

1 Department of Health

2

3 Proposed Permanent Rules Relating to Food and Beverage

4 Establishments

5

6 Rules as Proposed (all new material)

7 REQUIREMENTS FOR FOOD AND

8 BEVERAGE ESTABLISHMENTS

9 4625.2401 DEFINITIONS.

10 Subpart 1. Scope. For purposes of parts 4625.2401 to
11 4625.7801, the following terms have the meanings given them.

12 Subp. 2. Adulterated. "Adulterated" means the condition
13 of a food if it bears or contains any poisonous or deleterious
14 substance for which no safe tolerance has been established or in
15 excess of such tolerance if one has been established; if it
16 consists in whole or in part of any filthy, putrid, or
17 decomposed substance, or if it is otherwise unfit for human
18 consumption; if it has been processed, prepared, packed, or held
19 under insanitary conditions, where it may have been rendered
20 injurious to health; if it is in whole or in part the product of
21 a diseased animal, or an animal which has died otherwise than by
22 slaughter; or if its container is composed in whole or in part
23 of any poisonous or deleterious substance which may render the
24 contents injurious to health.

25 Subp. 3. Approved. "Approved" means acceptable to the
26 commissioner according to applicable standards in parts
27 4625.2401 to 4625.7801 and good public health practices.

28 Subp. 4. Clean. "Clean" means free from insects, vermin,
29 and debris and free from physical, chemical, and microbial
30 substances discernible by ordinary sight or touch, by
31 ultraviolet light, by artificial light, and by the safranin-o
32 dye test or by microscopic or microbiological examination.

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

1 Subp. 6. Commissary. "Commissary" means a catering
2 establishment, restaurant, or any other place in which food,
3 containers, or supplies are kept, handled, prepared, packaged,
4 or stored.

5 Subp. 7. Commissioner. "Commissioner" means the
6 commissioner of health or a designee.

7 Subp. 8. Corrosion-resistant materials.

8 "Corrosion-resistant materials" means materials which maintain
9 their original surface characteristics under prolonged influence
10 of the food to be contacted, the normal use of cleaning
11 compounds and bactericidal solution, and other conditions-of-use
12 environment.

13 Subp. 9. Department. "Department" means the Minnesota
14 Department of Health.

15 Subp. 10. Easily cleanable. "Easily cleanable" means
16 surfaces which are readily accessible and made of such materials
17 and finish and so fabricated that residue may be effectively
18 removed by ordinary cleaning methods.

19 Subp. 11. Embargo. "Embargo" means the withholding of
20 food, equipment, utensils, or clothing from sale or use in any
21 establishment licensed as a restaurant, boarding house, or place
22 of refreshment until approval is given by the commissioner for
23 such sale or use.

24 Subp. 12. Employee. "Employee" means a person working in
25 a food or beverage service establishment who transports food or
26 food containers, who engages in food preparation or service, or
27 who comes in contact with any food utensils or equipment.

28 Subp. 13. Equipment. "Equipment" means stoves, ovens,
29 ranges, hoods, slicers, mixers, meatblocks, tables, counters,
30 refrigerators, freezers, ice machines, sinks, dishwashing
31 machines, steam tables, and similar items other than utensils
32 used in the operation of a food or beverage service
33 establishment.

34 Subp. 14. Food. "Food" means any raw, cooked, or
35 processed edible substance, ice, beverage, or ingredient used or
36 intended for use or for sale in whole or in part for human

1 consumption.

2 Subp. 15. **Food and beverage service establishments.** "Food
3 and beverage service establishments" means establishments
4 defined in Minnesota Statutes, chapter 157, and includes
5 drive-ins, bars, taverns, drive-in cafes, clubs, lodges, eating
6 facilities at resorts, schools, day care facilities, children's
7 camps, fairs, circuses, carnivals, churches, and public
8 buildings, except as exempted by Minnesota Statutes, section
9 157.14, and all other businesses and establishments where meals,
10 lunches, or drinks are served.

11 Subp. 16. **Food-contact surface.** "Food-contact surface"
12 means surfaces of equipment and utensils with which food
13 normally comes in contact, and surfaces from which food may
14 drain, drip, or splash back onto surfaces normally in contact
15 with food.

16 Subp. 17. **Garbage.** "Garbage" means discarded material
17 resulting from the handling, processing, storage, preparation,
18 serving, and consumption of food.

