

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

3 1547.0110 REVIEW OF PLANS.

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

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

Square Footage	Review Fee
0 - 4,999	\$125
5,000 - 24,999	175
25,000 plus	275

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14 1550.1255 APPLICABILITY.

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

17 1550.1450 WATER SUPPLY.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (2) Standard No. 2 Dough Troughs.

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

8 (4) Standard No. 4 Mechanical Washers.

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

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

11 (7) Standard No. 7 Conveyors.

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

13 (9) Standard No. 9 Bread Moulders.

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

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

18 (12) Standard No. 12 Coating Equipment.

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

20 (14) Standard No. 14 Ovens.

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

22 (16) Standard No. 16 Doughnut Equipment.

23 (17) Standard No. 17 Pan Greasers.

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

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

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

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

5 Food service shall be provided according to chapter 4626.

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

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

8 **4620.0100 DEFINITIONS.**

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

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

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

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

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

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

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

25 **4620.1025 BARS.**

4620.1025

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

7 **FOOD CODE GENERALLY**

8 **4626.0010 1-101.10 FOOD CODE.**

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

10 **4626.0015 1-102.10 FOOD SAFETY.**

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

13 **4626.0017 1-103.10 APPLICABILITY.**

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

17 **DEFINITIONS**

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

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

21 **Subp. 2. Additive.**

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

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

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

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

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

8 Subp. 5. **a_w.** "a_w" means water activity.

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (3) fish as defined in subpart 29.

10 B. Commercial game animal includes:

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

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

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

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

17 Comminuted products include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (1) into a food; or

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

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

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

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

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

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

23 B. Food establishment includes:

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

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

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

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

9 C. Food establishment does not include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 B. Game animal includes:

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

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

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

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

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

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

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

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

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

17 A. the number of potential injuries; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 B. pesticides, including insecticides and rodenticides;

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

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

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

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

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

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

9 C. Potentially hazardous food does not include:

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

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

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

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

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

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

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

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

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

19 B. Ready-to-eat food includes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 A. offered to the consumer;

4 B. intended for off-premises consumption; and

5 C. not subject to on-site preparation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 A. "Wild game animal" means:

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

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

21 B. Wild game animal does not include:

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

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

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

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

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

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

7 (1) cross-contamination;

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

9 (3) handwashing; and

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

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

13 (1) sufficient in number and capacity; and

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

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

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

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

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

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

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

5 (1) food employee;

6 (2) person in charge; and

7 (3) regulatory authority.

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

9 The person in charge shall ensure that:

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

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

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

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

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

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

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

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

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

14 EMPLOYEE HEALTH

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

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

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

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

25 (2) jaundice; or

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

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

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

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

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

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

11 (2) the hepatitis A virus.

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

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

15 The person in charge shall:

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

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

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

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

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

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

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

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

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

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

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

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

16 (2) the hepatitis A virus.

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

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

22 (1) diarrhea or vomiting;

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

25 (3) a hepatitis A virus infection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4626.0095

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

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

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

7 **HYGIENIC PRACTICES**

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

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

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

15 (1) the employee's hands;

16 (2) the container; and

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

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

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

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

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

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

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

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

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

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

16 **FOOD CHARACTERISTICS**

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

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

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

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

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

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

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

- 1 (4) United States Code, title 21, sections 601 to 695;
- 2 (5) Code of Federal Regulations, title 7, parts 46 to 51;
- 3 (6) Code of Federal Regulations, title 9, parts 301 to 391;
- 4 (7) Code of Federal Regulations, title 21, parts 1 to 189;
- 5 (8) Code of Federal Regulations, title 40, parts 104 to 135;
- 6 (9) Code of Federal Regulations, title 40, parts 152 to 186;
- 7 (10) Code of Federal Regulations, title 50, parts 260 to 285;
- 8 (11) Minnesota Statutes, chapters 29, 30, 31, 31A, 32, 33, and 34; and
- 9 (12) chapters 1520, 1525, 1530, 1535, 1540, 1545, 1550, and 1555 and part
- 10 4630.2700.

11 B. Except as allowed by Minnesota Statutes, sections 28A.15 and 157.22, clauses (6)

12 and (7), food prepared or stored in a private home shall not be used or offered for

13 human consumption in a food establishment.

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

15 4626.0435.

16 D. Fish, other than molluscan shellfish, that are intended for consumption in raw

17 form and allowed as specified in part 4626.0340, item B C, subitem (1), shall be obtained

18 from a supplier that freezes the fish as specified in part 4626.0350; or shall be frozen on

19 the premises as specified in part 4626.0350 and records shall be retained as specified in

20 part 4626.0355.

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

22 Food in a hermetically sealed container shall be obtained from a food processing

23 plant that is regulated by the food regulatory agency that has jurisdiction over the plant.

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

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

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

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

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

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

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

12 (2) approved for sale or service.

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

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

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

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

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

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

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

17 B. This part does not apply to:

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

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

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

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

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

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

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

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

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

16 (1) only pure wild game is donated;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 B. list:

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

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

20 (b) the date of harvesting;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (2) the shellstock are protected from contamination.

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

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

21 (2) the shellfish are protected from contamination.

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

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

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

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

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

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

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

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

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

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

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

18 PROTECTION FROM CONTAMINATION

19 4626.0225 3-301.11 PREVENTING CONTAMINATION FROM HANDS.*

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

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

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

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

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

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

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

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

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

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

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

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

17 (a) one of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (5) shellstock.

