

1 Department of Agriculture

2

3 Adopted Permanent Rules Relating to Food Vending Machines

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5 Rules as Adopted

6 1550.5000 DEFINITIONS.

7 Subpart 1. **Scope.** For the purpose of parts 1550.5000 to
8 1550.5130, the terms in this part have the meanings given them.

9 Subp. 2. **Bulk food.** "Bulk food" means a food that when
10 dispensed to the customer is not packaged, wrapped, or otherwise
11 enclosed.

12 Subp. 3. **Commissary.** "Commissary" means a catering
13 establishment, restaurant, or other place in which food,
14 containers, or supplies are kept, handled, prepared, packaged,
15 or stored for use in vending machines. The term does not apply
16 to an area or conveyance at a vending machine location used for
17 the temporary storage of packaged food or beverages.

18 Subp. 4. **Corrosion-resistant materials.**
19 "Corrosion-resistant materials" means materials that maintain
20 their original sanitary surface characteristics under prolonged
21 influence of the food to be contacted, the normal use of
22 cleaning compounds and bactericidal solutions, and other
23 conditions of the use environment.

24 Subp. 5. **Easily cleanable.** "Easily cleanable" means that
25 surfaces are readily accessible and made of a material and
26 finish and fabricated so that residues may be effectively
27 removed by normal cleaning methods.

28 Subp. 6. **Employee.** "Employee" means an operator or other
29 person who:

30 A. handles a food, beverage, or ingredient to be
31 dispensed through vending machines;

32 B. comes into contact with food contact surfaces of
33 containers, equipment, utensils, or packaging materials used in
34 connection with vending machine operations; or

35 C. services or maintains a vending machine.

1 Subp. 7. **Food.** "Food" means a raw, cooked, or processed
2 edible substance, beverage, or ingredient used or intended for
3 use or for sale, in whole or in part, for human consumption.

4 Subp. 8. **Food contact surface.** "Food contact surface"
5 means a surface of a vending machine, appurtenance, or container
6 that comes into direct contact with a food, beverage, or
7 ingredient.

8 Subp. 9. **Hermetically-sealed container.**
9 "Hermetically-sealed container" means a container that is
10 designed and intended to be secure against the entry of
11 microorganisms and to maintain the commercial sterility of its
12 contents after processing.

13 Subp. 10. **Hot liquid, food, or beverage.** "Hot liquid,
14 food, or beverage" means a liquid, food, or beverage at a
15 temperature at the time of service to the consumer of at least
16 150 degrees Fahrenheit (66 degrees centigrade).

17 Subp. 11. **Law.** "Law" includes applicable federal, state,
18 and local statutes, ordinances, rules, and regulations.

19 Subp. 12. **License.** "License" means the document issued by
20 the Department of Agriculture or a home rule charter or
21 statutory city or a county that is authorized by the department
22 to impose a license fee and inspect food vending machines. A
23 home rule charter or statutory city or a county that does not
24 inspect food vending machines may not impose a food vending
25 inspection or license fee.

26 Subp. 13. **Machine location.** "Machine location" means the
27 room, enclosure, space, or area where one or more vending
28 machines are installed and operated.

29 Subp. 14. **Packaged.** "Packaged" means contained in a case,
30 carton, can, box, wrapping, barrel, tub, bottle, phial, or other
31 receptacle or covering.

32 Subp. 15. **Person.** "Person" means an individual,
33 partnership, corporation, company, firm, institution, trustee,
34 association, or other public or private entity.

35 Subp. 16. Potable water. "Potable water" means water of a
36 quality and from a source of supply and system operated,

1 located, and constructed in accordance with Department of Health
2 rules relating to public water supplies, water wells, and
3 plumbing installations.

4 Subp. ~~16~~ 17. **Potentially hazardous foods.** "Potentially
5 hazardous foods" means food that consists, in whole or in part,
6 of milk, milk products, eggs, meat, poultry, fish, shellfish,
7 edible crustacea, or other ingredients, including synthetic
8 ingredients, that is in a form capable of supporting rapid and
9 progressive growth of infectious or toxigenic microorganisms.
10 The term does not include foods that have a pH level of 4.6 or
11 below or a water activity (a_w) value of 0.85 or less at 77
12 degrees Fahrenheit (25 degrees centigrade) and foods in
13 hermetically-sealed containers processed to prevent spoilage.

