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4625.0100 LODGING; FOOD AND BEVERAGE ESTABLISHMENTS 3744

CHAPTER 4625 DEPARTMENT OF HEALTH LODGING; FOOD AND BEVERAGE ESTABLISHMENTS

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REQUIREMENTS FOR LODGING ESTABLISHMENTS

4625.0100 DEFINITIONS.

Subpart 1. **Approved.** The term "approved" shall mean acceptable to the commissioner following his determination as to conformity with established public health practices.

Subp. 2. **Clean.** The term "clean" shall mean the absence of dirt, grease, rubbish, garbage, and other offensive, unsightly, or extraneous matter.

Subp. 3. **Commissioner.** The term "commissioner" shall mean the commissioner of health and the Minnesota Department of Health, which terms shall be synonymous.

Subp. 4. **Good repair.** The term "good repair" shall mean free of corrosion, breaks, cracks, chips, pitting, excessive wear and tear, leaks, obstructions, and similar defects so as to constitute a good and sound condition.

Subp. 5. **Usable floor space.** The term "usable floor space" means all floor space in a sleeping room not occupied by closets, toilet rooms, shower, or bathrooms.

Statutory Authority: *MS s 144.08; 144.12 subd 1; 157.01 to 157.14; 327.10 to 327.67*

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4625.0200 SCOPE.

Parts 4625.0100 to 4625.2300 shall be applicable to all lodging establishments, such as hotels, motels, lodging houses, and resorts as defined in Minnesota Statutes, chapter 157.

Statutory Authority: *MS s 144.08; 144.12 subd 1; 157.01 to 157.14; 327.10 to 327.67*

4625.0300 SANITATION REQUIREMENTS.

The construction, operation, maintenance, and equipment of lodging establishments shall be regulated as follows in parts 4625.0400 to 4625.2200.

Statutory Authority: *MS s 144.08; 144.12 subd 1; 157.01 to 157.14; 327.10 to 327.67*

4625.0400 BUILDING REQUIREMENTS.

Every building, structure, or enclosure used to provide lodging accommodations for the public shall be kept in good repair, and so maintained as to promote the health, comfort, safety, and well-being of persons accommodated.

Statutory Authority: *MS s 144.08; 144.12 subd 1; 157.01 to 157.14; 327.10 to 327.67*

4625.0500 FLOOR REQUIREMENTS.

The floors of all guest rooms, hallways, bathrooms, store rooms, and all other spaces used or traversed by guests shall be of such construction as to be easily cleaned, shall be smooth, and shall be kept clean and in good repair. Cleaning of floors shall be so done as to minimize the raising of dust and the exposure of guests thereto. The requirements of this part shall not prevent the use of rugs, carpets, or natural stone which can be kept clean. Abrasive strips for safety purposes may be used wherever deemed necessary to prevent accidents.

Statutory Authority: *MS s 144.08; 144.12 subd 1; 157.01 to 157.14; 327.10 to 327.67*

4625.0600 WALL AND CEILING REQUIREMENTS.

The walls and ceilings of all rooms, halls, and stairways shall be kept clean and in good repair. Studs, joists, or rafters shall not be left exposed except when suitably finished and kept clean.

Statutory Authority: *MS s 144.08; 144.12 subd 1; 157.01 to 157.14; 327.10 to 327.67*

4625.0700 SCREENING REQUIREMENTS.

When flies, mosquitoes, and other insects are prevalent, all outside doors, windows, and other outer openings shall be screened; provided that such screening shall not be required for rooms deemed by the commissioner to be located high enough in the upper stories of the building as to be free of such insects, or in such areas where other effective means are provided to prevent their entrance.

Statutory Authority: *MS s 144.08; 144.12 subd 1; 157.01 to 157.14; 327.10 to 327.67*

4625.0800 LIGHTING AND VENTILATION REQUIREMENTS.

All rooms and areas used by patrons and guests and all other rooms or spaces in which lighting and ventilation, either natural or artificial, are essential to the efficiency of the business operation shall be well lighted and ventilated.

An area shall be considered well ventilated when excessive heat, odors, fumes, vapors, smoke, or condensation is reduced to a negligible level and barely perceptible to the normal senses. During seasons when weather conditions require tempering of makeup air, adequate equipment shall be provided to temper the makeup air. Every gas-fired or oil-fired room heater and water heater shall be

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vented to the outside air.

Statutory Authority: MS s 144.08; 144.12 subd 1; 157.01 to 157.14; 327.10 to 327.67

4625.0900 SPACE REQUIREMENTS.

Every room occupied for sleeping purposes by one person shall contain at least 70 square feet of usable floor space, and every room occupied for sleeping purposes by more than one person shall contain not less than 60 square feet of usable floor space for each occupant thereof. Under no circumstances shall there be provided less than 400 cubic feet of air space per occupant. Beds shall be spaced at least three feet apart when placed side by side. No sleeping quarters shall be provided in any basement having more than half its clear floor to ceiling height below the average grade of the adjoining ground. When strict compliance herewith is impracticable, the commissioner may waive any of the provisions of this part subject to such conditions as may be deemed desirable in the individual case.

Statutory Authority: MS s 144.08; 144.12 subd 1; 157.01 to 157.14; 327.10 to 327.67

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4625.1000 BEDDING AND LINEN REQUIREMENTS.