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

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

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

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

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

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

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

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

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

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

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

14 B. A food employee shall not:

15 (1) apply sulfiting agents to fresh fruits and vegetables intended for raw
16 consumption or to a food considered to be a good source of vitamin B₁ as specified in
17 Code of Federal Regulations, title 21, section 101.54, paragraph (c); or

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

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

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

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

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

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

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

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

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

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

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

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

21 Food shall not contact:

22 A. probe-type price or identification tags;^N and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 or

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

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

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

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

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

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

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

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

4626.0290

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

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

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

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

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

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

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

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

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

20 (1) in a clean, dry location;

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

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

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

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

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

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

4 Food shall not be stored:

5 A. in a locker room;

6 B. in a toilet room;

7 C. in a dressing room;

8 D. in a garbage room;

9 E. in a mechanical room;

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

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

13 H. under an open stairwell; or

14 I. under any other source of contamination.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 DESTROYING ORGANISMS

7 4626.0340 3-401.11 RAW ANIMAL FOODS.*

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

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

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

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

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

22 Minimum

23	Temperature	
24	°C (°F)	Time
25		
26	63 (145)	3 minutes
27	66 (150)	1 minute

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

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

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

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

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

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

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

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

4 1Holding time may include postoven heat rise.

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

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

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

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

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

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

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

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

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

23 B. covered to retain surface moisture;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 Stored frozen foods shall be maintained frozen.

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

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

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

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

1 **4626.0380 3-501.13 THAWING.**

2 Potentially hazardous food shall be thawed:

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

5 B. completely submerged under running water:

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

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

9 (3) for a period of time that:

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

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

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

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

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

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

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

24 A. Cooked potentially hazardous food shall be cooled:

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

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

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

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

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

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

15 (1) placing the food in shallow pans;

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

17 (3) using rapid cooling equipment;

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

19 (5) using containers that facilitate heat transfer;

20 (6) adding ice as an ingredient; or

21 (7) other effective methods.

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

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

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

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

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

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

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

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

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

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

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

26 (2) at both of the following times:

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

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

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

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

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

21 (2) at both of the following times:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (1) items A to C; and

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

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

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

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

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

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

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

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

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

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

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

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

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

17 B. A HACCP plan under item A shall:

18 (1) identify the food to be packaged;

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

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

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

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

1 (d) is a meat or poultry product:

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

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

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

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

12 (a) keep refrigerated or frozen; and

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

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

21 (6) include operational procedures that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 D. Foods that meet the exemptions and special labeling provision specified in
16 Code of Federal Regulations, title 21, section 101.9, paragraph (j), are exempt from
17 nutritional labeling if no nutrient content claim or health claim is made.

18 CONTAMINATED FOOD

19 4626.0445 3-701.11 DISCARDING OR RECONDITIONING ADULTERATED OR 20 MISBRANDED FOOD.*

21 A. Food that is adulterated or misbranded shall be reconditioned according to
22 Minnesota Statutes, section 31.495, or discarded.

23 B. Food that is not from an approved source specified in parts 4626.0130 to
24 4626.0160 shall be discarded.

25 C. Ready-to-eat food that may have been adulterated by an employee who has
26 been restricted or excluded as specified in part 4626.0045 shall be discarded.

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

4 EQUIPMENT CONSTRUCTION MATERIALS

5 4626.0450 4-101.11 CHARACTERISTICS.*

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

9 A. safe;

10 B. durable, corrosion-resistant, and nonabsorbent;^N

11 C. sufficient in weight and thickness to withstand repeated warewashing;^N

12 D. finished to have a smooth, easily cleanable surface;^N and

13 E. resistant to pitting, chipping, crazing, scratching, scoring, distortion, and
14 decomposition.^N

15 4626.0455 4-101.12 CAST IRON; USE LIMITATION.

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

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

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

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

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

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

16 **4626.0465 4-101.14 COPPER; USE LIMITATION.***

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

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

24 **4626.0470 4-101.15 GALVANIZED METAL; USE LIMITATION.***

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

27 **4626.0475 4-101.16 SPONGES; USE LIMITATION.**

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

30 **4626.0480 4-101.17 PEWTER; USE LIMITATION.**

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

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

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

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

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

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

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

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

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

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

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

20 (1) untreated wood containers; or

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

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

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

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

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

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

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

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

10 A. shall not:

11 (1) allow the migration of deleterious substances; or

12 (2) impart colors, odors, or tastes to food;^N and

13 B. shall be:

14 (1) safe; and

15 (2) clean.^N

16 **EQUIPMENT DESIGN AND CONSTRUCTION**

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

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

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

1 (1) Standard No. 2, Food Equipment, 1996 and subsequent editions.

2 (2) Standard No. 3, Commercial Spray-Type Dishwashing and Glasswashing
3 Machines, 1996 and subsequent editions.

4 (3) Standard No. 4, Commercial Cooking, Rethermalization, and Powered Hot
5 Food Holding and Transport Equipment, 1996 and subsequent editions.

6 (4) Standard No. 5, Water Heaters, Hot Water Supply Boilers, and Heat
7 Recovery Equipment, 1992 and subsequent editions.

8 (5) Standard No. 6, Dispensing Freezers, 1996 and subsequent editions.

9 (6) Standard No. 7, Food Service Refrigerators and Storage Freezers, 1990 and
10 subsequent editions.

11 (7) Standard No. 8, Commercial Powered Food Preparation Equipment, 1992
12 and subsequent editions.

13 (8) Standard No. 12, Automatic Ice Making Equipment, 1992 and subsequent
14 editions.

15 (9) Standard No. 13, Refuse Compactors and Compactor Systems, 1992 and
16 subsequent editions.

