so that contamination of  
23 food; food preparation areas; clean equipment, utensils, and linens; and unwrapped  
24 single-use articles cannot result.

25 **TOXIC LABELING**

1     **4626.1590 7-101.11 IDENTIFYING INFORMATION; PROMINENCE.\***

2           Containers of poisonous or toxic materials and personal care items shall bear a legible  
3     manufacturer's label.

4     **4626.1595 7-102.11 COMMON NAME.\***

5           Working containers used for storing cleaners, sanitizers, and other poisonous or toxic  
6     materials taken from bulk supplies shall be clearly and individually identified with the  
7     common name of the material.

8                           **TOXIC SUPPLIES AND APPLICATIONS**

9     **4626.1600 7-201.11 SEPARATION.\***

10           Poisonous or toxic materials shall be stored so they cannot contaminate food,  
11     equipment, utensils, linens, and single-service and single-use articles by:

12           A. separating the poisonous or toxic materials by spacing or partitioning; and

13           B. locating the poisonous or toxic materials in an area that is not above food,  
14     equipment, utensils, linens, and single-service or single-use articles. This item does not  
15     apply to equipment and utensil cleaners and sanitizers that are stored in warewashing  
16     areas for availability and convenience if the materials are stored to prevent  
17     contamination of food, equipment, utensils, linens, and single-service and single-use  
18     articles.

19     **4626.1605 7-202.11 RESTRICTION.\***

20           A. Only those poisonous or toxic materials that are required for the operation and  
21     maintenance of a food establishment, including those for cleaning and sanitizing  
22     equipment and utensils and controlling insects and rodents, shall be allowed in a food  
23     establishment.<sup>N</sup>

24           B. Item A does not apply to packaged poisonous or toxic materials that are for  
25     retail sale.

1 **4626.1610 7-202.12 CONDITIONS OF USE.\***

2 Poisonous or toxic materials shall be:

3 A. used according to:

4 (1) Minnesota Statutes, chapter 18B, and section 31.101, subdivision 3;

5 (2) the manufacturer's use directions included in labeling and, for a pesticide,  
6 the manufacturer's label instructions that state that use is allowed in a food  
7 establishment;

8 (3) the conditions of certification for use of pest control materials as required in  
9 chapter 1505 and Minnesota Statutes, chapter 18B;

10 B. applied so that:

11 (1) a hazard to employees or other persons is not constituted as prescribed on  
12 the label; and

13 (2) contamination, including toxic residues due to drip, drain, fog, splash, or  
14 spray on food, equipment, utensils, linens, and single-service and single-use articles, is  
15 prevented. For a restricted use pesticide, this is achieved by:

16 (a) removing the items;

17 (b) covering the items with impermeable covers; or

18 (c) cleaning and sanitizing equipment and utensils after the application; and

19 C. for restricted-use pesticide, applied only by a certified applicator as defined in  
20 the Federal Insecticide, Fungicide, and Rodenticide Act, United States Code, title 7,  
21 section 136, paragraph (e), and Minnesota Statutes, chapter 18B.

22 **4626.1615 7-203.11 POISONOUS OR TOXIC MATERIAL CONTAINERS.\***

23 A container previously used to store poisonous or toxic materials shall not be used to  
24 store, transport, or dispense food.

25 **4626.1620 7-204.11 SANITIZERS; CRITERIA.\***

**4626.1620**

1 Chemical sanitizers and other chemical antimicrobials applied to food-contact  
2 surfaces shall meet the requirements specified in Code of Federal Regulations, title 21,  
3 section 178.1010.

4 **4626.1625 7-204.12 CHEMICALS FOR WASHING FRUITS AND VEGETABLES;**  
5 **CRITERIA.\***

6 Chemicals used to wash or peel raw, whole fruits and vegetables shall meet the  
7 requirements specified in Code of Federal Regulations, title 21, section 173.315.

8 **4626.1630 7-204.13 BOILER WATER ADDITIVES; CRITERIA.\***

9 Chemicals used as boiler water additives shall meet the requirements specified in  
10 Code of Federal Regulations, title 21, section 173.310.

11 **4626.1635 7-204.14 DRYING AGENTS; CRITERIA.\***

12 Drying agents used in conjunction with sanitization shall not conflict with Minnesota  
13 Statutes, section 31.101, subdivision 8.

14 **4626.1640 7-205.11 INCIDENTAL FOOD CONTACT; CRITERIA.\***

15 Lubricants shall meet the requirements specified in Code of Federal Regulations, title  
16 21, section 178.3570, if they are used on food-contact surfaces, on bearings and gears  
17 located on or within food-contact surfaces, or on bearings and gears that are located so  
18 that lubricants may leak, drip, or be forced into food or onto food-contact surfaces.

19 **4626.1645 7-206.11 RESTRICTED USE PESTICIDES; CRITERIA.\***

20 Restricted use pesticides specified in part 4626.1610, item C, shall meet the  
21 requirements specified in Code of Federal Regulations, title 40, section 152.1.

22 **4626.1650 7-206.12 RODENT BAIT STATIONS.\***

23 Rodent bait shall be contained in a covered, tamper-resistant bait station.

24 **4626.1655 7-206.13 TRACKING POWDERS; PEST CONTROL AND MONITORING.\***

25 A. A tracking powder pesticide shall not be used in a food establishment.

1 B. If used, talcum, flour, or another nontoxic tracking powder shall not  
2 contaminate food, equipment, utensils, linens, and single-service and single-use  
3 articles.<sup>N</sup>

4 **4626.1660 7-207.11 RESTRICTION AND STORAGE.\***

5 A. Only those medicines that are necessary for the health of employees shall be  
6 allowed in a food establishment. This part does not apply to medicines that are stored or  
7 displayed for retail sale.