All beds, bunks, cots, and other sleeping places provided for guests in hotels, motels, resorts, and lodging houses shall be supplied with suitable pillow slips and under and top sheets. All bedding including mattresses, quilts, blankets, pillows, sheets, spreads, and all bath linen shall be kept clean. No bedding including mattresses, quilts, blankets, pillows, bed and bath linen shall be used which are worn out or unfit for further use. Pillow slips, sheets, and bath linen after being used by one guest shall be washed before they are used by another guest, a clean set being furnished each succeeding guest. For any guest occupying a guest room for an extended period of time, a fresh set of sheets and pillow slips shall be furnished at least once each week, and at least two clean towels shall be furnished each day, except that the proprietor will not be responsible for the sheets, towels, pillow slips, and bath linen furnished by a guest.

Statutory Authority: MS s 144.08; 144.12 subd 1; 157.01 to 157.14; 327.10 to 327.67

4625.1100 ROOM FURNISHING REQUIREMENTS.

All equipment, fixtures, furniture, and furnishings, including windows, draperies, curtains, and carpets, shall be kept clean and free of dust, dirt, vermin, and other contaminants, and shall be maintained in good order and repair.

Statutory Authority: MS s 144.08; 144.12 subd 1; 157.01 to 157.14; 327.10 to 327.67

4625.1200 TOILET REQUIREMENTS.

Every hotel, motel, and lodging house shall be equipped with adequate and conveniently located water closets for the accommodation of its employees and guests. Water closets, lavatories, and bathtubs or showers shall be available on each floor when not provided in each individual room. Toilet, lavatory, and bath facilities shall be provided in the ratio of one toilet and one lavatory for every ten occupants, or fraction thereof, and one bathtub or shower for every 20 occupants, or fraction thereof. Toilet rooms shall be well ventilated by natural or mechanical methods. The doors of all toilet rooms serving the public and employees shall be self-closing. Toilets and bathrooms shall be kept clean and in good repair and shall be well lighted and ventilated. Hand-washing signs shall be posted in each toilet room used by employees. Every resort shall be equipped with adequate and convenient toilet facilities for its employees and guests. If privies

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are provided they shall be separate buildings and shall be constructed, equipped, and maintained in conformity with the standards of the commissioner and shall be kept clean.

Statutory Authority: *MS s 144.08; 144.12 subd 1; 157.01 to 157.14; 327.10 to 327.67*

4625.1300 WATER SUPPLY.

A safe adequate supply of water shall be provided. The water supply system shall be located, constructed, and operated in accordance with the rules of the commissioner. After September 30, 1980, the temperature of hot water which is provided in any public area or guest room, including but not limited to lavatories, bathtubs, or showers, shall not exceed 130 degrees Fahrenheit (approximately 55 degrees Celsius).

Statutory Authority: *MS s 144.08; 144.12 subd 1; 157.01 to 157.14; 327.10 to 327.67*

4625.1400 HAND-WASHING REQUIREMENTS.

All lavatories for public use or furnished in guest rooms at hotels, motels, lodging houses, and resorts shall be supplied with hot and cold running water and with soap. Scullery sinks should not be used as hand-washing sinks.

In the case of separate housekeeping cabins at resorts not supplied with running hot water, equipment shall be provided for heating water in the cabin.

Individual or other approved sanitary towels or warm-air dryers shall be provided at all lavatories for use by employees or the public.

Statutory Authority: *MS s 144.08; 144.12 subd 1; 157.01 to 157.14; 327.10 to 327.67*

4625.1500 EATING UTENSILS AND DRINKING VESSELS PROVIDED IN GUEST ROOMS.

After each usage, all multiuse eating utensils and drinking vessels shall be thoroughly washed in hot water containing a suitable soap or synthetic detergent, rinsed in clean water, and effectively subjected to a bactericidal process approved by the commissioner. Approved facilities for manual dishwashing shall consist of a three-compartment sink with stacking and drainboards at each end. All mechanical dishwashing machines shall conform to Standard Number 3 of the National Sanitation Foundation, dated April 1965.

All dishes, glasses, utensils, and equipment after washing and bactericidal treatment shall be permitted to drain and air dry.

Single-service utensils or vessels as defined in part 4625.2400, subpart 20 must be handled in a sanitary manner. Such utensils may not be reused.

Statutory Authority: *MS s 144.08; 144.12 subd 1; 157.01 to 157.14; 327.10 to 327.67*

4625.1600 WASTE DISPOSAL.

All liquid wastes shall be disposed of in an approved public sewerage system or in a sewerage system which is designed, constructed, and operated in accordance with the rules of the Minnesota Pollution Control Agency parts 7080.0010 to 7080.0200.

Prior to removal, all garbage and refuse in storage shall be kept in watertight, nonabsorbent receptacles which are covered with close-fitting, fly-tight lids. All garbage, trash, and refuse shall be removed from the premises frequently to prevent nuisance and unsightly conditions, and shall be disposed of in a sanitary manner. All garbage receptacles shall be kept clean and in good repair.

Statutory Authority: *MS s 144.08; 144.12 subd 1; 157.01 to 157.14; 327.10 to 327.67*

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4625.1700 INSECT AND RODENT CONTROL.

Every hotel, motel, lodging house, and resort shall be so constructed and equipped as to prevent the entrance, harborage, or breeding of flies, roaches, bedbugs, rats, mice, and all other insects and vermin, and specific means necessary, for the elimination of such pests such as cleaning, renovation, or fumigation shall be used. The commissioner may order the facility to hire an exterminator licensed by the state to exterminate pests when:

A. the infestation is so extensive that it is unlikely that a nonprofessional can eradicate the pests effectively; or

B. the extermination method of choice can only be carried out by a licensed exterminator; or

C. upon reinspection, it is found that an establishment has not been brought into compliance with a prior order to rid the establishment of pests.