17 (10) Standard No. 18, Manual Food and Beverage Dispensing Equipment, 1996
18 and subsequent editions.

19 (11) Standard No. 20, Commercial Bulk Milk Dispensing Equipment, 1992 and
20 subsequent editions.

21 (12) Standard No. 25, Vending Machines for Food and Beverages, 1990 and
22 subsequent editions.

23 (13) Standard No. 26, Pot, Pan, and Utensil Commercial Spray-Type Washing
24 Machines, 1990 and subsequent editions.

25 (14) Standard No. 29, Detergent and Chemical Feeders for Commercial
26 Spray-Type Dishwashing Machines, 1992 and subsequent editions.

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

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

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

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

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

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

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

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

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

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

25 (2) remains in good repair;

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

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

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

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

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

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

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

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

24 Multiuse food-contact surfaces shall be:

25 A. smooth;

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

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

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

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

5 (1) without being disassembled;

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

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

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

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

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

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

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

20 **4626.0525 4-202.13 "V" THREADS; USE LIMITATION.**

21 "V"-type threads shall not be used on food-contact surfaces. This part does not apply
22 to hot oil cooking or filtering equipment.

23 **4626.0530 4-202.14 HOT OIL FILTERING EQUIPMENT.**

24 Hot oil filtering equipment shall meet the characteristics specified in part 4626.0515 or
25 4626.0520 and shall be readily accessible for filter replacement and filter cleaning.

1 **4626.0535 4-202.15 CAN OPENERS.**

2 Cutting or piercing parts of can openers shall be readily removable for cleaning and
3 replacing.

4 **4626.0540 4-202.16 NON-FOOD-CONTACT SURFACES.**

5 Non-food-contact surfaces shall be free of unnecessary ledges, projections, and
6 crevices, and designed and constructed to allow easy cleaning and to facilitate
7 maintenance.

8 **4626.0545 4-202.17 KICK PLATES, REMOVABLE; ENCLOSED HOLLOW BASES.**

9 A. Kick plates shall be designed so that the areas behind them are accessible for
10 inspection and cleaning by being:

11 (1) removable by one of the methods specified in part 4626.0515, item E,
12 subitems (1) to (3), or capable of being rotated open; and

13 (2) removable or capable of being rotated open without unlocking equipment
14 doors.

15 B. In new or extensively remodeled establishments, enclosed hollow bases are
16 prohibited.

17 **4626.0550 4-202.18 VENTILATION HOOD SYSTEMS; FILTERS.**

18 Filters or other grease extracting equipment shall be designed to be readily removable
19 for cleaning and replacing if not designed to be cleaned in place.

20 **4626.0555 4-203.11 TEMPERATURE MEASURING DEVICES; FOOD.**

21 A. Food temperature measuring devices that are scaled only in Celsius or dually
22 scaled in Celsius and Fahrenheit shall be accurate to 1 degree C (1.8 degrees F).

23 B. Food temperature measuring devices that are scaled only in Fahrenheit shall be
24 accurate to 2 degrees F.

25 **4626.0560 4-203.12 TEMPERATURE MEASURING DEVICES; AMBIENT AIR AND**
26 **WATER.**

4626.0560

1 A. Ambient air and water temperature measuring devices that are scaled in Celsius
2 or dually scaled in Celsius and Fahrenheit shall be designed to be easily readable and
3 accurate to 1.5 degrees C (2.7 degrees F) at the use range.

4 B. Ambient air and water temperature measuring devices that are scaled only in
5 Fahrenheit shall be accurate to 3 degrees F at the use range.

6 **4626.0563 PRESSURE MEASURING DEVICES; MECHANICAL WAREWASHING**
7 **EQUIPMENT.**

8 Pressure measuring devices that display the pressures in the water supply line for the
9 fresh hot water sanitizing rinse shall have increments of seven kilopascals (one pound
10 per square inch) or smaller and shall be accurate to 14 kilopascals (2 pounds per square
11 inch) in the 100 to 170 kilopascals (15 to 25 pounds per square inch) range.

12 **4626.0565 4-204.11 VENTILATION HOOD SYSTEMS, DRIP PREVENTION.**

13 Exhaust ventilation hood systems in food preparation and warewashing areas,
14 including hoods, fans, guards, ducting, and other components, shall be designed to
15 prevent grease or condensation from draining or dripping onto food, equipment,
16 utensils, linens, and single-service and single-use articles.

17 **4626.0570 4-204.12 EQUIPMENT OPENINGS, CLOSURES, AND DEFLECTORS.**

18 A. A cover or lid for equipment shall overlap the opening and be sloped to drain.

19 B. An opening located within the top of a unit of equipment that is designed for
20 use with a cover or lid shall be flanged upward at least five millimeters (two-tenths
21 inch).

22 C. Except as specified in item D, fixed piping, temperature measuring devices,
23 rotary shafts, and other parts extending into equipment shall be provided with a
24 watertight joint at the point where the item enters the equipment.

25 D. If a watertight joint is not provided:

1 **4626.0580 4-204.14 VENDING MACHINE; VENDING STAGE CLOSURE.**

2 The dispensing compartment of a vending machine, including a machine that is
3 designed to vend chips, party mixes, pretzels, and other prepackaged snack food that is
4 not potentially hazardous, shall be equipped with a self-closing door or cover if the
5 machine is:

6 A. located in an outside area that does not otherwise afford the protection of an
7 enclosure against rain, windblown debris, insects, rodents, and other contaminants that
8 are present in the environment; or

9 B. available for self-service during hours when it is not under the full-time
10 supervision of a food employee.

11 **4626.0585 4-204.15 BEARINGS AND GEAR BOXES; LEAKPROOF.**

12 Equipment containing bearings and gears that require lubricants shall be designed
13 and constructed so that the lubricant cannot leak, drip, or be forced into food or onto
14 food-contact surfaces.