8 B. Medicine that is in a food establishment for an employee's use requires  
9 refrigeration or storage and belongs to employees, individuals in a day care setting, or  
10 residents of a board and lodging facility shall be labeled as specified in part 4626.1590  
11 and located to prevent the contamination of food, equipment, utensils, linens, and  
12 single-service and single-use articles.

13 **4626.1665 7-207.12 REFRIGERATED MEDICINES; STORAGE.\***

14 Medicines belonging to employees or children in a day care center that require  
15 refrigeration and are stored in a food refrigerator shall be:

16 A. stored in a package or container and kept inside a covered, leakproof container  
17 that is identified as a container for the storage of medicines; and

18 B. located so they are inaccessible to children.

19 **4626.1670 7-208.11 STORAGE.\***

20 First aid supplies that are in a food establishment for employee use shall be:

21 A. labeled as specified in part 4626.1590; and

22 B. stored in a kit or container that is located to prevent the contamination of food,  
23 equipment, utensils, linens, and single-service and single-use articles.

24 **4626.1675 7-209.11 PERSONAL CARE ITEMS; STORAGE.**

25 Except as specified in parts 4626.1665 and 4626.1670, employees shall store personal  
26 care items as specified in part 4626.1560, item B.

**TOXIC RETAIL SALE****4626.1680 7-301.11 POISONOUS OR TOXIC MATERIALS; SEPARATION.\***

Poisonous or toxic materials shall be stored and displayed for retail sale so they cannot contaminate food, equipment, utensils, linens, and single-service and single-use articles by:

A. separating the poisonous or toxic materials by spacing or partitioning; and

B. locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, and single-service or single-use articles.

**CODE APPLICABILITY****4626.1685 8-101.10 PUBLIC HEALTH PROTECTION.**

A. The regulatory authority shall apply the Code to promote its underlying purposes of safeguarding public health and ensuring that food is not adulterated, misbranded, or falsely advertised when offered to the consumer.

B. In enforcing the Code, the regulatory authority shall assess existing facilities or equipment that were in use before the effective date of the Code based on the following considerations:

(1) whether the facilities or equipment are in good repair and capable of being maintained in a sanitary condition;

(2) whether food-contact surfaces comply with parts 4626.0450 to 4626.0495; and

(3) whether the capacities of cooling, heating, and holding equipment are sufficient to comply with part 4626.0675.

**4626.1690 8-103.10 VARIANCE REQUEST; PROCEDURES.\***

Pursuant to Minnesota Statutes, section 14.05, subdivision 4, a party may ask the regulatory authority to grant a variance from the provisions of the Code according to parts 4626.1690 to 4626.1715.

1 A. A variance shall not be requested nor shall one be granted from:

2 (1) part 4626.0020, subpart 35;

3 (2) parts 4626.0040 to 4626.0060;

4 (3) parts 4626.0065 to 4626.0100;

5 (4) parts 4626.0105 to 4626.0120;

6 (5) part 4626.1565;

7 (6) parts 4626.1590 and 4626.1595; and

8 (7) parts 4626.1600 to 4626.1675.

9 B. The applicant for a variance shall be the party to whom the rule applies.

10 C. The party requesting the variance shall submit the request in writing to the  
11 regulatory authority with the appropriate fee, if required. A request shall contain:

12 (1) the specified language in the rule or rules from which the variance is  
13 requested;

14 (2) the reasons why the rule cannot be met;

15 (3) the alternative measures that will be taken to ensure a comparable degree of  
16 protection to health or the environment if a variance is granted;

17 (4) the length of time for which the variance is requested;

18 (5) a statement that the party applying for the variance will comply with the  
19 terms of the variance, if granted; and

20 (6) other relevant information the regulatory authority determines necessary to  
21 properly evaluate the request for the variance.

22 **4626.1695 CRITERIA FOR DECISION.\***

23 The regulatory authority may grant a variance if:

24 A. the variance was requested in the manner prescribed in part 4626.1690;

1 B. the variance will have no potential adverse effect on public health, safety, or the  
2 environment;

3 C. the alternative measures to be taken, if any, are equivalent to or superior to  
4 those prescribed;

5 D. strict compliance with the rule will impose an undue burden on the applicant;

6 E. the variance does not vary a statutory standard or preempt federal law or rule;  
7 and

8 F. the variance has only future effect.

9 **4626.1700 8-103.12 CONDITIONS; HACCP; NOTIFICATION OF DECISION.\***

10 A. In granting a variance, the regulatory authority may attach conditions that the  
11 regulatory authority determines are needed to protect the public health, safety, or the  
12 environment.

13 B. If a HACCP plan is required to verify that the variance provides protection to  
14 the public health, safety, and environment that is equivalent to or superior to those  
15 prescribed in rule or law, the licensee shall:

16 (1) comply with the HACCP plan and procedures submitted and approved as  
17 the basis for the variance; and

18 (2) maintain and provide to the regulatory authority, on request, the records  
19 specified in part 4626.1735, item A, subitems (3) and (4), that demonstrate that the  
20 following are routinely employed:

21 (a) procedures for monitoring critical control points;

22 (b) monitoring of the critical control points;

23 (c) verification of the effectiveness of an operation or process; and

24 (d) necessary corrective actions if there is failure at a critical control point.

25 C. The regulatory authority shall notify the party in writing of the regulatory  
26 authority's decision to grant or deny the variance.

1 (1) If a variance is granted, the notification shall specify the period of time for  
2 which the variance shall be effective and the alternative measures or conditions, if any,  
3 the applicant shall meet.

4 (2) If a variance is denied, the regulatory authority shall specify the reasons for  
5 the denial.

6 **4626.1705 8-103.13 EFFECT OF ALTERNATIVE MEASURES OR CONDITIONS.**

7 A. Alternative measures or conditions attached to a variance have the force and  
8 effect of law.

9 B. If a party violates alternative measures or conditions attached to a variance, the  
10 party is subject to the enforcement actions and penalties provided in law or rule.