Statutory Authority: MS s 144.08; 144.12 subd 1; 157.01 to 157.14; 327.10 to 327.67

4625.1800 PERSONNEL HEALTH AND CLEANLINESS.

No person shall resume work after visiting the toilet without first thoroughly washing his hands.

Personnel of hotels, motels, lodging houses, and resorts may be required to undergo medical examination to determine whether or not they are cases or carriers of a communicable disease.

Statutory Authority: MS s 144.08; 144.12 subd 1; 157.01 to 157.14; 327.10 to 327.67

4625.1900 CLEANLINESS OF PREMISES.

The premises of all hotels, motels, lodging houses, and resorts shall be kept clean and free of litter or rubbish.

Statutory Authority: MS s 144.08; 144.12 subd 1; 157.01 to 157.14; 327.10 to 327.67

4625.2000 FIRE PROTECTION.

All lodging establishments shall provide suitable fire escapes which shall be kept in good repair and accessible at all times. Hallways shall be marked and exit lights provided; fire extinguishers shall be provided and shall be recharged annually and kept accessible for use. No sleeping quarters shall be maintained in rooms which do not have unobstructed egress to the outside or to a central hall leading to a fire escape. All fire protection measures shall be in accordance with requirements of the state fire marshal.

Statutory Authority: MS s 144.08; 144.12 subd 1; 157.01 to 157.14; 327.10 to 327.67

4625.2100 PLUMBING AND SWIMMING POOLS.

All new plumbing in hotels, motels, lodging houses, and resorts, and all plumbing reconstructed or replaced after January 1, 1968, shall be designed, constructed, and installed in conformity with chapter 4715 of the Minnesota Plumbing Code.

All swimming pools and other artificial recreational bathing facilities shall be located, constructed, and operated in conformity with parts 4717.0100 to 4717.3900.

Statutory Authority: MS s 144.08; 144.12 subd 1; 157.01 to 157.14; 327.10 to 327.67

4625.2200 SANITARY DISPENSING OF ICE.

Subpart 1. Scope of rule. Any lodging establishment which makes ice availa-

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ble in public areas, including but not limited to lobbies, hallways, and outdoor areas shall restrict access to such ice in accordance with the following provisions.

Subp. 2. Newly constructed structures. After September 1, 1979, any newly constructed lodging establishment which installs ice-making equipment, and any existing lodging establishment which installs or replaces ice-making equipment, shall install only automatic dispensing, sanitary ice-making, and storage equipment in areas to which the public has access. Any such establishment may install open-type ice bins only if the ice therefrom is dispensed in the manner provided in subpart 3.

Subp. 3. Existing structures. After December 31, 1984, any existing lodging establishment which has not converted to automatic dispensing ice-making and storage equipment shall no longer permit unrestricted public access to open-type ice bins, and shall dispense ice to guests only by having employees give out prefilled, individual sanitary containers of ice, or by making available prefilled, disposable, closed bags of ice.

Statutory Authority: *MS s 144.08; 144.12 subd 1; 157.01 to 157.14; 327.10 to 327.67*

4625.2300 INITIAL AND RENEWAL LICENSE FEES, LICENSE EXPIRATION DATES.

Subpart 1. Fee schedule. License applications for lodging establishments as defined in part 4625.0100 shall be accompanied by a fee of \$67 plus \$2.70 per room, up to a maximum total fee of \$337.50.

Subp. 2. Expiration date. Initial and renewal lodging establishment licenses shall be issued for the calendar year for which application is made and shall expire on December 31 of such year.

Subp. 3. License renewals. License renewals shall be obtained on an annual basis. License renewal applications shall be submitted to the commissioner of health on forms provided no later than December 31 of the year preceding the year for which application is made.

Subp. 4. Penalty fee. A penalty fee of \$20 shall be added to the amount of the license fee if the application has not reached the office of the commissioner of health before January 31, or in the case of a new business, 30 days after opening the business.

Subp. 5. Reduced license fee. From and after October 1 of each year, the license fee for new establishments or new operators shall be one-half of the appropriate annual license fee plus any penalty which may be required.

Statutory Authority: *MS s 144.05 para (b),(c); 144.122 para (a); 157.03; 327.16 subd 3*

History: *10 SR 1687; 13 SR 1652*

REQUIREMENTS FOR FOOD AND BEVERAGE ESTABLISHMENTS

4625.2400 DEFINITIONS.

Subpart 1. Adulterated. "Adulterated" means the condition of a food if it bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health; if it bears or contains any added poisonous or deleterious substance for which no safe tolerance has been established by regulation, or in excess of such tolerance if one has been established; if it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for human consumption; if it has been processed, prepared, packed, or held under insanitary conditions, whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health; if it is in whole or in part the product of a diseased animal, or an animal which has died otherwise than by slaughter; or if its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health.

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Subp. 2. **Approved.** "Approved" means acceptable to the commissioner of health following its determination as to conformity with departmental standards and established public health practices.