15 **4626.0590 4-204.16 BEVERAGE TUBING; SEPARATION.**

16 Beverage tubing and cold-plate beverage cooling devices shall not be installed in
17 contact with stored ice. This part does not apply to cold plates that are constructed
18 integrally with an ice storage bin.

19 **4626.0595 4-204.17 ICE UNITS; SEPARATION OF DRAINS.**

20 Liquid waste drain lines shall not pass through an ice machine or ice storage bin.

21 **4626.0600 4-204.18 CONDENSER UNIT; SEPARATION.**

22 If a condenser unit is an integral component of equipment, the condenser unit shall
23 be separated from the food and food storage space by a dustproof barrier.

24 **4626.0605 4-204.19 CAN OPENERS ON VENDING MACHINES.**

25 Cutting or piercing parts of can openers on vending machines shall be protected from
26 manual contact, dust, insects, rodents, and other contamination.

1 **4626.0610 4-204.110 MOLLUSCAN SHELLFISH TANKS.**

2 A. Except as specified in item B, molluscan shellfish life support system display
3 tanks shall be used only to display shellfish that are not offered for human consumption
4 and shall be conspicuously marked so that it is obvious to the consumer that the
5 shellfish are for display only.

6 B. Molluscan shellfish life support system display tanks used to store and display
7 shellfish that are offered for human consumption shall be operated and maintained
8 according to a variance granted by the regulatory authority as specified in parts
9 4626.1690 to 4626.1715, with a HACCP plan as required in parts 4626.1730 and 4626.1735
10 that:

11 (1) is submitted by the licensee and approved by the regulatory authority as
12 specified in parts 4626.1690 to 4626.1715; and

13 (2) ensures that:

14 (a) water used with fish other than molluscan shellfish does not flow into the
15 molluscan tank;

16 (b) the safety and quality of the shellfish as they were received are not
17 compromised by use of the tank; and

18 (c) the identity of the source of the shellstock is retained as specified in part
19 4626.0220.

20 **4626.0615 4-204.111 VENDING MACHINES; AUTOMATIC SHUTOFF.***

21 A. A machine vending potentially hazardous food shall have an automatic control
22 that prevents the machine from vending food:

23 (1) if there is a power failure, mechanical failure, or other condition that results
24 in an internal machine temperature that cannot maintain food temperatures specified in
25 parts 4626.0130 to 4626.0420; and

1 (2) if a condition specified in subitem (1) occurs, until the machine is serviced
2 and restocked with food that has been maintained at temperatures specified in parts
3 4626.0130 to 4626.0420.

4 B. The temperature specified for activation of the automatic shutoff within a
5 machine vending potentially hazardous food may deviate from the temperature and for
6 a time as follows:

7 (1) in a refrigerated vending machine, at an ambient temperature of 7 degrees C
8 (45 degrees F) or more, for no more than 30 minutes immediately after the machine is
9 filled, serviced, or restocked; or

10 (2) in a hot holding vending machine, at an ambient temperature of less than 60
11 degrees C (140 degrees F), for no more than 120 minutes after the machine is filled,
12 serviced, or restocked.

13 **4626.0620 4-204.112 TEMPERATURE MEASURING DEVICES.**

14 A. In a mechanically refrigerated or hot food storage unit, the sensor of a
15 temperature measuring device shall be located to measure the air temperature in the
16 warmest part of a mechanically refrigerated unit and in the coolest part of a hot food
17 storage unit.

18 B. Except as specified in item C, cold or hot holding equipment used for potentially
19 hazardous food shall be designed to include and shall be equipped with at least one
20 integral or permanently affixed temperature measuring device that is located to allow
21 easy viewing of the device's temperature display.

22 C. Item B does not apply to equipment for which the placement of a temperature
23 measuring device is not a practical means for measuring the ambient air surrounding
24 the food because of the design, type, and use of the equipment, including calrod units,
25 heat lamps, cold plates, bainmaries, steam tables, insulated food transport containers,
26 and salad bars.

1 D. Temperature measuring devices shall be designed to be easily readable.

2 E. Food temperature measuring devices and water temperature measuring devices
3 on warewashing machines shall have a numerical scale, printed record, or digital
4 readout in increments no greater than 1 degree C or 2 degrees F in the intended range of
5 use.

6 **4626.0625 4-204.113 WAREWASHING MACHINES; DATA PLATE OPERATING**
7 **SPECIFICATIONS.**

8 A warewashing machine shall be provided with an easily accessible and readable
9 data plate affixed to the machine by the manufacturer that indicates the machine's
10 design and operating specifications, including the:

11 A. temperatures required for washing, rinsing, and sanitizing;

12 B. pressure required for the fresh water sanitizing rinse unless the machine is
13 designed to use only a pumped sanitizing rinse; and

14 C. conveyor speed for conveyor machines or cycle time for stationary rack
15 machines.

16 **4626.0630 4-204.114 WAREWASHING MACHINES; INTERNAL BAFFLES.**

17 Warewashing machine wash and rinse tanks shall be equipped with baffles, curtains,
18 or other means to minimize internal cross-contamination of the solutions in wash and
19 rinse tanks.