11 C. A party to whom a variance has been issued shall notify the regulatory  
12 authority in writing within 30 days of a material change in the conditions upon which  
13 the variance was granted.

14 **4626.1710 RENEWAL OF VARIANCE.\***

15 A. A request for the renewal of a variance shall be submitted to the regulatory  
16 authority in writing 30 days before its expiration date.

17 B. Renewal requests shall contain the information specified in part 4626.1690.

18 C. The regulatory authority shall renew a variance if the party continues to satisfy  
19 the criteria specified in part 4626.1695 and demonstrates compliance with the alternative  
20 measures or conditions imposed at the time the original variance was approved.

21 D. This part does not apply if there has been a material change in the conditions  
22 upon which the variance was granted.

23 **4626.1715 DENIAL, REVOCATION, OR REFUSAL TO RENEW; APPEALS.**

24 A. The regulatory authority shall deny, revoke, or refuse to renew a variance if the  
25 regulatory authority determines that the criteria in part 4626.1695 or the conditions in  
26 part 4626.1700 are not met.

**4626.1715**

1 B. A party may appeal the denial, revocation, or refusal to renew a variance by  
2 requesting, in writing, a contested case hearing under the Administrative Procedures  
3 Act, Minnesota Statutes, chapter 14, within 30 days of receipt of the notice of denial,  
4 revocation, or refusal to renew the variance.

#### 5 PLAN SUBMISSION AND APPROVAL

##### 6 4626.1720 8-201.11 REVIEW OF PLANS.

7 A. A license applicant or licensee shall submit properly prepared plans and  
8 specifications and the required plan review fee, to the regulatory authority for plan  
9 review and approval before beginning:

10 (1) the construction of a food establishment;

11 (2) the conversion of an existing structure for use as a food establishment; or

12 (3) the extensive remodeling of a food establishment or a change of type of food  
13 establishment or food operation if the regulatory authority determines that plans and  
14 specifications are necessary to ensure compliance with the Code.

15 B. Plans, specifications, ~~a license~~ an application form, and the fee specified in part  
16 1547.0110, subpart 2, and Minnesota Statutes, chapter 31 or 157, shall be submitted to  
17 the regulatory authority at least 30 days before beginning construction, extensive  
18 remodeling, or conversion of a food establishment.

19 C. Special event food stands and retail food vehicles, portable structures, or carts  
20 are exempt from the requirement to submit plans and specifications.

21 D. The regulatory authority shall approve the completed plans and specifications if  
22 they meet the requirements of the Code, and the regulatory authority shall report its  
23 findings to the license applicant or licensee within 30 days of the date the completed  
24 plans are received.

25 E. Plans and specifications that are not approved as submitted shall be changed to  
26 comply or be deleted from the project.

1       **4626.1725 8-201.12 CONTENTS OF PLANS AND SPECIFICATIONS.**

2           A. The plans and specifications for a food establishment shall include:

3               (1) the intended menu;

4               (2) the anticipated volume of food to be stored, prepared, and sold or served;

5               (3) the proposed layout, mechanical schematics, construction materials, and  
6 finish schedules;

7               (4) the proposed equipment types, manufacturers, model numbers, locations,  
8 dimensions, performance capacities, and installation specifications;

9               (5) a complete set of elevations and drawings for all custom fabricated  
10 equipment;

11              (6) a functional flow plan indicating how food will be handled; and

12              (7) other information that may be required by the regulatory authority for the  
13 proper review of the proposed construction, conversion, or modification.

14           B. Used equipment shall be equivalent to the standards specified in parts 4626.0450  
15 to 4626.0975 and approved by the regulatory authority before use.

16       **4626.1730 8-201.13 WHEN A HACCP PLAN IS REQUIRED.**

17           Subpart 1. **Types of activities that require a HACCP plan.** The following activities  
18 require a license applicant or licensee to prepare a HACCP plan:

19               A. cooking raw animal foods under part 4626.0340, item C, subitem (2);

20               B. specialized processing under part 4626.0415;

21               C. operating and maintaining molluscan shellfish tanks under part 4626.0610, item  
22 B;

23               D. removing tags or labels from shellstock under part 4626.0220, item B, subitem  
24 (2); and

1 E. reduced oxygen packaging under part 4626.0420.

2 **Subp. 2. Timing of HACCP plan requirements.**

3 A. As of ~~July 1, 1999~~ January 26, 2000, food establishments engaged in activities  
4 requiring a HACCP plan under subpart 1 must have a HACCP plan available on-site for  
5 review and verification by the regulatory authority.

6 B. For new food establishments or those extensively remodeled after July 1, 1999, a  
7 HACCP plan shall be submitted to the regulatory authority before the start of operation  
8 for approval in conjunction with the plan review required in part 4626.1720.

9 **Subp. 3. Compliance with HACCP plan.** A licensee shall:

10 A. comply with a properly prepared and approved, if applicable under subpart 2,  
11 item B, HACCP plan; and

12 B. maintain and provide to the regulatory authority, on request, the records  
13 specified in part 4626.1735, item A, subitems (3) and (4), that demonstrate that the  
14 following are routinely employed:

15 (1) procedures for monitoring critical control points;

16 (2) monitoring of the critical control points;

17 (3) verification of the effectiveness of an operation or process; and

18 (4) necessary corrective actions if there is failure at a critical control point.