19 Subp. 18. **Hermetically sealed container.** "Hermetically
20 sealed container" means a container designed and intended to be
21 secure against the entry of micro-organisms and to maintain the
22 commercial sterility of its content after processing.

23 Subp. 19. **Itinerant food service.** "Itinerant food service"
24 means a food service establishment that is disassembled and
25 moved from location to location, remaining no more than 14
26 consecutive days at any one place.

27 Subp. 20. **Kitchenware.** "Kitchenware" means all multi-use
28 utensils other than tableware.

29 Subp. 21. **Law.** "Law" includes federal regulations, state
30 statutes and rules, and local ordinances.

31 Subp. 22. **Limited food service establishment.** "Limited
32 food service establishment" means a food establishment serving
33 only prepackaged food for example, frozen pizza and sandwiches
34 which receive no more than heat treatment.

35 Subp. 23. **Mobile food service.** "Mobile food service"
36 means a food service establishment that is a vehicle mounted

1 unit, either motorized or trailered, and readily movable without
2 disassembling, for transport to another location and remaining
3 for no more than 14 consecutive days at any one place.

4 Subp. 24. **National sanitation foundation standard.**

5 "National sanitation foundation standard" means a standard
6 issued and recommended by the National Sanitation Foundation for
7 equipment used in food establishments. The standards are
8 published by the National Sanitation Foundation, 3475 Plymouth
9 Road, P.O. Box 1468, Ann Arbor, Michigan 48106. The standards
10 listed in parts 4625.3701, subpart 2, item A, and 4625.3801,
11 subpart 6, items D and F, are incorporated by reference and are
12 available through the Minitex interlibrary loan system. The
13 standards are not subject to frequent change.

14 Subp. 25. **Packaged.** "Packaged" means bottled, canned,
15 cartoned, or securely wrapped.

16 Subp. 26. **Perishable food.** "Perishable food" means a food
17 of the type or in the condition that may spoil.

18 Subp. 27. **Person in charge.** "Person in charge" means the
19 individual present in a food service establishment who is the
20 apparent supervisor of the food service establishment at the
21 time of inspection. If no individual is the apparent
22 supervisor, then an employee present is the person in charge.

23 Subp. 28. **Potable water.** "Potable water" means water of a
24 quality and from a source of supply and system operated,
25 located, and constructed in accordance with the department rules
26 relating to public water supplies, water wells, and plumbing
27 installations.

28 Subp. 29. **Potentially hazardous food.** "Potentially
29 hazardous food" means any food that consists in whole or in part
30 of milk or milk products, eggs, meat, poultry, fish, shellfish,
31 mollusk, edible crustacea, or other ingredients, including
32 synthetic ingredients, in a form capable of supporting rapid and
33 progressive growth of infectious or toxigenic micro-organisms.
34 The term does not include clean, whole, uncracked, odor-free,
35 shell eggs or foods which have a pH level of 4.6 or below or a
36 water activity (aW) value of 0.85 or less.

1 Subp. 30. **Push cart.** "Push cart" means a
2 nonselved-propelled vehicle limited to serving nonpotentially
3 hazardous foods or commissary-wrapped food maintained at proper
4 temperatures, or limited to the preparation and serving of
5 frankfurters.

6 Subp. 31. **Reconstituted.** "Reconstituted" means dehydrated
7 food products recombined with water or other liquids.

8 Subp. 32. **Safe material.** "Safe material" means articles
9 manufactured from or composed of materials that may not
10 reasonably be expected to result, directly or indirectly, in
11 becoming a component or otherwise affecting the characteristics
12 of any food. If materials used are food additives or color
13 additives as defined in the Federal Food, Drug and Cosmetic Act,
14 United States Code, title 21, section 321, they are safe only if
15 they are used in conformity with regulations established
16 pursuant to the act, as provided by United States Code, title
17 21, section 348 or 376. Other materials are safe only if, as
18 used, they are not food additives or color additives as defined
19 in United States Code, title 21, section 321, and are used in
20 conformity with all applicable regulations of the United States
21 Food and Drug Administration.

22 Subp. 33. **Safe temperatures.** "Safe temperatures" as
23 applied to potentially hazardous food, means temperatures of 40
24 degrees Fahrenheit (four degrees centigrade) or below, and 150
25 degrees Fahrenheit (66 degrees centigrade) or above.