20 **4626.0635 4-204.115 WAREWASHING MACHINES; TEMPERATURE MEASURING**
21 **DEVICES.**

22 A warewashing machine shall be equipped with a temperature measuring device that
23 indicates the temperature of the water:

24 A. in each wash and rinse tank; and

25 B. as the water enters the hot water sanitizing final rinse manifold or in the
26 chemical sanitizing solution tank.

1 **4626.0640 4-204.116 MANUAL WAREWASHING EQUIPMENT; HEATERS AND**
2 **BASKETS.**

3 If hot water is used for sanitization in manual warewashing operations, the sanitizing
4 compartment of the sink shall be:

5 A. designed with an integral heating device that is capable of maintaining water at
6 a temperature not less than 77 degrees C (171 degrees F); and

7 B. provided with a rack or basket to allow complete immersion of equipment and
8 utensils into the hot water.

9 **4626.0643 WAREWASHING MACHINES; SANITIZER LEVEL INDICATOR.**

10 A warewashing machine that uses a chemical for sanitization and that is installed
11 after the effective date of the Code shall be equipped with a device that indicates
12 audibly or visually when more chemical sanitizer needs to be added.

13 **4626.0645 4-204.117 WAREWASHING MACHINES; FLOW PRESSURE DEVICE.**

14 A. Warewashing machines that provide a fresh hot water sanitizing rinse shall be
15 equipped with a pressure gauge, transducer, or similar device that measures and
16 displays the water pressure in the supply line immediately before entering the
17 warewashing machine.

18 B. If the flow pressure measuring device is upstream of the fresh hot water
19 sanitizing rinse control valve, the device shall be mounted in a 6.4 millimeter
20 (one-fourth inch) iron pipe size (IPS) valve.

21 C. Items A and B do not apply to a machine that uses only a pumped or
22 recirculated sanitizing rinse.

23 **4626.0650 4-204.118 WAREWASHING SINKS AND DRAINBOARDS;**
24 **SELF-DRAINING.**

25 Sinks and drainboards of warewashing sinks and machines shall be self-draining.

1 **4626.0655 4-204.119 EQUIPMENT COMPARTMENTS; DRAINAGE.**

2 Equipment compartments that are subject to accumulation of moisture due to
3 condensation, food or beverage drip, water from melting ice, or similar conditions shall
4 be sloped to an outlet that allows complete draining.

5 **4626.0660 4-204.120 VENDING MACHINES; LIQUID WASTE PRODUCTS.**

6 A. Vending machines designed to store beverages that are packaged in containers
7 made from paper products shall be equipped with diversion devices and retention pans
8 or drains for container leakage.

9 B. Vending machines that dispense liquid food in bulk shall be:

10 (1) provided with an internally mounted waste receptacle for the collection of
11 drips, spillage, overflow, or other internal wastes; and

12 (2) equipped with an automatic shutoff device that takes the machine out of
13 operation before the waste receptacle overflows.

14 C. A shutoff device specified in item B, subitem (2), shall prevent water or liquid
15 food from continuously running if there is a failure of a flow control device in the water
16 or liquid food system or waste accumulation that could lead to overflow of the waste
17 receptacle.

18 **4626.0665 4-204.121 CASE LOT HANDLING EQUIPMENT; MOVEABILITY.**

19 Dollies, pallets, racks, skids, and other equipment used to store and transport large
20 quantities of packaged foods received from a supplier in a cased or overwrapped lot
21 shall be designed to be moved by hand or by hand trucks, forklifts, or other
22 conveniently available equipment.

23 **4626.0670 4-204.122 VENDING MACHINE DOORS AND OPENINGS.**

24 A. Vending machine doors and access opening covers to food and container
25 storage spaces shall be tight-fitting so that the space along the entire interface between

1 the doors or covers and the cabinet of the machine, if the doors or covers are in a closed
2 position, is no greater than 1.5 millimeters (1/16 inch) by:

3 (1) being covered with louvers, screens, or materials that provide an equivalent
4 opening of not greater than 1.5 millimeters (1/16 inch). Screening of 12 or more mesh to
5 2.5 centimeters (12 mesh to one inch) meets the requirements of this subitem;

6 (2) being effectively gasketed;

7 (3) having interface surfaces that are at least 13 millimeters (one-half inch) wide;

8 or

9 (4) using jambs or surfaces to form an L-shaped entry path to the interface.

10 B. Vending machine service connection openings through an exterior wall of a
11 machine shall be closed by sealants, clamps, or grommets so that the openings are no
12 larger than 1.5 millimeters (1/16 inch).

13 EQUIPMENT NUMBERS AND CAPACITIES

14 4626.0675 4-301.11 COOLING, HEATING, AND HOLDING CAPACITIES.

15 Equipment for cooling and heating food, and holding cold and hot food, shall be
16 sufficient in number and capacity to provide food temperatures specified in parts
17 4626.0130 to 4626.0420.

18 4626.0680 4-301.12 MANUAL WAREWASHING; SINK COMPARTMENT 19 REQUIREMENTS.

20 A. Except as specified in item C, a sink with at least three compartments and with
21 integrally attached drainboards at each end shall be provided for manually washing,
22 rinsing, and sanitizing equipment and utensils.

23 B. Sink compartments shall be large enough to accommodate immersion of the
24 largest equipment and utensils. If equipment or utensils are too large for the
25 warewashing sink, a warewashing machine or alternative equipment specified in item C
26 shall be used.