19 **4626.1735 8-201.14 CONTENTS OF HACCP PLAN.**

20 A. For a food establishment that is required in part 4626.1730, subpart 1, items A to  
21 D, to have a HACCP plan, the plan and specifications shall include:

22 (1) a categorization of the types of potentially hazardous foods that are specified  
23 in the menu, including soups and sauces, salads, meat roasts or other bulk, solid foods,  
24 or other foods that are specified by the regulatory authority;

25 (2) a flow diagram by specific food or category type identifying critical control  
26 points and providing information on the following:

1 (a) ingredients, materials, and equipment used in the preparation of a food;  
2 and

3 (b) formulations or recipes that delineate methods and procedural control  
4 measures that address the food safety concerns involved;

5 (3) a statement of standard operating procedures for the plan under  
6 consideration including clearly identifying:

7 (a) each critical control point;

8 (b) the critical limits for each critical control point;

9 (c) the method and frequency for monitoring and controlling each critical  
10 control point by the food employee designated by the person in charge;

11 (d) the method and frequency for the person in charge to routinely verify that  
12 the food employee is following standard operating procedures and monitoring critical  
13 control points;

14 (e) action to be taken by the person in charge if the critical limits for each  
15 critical control point are not met; and

16 (f) records to be maintained by the person in charge to demonstrate that the  
17 HACCP plan is properly operated and managed; and

18 (4) additional scientific data or other information, as required by the regulatory  
19 authority, supporting the determination that food safety is not compromised by the  
20 proposal.

21 B. For a food establishment that is required in part 4626.1730, subpart 1, item E, to  
22 have a HACCP plan, the plan must be prepared as specified under part 4626.0420.

23 **4626.1740 8-202.10 TRADE SECRETS.**

24 The regulatory authority shall treat as confidential, in accordance with Minnesota  
25 Statutes, section 31.02, clause (l), information that meets the criteria in Minnesota

1 Statutes, chapter 325C, for a trade secret and is contained in the plans and specifications  
2 submitted as specified in parts 4626.1725 and 4626.1735.

3 **4626.1745 8-203.10 PREOPERATIONAL INSPECTIONS.**

4 The regulatory authority shall conduct one or more preoperational inspections to  
5 verify that the food establishment is constructed and equipped according to the  
6 approved plans and approved modifications of the plans and is in compliance with the  
7 Code and other applicable law.

8 **4626.1750 NOTICE OF OPENING.**

9 The food establishment shall provide notice of opening to the regulatory authority at  
10 least 14 calendar days before the opening date.

11 **LICENSE TO OPERATE**

12 **4626.1755 8-301.11 PREREQUISITE FOR OPERATION.**

13 A person shall not operate a food establishment without a valid license to operate  
14 issued by the regulatory authority.

15 **4626.1760 8-302.11 APPLICATION.**

16 An applicant shall submit an application for a license for a food establishment  
17 according to Minnesota Statutes, chapter 28A or 157.

18 **4626.1765 8-302.12 FORM OF SUBMISSION.**

19 A person desiring to operate a food establishment shall submit to the regulatory  
20 authority a written application for a license on a form provided by the regulatory  
21 authority.

22 **4626.1770 8-302.13 QUALIFICATIONS AND RESPONSIBILITIES OF APPLICANTS.**

23 To qualify for a license, an applicant shall:

24 A. be an owner of the establishment or an officer of the legal ownership;

25 B. comply with the requirements of the Code; and

1 C. pay the applicable license fees at the time the application is submitted.

2 **4626.1775 8-302.14 CONTENTS OF APPLICATION.**

3 The application shall be on a form prescribed by the regulatory authority that seeks  
4 only information the regulatory authority reasonably considers necessary to identify the  
5 applicant and determine if the applicant meets the statutory and regulatory  
6 requirements for a license.

7 **4626.1780 8-304.20 LICENSE NOT TRANSFERABLE.**

8 A. A license for a food establishment is not transferable.

9 B. The discontinuance of an operation by the licensee at the address covered by the  
10 license voids the license.

11 C. A void license shall be surrendered to the regulatory authority immediately by  
12 anyone in possession of it.

13 **INSPECTION AND CORRECTION OF VIOLATIONS**

14 **4626.1785 8-401.10 INSPECTION.**

15 The regulatory authority shall inspect a food establishment according to:

16 A. Minnesota Statutes, chapters 28A, 30, 31, and 31A, for food establishments  
17 regulated by the Department of Agriculture;

18 B. Minnesota Statutes, chapter 157, for establishments regulated by the  
19 Department of Health; and

20 C. rules adopted under Minnesota Statutes, chapters 28A, 30, 31, 31A, and 157.

21 **4626.1790 8-402.11 ALLOWED AT REASONABLE TIMES AFTER DUE NOTICE.**

22 After the regulatory authority presents official credentials and provides notice of the  
23 purpose of and an intent to conduct an inspection, the person in charge shall allow the  
24 regulatory authority to determine if the food establishment is in compliance with the  
25 Code by allowing access to the establishment, allowing inspection, and providing

1 information and records specified in the Code and to which the regulatory authority is  
2 entitled according to law, during the food establishment's hours of operation and other  
3 reasonable times.

4 **4626.1795 8-404.11 EMERGENCY REPORTING.**

5 A licensee shall notify the regulatory authority ~~within 24 hours~~ immediately if an  
6 imminent health hazard may exist because of a fire, flood, extended interruption of  
7 electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset  
8 of an apparent foodborne illness outbreak, or other emergency circumstance that may  
9 endanger public health.

10 **4626.1800 FOOD SAMPLES.**

11 The regulatory authority may collect, without cost, and examine samples of food as  
12 often as necessary for enforcement of the Code.

13 **4626.1805 EMBARGO.**

14 A. The regulatory authority may embargo and forbid the sale of, or cause to be  
15 removed or destroyed, any food that is:

16 (1) unwholesome or adulterated;

17 (2) prepared, processed, handled, packaged, transported, or stored in an  
18 unwholesome manner;

19 (3) unfit for human consumption; or

20 (4) otherwise prohibited by law.