14 Subp. ~~17~~ 18. **Readily accessible.** "Readily accessible"
15 means exposed or capable of being exposed for cleaning and
16 inspection without the use of tools.

17 Subp. ~~18~~ 19. **Regulatory authority.** "Regulatory authority"
18 means the Department of Agriculture or the authorized home rule
19 charter or statutory city or county responsible for licensing
20 and inspection of vending machines.

21 Subp. ~~19~~ 20. **Safe materials.** "Safe materials" means
22 materials that may not reasonably be expected to result,
23 directly or indirectly, in their becoming a component or
24 otherwise affecting the characteristics of food. The term
25 includes food additives or color additives as defined in section
26 201(s) or (t) of the federal Food, Drug, and Cosmetic Act only
27 if they are used in conformity with regulations established
28 under section 409 or 706 of that act. The term includes other
29 materials only if, as used, they are not food additives or color
30 additives as defined in section 201(s) or (t) of the federal
31 Food, Drug, and Cosmetic Act and are used in conformity with
32 applicable regulations of the United States Food and Drug
33 Administration.

34 Subp. ~~20~~ 21. **Sanitizing.** "Sanitizing" means effective
35 bactericidal treatment of clean food contact surfaces of
36 utensils and equipment by an approved process that is effective

1 in destroying microorganisms, including pathogens, without
2 adversely affecting the product or the safety of the consumer.

3 Subp. ~~21~~ 22. **Single-service article.** "Single-service
4 article" means a cup, container, lid or closure, plate, knife,
5 fork, spoon, stirrer or paddle, straw, napkin, wrapping
6 material, toothpick, or similar article made wholly or in part
7 from paper, paperboard, molded pulp, foil, wood, plastic,
8 synthetic, or other readily destructible materials, and intended
9 by the manufacturers and generally recognized by the public as
10 to be discarded after only one usage.

11 Subp. ~~22~~ 23. **Vending machine.** "Vending machine" means a
12 self-service device offered for public use that, upon insertion
13 of a coin, coins, token, credit card, or other payment device,
14 dispenses single or multiple servings of food or beverage,
15 either in bulk or in package, without the necessity of
16 replenishing the device between each vending operation.

17 1550.5010 VENDING MACHINE SANITATION REQUIREMENTS.

18 Subpart 1. **Standards.** Food intended for sale through
19 vending machines must be obtained from sources complying with
20 all laws relating to food and food labeling. The products must
21 be in a wholesome condition and must be processed, prepared,
22 handled, and stored to prevent contamination and adulteration.
23 All food-contact surfaces of containers and equipment must be
24 protected from contamination. Lamps located over exposed food
25 storage or display must be shielded, coated, or otherwise
26 shatter-resistant. This subpart has been satisfied when the
27 requirements in subparts 2 to 7 are met.

28 Subp. 2. **Food manufacturing.** Food offered for sale
29 through vending machines must be manufactured, processed, and
30 prepared in commissaries or establishments that comply with
31 applicable laws relating to food and food labeling.

32 Subp. 3. **Food.** Food offered for sale through vending
33 machines must be wholesome and properly labeled.

34 Subp. 4. **Packaged food.** Food in package form must be
35 packaged in sanitary containers and must be handled,

1 transported, and vended in a sanitary manner.

2 Subp. 5. **Potentially hazardous food.** Potentially
3 hazardous food offered for sale through vending machines must be
4 dispensed to the consumer in a single-service original container
5 or wrapper into which it was placed at the commissary or at the
6 manufacturing or processing plant. Potentially hazardous food
7 in bulk form must not be dispensed from vending machines.