1 C. Alternative manual warewashing equipment may be used when there are
2 special cleaning needs or constraints and the regulatory authority approves the use of
3 the alternative equipment. Alternative manual warewashing equipment may include:

4 (1) high-pressure detergent sprayers;

5 (2) low- or line-pressure spray detergent foamers;

6 (3) other task-specific cleaning equipment;

7 (4) brushes or other implements; or

8 (5) receptacles that substitute for the compartments of a multicompartment sink
9 provided they are used only for on-site vending machine cleaning and sanitizing.

10 **4626.0685 4-301.13 DRAINBOARDS.**

11 A. Integral drainboards, utensil racks, or tables large enough to accommodate all
12 soiled and cleaned items that may accumulate during hours of operation shall be
13 provided for necessary utensil holding before cleaning and after sanitizing.

14 B. Hot water sanitizing machines shall have space for and a minimum of three
15 racks for drying utensils.

16 C. Chemical sanitizing machines shall have space for and a minimum of five racks
17 for drying utensils.

18 **4626.0690 4-301.14 VENTILATION HOOD SYSTEMS; ADEQUACY.**

19 Ventilation hood systems and devices shall be sufficient in number and capacity to
20 prevent grease or condensation from collecting on walls and ceilings.

21 **4626.0695 4-301.15 CLOTHES WASHERS AND DRYERS.**

22 A. Except as specified in item B, if work clothes or linens are laundered on the
23 premises, a mechanical clothes washer and dryer shall be provided and used.

24 B. If on-premises laundering is limited to wiping cloths intended to be used moist,
25 or wiping cloths are air-dried as specified in part 4626.0940, a mechanical clothes washer
26 and dryer need not be provided.

1 **4626.0700 4-302.11 UTENSILS; CONSUMER SELF-SERVICE.**

2 A food dispensing utensil shall be available for each display container displayed at a
3 buffet, salad bar, or other consumer self-service unit.

4 **4626.0705 4-302.12 FOOD TEMPERATURE MEASURING DEVICES.**

5 Food temperature measuring devices shall be provided and readily accessible for use
6 in ensuring attainment and maintenance of food temperatures specified in parts
7 4626.0130 to 4626.0420.

8 **4626.0710 4-302.13 TEMPERATURE MEASURING DEVICES; MANUAL**
9 **WAREWASHING.**

10 In manual warewashing operations, a temperature measuring device shall be
11 provided and readily accessible for frequently measuring the washing and sanitizing
12 temperatures.

13 **4626.0715 4-302.14 SANITIZING SOLUTIONS; TESTING DEVICES.**

14 A test kit or other device that accurately measures the concentration in mg/L of
15 sanitizing solutions shall be provided.

16 **EQUIPMENT LOCATION AND INSTALLATION**

17 **4626.0720 4-401.11 EQUIPMENT, CLOTHES WASHERS AND DRYERS, AND**
18 **STORAGE CABINETS; CONTAMINATION PREVENTION.**

19 A. Except as specified in items B and C, equipment; a cabinet that is used for the
20 storage of food; or a cabinet that is used to store cleaned and sanitized equipment,
21 utensils, laundered linens, or single-service and single-use articles shall not be located:

22 (1) in a locker room;

23 (2) in a toilet room;

24 (3) in a garbage room;

25 (4) in a mechanical room;

1 (5) under a sewer line that is not shielded to intercept potential drips;

2 (6) under a leaking water line, including a leaking automatic fire sprinkler head,
3 or under a line on which water has condensed;

4 (7) under an open stairwell; or

5 (8) under any other source of contamination.

6 B. A storage cabinet used for linens or single-service or single-use articles may be
7 stored in a locker room.

8 C. If a mechanical clothes washer or dryer is provided, it shall be located so that
9 the washer or dryer is protected from contamination and only in an area where there is
10 no exposed food; clean equipment, utensils, or linens; or unwrapped single-service or
11 single-use articles.

12 **4626.0725 4-402.11 FIXED EQUIPMENT; SPACING OR SEALING.**

13 A. A unit of equipment that is fixed because it is not easily movable shall be
14 installed so that it is:

15 (1) spaced to allow access for cleaning along the sides of, behind, and above the
16 unit;

17 (2) spaced from adjoining equipment, walls, and ceilings a distance of not more
18 than one millimeter (1/32 inch); or

19 (3) sealed to adjoining equipment or walls, if the unit is exposed to spillage or
20 seepage.

21 B. Table-mounted equipment that is not easily movable shall be installed to allow
22 cleaning of the equipment and areas underneath and around the equipment by being:

23 (1) sealed to the table; or

24 (2) elevated on legs specified in part 4626.0730, item D.

25 C. Carbon dioxide and bottled gas cylinders shall be secured by chains or other
26 types of restraint.

1 **4626.0730 4-402.12 FIXED EQUIPMENT; ELEVATION OR SEALING.**

2 A. Except as specified in items B and C, floor-mounted equipment that is not easily
3 movable shall be sealed to the floor or elevated on legs that provide at least a 15
4 centimeter (six inch) clearance between the floor and the equipment.

5 B. If no part of the floor under the floor-mounted equipment is more than 15
6 centimeters (six inches) from the point of cleaning access, the clearance space may be ten
7 centimeters (four inches).

8 C. This part does not apply to display shelving units, display refrigeration units,
9 and display freezer units located in the consumer shopping areas of a retail food store, if
10 the floor under the units is maintained clean.

11 D. Except as specified in item E, table-mounted equipment that is not easily
12 movable shall be elevated on legs that provide at least a ten centimeter (four inch)
13 clearance between the table and the equipment.