21 B. Equipment and utensils that do not meet the requirements of the Code may be  
22 embargoed.

23 C. The regulatory authority may release equipment and utensils from an embargo  
24 when the licensee notifies the regulatory authority that the equipment or utensils have  
25 been modified to meet the requirements of the Code and after inspection of the  
26 equipment and utensils by the regulatory authority.

**4626.1805**

1     **4626.1810 CONDEMNATION.**

2     The regulatory authority may condemn and cause to be removed any food,  
3     equipment, clothing, or utensils found in a food establishment, the use of which does  
4     not comply with the Code or that is being used in violation of the Code, and may also  
5     condemn and cause to be removed any equipment, clothing, or utensils that because of  
6     dirt, filth, extraneous matter, insects, corrosion, open seams, or chipped or cracked  
7     surfaces are unfit for use.

8     **4626.1815 TAG.**

9     The regulatory authority may place a tag to indicate the embargo or the  
10    condemnation on food, equipment, utensils, or clothing. No person shall remove the tag  
11    except under the direction of the regulatory authority.

12                   **MISCELLANEOUS HEALTH AND SAFETY**

13    **4626.1820 MINNESOTA CLEAN INDOOR AIR ACT.**

14    A food establishment shall meet the requirements of the Minnesota Clean Indoor Air  
15    Act, Minnesota Statutes, sections 144.411 to 144.417, and rules adopted under those  
16    sections.

17    **4626.1825 EMERGENCY FIRST AID FOR CHOKING.**

18    A food establishment where food is consumed on the premises, except a temporary  
19    food establishment, food cart, retail food vehicle, portable structure, and special event  
20    food stand, shall post a chart illustrating the use of an emergency first aid procedure  
21    approved by the regulatory authority to relieve a ~~patron~~ customer with a restricted  
22    airway. The illustration shall be posted in the food preparation area where all  
23    employees may easily see it.

24                   **TEMPORARY AND PORTABLE FOOD ESTABLISHMENTS**

25    **4626.1830 APPLICABILITY.**

26    The Code applies to food carts, mass gatherings, retail food vehicles, portable

1 structures or carts, special event food stands, ~~special event food stands limited~~, and  
2 temporary food establishments as qualified in parts 4626.1835 to 4626.1870.

3 **4626.1835 GENERAL EXEMPTIONS.**

4 A food cart, retail food vehicle, portable structure or cart, special event food stand,  
5 ~~special event food stand limited~~, or temporary food establishment is exempt from  
6 compliance with:

7 A. part 4626.1075;

8 B. part 4626.1080;

9 C. part 4626.1435;

10 D. part 4626.1460;

11 E. part 4626.1480, item A;

12 F. part 4626.1485; and

13 G. part 4626.1560, item A.

14 **4626.1840 MASS GATHERING EXEMPTIONS.**

15 Food establishments at a mass gathering are exempt from compliance with:

16 A. part 4626.1080;

17 B. part 4626.1480, item A;

18 C. part 4626.1485; and

19 D. part 4626.1560, item A.

20 **4626.1845 ADDITIONAL REQUIREMENTS.**

21 A food cart, food establishment at a mass gathering, retail food vehicle, portable  
22 structure or cart, special event food stand, ~~special event food stand limited~~, or  
23 temporary food establishment shall comply with this part.

24 A. Electrical service shall comply with chapter 1315.

1 B. A fire extinguisher with a minimum 2A 10 B C rating shall be present if required  
2 by the fire marshal.

3 C. Gas hook-up and service shall comply with chapter 1346.

4 D. The work space shall permit unobstructed work activity.

5 E. Equipment shall be located to permit easy cleaning.

6 F. Facilities located indoors shall not be located on carpet.

7 **4626.1850 FOOD CARTS.**

8 The provisions of this part apply to food carts.

9 A. A food cart shall meet NSF International Standard No. 59 for Food Carts, which  
10 is incorporated by reference in part 4626.0505.

11 B. A food cart located outdoors shall be equipped with an easily cleanable,  
12 detachable awning or umbrella to prevent adulteration of food.

13 C. A food cart component that requires cleaning and maintenance shall be  
14 returned to an approved permanent food establishment each day of food cart operation  
15 for supply and cleaning.

16 D. Except for cleaning and supply, a food cart operation shall be accomplished  
17 entirely from a single self-contained unit.

18 E. A mechanical exhaust system complying with NSF International Standard No. 2,  
19 which is incorporated by reference in part 4626.0505, and part 4626.1475 shall be  
20 provided for a food cart used indoors when grease-laden cooking vapor, condensation,  
21 fumes, obnoxious or disagreeable odors, or smoke are generated in a cooking process.  
22 All food carts designed for cooking grease-laden foods shall be equipped with an  
23 approved fire protection system.

24 F. A food cart where food is prepared shall be equipped with a handwashing  
25 device supplied with hot and cold running water, soap, nail brush, and paper towels.

1 (1) Hot and cold water shall be supplied under pressure or by gravity with a  
2 mixing faucet.

3 (2) A water inlet shall be protected from contamination and designed to  
4 preclude attachment of a nonpotable service connection.

5 (3) A water tank shall comply with the provisions for an alternate water supply  
6 in parts 4626.1035 and 4626.1135 to 4626.1175.

7 G. Only single-service articles are permitted.

8 H. Where an approved three-compartment sink is not present, multiuse food  
9 preparation, service, and dispensing utensils shall be washed at a permanent food  
10 establishment each day of use.