Subp. 3. [Repealed by amendment, L 1977 c 305 s 39]

Subp. 4. **Clean.** "Clean" means free from physical, chemical, and microbial substances discernible by ordinary sight or touch, by ultraviolet light, by artificial light, and by the safranin-O dye test, and free from insects, vermin, and debris. (The safranin-O dye test is a procedure for determining the effectiveness of the washing-sanitizing of dishes and glassware. Washed, sanitized, and drained dry glasses are dusted lightly with a mechanical mixture of talc (85 percent) and safranin-O dye (15 percent). When wetted the dye becomes red. Dusted glasses are subjected to a gentle rinse for five seconds, or until runoff is no longer red. Since the dye-impregnated talc clings tenaciously to residual organic matter on the glass, the appearance of red spots or areas on drained glasses is an index of ineffective washing. Reference: Abele, C. A., "Needed: A Reliable Field Determinate of Cleanliness," *Journal of Food and Milk Technology*, August 1965. Also Armbruster, E. H., Rodenour, G. M. "Field Test Procedure for Cleanliness Measurement of Multiple-Use Eating Utensils," *The Sanitarian*, September - October 1960.)

Subp. 5. **Closed.** "Closed" means fitted together snugly leaving no openings large enough to permit the entrance of vermin.

Subp. 6. **Corrosion-resistant material.** "Corrosion-resistant material" means a material which maintains its original surface characteristics under prolonged influence of food, cleaning compounds, and sanitizing solutions which may contact it.

Subp. 7. **Easily cleanable.** "Easily cleanable" means readily accessible and of such material and finish and so fabricated that residue may be completely removed by normal cleaning methods.

Subp. 8. **Embargo.** "Embargo" means the withholding of food, equipment, utensils, or clothing from sale or use in any establishment licensed as a restaurant, boarding house, or place of refreshment until approval is given by the commissioner of health for such sale or use.

Subp. 9. **Employee.** "Employee" means any person working in a licensed establishment who transports food or food containers, who engages in food preparation or service, or who comes in contact with any food utensils or equipment.

Subp. 10. **Equipment.** "Equipment" means all stoves, ranges, hoods, meatblocks, worktables, counters, refrigerators, freezers, sinks, dishwashing machines, steam tables, and similar items, other than utensils, used in the operation of a food-service establishment.

Subp. 11. **Food.** "Food" means any raw, cooked, or processed substance, beverage, or ingredient used or intended for use in whole or in part for human consumption. The term food shall further include, but not be limited to, ice and water.

Subp. 12. **Food-contact surfaces.** "Food-contact surfaces" means those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces with which food may come in contact and drain back onto surfaces normally in contact with food.

Subp. 13. **Food establishment.** "Food establishment" means food and beverage service establishments as defined in Minnesota Statutes, chapter 157 and section 144.72 and shall include drive-ins, bars, taverns, drive-in cafes, clubs, lodges, eating facilities at resorts and churches, temporary and limited food service establishments, except as exempted by Minnesota Statutes, section 157.14.

Subp. 14. **Limited food service establishment.** "Limited food service establishment" means an itinerant establishment, or one serving only prepackaged foods (e.g., frozen pizza and sandwiches) which receive only heat treatment.

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Subp. 15. **Perishable food.** "Perishable food" means any food of such type or in such condition as may spoil.

Subp. 16. **Potentially hazardous food.** "Potentially hazardous food" means any perishable food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, or other food capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms; provided, that products in hermetically sealed containers processed to prevent spoilage, and dehydrated, dry, or powdered products so low in moisture content as to preclude development of microorganisms, are excluded from the terms of these definitions.

Subp. 17. **Safe temperatures.** "Safe temperatures," as applied to potentially hazardous food, means temperatures of 40 degrees Fahrenheit or below, and 150 degrees Fahrenheit or above.

Subp. 18. **Sanitize.** "Sanitize" means effective bactericidal treatment of clean surfaces of equipment and utensils by a process which has been approved by the commissioner of health as being effective in destroying microorganisms, including pathogens.

Subp. 19. **Sealed.** "Sealed" means free of cracks or other openings which permit the entry or passage of moisture.

Subp. 20. **Single-service articles.** "Single-service articles" means cups, containers, lids, or closures; plates, knives, forks, spoons, stirrers, paddles; straws, placemats, napkins, doilies, wrapping material; and all similar articles which are constructed wholly or in part from paper, paperboard, molded pulp, foil, wood, plastic, synthetic, or other readily destructible materials, and which are intended by the manufacturers and generally recognized by the public as for one usage only, then to be discarded.

Subp. 21. **Tableware.** "Tableware" means all multiuse eating and drinking utensils, including flatware (knives, forks, and spoons).

Subp. 22. **Temporary food-service establishment.** "Temporary food-service establishment" means any food-service establishment which operates at a fixed location for a temporary period of time, not to exceed two weeks, in connection with a fair, carnival, circus, public exhibition, or similar transitory gathering.

Subp. 23. **Utensil.** "Utensil" means any tableware and kitchenware used in the storage, preparation, conveying, or serving of food.

Statutory Authority: *MS s 144.08; 144.122; 157.01 to 157.14*

History: *L 1977 c 305 s 39*

4625.2500 SCOPE.

Parts 4625.2400 to 4625.5000 shall be applicable to all food and beverage establishments such as restaurants, boarding houses, and places of refreshment as defined in Minnesota Statutes, chapter 157, and shall include drive-ins, bars, taverns, drive-in cafes, clubs, lodges, eating facilities at resorts, private schools, public buildings, and churches, except as exempted by Minnesota Statutes, section 157.14, and all other businesses and establishments where meals, lunches, or drinks are served. In addition parts 4625.2400 to 4625.5000 shall serve as the criteria for evaluation of food and beverage service facilities in children's camps as defined in Minnesota Statutes, section 144.72.