26 Subp. 34. **Sanitization.** "Sanitization" means effective
27 bactericidal treatment by a process that provides enough
28 accumulative heat or concentration of chemicals for enough time
29 to reduce the bacterial count, including pathogens, to a safe
30 level on utensils and equipment.

31 Subp. 35. **Sealed.** "Sealed" means free of cracks or other
32 openings that permit the entry or passage of moisture.

33 Subp. 36. **Single-service articles.** "Single-service
34 articles" means cups, containers, lids, closures, plates,
35 knives, forks, spoons, stirrers, paddles, straws, placemats,
36 napkins, doilies, wrapping materials, toothpicks, and similar

1 articles intended for one-time, one-person use and then
2 discarded.

3 Subp. 37. **Smooth.** "Smooth" means having an even surface,
4 free of cracks, chips, open seams, rust, corrosion, breaks,
5 pits, checks, and ridges.

6 Subp. 38. **Special event food stand.** "Special event food
7 stand" means a food service used in conjunction with
8 celebrations or special events, used not more than twice
9 annually, and remaining no more than 14 consecutive days at any
10 one location.

11 Subp. 39. **Tableware.** "Tableware" means multi-use eating
12 and drinking utensils, including flatware.

13 Subp. 40. **Utensils.** "Utensils" means any kitchenware,
14 tableware, dishes, glassware, cutlery, pots, pans, and
15 containers used in the storage, preparation, transportation, or
16 service of food.

17 Subp. 41. **Wholesome.** "Wholesome" means sound, healthful,
18 clean, unadulterated, and in all ways fit for human consumption.

19 4625.2501 SCOPE.

20 Parts 4625.2401 to 4625.7801 apply to all food and beverage
21 service establishments, such as restaurants, boarding houses,
22 and places of refreshment, as defined in Minnesota Statutes,
23 chapter 157, and in parts 4625.2401 to 4625.7801, whether or not
24 a license is required under Minnesota Statutes, section 157.03.

25 4625.2601 ADMINISTRATION.

26 Subpart 1. **Food samples.** Samples of food may be collected
27 without cost and examined by the commissioner as often as may be
28 necessary for the enforcement of parts 4625.2401 to 4625.7801.
29 The commissioner may condemn and forbid the sale of, or cause to
30 be removed or destroyed, any food that is unwholesome or
31 adulterated; prepared, processed, handled, packaged,
32 transported, or stored in an unwholesome manner; unfit for human
33 consumption; or otherwise prohibited by law.

34 Subp. 2. **Embargo.** Equipment and utensils, which do not
35 meet the requirements of parts 4625.2401 to 4625.7801, may be

1 embargoed. Equipment and utensils must be released from the
2 embargo upon notification of the commissioner by the person in
3 charge of modification of the equipment or utensils to meet the
4 requirements of parts 4625.2401 to 4625.7801 and after
5 inspection of the utensils and equipment by the commissioner.

6 Subp. 3. **Condemnation.** The commissioner may condemn and
7 cause to be removed any equipment, clothing, or utensils found
8 in a food establishment, the use of which would not comply with
9 parts 4625.2401 to 4625.7801, or which is being used in
10 violation of parts 4625.2401 to 4625.7801 and also may condemn
11 and cause to be removed any equipment, clothing, or utensils
12 which by reasons of dirt, filth, extraneous matter, insects,
13 corrosion, open seams, or chipped or cracked surfaces is unfit
14 for use.

15 Subp. 4. **Tag.** The commissioner may place a tag to
16 indicate the embargo or the condemnation upon food, equipment,
17 utensils, or clothing. No person shall remove the tag except
18 under the direction of the commissioner.

19 **4625.2650 VARIANCES AND WAIVERS.**

20 Subpart 1. **Procedures to request a variance or waiver.** A
21 licensee may request that the commissioner grant a variance or
22 waiver from the provisions in parts 4625.2401 to 4625.7801. All
23 requests for a variance or waiver must be submitted to the
24 department in writing. Each request shall contain:

25 A. the specific language in the rule from which the
26 variance or waiver is requested;

27 B. the reasons for the request;

28 C. the alternative measures that will be taken if a
29 variance or waiver is granted;

30 D. the length of time for which the variance or
31 waiver is requested; and

32 E. other relevant information necessary to properly
33 evaluate the request for the variance or waiver.

34 Subp. 2. **Criteria for decision.** The decision to grant or
35 deny a variance or waiver shall be based on the commissioner's

1 evaluation that:

2 A. the variance or waiver will not adversely affect
3 the environment;

4 B. the alternative measures to be taken, if any, are
5 equivalent to or superior to those prescribed in the rule; and

6 C. compliance with the rule would impose an undue
7 burden on the applicant.

8 Subp. 3. **Notification of variance.** The commissioner shall
9 notify the applicant in writing of the decision to grant or deny
10 a variance or waiver. If a variance or waiver is granted, the
11 notification shall specify the period of time for which the
12 variance or waiver will be effective and the alternative
13 measures or conditions, if any, the applicant must meet.

