

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 **4626.1035 5-104.12 ALTERNATIVE WATER SUPPLY.**

2 Water meeting the requirements of parts 4626.0980 to 4626.1025 shall be made
3 available for a mobile establishment, a temporary food establishment without a
4 permanent water supply, and a food establishment with a temporary interruption of its
5 water supply through:

6 A. containers of commercially bottled drinking water that comply with parts
7 1550.3200 to 1550.3320;

8 B. one or more closed portable water containers that comply with parts 4720.4000
9 to 4720.4400;

10 C. an enclosed vehicular water tank that complies with parts 4720.4000 to
11 4720.4400; or

12 D. piping, tubing, or hoses connected to an adjacent source that complies with part
13 4626.1160, chapters 4720 and 4725, and NSF International Standard No. 51, which is
14 incorporated by reference in part 4626.0505.

15 **PLUMBING SYSTEM**

16 **4626.1040 5-201.11 APPROVED MATERIALS.***

17 A. A plumbing system conveying water shall be constructed and repaired with
18 approved materials according to chapter 4715 and Minnesota Statutes, sections 326.37 to
19 326.45.

20 B. A water filter shall be made of safe materials and comply with the applicable
21 NSF International standards:

22 (1) Standard No. 42, Drinking Water Treatment Unit - Aesthetic Effects, 1988
23 and subsequent editions;

24 (2) Standard No. 44, Cation Exchange Water Softeners, 1987 and subsequent
25 editions;

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.^N

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.^N

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.^N

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.

4626.1260

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

4626.1375

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.**

4626.1410

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.

4626.1530

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;^N

5 B. routinely inspecting the premises for evidence of pests;^N

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.^N

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 **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.^N

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.^N

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.