Statutory Authority: *MS s 144.08; 144.122; 157.01 to 157.14*

4625.2600 FOOD SUPPLIES.

All food in food-service establishments shall be from sources approved or considered satisfactory by the commissioner of health, and shall be clean, wholesome, free from spoilage, free from adulteration and misbranding, and safe for human consumption. No hermetically sealed, nonacid or low-acid food which has been processed in a place other than a commercial food-processing establishment shall be used.

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Statutory Authority: *MS s 144.08; 144.122; 157.01 to 157.14*

History: *L 1977 c 305 s 39*

4625.2700 FOOD PROTECTION.

All food while being stored, prepared, displayed, served, or sold at food-service establishments, or during transportation between such establishments, shall be protected from contamination. All perishable food shall be stored at such temperatures as will protect against spoilage. All potentially hazardous food shall be maintained at safe temperatures (40 degrees Fahrenheit or below, or 150 degrees Fahrenheit or above), except during necessary periods of preparation and service. Refrigerated display cases may be maintained at a temperature of 45 degrees Fahrenheit to prevent sweating; however, foods shall not be stored in such display cases for periods exceeding four hours. A variation of five degrees Fahrenheit in refrigerator temperatures is permitted during times of meal service. Raw fruits and vegetables shall be washed before use. Stuffing, poultry, stuffed meats, stuffed poultry, and pork and pork products shall be thoroughly cooked before being served. Individual portions of food once served to the customer shall not be served again; provided, that wrapped food which has not been unwrapped and which is wholesome may be reserved.

Only such poisonous and toxic materials as are required to maintain sanitary conditions and for sanitization purposes may be used or stored in food-service establishments. Poisonous and toxic materials shall be identified, and shall be used only in such manner and under such conditions as will not contaminate food, or constitute a hazard to employees or customers as determined by the commissioner of health.

Statutory Authority: *MS s 144.08; 144.122; 157.01 to 157.14*

History: *L 1977 c 305 s 39*

4625.2800 HEALTH AND DISEASE CONTROL.

No person while affected with any disease in a communicable form, or while a carrier of such disease, or while afflicted with boils, infected wounds, sores, or an acute respiratory infection, shall work in any area of a food-service establishment in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces with pathogenic organisms, or transmitting disease to other individuals; and no person known or suspected of being affected with any such disease or condition shall be employed in such an area or capacity.

Statutory Authority: *MS s 144.08; 144.122; 157.01 to 157.14*

4625.2900 CLEANLINESS.

All employees shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty. They shall wash their hands thoroughly in an approved hand-washing facility before starting work, and as often as may be necessary to remove soil and contamination. No employee shall resume work after visiting the toilet room without first washing his hands. No person shall expectorate or use tobacco in any form while engaged in food preparation or service, or while in equipment and utensil washing or food preparation areas. Hairnets, headbands, caps, or other hair restraints shall be used by employees engaged in the preparation and service of food to keep hair from food and food-contact surfaces.

Statutory Authority: *MS s 144.08; 144.122; 157.01 to 157.14*

4625.3000 SANITARY DESIGN, CONSTRUCTION, AND INSTALLATION OF EQUIPMENT AND UTENSILS.

All equipment and utensils shall be so designed and of such material and workmanship as to be smooth, easily cleanable and durable, and shall be in good repair; and the food-contact surfaces of such equipment and utensils shall, in

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addition, be easily accessible for cleaning, nontoxic, corrosion-resistant, and relatively nonabsorbent.

All equipment shall be so installed and maintained as to facilitate the cleaning thereof, and of all adjacent areas.

All new equipment installed after January 1, 1968, shall comply with the following standards of the National Sanitation Foundation when applicable:

Standard No. 1, Soda Fountain and Luncheonette Equipment, April 1965

Standard No. 2 Food Service Equipment, April 1965

Standard No. 3, Spray Type Dishwashing Machines, April 1965

Standard No. 4, Gas and Electric Commercial Cooking and Warming Equipment, July 1963

Standard No. 5, Gas and Electric Commercial Hot Water Generating Equipment, January 1959

Standard No. 6, Dispensing Freezers, January 1959

Standard No. 7, Food Service Refrigerators and Food Service Storage Freezers, April 1964

Standard No. 8, Commercial Powered Food Preparation Equipment, April 1965

Standard No. 12, Automatic Ice-Making Equipment, June 1963

Criteria C-1, Vending Machines, February 1963

Criteria C-2, Special Equipment and/or Devices, April 1964

Statutory Authority: *MS s 144.08; 144.122; 157.01 to 157.14*

4625.3100 USED OR EXISTING EQUIPMENT.

Used equipment which has been granted the seal of approval by the National Sanitation Foundation under earlier standards may be installed when such equipment is in good repair and does not constitute a health hazard as determined by the commissioner of health.

Equipment in use at the time of adoption of parts 4625.2400 to 4625.5000 which does not meet fully the above requirements may be continued in use only if it is in good repair, capable of being maintained in a sanitary condition and the food-contact surfaces are nontoxic, and is approved by the commissioner of health.

Single-service articles shall be made from nontoxic materials.

Statutory Authority: *MS s 144.08; 144.122; 157.01 to 157.14*

History: *L 1977 c 305 s 39*

4625.3200 CLEANING, BACTERICIDAL TREATMENT, AND STORAGE OF UTENSILS AND EQUIPMENT.

Subpart 1. General sanitation of equipment. All equipment, fixtures, and furnishings, including windows, shall be kept clean and free from dust, dirt, insects, and other contaminating materials. All cloths used by waiters, chefs, and other employees shall be clean.

Single-service containers, utensils, and equipment shall be used only once.