11 I. A waste holding tank and waste removal shall comply with parts 4626.1180 to  
12 4626.1220.

13 **4626.1855 SPECIAL EVENT FOOD STANDS ~~AND SPECIAL EVENT FOOD~~**  
14 **~~STANDS-LIMITED.~~**

15 This part applies to special event food stands ~~and special event food stands limited.~~

16 A. In conjunction with the notice of opening required in part 4626.1750, the  
17 applicant for a license to operate a special event food stand shall provide to the  
18 ~~commissioner of health~~ regulatory authority information on the:

19 (1) sources of the food;

20 (2) type and volume of food to be served, held, prepared, packaged, or  
21 otherwise provided for human consumption;

22 (3) equipment used to serve, hold, prepare, package, or otherwise provide food  
23 for human consumption;

24 (4) time period and location of operation;

25 (5) facilities for washing hands;

1 (6) facilities for multiuse utensil and warewashing for other than prepackaged  
2 products;

3 (7) source of water; and

4 (8) methods of liquid and solid waste disposal.

5 B. Dry ice or cold packs may be substituted for the mechanical refrigeration  
6 required in parts 4626.0375 and 4626.0395 if the temperatures in parts 4626.0370 to  
7 4626.0420 are maintained. Mechanical refrigeration shall be available for potentially  
8 hazardous foods held for four hours or longer.

9 C. Drained ice may be used as a cooling medium only for water-impervious  
10 beverage containers.

11 D. Domestic slow cookers are prohibited.

12 E. Food preparation and cooking areas shall be protected by an impervious shield  
13 or by a separation distance to ensure customer safety and prevent food contamination  
14 by customers.

15 F. A handwashing device supplied with running water at a temperature between  
16 21 degrees C and 43.5 degrees C (70 degrees F and 110 degrees F), soap, nail brush, and  
17 paper towels shall be provided at all stands where food is prepared.

18 G. Water shall be supplied under pressure or by gravity with a faucet.

19 H. A water inlet shall be protected from contamination and designed to preclude  
20 attachment of a nonpotable service connection.

21 I. A water tank shall comply with the provisions for an alternate water supply  
22 specified in parts 4626.1035 and 4626.1135 to 4626.1175.

23 J. A stand shall provide protection during adverse weather by its construction or  
24 location. Food activities shall cease if protection fails.

25 K. Single-service disposable eating and drinking utensils shall be used.

1 L. For warewashing multiuse utensils ~~and warewashing~~, a washing facility shall be  
2 available consisting of at least three containers of sufficient size to immerse utensils.

3 M. Space shall be provided for air drying ~~wares~~ kitchenware, tableware, and  
4 utensils.

5 N. Towel drying is prohibited.

6 O. The sanitization procedures specified in parts 4626.0895 to 4626.0905 shall be  
7 used.

8 P. For stands that are disassembled after each use, a gravity-fed handwashing  
9 device and three containers of sufficient size to immerse utensils may be used in lieu of  
10 the requirements of items F and G, if:

11 (1) only beverages are served from an original container or bulk beverage  
12 dispenser;

13 (2) only prepackaged nonpotentially hazardous food is sold, prepared, or  
14 served; or

15 (3) the menu is limited to prepackaged potentially hazardous foods cooked or  
16 prepared to order, or precut or prewashed foods that have been obtained from a  
17 licensed food establishment.

18 Q. A waste holding tank and waste removal shall comply with parts 4626.1180 to  
19 4626.1220.

20 R. The regulatory authority may restrict the type of food served or the method of  
21 food preparation based on equipment limitations, the unavailability of a permanent  
22 establishment for utensil and warewashing, adverse climatic conditions, or any other  
23 condition that poses a hazard to public health.

24 **4626.1860 MOBILE FOOD ESTABLISHMENTS; SEASONAL TEMPORARY FOOD**  
25 **STANDS; SEASONAL PERMANENT FOOD STANDS.**

1 This part applies to mobile food establishments, seasonal temporary food stands, and  
2 seasonal permanent food stands.

3 A. The entire operation shall be accomplished from a single self-contained unit,  
4 except for supply.

5 B. A mechanical exhaust system complying with NSF International Standard No. 2,  
6 which is incorporated by reference in part 4626.0505, and part 4626.1475 shall be  
7 provided when grease-laden cooking vapor, condensation, fumes, obnoxious or  
8 disagreeable odors, or smoke are generated in a cooking process.

9 C. Water shall be supplied under pressure with a mixing faucet.

10 D. A water inlet shall be protected from contamination and designed to preclude  
11 attachment of a nonpotable service connection.

12 E. A water tank shall comply with the provisions for an alternate water supply in  
13 parts 4626.1035 and 4626.1135 to 4626.1175 and NSF International Standard No. 59,  
14 sections 7.3 and 7.4, which is incorporated by reference in part 4626.0505.

15 F. A handwashing device supplied with 21 degrees C to 43.5 degrees C (70 degrees  
16 F to 110 degrees F) running water, soap, nail brush, and paper towels shall be provided  
17 where food is prepared.

18 G. Single-service disposable eating and drinking utensils shall be used unless  
19 warewashing facilities specified in parts 4626.0735 to 4626.0890 are provided and the  
20 sanitization procedures specified in parts 4626.0895 to 4626.0905 are used.

21 H. Warewashing facilities for multiuse utensils shall be available and shall consist  
22 of at least a three-compartment sink, either freestanding or installed in a counter.

23 I. Space shall be provided for air drying utensils.

24 J. Towel drying is prohibited.

25 K. The sanitization procedures specified in parts 4626.0895 to 4626.0905 shall be  
26 used.

1 L. For seasonal temporary or permanent food stands that are disassembled after  
2 each use, a gravity-fed handwashing device and three containers of sufficient size to  
3 immerse utensils may be used in lieu of the requirements of items C, F, and H if:

4 (1) only beverages are served from an original container or bulk beverage  
5 dispenser;

6 (2) only prepackaged nonpotentially hazardous food is sold, prepared, or  
7 served; or

8 (3) the menu is limited to prepackaged potentially hazardous foods cooked or  
9 prepared to order, or precut or prewashed foods that have been obtained from a  
10 licensed food establishment.