14 Subp. 4. **Effect of alternative measures or conditions.**
15 All alternative measures or conditions attached to a variance or
16 waiver have the force and effect of the applicable rule and are
17 subject to the issuance of correction orders and penalties as
18 provided by law.

19 Subp. 5. **Renewal.** A request for the renewal of a variance
20 or waiver must be submitted in writing before its expiration
21 date. Renewal requests shall contain the information in subpart
22 1. The commissioner shall renew a variance or waiver if the
23 applicant continues to satisfy the criteria in subpart 1, and
24 demonstrates compliance with the alternative measures or
25 conditions imposed when the original variance or waiver was
26 granted.

27 Subp. 6. **Denial, revocation, or refusal to renew.** The
28 commissioner shall deny, revoke, or refuse to renew a variance
29 or waiver if the commissioner determines that the criteria in
30 subpart 1 are not met. The commissioner shall notify the
31 applicant in writing of the decision to deny, revoke, or refuse
32 to renew the variance or waiver. The notice must describe the
33 reasons for the denial, revocation, or refusal to renew, and
34 inform the applicant of the right to appeal the decision.

35 Subp. 7. **Appeal procedure.** An applicant may contest the
36 denial, revocation, or refusal to renew a variance or waiver by

1 requesting a contested case hearing under the Administrative
2 Procedure Act, Minnesota Statutes, chapter 14. The applicant
3 shall submit, within 15 days after receiving the commissioner's
4 decision, a written request for a hearing. The request for a
5 hearing shall state, in detail, the reasons why the decision of
6 the commissioner should be reversed or modified. At the
7 hearing, the applicant bears the burden of proving that the
8 applicant has satisfied the criteria specified in subpart 1.

9 4625.2701 PLAN REVIEW OF FUTURE CONSTRUCTION.

10 Whenever a food or beverage service establishment is
11 constructed or extensively remodeled and whenever an existing
12 structure is converted to use as a food or beverage service
13 establishment under Minnesota Statutes, section 157.03, properly
14 prepared plans and specifications for the construction,
15 remodeling, or conversion must be submitted to the commissioner
16 for review and approval before construction, remodeling, or
17 conversion is begun. The plans and specifications must indicate
18 the proposed layout, arrangement, plumbing specifications,
19 construction materials of work areas, and the type and model
20 number of proposed fixed equipment and facilities. The plans
21 and specifications, submitted in duplicate and drawn to scale,
22 must be legible and complete in all details.

23 The commissioner shall approve the plans and specifications
24 if they meet the requirements of parts 4625.2401 to 4625.7801
25 and report the findings within 30 days of the date that plans
26 are received.

27 The facility must be constructed and finished in
28 conformance with the approved plans.

29 The department shall inspect the food or beverage service
30 establishment before the start of operation to determine
31 compliance with the approved plans and specifications.

32 4625.2801 MISREPRESENTATION OF FOOD.

33 The person in charge of any food or beverage service
34 establishment shall not in any way misrepresent food or
35 beverages offered to the public. Practices which constitute

1 misrepresentation include:

2 A. the sale of adulterated food;

3 B. the substitution of food items of lesser quality,
4 or food different from items as advertised;

5 C. making statements giving incorrect or deceptive
6 points of origin;

7 D. making misleading statements of size, number,
8 weight, or price; and

9 E. not meeting standards of identity prescribed by
10 law for certain foods.

11 4625.2901 EMERGENCY FIRST AID FOR CHOKING.

12 A food service establishment which is not an itinerant,
13 mobile, special event, or limited food service establishment
14 must post a chart illustrating the use of an emergency first aid
15 procedure approved by the commissioner, to relieve a patron with
16 a restricted airway. The illustration must be posted in the
17 food preparation area where all employees may easily see it.

18 4625.3001 MINNESOTA CLEAN INDOOR AIR ACT.