Subp. 2. Washing the utensils. After each usage all multiuse eating and drinking utensils shall be thoroughly washed in hot water containing a suitable soap or synthetic detergent, rinsed in clean water, and effectively subjected to a bactericidal process approved by the commissioner of health. All multiuse utensils used in the preparation or serving of food and drink shall be thoroughly washed, rinsed, and effectively subjected to an approved bactericidal process after each use or immediately following the day's operations, and such utensils shall not be reused without having been so treated. Where dishwashing is done by hand, the sink compartments shall be adequate in size to permit the introduc-

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tion of the largest utensils to be washed and wire baskets or racks of dishes, and shall be supplied with hot and cold running water. Approved facilities for manual dishwashing shall consist of a three-compartment sink with stacking and drain boards at each end. Facilities for washing multiuse utensils where mechanical dishwashing is used, and for drive-ins using paper service, may consist of a two-compartment sink with stacking and drain boards. Utensils which, because of size and weight, are not normally washed in sink compartments may be washed, rinsed, and sanitized as individual units.

Subp. 3. Dishwashing. Dishwashing machines shall be equipped with thermometers which will accurately indicate the temperature of the wash and rinse water.

Subp. 4. Manual washing of dishes. Either of the following bactericidal processes for manual dishwashing is regarded as approved:

A. Complete immersion in clean water at a temperature of not lower than 170 degrees Fahrenheit for at least two minutes. The bactericidal treatment compartment must be properly equipped with a heating unit or other means to maintain the specified temperature while in use.

B. Complete immersion in clean water containing not less than 50 parts per million of available chlorine if hypochlorites are used, or not less than 200 parts per million if chloramines are used, for not less than two minutes. Other compounds acceptable to the commissioner of health may be used in accordance with standards recommended at the time of acceptance. Equipment that is too large to immerse may be treated with live steam from a hose, in the case of equipment in which steam can be confined, or by spraying or a swabbing with chlorine solution of approved strength.

Any other processes acceptable to the commissioner of health may be used for machine or manual dishwashing.

Subp. 5. Drying of utensils. All dishes, utensils, and equipment after washing and bactericidal treatment shall be permitted to drain and air dry.

Subp. 6. Storage. After bactericidal treatment, eating and drinking utensils and utensils used for the preparation and serving of food and drink shall be stored in a clean, dry place protected from flies, dust, and other contamination, and shall be so handled as to prevent contamination. Wet cold storage of glasses or similar utensils is prohibited except in approved equipment as determined by the commissioner of health. All under-counter utensil storage compartments less than 18 inches from the floor and located in traffic areas shall be enclosed and shall be kept enclosed except during times of meal service. Enclosed automatic utensil elevators are accepted. Cups and glasses stored on shelves shall be inverted. Rack or tray stacking of glasses is accepted. Shelving shall be protected by easily cleanable, nonabsorbent materials.

Single-service utensils shall be purchased only in sanitary containers, shall be stored therein in a clean, dry place until used, and shall be handled in a sanitary manner.

Statutory Authority: *MS s 144.08; 144.122; 157.01 to 157.14*

History: *L 1977 c 305 s 39*

4625.3300 WATER SUPPLY.

A safe and adequate supply of water shall be provided. The water supply system shall be located, constructed, and operated in accordance with the standards of the commissioner of health. Water, if not piped into the establishment, shall be transported and stored in approved containers and shall be handled and dispensed in a sanitary manner. Ice used for any purpose shall be made from water which comes from an approved source and shall be used only if it has been manufactured, stored, transported, and handled in a sanitary manner. When strict compliance with the provisions for location and construction specified in

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this part is impractical, the commissioner of health may waive any of the requirements subject to such conditions as may be deemed desirable in the individual case.

Statutory Authority: *MS s 144.08; 144.122; 157.01 to 157.14*

History: *L 1977 c 305 s 39*

4625.3400 SEWAGE DISPOSAL.

All liquid waste shall be disposed of in an approved public sewerage system or in a sewerage system which is designed, constructed, and operated in accordance with the standards of the commissioner of health.

Statutory Authority: *MS s 144.08; 144.122; 157.01 to 157.14*

History: *L 1977 c 305 s 39*

4625.3500 PLUMBING.

All new plumbing and all plumbing reconstructed or replaced after June 1, 1969, shall be designed, constructed, and installed in conformity with chapter 4715, of the Minnesota Plumbing Code.

Statutory Authority: *MS s 144.08; 144.122; 157.01 to 157.14*

4625.3600 TOILET FACILITIES.

Each food-service establishment shall be provided with adequate, conveniently located toilet facilities for its employees. Toilet fixtures shall be of sanitary design and easy to clean. Toilet facilities, including rooms and fixtures, shall be kept in a clean condition and in good repair. The doors of all toilet rooms shall be self-closing. Toilet tissue shall be provided. Easily cleanable receptacles shall be provided for waste materials, and such receptacles in toilet rooms for women shall be covered. Where the use of non-water-carried sewage disposal facilities have been approved by the commissioner of health, such facilities shall be separate from the establishment and in accordance with the standards of the commissioner of health. When toilet facilities are provided for the patrons, such facilities shall meet the requirements of this part.

Statutory Authority: *MS s 144.08; 144.122; 157.01 to 157.14*

History: *L 1977 c 305 s 39*

4625.3700 HAND-WASHING FACILITIES.

Each food-service establishment shall be provided with adequate, conveniently located hand-washing facilities for its employees, including a lavatory or lavatories equipped with hot and cold or tempered running water, hand-cleansing soap or detergent, and approved sanitary towels or other approved hand-drying devices. Such facilities shall be kept clean and in good repair.