11 M. A waste holding tank and waste removal shall comply with parts 4626.1180 to  
12 4626.1220.

13 N. Mechanical refrigeration complying with part 4626.0505 shall be provided for  
14 potentially hazardous foods.

15 O. Food preparation and cooking areas shall be protected by an impervious shield  
16 or by a separation distance to ensure customer safety and to prevent food contamination  
17 by customers.

18 P. The facility shall provide protection during adverse weather by its construction  
19 or location. Food activities shall cease if protection fails.

20 **4626.1865 MASS GATHERINGS.**

21 Food establishments operated at a mass gathering shall meet the standards for the  
22 applicable food establishment specified in the Code.

23 **4626.1870 RETAIL FOOD VEHICLES, PORTABLE STRUCTURES, OR CARTS.**

24 This part applies to retail food vehicles, portable structures, or carts.

25 A. A retail food vehicle, portable structure, or cart is exempt from compliance with  
26 part 4626.0505, items B to I.

1 B. In conjunction with the notice of opening required in part 4626.1750, the  
2 applicant for a license to operate a retail food vehicle, portable structure, or cart shall  
3 provide to the regulatory authority information on the:

4 (1) sources of the food;

5 (2) type and volume of food to be sold or otherwise provided for human  
6 consumption;

7 (3) equipment used to sell or otherwise provide the food for human  
8 consumption; and -

9 (4) time period and location of operation.

10 C. Drained ice, dry ice, or cold packs may be substituted for the mechanical  
11 refrigeration required in parts 4626.0375 and 4626.0395 if the cold temperatures in parts  
12 4626.0340 to 4626.0365 are maintained. Mechanical refrigeration shall be provided for  
13 potentially hazardous foods held for four hours or more.

14 D. The vehicle, structure, or cart shall provide protection during adverse weather  
15 by its construction or location. Food activities shall cease if protection fails.

16 E. The regulatory authority may restrict the type of food sold or provided based on  
17 equipment limitations, adverse climatic conditions, or any other condition that poses a  
18 hazard to public health.

19 **4658.0650 FOOD SUPPLIES.**

20 [For text of subps 1 to 6, see M.R.]

21 Subp. 7. **Vending machines.** Storage and dispensing of food and beverages in  
22 vending machines must be in accordance with chapter 4626, and in accordance with any  
23 applicable local ordinances.

24 **4658.3500 INCORPORATION BY REFERENCE; NEW CONSTRUCTION.**

25 [For text of subpart 1, see M.R.]

1 Subp. 2. **Minnesota Rules.** The following documents are also available from the Print  
2 Communications Division, 117 University Avenue, Saint Paul, Minnesota 55155:

3 A. chapters 1300 to 1365, the Minnesota State Building Code;

4 B. chapter 4715, the Minnesota Plumbing Code; and

5 C. chapter 4626, the Minnesota Food Code.

6 [For text of subps 3 to 6, see M.R.]

7 **4665.2700 FOOD HANDLING PRACTICES.**

8 Any food service provided in a supervised living facility shall be in accordance with  
9 chapter 4626 governing food and beverage service establishments. Wherever the food  
10 service in a supervised living facility is limited to serving ten residents or less, or where  
11 the main meals of the day are not prepared in the facility, certain variances from the  
12 requirements may be granted by the commissioner of health. These variances may  
13 include, but not be limited to, substitution of certain domestic type equipment for  
14 commercial type. When food is catered into a supervised living facility, it shall be  
15 obtained from a source acceptable to the commissioner of health and transported,  
16 handled, and served in accordance with provisions of applicable rules of the  
17 commissioner of health. It is recommended that the department's food handling guide  
18 entitled "Information for Food Service Personnel in Hospitals and Related Care  
19 Facilities" be made readily available for reference by all food service personnel.

20 **4717.7000 VARIANCE REQUEST.**

21 Subpart 1. **Request.** A party may ask the commissioner of health to grant a variance  
22 from the following rules:

23 [For text of items A to D, see M.R.]

24 E. manufactured home parks and recreational camping areas, parts 4630.0400;  
25 4630.0600, subparts 2 to 4; and 4630.0900 to 4630.1700;

- 1 F. children's camps, parts 4630.2300 to 4630.4700;
- 2 G. migrant labor camps, parts 4630.5000 to 4630.6500;
- 3 H. roller towels, part 4635.0200;
- 4 I. enclosed sports arenas, parts 4620.3900 to 4620.4800, except part 4620.4300;
- 5 J. water conditioning contractors and installers, parts 4715.5000 to 4715.6000;
- 6 K. public swimming pools, parts 4717.0100 to 4717.3900;
- 7 L. general requirements for construction of surface water and groundwater under  
8 the direct influence of surface water treatment facilities, parts 4720.3920 to 4720.3965;
- 9 M. water haulers, parts 4720.4000 to 4720.4600;
- 10 N. wellhead protection, parts 4720.5200 to 4720.5570;
- 11 O. wells and borings, parts 4725.0100 to 4725.7450;
- 12 P. explorers and exploratory borings, parts 4727.0100 to 4727.1300; and
- 13 Q. ionizing radiation, parts 4730.0100 to 4730.3610, except parts 4730.0400 and  
14 4730.0600.

15 [For text of subps 2 and 3, see M.R.]

16 **9503.0085 SICK CARE PROGRAM.**

17 [For text of subps 1 to 11, see M.R.]

18 Subp. 12. **Food preparation.** Food provided by the license holder and prepared at the  
19 center must be prepared in a room separate from rooms where sick care is provided and  
20 must be delivered to each sick care room in individual servings and in covered  
21 containers. Procedures for preparing, handling, and serving food and washing food,  
22 utensils, and equipment must comply with the requirements in chapter 4626.

23 [For text of subps 13 to 18, see M.R.]

24 **9503.0145 FOOD AND WATER.**

1 [For text of subps 1 and 2, see M.R.]