8 Subp. 6. **Potentially hazardous food temperature**
9 **requirements.** Potentially hazardous food within a vending
10 machine must be maintained at a temperature of 40 degrees
11 Fahrenheit (five degrees centigrade), or below, or 150 degrees
12 Fahrenheit (66 degrees centigrade), or above. Vending machines
13 dispensing potentially hazardous food must be provided with
14 controls that will maintain the required temperatures at all
15 times, except during the filling or servicing of the machine and
16 for the maximum recovery period of 30 minutes following
17 completion of these operations. The controls must also place
18 the machine in an inoperative condition until serviced by the
19 operator during a power failure or other condition that may
20 permit the food storage compartment to attain a temperature over
21 40 degrees Fahrenheit (five degrees centigrade), or below, or
22 150 degrees Fahrenheit (66 degrees centigrade), or above,
23 whichever is applicable. Vending machines dispensing
24 potentially hazardous foods must be provided with a
25 numerically-scaled indicating thermometer accurate to ± 3 degrees
26 Fahrenheit (± 1 degree centigrade), indicating the air
27 temperature of the food storage compartment. The thermometer
28 must be readable without opening the machine.

29 Subp. 7. **Milk and milk products.** Fluid milk and fluid
30 milk products offered for sale through vending machines must
31 comply with the Grade A standards established by law and must be
32 dispensed only in individual original containers.

33 Fluid milk and fluid milk products and fluid nondairy
34 products must not be dispensed in vending machines as additional
35 ingredients in hot liquid beverages or other foods.

1 1550.5020 CLEANING OF VENDING MACHINE.

2 Parts of vending machines that come into direct contact
3 with food must be thoroughly cleaned and sanitized using methods
4 approved by law. The frequency of cleaning and sanitizing
5 treatment depends on the type of product being dispensed. A
6 record of cleaning and sanitizing treatment must be maintained
7 by the operator in each machine and must be current for at least
8 30 days. This subpart has been satisfied if the requirements in
9 items A to C have been met.

10 A. All equipment at the vending location must be kept
11 clean. Food contact surfaces must be cleaned, rinsed, and
12 sanitized using methods that are effective in removing food
13 residues and destroying microorganisms, including pathogens,
14 without adversely affecting the product or the safety of the
15 consumer.

16 B. The cavities and door seals of microwave ovens
17 must be cleaned with nonabrasive cleaners as often as necessary
18 to be maintained free of encrusted grease deposits and other
19 soil. All doors, seals, hinges, and latch fasteners must be
20 maintained tight and adjusted according to manufacturer's
21 procedures. Microwave ovens must comply with applicable safety
22 standards of the United States Food and Drug Administration's
23 Bureau of Radiological Health.

24 C. Food contact surfaces of all equipment and
25 utensils must be maintained free from contamination.

26 1550.5030 EQUIPMENT FOR CLEANING VENDING MACHINES.

27 In lieu of a permanent fixed installation of sink
28 facilities, the person may provide portable equipment that can
29 be moved from one location to another. The equipment must
30 consist of detergents, sanitizers, brushes, pails, and other
31 utility devices necessary for effective cleaning and sanitizing
32 disinfection. Separate containers must be used for washing and
33 rinsing operations.

34 1550.5040 SINGLE-SERVICE ARTICLES.

35 Single-service articles used for bulk food and beverages

1 must be purchased in sanitary cartons or packages that protect
2 the articles from contamination, stored in a clean, dry place
3 until used, and handled in a sanitary manner. The articles must
4 be stored in the original carton or package until introduced
5 into the container magazine or dispenser of the vending
6 machine. Single-service articles stored within the vending
7 machine must be protected from manual contact, dust, insects,
8 rodents, and other contamination. Single-service articles such
9 as utensils, straws, toothpicks, or similar articles must be
10 prewrapped and maintained out of the food when included as part
11 of the packaged vended food.

12 1550.5050 CONDIMENTS.

13 Condiments must be in single-service containers and
14 maintained out of the food when included as part of the packaged
15 vended food.

16 1550.5060 VENDING MACHINE LOCATION.