19 The person in charge of a food and beverage establishment
20 shall make adequate provisions to meet the requirements of the
21 Minnesota Clean Indoor Air Act, Minnesota Statutes, sections
22 144.411 to 144.417, and chapter 4620.

23 4625.3101 ITINERANT, MOBILE FOOD SERVICES OR PUSHCARTS, AND
24 SPECIAL EVENT FOOD STANDS.

25 Itinerant, mobile food services or pushcarts, and special
26 event food stands must comply with all provisions of parts
27 4625.2401 to 4625.7801 which are applicable to their operation.
28 The establishments and units must be operated in an approved
29 manner. The commissioner may impose additional requirements to
30 protect against health hazards related to the conduct of their
31 operation and may prohibit the sale or giveaway of some or all
32 potentially hazardous foods. When no health hazard is likely to
33 result, the commissioner may modify specific requirements for
34 physical facilities.

1 4625.3201 FOOD AND FOOD HANDLING.

2 Subpart 1. **Food sources and supplies.** Food must be in a
3 sound condition, free from spoilage, filth, or other
4 contamination and must be safe for human consumption. Food must
5 be obtained from sources that comply with laws relating to food
6 and food labeling and approved by the commissioner of health or
7 agriculture. The use, storage, or serving of food in
8 hermetically sealed containers not prepared in a food processing
9 plant licensed by the United States Department of Agriculture,
10 Food and Drug Administration, or Minnesota Department of
11 Agriculture, and other food not prepared in a licensed food
12 establishment is prohibited.

13 Subp. 2. **Special requirements.** Fluid milk and fluid milk
14 products used or served must be pasteurized and must meet the
15 Grade A quality standards in Minnesota Statutes, chapter 32.
16 Fluid milk and fluid milk products must be served to the
17 consumer in individual, unopened, commercially filled original
18 containers not exceeding one pint in capacity, or drawn from a
19 commercially filled container stored in a mechanically
20 refrigerated bulk milk dispenser. Where a bulk dispenser for
21 milk and milk products is not available and portions of less
22 than one-half pint are required for mixed drinks, cereal, or
23 dessert service, milk and milk products may be poured from a
24 commercially filled container of not more than one-half gallon
25 capacity. Nondairy creaming or whitening agents must be
26 provided in an individual service container or drawn from a
27 refrigerated dispenser designed for such service. Dry milk, dry
28 milk products, and nondairy product substitutes may be used in
29 instant dessert and whipped products or for cooking, baking,
30 manufacturing, and processing purposes only.

31 Subp. 3. **Variance for certain establishments.** A variance
32 covering dispensing of milk or milk products to the consumer in
33 food services such as day care centers, boarding and lodging
34 houses, and children's camps may be granted to permit milk to be
35 poured from a commercially filled container of not more than one

1 gallon capacity into the drinking vessel.

2 Subp. 4. **Frozen foods.** All frozen dairy foods such as ice
3 cream, frozen custards, ice milk, milk sherbet, fruit or ice
4 sherbet, yogurt, and frozen malted milk must meet requirements
5 in Minnesota Statutes, chapter 32.

6 Subp. 5. **Shellfish.** Fresh and frozen shucked shellfish,
7 like oysters, clams, or mussels, must be packed in nonreturnable
8 packages identified with the name and address of the original
9 shell stock processor, shucker-packer, or repacker, and the
10 interstate certification number issued according to United
11 States Code, title 42, section 243, and Code of Federal
12 Regulations, title 21, section 1240.60. Shell stock and shucked
13 shellfish must be kept in the container in which they were
14 received until they are used. Each container of unshucked shell
15 stock, like oysters, clams, or mussels, must be identified by an
16 attached tab that states the name and address of the original
17 shell stock processor, the kind and quality of shell stock, and
18 an interstate certification number issued by the state or
19 foreign shellfish control agency.

20 Subp. 6. **Meat.** All meat and meat products received, kept,
21 or used in any manner in a food establishment must be officially
22 identified as having been inspected by the United States
23 Department of Agriculture in accordance with the Federal Meat
24 Inspection Act, United States Code, title 21, sections 601 to
25 691. Products upon which any official identification is lost by
26 reason of processing must be identified by the name and location
27 of the processor.