14 E. The clearance space between the table and table-mounted equipment may be:

15 (1) 7.5 centimeters (three inches) if the horizontal distance of the table top under
16 the equipment is no more than 50 centimeters (20 inches) from the point of access for
17 cleaning; or

18 (2) five centimeters (two inches) if the horizontal distance of the table top under
19 the equipment is no more than 7.5 centimeters (three inches) from the point of access for
20 cleaning.

21 **EQUIPMENT MAINTENANCE AND OPERATION**

22 **4626.0735 4-501.11 GOOD REPAIR AND PROPER ADJUSTMENT.**

23 A. Equipment shall be maintained in a state of repair and condition that meets the
24 requirements specified in parts 4626.0450 to 4626.0670.

25 B. Doors, seals, hinges, fasteners, kick plates, and other equipment components
26 shall be kept intact, tight, and adjusted according to manufacturer's specifications.

4626.0735

1 C. Cutting or piercing parts of can openers shall be kept sharp to minimize the
2 creation of metal fragments that can contaminate food when the container is opened.

3 **4626.0740 4-501.12 CUTTING SURFACES.**

4 Cutting blocks and boards and other surfaces that are subject to scratching and
5 scoring shall be resurfaced if they can no longer be effectively cleaned and sanitized, or
6 discarded if they are not capable of being resurfaced.

7 **4626.0745 4-501.13 MICROWAVE OVENS.**

8 Microwave ovens shall meet the safety standards specified in Code of Federal
9 Regulations, title 21, section 1030.10.

10 **4626.0750 4-501.14 EQUIPMENT CLEANING FREQUENCY.**

11 A warewashing machine; the compartments of sinks, basins, or other receptacles used
12 for washing and rinsing equipment, utensils, or raw foods, or laundering wiping cloths;
13 and drainboards or other equipment used to substitute for drainboards as specified in
14 part 4626.0685 shall be cleaned:

15 A. before use;

16 B. throughout the day at a frequency necessary to prevent recontamination of
17 equipment and utensils and to ensure that the equipment performs its intended
18 function; and

19 C. if used, at least once every 24 hours.

20 **4626.0755 4-501.15 WAREWASHING MACHINE; MANUFACTURER'S OPERATING**
21 **INSTRUCTIONS.**

22 A. A warewashing machine and its auxiliary components shall be operated
23 according to the machine's data plate and other manufacturer's instructions.

24 B. A warewashing machine's conveyor speed or automatic cycle times shall be
25 maintained accurately timed according to manufacturer's specifications.

1 **4626.0760 4-501.16 WAREWASHING SINKS; USE LIMITATION.**

2 A. A warewashing sink shall not be used for handwashing or dumping mop water.

3 B. For food establishments licensed before the effective date of the Code:

4 (1) a warewashing sink may be used to wash wiping cloths, wash produce, or
5 thaw food if the sink is cleaned as specified in part 4626.0750 before and after each time
6 it is used to wash wiping cloths, wash produce, or thaw food; and

7 (2) sinks used to wash or thaw food shall be sanitized as specified in parts
8 4626.0895 to 4626.0905 before and after using the sink to wash or thaw food.

9 **4626.0765 4-501.17 WAREWASHING EQUIPMENT; CLEANING AGENTS.**

10 The wash compartment of a sink, mechanical warewasher, or wash receptacle of
11 alternative manual warewashing equipment specified in part 4626.0680, item C, shall,
12 when used for warewashing, contain a wash solution of soap, detergent, acid cleaner,
13 alkaline cleaner, degreaser, abrasive cleaner, or other cleaning agent according to the
14 cleaning agent manufacturer's label instructions.

15 **4626.0770 4-501.18 WAREWASHING EQUIPMENT; CLEAN SOLUTIONS.**

16 The wash, rinse, and sanitize solutions shall be maintained clean.

17 **4626.0775 4-501.19 MANUAL WAREWASHING EQUIPMENT; WASH SOLUTION**
18 **TEMPERATURE.**

19 The temperature of the wash solution in manual warewashing equipment shall be
20 maintained at not less than 43 degrees C (110 degrees F) unless a different temperature
21 is specified on the cleaning agent manufacturer's label instructions.

22 **4626.0780 FOOD PREPARATION SINKS; NEW OR EXTENSIVELY REMODELED**
23 **ESTABLISHMENT.**

24 For a food establishment newly licensed, extensively remodeled, or adding a food
25 product to the menu that requires washing or thawing in a sink, if food will be washed

1 or thawed using a sink, the food establishment shall have a separate food preparation
2 sink.

3 **4626.0785 4-501.110 MECHANICAL WAREWASHING EQUIPMENT; WASH**
4 **SOLUTION TEMPERATURE.**

5 A. The temperature of the wash solution in spray-type warewashers that use hot
6 water to sanitize shall not be less than:

7 (1) for a single tank, stationary rack, single temperature machine, 74 degrees C
8 (165 degrees F);

9 (2) for a single tank, conveyor, dual temperature machine, 71 degrees C (160
10 degrees F);

11 (3) for a single tank, stationary rack, dual temperature machine, 66 degrees C
12 (150 degrees F); or

13 (4) for a multitank, conveyor, multitemperature machine, 66 degrees C (150
14 degrees F).

15 B. The temperature of the wash solution in spray-type warewashers that use
16 chemicals to sanitize shall not be less than 49 degrees C (120 degrees F).

17 **4626.0790 4-501.111 MANUAL WAREWASHING EQUIPMENT; HOT WATER**
18 **SANITIZATION TEMPERATURES.***

19 If immersion in hot water is used for sanitizing in a manual operation, the
20 temperature of the water shall be maintained at 77 degrees C (171 degrees F) or above.