17 Subpart 1. **Standards.** A vending machine must be located
18 to minimize the potential for contamination of the food, must be
19 easily cleanable, and must be kept clean. Food, food
20 containers, and equipment stored near the machine or in a
21 separate room at the location must be stored at least six inches
22 (152 millimeters) above the floor and not exposed to moisture
23 and the storage area must be kept clean. This subpart has been
24 satisfied if the requirements in items A and B are met.

25 A. Each vending machine must be located in a room,
26 area, or space that will maintain the machine in a clean
27 condition and protect the machine from overhead leakage of
28 drains and pipes. Vending machines must be located so that the
29 space around and under the machine can be readily cleaned and
30 maintained free of insect and rodent harborage.

31 B. The floors under vending machines must be
32 reasonably smooth, cleanable, and capable of withstanding
33 repeated washing and scrubbing. The immediate area surrounding
34 a vending machine must be maintained in a clean condition.

1 1550.5070 EXTERIOR MACHINE CONSTRUCTION AND MAINTENANCE.

2 The exterior of a vending machine must be readily cleanable
3 to prevent the entrance of insects and rodents and must be kept
4 clean. Service connections to the machine must protect against
5 unintentional or accidental interruption of service. This part
6 has been satisfied if the requirements in items A to F are met.

7 A. The vending machine must be of sturdy construction
8 with the exterior designed, fabricated, and finished to
9 facilitate its cleanliness and prevent the entrance of insects
10 and rodents.

11 B. Door and panel access openings to the product and
12 container storage spaces of the machine must be tight-fitting to
13 prevent the entrance of dust, moisture, insects, and rodents.

14 C. All necessary ventilation louvers on openings into
15 vending machines must be effectively screened against insects
16 and rodents. Screening material must not be less than 16 mesh
17 to the inch or equivalent.

18 D. New vending machines with a condenser unit as an
19 integral part of the machine must be sealed from the product and
20 container storage spaces.

21 E. Unless the vending machine is sealed to the floor
22 to prevent seepage or can be manually moved with ease, one or
23 more of the following provisions must be used to facilitate
24 cleaning operations:

25 (1) the machine must be mounted on legs six or
26 more inches in height;

27 (2) the machine must be mounted on casters or
28 rollers; or

29 (3) the machine must be mounted on gliders that
30 permit it to be easily moved.

31 F. All service connections through an exterior wall
32 of the machine, such as water, gas, electrical, and
33 refrigeration connections, must be grommets or sealed to
34 prevent the entrance of insects and rodents. Connections to
35 utilities must discourage unauthorized or unintentional
36 disconnection.

1 1550.5080 INTERIOR CONSTRUCTION AND MAINTENANCE.

2 All interior surfaces and component parts of the vending
3 machine must be designed and constructed to permit easy cleaning
4 and must be kept clean. All food contact surfaces of the
5 machine must be smooth, nontoxic, corrosion-resistant, and
6 nonabsorbent and must be capable of withstanding repeated
7 cleaning and sanitizing by normal procedures. Food contact
8 surfaces must be protected against contamination. This part has
9 been satisfied if the requirements in items A to G are met.

10 A. Nonfood contact surfaces of the interior of
11 vending machines must be designed and constructed to permit easy
12 cleaning and to facilitate maintenance operations. Inaccessible
13 surfaces or areas must be minimized.

14 B. Food contact surfaces of vending machines must be
15 smooth, in good repair, and free of breaks, corrosion, open
16 seams, cracks, and chipping. Food contact surfaces must be
17 designed to prevent routine contact between food and V-type
18 threaded surfaces. All joints and welds in food contact
19 surfaces must be smooth with rounded internal angles and corners
20 to facilitate cleaning.