2 Subp. 3. **Sanitation.** Procedures for preparing, handling, and serving food, and  
3 washing food, utensils, and equipment must comply with the requirements for food and  
4 beverage establishments in chapter 4626. If the food is prepared off site by another  
5 facility or if food service is provided according to a contract with a food service  
6 provider, the facility or license holder must ensure that food is prepared in compliance  
7 with chapter 4626. The license holder must provide refrigeration for dairy products and  
8 other perishable foods, whether supplied by the license holder or supplied by the  
9 parent. The refrigeration must have a temperature of 40 degrees Fahrenheit or less.  
10 Tables and highchair trays used for meals must be washed with soap and water before  
11 and after each use.

12 [For text of subps 4 to 8, see M.R.]

13 **9530.4120 LICENSING OF PROGRAMS.**

14 [For text of subps 1 and 3, see M.R.]

15 Subp. 5. **Health facility licenses.** Rehabilitation programs must have the following  
16 licenses:

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

18 C. Category IV programs must have at least a supervised living facility class A or  
19 B, in accordance with parts 4665.0100 to 4665.9900, or a board and lodging license, in  
20 accordance with parts 4625.0100 to 4625.2355 and 4626.0010 to 4626.1825, issued by the  
21 Minnesota Department of Health.

22 [For text of subp 6, see M.R.]

23 **9545.1115 PHYSICAL PLANT.**

24 Subpart 1. **Compliance with board and lodging requirements.** For the physical  
25 plant, food preparation, and nutrition requirements for facilities licensed under parts  
26 9545.0905 to 9545.1125, the license holder must:

9545.1115

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

2 B. comply with chapter 4626 regarding food handling practices for food service;

3 [For text of items C and D, see M.R.]

4 **9555.9710 SERVICE AND PROGRAM REQUIREMENTS.**

5 Subpart 1. **Food service and nutrition.** A center shall meet the requirements in items  
6 A to H.

7 A. Procedures for preparing, handling, and serving food, and washing food,  
8 utensils, and equipment must comply with chapter 4626, Requirements for Food and  
9 Beverage Establishments, and with applicable local ordinances. If the food is prepared  
10 off-site by another facility or if food service is provided according to a center's contract  
11 with a food service provider, the facility or provider must comply with chapter 4626  
12 and applicable local ordinances.

13 [For text of items B to H, see M.R.]

14 [For text of subps 2 to 7, see M.R.]

15 **REPEALER.** Minnesota Rules, parts 1547.0001; 1547.0002; 1547.0003; 1547.0004;  
16 1547.0005; 1547.0006; 1547.0007; 1547.0008; 1547.0009; 1547.0010; 1547.0011; 1547.0012;  
17 1547.0013; 1547.0014; 1547.0015; 1547.0016; 1547.0017; 1547.0018; 1547.0019; 1547.0020;  
18 1547.0021; 1547.0022; 1547.0023; 1547.0024; 1547.0025; 1547.0026; 1547.0027; 1547.0028;  
19 1547.0029; 1547.0030; 1547.0031; 1547.0032; 1547.0033; 1547.0034; 1547.0035; 1547.0036;  
20 1547.0037; 1547.0038; 1547.0039; 1547.0040; 1547.0041; 1547.0042; 1547.0043; 1547.0044;  
21 1547.0045; 1547.0046; 1547.0047; 1547.0048; 1547.0049; 1547.0050; 1547.0051; 1547.0052;  
22 1547.0053; 1547.0054; 1547.0055; 1547.0056; 1547.0057; 1547.0058; 1547.0059; 1547.0060;  
23 1547.0061; 1547.0062; 1547.0063; 1547.0064; 1547.0065; 1547.0066; 1547.0067; 1547.0068;  
24 1547.0069; 1547.0070; 1547.0071; 1547.0072; 1547.0073; 1547.0074; 1547.0075; 1547.0076;  
25 1547.0077; 1547.0078; 1547.0079; 1547.0080; 1547.0081; 1547.0082; 1547.0083; 1547.0084;  
26 1547.0085; 1547.0086; 1547.0087; 1547.0088; 1547.0089; 1547.0090; 1547.0091; 1547.0092;  
27 1547.0093; 1547.0094; 1547.0095; 1547.0096; 1547.0097; 1547.0098; 1547.0099; 1547.0100;

1 1547.0101; 1547.0102; 1547.0103; 1547.0104; 1547.0105; 1547.0106; 1547.0107; 1547.0108;  
2 1547.0109; 1547.0110, subpart 1; 1547.0111; 1547.0112; 1550.5000; 1550.5010; 1550.5020;  
3 1550.5030; 1550.5040; 1550.5050; 1550.5060; 1550.5070; 1550.5080; 1550.5090; 1550.5100;  
4 1550.5110; 1550.5120; 1550.5130; 4625.2401; 4625.2501; 4625.2601; 4625.2655; 4625.2660;  
5 4625.2701; 4625.2801; 4625.2901; 4625.3001; 4625.3101; 4625.3201; 4625.3301; 4625.3401;  
6 4625.3501; 4625.3601; 4625.3701; 4625.3801; 4625.3901; 4625.4001; 4625.4101; 4625.4201;  
7 4625.4301; 4625.4401; 4625.4501; 4625.4601; 4625.4701; 4625.4901; 4625.5001; 4625.5101;  
8 4625.5201; 4625.5301; 4625.5401; 4625.5501; 4625.5601; 4625.5701; 4625.5801; 4625.5901;  
9 4625.6001; 4625.6101; 4625.6201; 4625.6301; 4625.6401; 4625.6501; 4625.6601; 4625.6701;  
10 4625.6801; 4625.6901; 4625.7001; 4625.7101; 4625.7201; 4625.7301; 4625.7401; 4625.7501;  
11 4625.7601; 4625.7701; and 4625.7801, are repealed.