Statutory Authority: *MS s 144.08; 144.122; 157.01 to 157.14*

4625.3800 GARBAGE AND RUBBISH DISPOSAL.

All garbage and rubbish containing food waste shall, prior to disposal, be kept in leakproof, nonabsorbent containers which shall be kept covered with tight fitting lids when filled or stored, or not in continuous use; provided, that such containers need not be covered when stored in a special vermin proofed room or enclosure, or in a food-waste refrigerator. All other rubbish shall be stored in containers, rooms, or areas in an approved manner. The rooms, enclosures, areas, and containers used shall be adequate for the storage of all food waste and rubbish accumulating on the premises. Adequate cleaning facilities shall be provided, and each container, room, or area shall be thoroughly cleaned after the emptying or removal of garbage and rubbish. Food-waste grinders, if used, shall be installed in compliance with state and local standards and shall be of suitable construction. All garbage and rubbish shall be disposed of with sufficient frequency and in such a manner as to prevent a nuisance.

Statutory Authority: *MS s 144.08; 144.122; 157.01 to 157.14*

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4625.3900 VERMIN CONTROL.

Effective measures shall be taken to protect against the entrance into the establishment and the breeding or presence on the premises of vermin.

Statutory Authority: *MS s 144.08; 144.122; 157.01 to 157.14*

4625.4000 FLOORS, WALLS, AND CEILINGS.

The floor surfaces in kitchens, in all other rooms, and areas in which food is stored or prepared, and in which utensils are washed, and in walk-in refrigerators, dressing or locker rooms, and toilet rooms, shall be of smooth, relatively nonabsorbent materials, and so constructed as to be easy to clean and shall be coved at the juncture of the floor and wall; provided, that the floors of nonrefrigerated, dry food storage areas need not be nonabsorbent. All floors shall be kept clean and in good repair. Floor drains shall be provided in all rooms where floors are subjected to flooding-type cleaning or where normal operations release or discharge water or other liquid waste onto the floor. All exterior areas where food is served shall be kept clean and properly drained, and surfaces in such areas shall be finished so as to facilitate maintenance and minimize dust.

The walls and ceilings of all rooms shall be kept clean and in good repair. All walls of rooms or areas in which food is prepared, or utensils or hands are washed, shall be easy to clean, smooth, and light-colored, and shall have washable surfaces up to the highest level reached by splash or spray.

Statutory Authority: *MS s 144.08; 144.122; 157.01 to 157.14*

4625.4100 LIGHTING.

All areas in which food is prepared or stored or utensils are washed, hand-washing areas, dressing or locker rooms, toilet rooms, and garbage- and rubbish-storage areas shall be well lighted. All working surfaces shall be illuminated at not less than 20 footcandles of light. At least ten footcandles of light shall be provided on all other surfaces and equipment. In storage areas five footcandles of light 30 inches from the floor is acceptable. Subdued lighting in dining rooms and public access areas is acceptable; provided, that lighting meeting the standards of this part shall be available during all cleanup periods.

Statutory Authority: *MS s 144.08; 144.122; 157.01 to 157.14*

4625.4200 VENTILATION.

All rooms in which food is prepared or served or utensils are washed, dressing or locker rooms, toilet rooms, and garbage- and rubbish-storage areas shall be well ventilated and free of disagreeable or excessive odors, condensation, vapors, smoke, and fumes. Ventilation hoods and devices shall be designed to prevent grease or condensate from dripping into food or onto food preparation surfaces. Air replacement vents shall be provided and designed to permit the entrance of an equal volume of displaced air and to prevent the entrance of insects, dust, or other contaminating materials. During seasons when weather conditions require tempering of makeup air, adequate equipment shall be provided to temper the makeup air. Every gas- or oil-fired room heater or water heater shall be vented to the outside air in accordance with the American Gas Association Standards entitled, "Installation of Gas Appliances and Gas Piping," September 1964.

Statutory Authority: *MS s 144.08; 144.122; 157.01 to 157.14*

4625.4300 DRESSING ROOMS AND LOCKERS.

Adequate facilities shall be provided for the orderly storage of employees' clothing and personal belongings. Where employees routinely change clothes within the establishment one or more dressing rooms or designated areas shall be provided for this purpose. Such designated areas shall be located outside of the food preparation, storage, and serving areas, and the utensil-washing and

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storage areas; provided, that when approved by the commissioner of health, such an area may be located in a storage room where only completely packaged food is stored. Designated areas shall be equipped with adequate lockers, and lockers or other suitable facilities shall be provided in dressing rooms. Dressing rooms and lockers shall be kept clean.

Statutory Authority: *MS s 144.08; 144.122; 157.01 to 157.14*

History: *L 1977 c 305 s 39*

4625.4400 HOUSEKEEPING.

All parts of the establishment and its premises shall be kept neat, clean, and free of litter and rubbish. Cleaning operations shall be conducted in such a manner as to minimize contamination of food and food-contact surfaces. None of the operations connected with a food-service establishment shall be conducted in any room used as living or sleeping quarters. Soiled linens, coats, and aprons shall be kept in suitable containers until removed for laundering. No live birds or animals shall be allowed in any area used for the conduct of food-service establishment operations; provided, that guide dogs accompanying blind persons may be permitted in dining areas.