21 C. All food contact surfaces of vending machines
22 including containers, pipes, valves, and fittings, must be
23 constructed of nontoxic, corrosion-resistant, and relatively
24 nonabsorbent materials and must be kept clean. All containers,
25 valves, fittings, chutes, and faucets in contact with food must
26 be readily removable and fabricated to be easily disassembled;
27 and when disassembled, all surfaces must be visible for
28 inspection and cleaning. If a machine is designed so that food
29 contact pipes or tubing are not readily removable, in-place
30 cleaning of pipes and pipe fittings is permitted if they are
31 arranged so that cleaning and sanitizing solutions can be
32 circulated throughout the fixed system and the solutions will
33 contact all interior surfaces. The system must be
34 self-draining, and the cleaning procedures must result in
35 thorough cleaning of the equipment.

1 D. The openings into all nonpressurized containers
2 used for the storage of food and single-service articles in
3 vending machines must be provided with covers to prevent
4 contamination of the interior of the containers. Covers must be
5 designed to provide a flange that overlaps the opening and must
6 be sloped to provide drainage from the cover surface. Port
7 openings through the cover must be flanged upward at least
8 three-eighths inch and must be provided with a cover that
9 overlaps the flange. Condensation-deflecting or drip-deflecting
10 aprons must be provided on all piping, thermometers, equipment,
11 rotary shafts, and other functional parts extending into the
12 container, unless joints are watertight. Aprons must be of safe
13 material for those openings that are in continuous use.
14 Gaskets, if used, must be nontoxic, relatively stable, and
15 relatively nonabsorbent, and must have a smooth surface. Gasket
16 retaining grooves must be readily cleanable.

17 E. The delivery tube, chute, and orifice of bulk food
18 and bulk beverage vending machines must be protected from manual
19 contact, dust, insects, rodents, and other contamination. The
20 design must divert condensation and other moisture from the
21 normal filling position of the container receiving the food or
22 beverage. The vending stage of a vending machine must be
23 provided with a tight-fitting, self-closing door or cover that
24 is kept closed, except when the machine is in the process of
25 delivering a food or beverage.

26 F. The product storage compartment within a vending
27 machine dispensing packaged liquid products must be
28 self-draining or must be provided with a drain outlet that
29 permits complete draining of the compartment. The drains must
30 be easily cleanable.

31 G. Opening devices that contact food or the food
32 contact surface of the containers must be constructed of smooth,
33 nontoxic, corrosion-resistant, and relatively nonabsorbent
34 materials. Unless the opening device is a single-service type,
35 it must be readily removable for cleaning and must be kept
36 clean. Parts of multiuse opening devices coming into contact

1 with the food or food contact surface of containers must be
2 reasonably protected from manual contact, dust, insects,
3 rodents, and other contamination. The parts must be readily
4 removable for cleaning and must be kept clean.

5 1550.5090 WATER SUPPLY.

6 Water used in a vending machine must be from an-approved a
7 source in accordance with chapter 4720 and must be of a safe and
8 sanitary quality. This part has been satisfied if the
9 requirements in items A to E are met.

10 A. Water used in a vending machine must be potable
11 water and from an-approved a source in accordance with chapter
12 4720. Water used as a product ingredient must be piped into the
13 vending machine under pressure, and all connections and fittings
14 must be installed in accordance with law. Containers for the
15 storage of water must be designed and maintained as food contact
16 surfaces. Bottled water use is not excluded.

17 B. Water filters or other water conditioning devices
18 used as part of vending machines must be of a type that can be
19 disassembled for periodic cleaning or replacement of the active
20 element. Replacement elements must be handled in a sanitary
21 manner. The date of the latest replacement must be on the water
22 device.

23 C. Vending machines dispensing carbonated beverages
24 that are connected to a water supply system must be equipped
25 with a built-in positive airgap or an approved double check type
26 backflow preventer with intermediate atmospheric vent, or other
27 approved devices that will provide positive protection against
28 the entrance of carbon dioxide or carbonated water into the
29 water supply system.

30 D. Check valves used for the protection of the water
31 supply system must have a screen of not less than 100 mesh to
32 the inch installed in the water supply line immediately upstream
33 from the check valves in a location that permits servicing or
34 replacement.

35 E. Vending machines dispensing carbonated beverages

1 that are connected to a water supply system with the water
2 contact surfaces from the check valves or other protective
3 device downstream, including the device itself, must be made of
4 safe materials to prevent the production of toxic substances
5 that may result from interaction with carbon dioxide or
6 carbonated water.