21 **4626.0795 4-501.112 MECHANICAL WAREWASHING EQUIPMENT; HOT WATER**
22 **SANITIZATION TEMPERATURES.**

23 A. Except as provided in item B, in a mechanical operation, the temperature of the
24 fresh hot water sanitizing rinse as it enters the manifold shall not be more than 90
25 degrees C (194 degrees F) or less than:

1 (1) for a stationary rack, single temperature machine, 74 degrees C (165 degrees
2 F); or

3 (2) for all other machines, 82 degrees C (180 degrees F).

4 B. The maximum temperature specified in item A does not apply to high pressure
5 and temperature systems with wand-type, hand-held spraying devices used for in-place
6 cleaning and sanitizing of equipment, including meat saws.

7 **4626.0800 4-501.113 MECHANICAL WAREWASHING EQUIPMENT;**
8 **SANITIZATION PRESSURE.**

9 The flow pressure of the fresh hot water sanitizing rinse in a warewashing machine
10 shall not be less than 100 kilopascals (15 pounds per square inch) or more than 170
11 kilopascals (25 pounds per square inch) as measured in the water line immediately
12 downstream or upstream from the fresh hot water sanitizing rinse control valve.

13 **4626.0805 4-501.114 MANUAL AND MECHANICAL WAREWASHING**
14 **EQUIPMENT; CHEMICAL SANITIZATION, TEMPERATURE, PH,**
15 **CONCENTRATION, AND HARDNESS.***

16 A. A chemical sanitizer used in a sanitizing solution for a manual or mechanical
17 operation at the exposure times specified in part 4626.0905, item C, shall be listed in
18 Code of Federal Regulations, title 21, section 178.1010, or in Minnesota Statutes, chapter
19 31. The sanitizer shall be used according to this part and the manufacturer's label
20 approved by the federal Environmental Protection Agency.

21 B. The sanitizer shall not exceed the amount specified on the manufacturer's label
22 approved by the federal Environmental Protection Agency.

23 C. If a sanitizer is used in an amount less than the maximum amount specified on
24 the label in item B, the sanitizer shall be used as specified in this item.

25 (1) Unless the product label specifies otherwise, a chlorine solution shall have a
26 minimum concentration of 50 ppm and:

1 (a) a minimum temperature of 24 degrees C (75 degrees F) for water with a
2 pH of eight or less; or

3 (b) a minimum temperature of 38 degrees C (100 degrees F) for water with a
4 pH of 8.1 to 10.

5 (2) An iodine solution shall have:

6 (a) a minimum temperature of 24 degrees C (75 degrees F);

7 (b) a pH of 5.0 or less, unless the manufacturer's use directions included in
8 the labeling specify a higher pH limit of effectiveness; and

9 (c) a concentration between 12.5 mg/L and 25 mg/L.

10 (3) A quaternary ammonium compound solution shall:

11 (a) have a minimum temperature of 24 degrees C (75 degrees F);

12 (b) have a concentration specified in part 4626.1620 and as indicated by the
13 manufacturer's use directions included in the labeling; and

14 (c) be used only in water with 500 mg/L hardness or less or in water having a
15 hardness no greater than specified by the manufacturer's label.

16 D. Mechanical warewashing equipment shall be equipped with a visual or audible
17 warning device to permit the operator to easily verify when the sanitizing agent is
18 depleted.

19 E. Other chemical sanitizers may be used if they are applied according to the
20 manufacturer's use directions included in the labeling.

21 **4626.0810 4-501.115 MANUAL WAREWASHING EQUIPMENT; CHEMICAL**
22 **SANITIZATION USING DETERGENT-SANITIZERS.**

23 If a detergent-sanitizer is used to sanitize in a cleaning and sanitizing procedure
24 where there is no distinct water rinse between the washing and sanitizing steps, the
25 agent applied in the cleaning step shall be the same detergent-sanitizer.

1 4626.0840 4-601.11 EQUIPMENT, FOOD-CONTACT SURFACES,
2 NON-FOOD-CONTACT SURFACES, AND UTENSILS.*

3 A. Equipment food-contact surfaces and utensils shall be clean to sight and touch.

4 B. The food-contact surfaces of cooking equipment and pans shall be kept free of
5 encrusted grease deposits and other soil accumulations.^N

6 C. Non-food-contact surfaces of equipment shall be kept free of an accumulation of
7 dust, dirt, food residue, and other debris.^N

8 D. Water filters used as part of a vending machine shall be cleaned or replaced
9 according to the manufacturer's instructions.

10 4626.0845 4-602.11 EQUIPMENT, FOOD-CONTACT SURFACES, AND UTENSILS.*

11 A. Equipment food-contact surfaces and utensils shall be cleaned:

12 (1) except as specified in item B, before each use with a different type of raw
13 animal food, including beef, fish, lamb, pork, or poultry;

14 (2) each time there is a change from working with raw foods to working with
15 ready-to-eat foods;

16 (3) between uses with raw fruits or vegetables and with potentially hazardous
17 food;

18 (4) before using or storing a food temperature measuring device; and

19 (5) at any time during the operation when contamination may have occurred.

20 B. Item A, subitem (1), does not apply if raw animal foods that require cooking
21 temperatures specified in part 4626.0340, item A, subitem (3), are prepared after foods
22 that require cooking temperatures specified in part 4626.0340, items A, subitems (1) and
23 (2), and B.

24 C. Except as specified in item D, if used with potentially hazardous food,
25 equipment food-contact surfaces and utensils shall be cleaned throughout the day at
26 least once every four hours.