Statutory Authority: *MS s 144.08; 144.122; 157.01 to 157.14*

4625.4500 TEMPORARY OR LIMITED FOOD-SERVICE ESTABLISHMENTS.

A temporary or limited food-service establishment shall comply with all provisions of parts 4625.2400 to 4625.5000 which are applicable to its operation; provided, that the commissioner may augment such requirements when needed to assure the service of safe food, may prohibit the sale of certain potentially hazardous food, and may modify specific requirements for physical facilities when in his opinion no health hazard will result.

Statutory Authority: *MS s 144.08; 144.122; 157.01 to 157.14*

4625.4600 EMBARGO, CONDEMNATION, AND TAGGING.

Equipment and utensils which do not meet the requirements of parts 4625.2400 to 4625.5000 may be embargoed. Equipment and utensils shall be released from the embargo upon notification of the commissioner of health by the licensee of alteration of such equipment or utensils to meet the requirements of parts 4625.2400 to 4625.5000, and after inspection of such utensils and equipment by the commissioner of health. The commissioner of health may condemn and forbid the sale of, or cause to be removed or destroyed, any food which is unwholesome or adulterated, or prepared, processed, handled, packaged, transported, or stored in any unwholesome manner unfit for human consumption or otherwise prohibited by state or federal law. The commissioner of health may condemn and cause to be removed any equipment, clothing, or utensils found in a food establishment, the use of which would not comply with parts 4625.2400 to 4625.5000 or which is being used in violation of parts 4625.2400 to 4625.5000, and also may condemn or cause to be removed any equipment, clothing, or utensils which, by reason of dirt, filth, extraneous matter, insects, corrosion, open seams, or chipped or cracked surfaces, is unfit for use. The commissioner of health shall place a tag to indicate the embargo or the condemnation upon such food, equipment, utensils, or clothing. No persons shall remove such tag except under the direction of the commissioner of health.

Statutory Authority: *MS s 144.08; 144.122; 157.01 to 157.14*

History: *L 1977 c 305 s 39*

4625.4700 PLAN REVIEW OF FUTURE CONSTRUCTION.

When an establishment licensed or to be licensed under the provisions of Minnesota Statutes, section 157.03 is hereafter constructed or extensively remod-

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eled, or when an existing structure is converted for use as a licensed establishment, properly prepared plans and specifications for such construction, remodeling, or alteration, showing layout, arrangement, and construction materials of work areas, and the location, size, and type of fixed equipment and facilities, shall be submitted to and approved by the commissioner of health before such work is begun. The plans and specifications shall be submitted in duplicate and drawn to scale, shall be legible and complete in all details. The commissioner of health shall review such plans and report their findings within 15 working days of the date that plans are received.

Statutory Authority: *MS s 144.08; 144.122; 157.01 to 157.14*

History: *L 1977 c 305 s 39*

4625.4800 PROCEDURE WHEN INFECTION IS SUSPECTED:

When the commissioner of health has reasonable cause to suspect possibility of disease transmission from a food-service establishment employee, the commissioner of health shall secure a morbidity history of the suspected employee, or make such other investigation as may be indicated, and take appropriate action. The commissioner of health may require any or all of the following measures: the immediate exclusion of the employee from all food-service establishments; the immediate closure of the food-service establishment concerned until, in the opinion of the commissioner of health, no further danger of disease outbreak exists; restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease; and adequate medical and laboratory examinations of the employee, of other employees, and of his or their body discharges.

Statutory Authority: *MS s 144.08; 144.122; 157.01 to 157.14*

History: *L 1977 c 305 s 39*

4625.4900 EMERGENCY FIRST AID FOR CHOKING.

Any food-service establishment which is not a temporary or limited food-service establishment shall post a chart illustrating the use of an emergency first aid procedure which is approved by the commissioner for use to relieve a patron with a restricted airway. Such an illustration shall be posted in the food preparation area where all employees may easily see it.

Statutory Authority: *MS s 144.08; 144.122; 157.01 to 157.14*

4625.5000 INITIAL AND RENEWAL LICENSE FEES, LICENSE EXPIRATION DATES.

Subpart 1. **Fee schedule.** Initial and renewal license applications for food and beverage establishments as defined in part 4625.2400 shall be accompanied by the applicable fee as determined from the schedule below. The average number of employees shall be computed in accordance with Minnesota Statutes, section 157.03.

- A. one to four employees, \$70.35;
- B. five to 18, \$120.60;
- C. 19 to 28, \$180.90;
- D. 29 to 35, \$251.25;
- E. 36 and over, \$301.50; and

F. limited food or beverage establishments that sell only prepackaged foods that receive heat treatment and are served in the package, mobile units, or itinerant and special event stands serving food or beverages for 14 days or less in any single location, \$50.25.

Subp. 2. **Expiration date.** Initial and renewal food and beverage establishment licenses shall be issued for the calendar year for which application is made and shall expire on December 31 of such year.

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Subp. 3. License renewals. License renewals shall be obtained on an annual basis. License renewal applications shall be submitted to the commissioner of health on forms provided by it no later than December 31 of the year preceding the year for which application is made.

Subp. 4. Penalty fee. A penalty fee of \$20 shall be added to the amount of the license fee if the license renewal application has not reached the commissioner of health before January 31 of the year for which the license is to be issued, or in the case of a new business, 30 days after the opening the business.

Subp. 5. Reduced license fee. From and after October 1 of each year, the license fee for new establishments or operators shall be one-half of the appropriate annual license fee plus any penalty which may be required.

Statutory Authority: *MS s 144.05 para (b),(c); 144.122 para (a); 157.03; 327.16 subd 3*

History: *L 1977 c 305 s 39; 10 SR 1687; 13 SR 1652*