7 1550.5100 WASTE DISPOSAL.

8 Waste must be maintained in suitable containers and
9 properly disposed of to prevent a nuisance. This part has been
10 satisfied if the requirements in items A to C are met.

11 A. Trash and waste material must be ~~frequently~~
12 removed from the machine location as frequently as necessary to
13 prevent nuisance and unsightliness and must be disposed of in a
14 manner approved by law.

15 B. Self-closing, leakproof, readily cleanable,
16 clearly labeled and designated waste containers must be provided
17 near each machine for disposal of used single-service items.
18 Waste containers must not be located within the machine, except
19 for those machines dispensing only packaged products with crown
20 closures, where the closure receptacle may be located within the
21 machine. Suitable racks or cases must be provided for multiuse
22 containers or bottles.

23 C. Containers must be provided within vending
24 machines dispensing liquid products in bulk for the collection
25 of drip, spillage, overflow, or other liquid wastes. An
26 automatic shutoff device must be provided that will make the
27 vending machine inoperative before the container overflows.
28 Containers for waste must be readily removable for cleaning,
29 must be easily cleanable, and must be corrosion-resistant.
30 Liquid wastes from drip, spillage, or overflow discharged into a
31 sewerage system must have an air gap between the connection and
32 the sewer. The sewerage system must be constructed, maintained,
33 and operated according to law.

34 1550.5110 DELIVERY OF FOOD, EQUIPMENT, AND SUPPLIES TO MACHINE
35 LOCATION.

1 Food and food contact surfaces of containers, equipment,
 2 and supplies must be protected from contamination while in
 3 transit from the commissary to the machine location or its
 4 storage area. Potentially hazardous foods while in transit from
 5 a commissary must be maintained at a temperature of 40 degrees
 6 Fahrenheit (five degrees centigrade), or below, or 150 degrees
 7 Fahrenheit (66 degrees centigrade), or above. This part has
 8 been satisfied if the requirements in items A and B are met.

9 A. Food, single-service articles, and food contact
 10 surfaces in transit to vending machine locations must be
 11 protected from dirt, dust, insects, rodents, and other
 12 contamination.

13 B. Potentially hazardous food in transit from the
 14 commissary to vending machine locations must be maintained at a
 15 temperature of 40 degrees Fahrenheit (five degrees centigrade),
 16 or below, or 150 degrees Fahrenheit (66 degrees centigrade), or
 17 above.

18 1550.5120 PERSONNEL CLEANLINESS.

19 Subpart 1. Handling of food or food contact surfaces-
 20 ~~Employees must maintain a high degree of personal cleanliness~~
 21 ~~and must conform to good hygienic practices while engaged in~~
 22 ~~handling food or food contact surfaces of utensils or equipment.~~

23 ~~Subp. 2.~~ and servicing. Employees must thoroughly wash
 24 their hands and exposed portions of their arms before engaging
 25 in vending machine servicing operations and after smoking,
 26 eating, or using the toilet. Employees must wear clean outer
 27 garments, must not use tobacco in any form, and must keep their
 28 fingernails clean and trimmed during servicing operations.

29 ~~Subp. 3.~~ 2. Employee health. No employee, while infected
 30 with a disease in a communicable form that can be transmitted by
 31 foods or who is a carrier of organisms that cause such a disease
 32 or while affected with a boil, an infected wound, or an acute
 33 respiratory infection, may work with food in any capacity in
 34 which there is a likelihood of that person contaminating food or
 35 food contact surfaces with pathogenic organisms or transmitting

1 disease to other persons.

2 1550.5130 EXISTING VENDING MACHINES.

3 Vending machines in use before the effective date of parts
4 1550.5000 to 1550.5130 that do not fully meet the design and
5 fabrication requirements of parts 1550.5000 to 1550.5130 are
6 acceptable if they are in good repair, capable of being
7 maintained in a sanitary condition, and in compliance with part
8 1550.5000, subpart 19.