28 Subp. 7. **Poultry.** All poultry and poultry meat products
29 must be clean, wholesome, free from spoilage and adulteration,
30 and must be processed in a food establishment meeting the
31 requirements established in the Poultry Products Inspection Act,
32 United States Code, title 21, sections 451 to 469. Only clean
33 whole eggs, with shell intact and without cracks or checks, or
34 pasteurized liquid, frozen, or dry eggs or pasteurized dry egg
35 products must be used, except that hard-boiled, peeled eggs,
36 commercially prepared and packaged may be used. Liquid, frozen,

1 and dry eggs and egg products may be used only for cooking,
2 baking, manufacturing, and processing purposes.

3 Subp. 8. **Lubricants.** Only food grade lubricants of a safe
4 material must be used on equipment designed to receive
5 lubrication of bearings and gears on or within food-contact
6 surfaces.

7 4625.3301 FOOD PROTECTION.

8 Subpart 1. **Protection generally.** Food must be protected
9 from potential contamination including:

10 A. dusts, insects, rodents, and other vermin;

11 B. unclean equipment, work surfaces, utensils, and
12 facilities;

13 C. unnecessary or improper handling;

14 D. coughs and sneezes;

15 E. flooding, drainage, and overhead leakage or
16 drippage; and

17 F. utensils or equipment which have not been given
18 bactericidal treatment.

19 Adequate and approved protection of all food must be
20 provided after delivery and while being stored, prepared,
21 displayed, served, or sold in food establishments or transported
22 between establishments.

23 Subp. 2. **Emergency occurrences.** In the event of a fire,
24 flood, power outage, or other event that might result in the
25 contamination of food, or that might prevent potentially
26 hazardous food from being held at required temperatures, the
27 person in charge shall immediately contact the department. Upon
28 receiving notice of this occurrence, the department may take
29 action that is necessary to protect the public health.

30 4625.3401 TEMPERATURE MAINTENANCE.

31 Subpart 1. **Hazardous foods.** The internal temperature of
32 all potentially hazardous foods must be maintained at 40 degrees
33 Fahrenheit (four degrees centigrade) or below, or 150 degrees
34 Fahrenheit (66 degrees centigrade) or above, except during
35 preparation. Potentially hazardous foods requiring

1 refrigeration after preparation must be rapidly cooled to an
2 internal temperature of 40 degrees Fahrenheit (four degrees
3 centigrade) or below within four hours after removal from the
4 heating or hot holding device. Frozen food must be kept frozen
5 and should be stored at an internal temperature of zero degrees
6 Fahrenheit (minus 18 degrees centigrade) or below.

7 **Subp. 2. Storage facilities.** Adequate, properly designed,
8 and conveniently located mechanical refrigeration or hot food
9 storage facilities must be provided to ensure the maintenance of
10 potentially hazardous food at required temperatures. Each
11 storage facility must be provided with a numerically scaled
12 temperature indicating device accurate to plus or minus three
13 degrees Fahrenheit (plus or minus two degrees centigrade)
14 located to measure the air temperature in the warmest part of
15 the refrigeration facility or the coldest part of the hot
16 holding facility. Temperature indicating devices must be
17 securely fastened and located to be easily readable. Where it
18 is impractical to install fixed temperature indicating devices
19 on equipment such as cold table tops, steam tables, processing
20 lines, kettles, heat lamps, or portable transport carriers, a
21 product thermometer of metal stem type construction, numerically
22 scaled, and accurate to plus or minus two degrees Fahrenheit
23 (plus or minus one degree centigrade) must be provided and used
24 to check internal food temperatures.

25 **Subp. 3. Poultry.** Poultry, poultry stuffings, stuffed
26 meats, and stuffings containing meat must be cooked to heat all
27 parts of the food to at least 165 degrees Fahrenheit (74 degrees
28 centigrade) with no interruption of the cooking process.

29 **Subp. 4. Pork.** Pork and any food containing pork must be
30 cooked to heat all parts of the food to at least 150 degrees
31 Fahrenheit (66 degrees centigrade), or, if cooked in a microwave
32 oven, to at least 170 degrees Fahrenheit (77 degrees centigrade).

33 **Subp. 5. Beef roasts.** Beef roasts must be cooked
34 according to the following requirements:

35 **A.** When beef roasts under ten pounds (five kilograms)
36 in weight are cooked in a still dry heat oven, the oven must be

1 preheated to and held at an air temperature of at least 350
 2 degrees Fahrenheit (177 degrees centigrade) throughout the
 3 process. If cooked in a convection oven, the oven must be
 4 preheated to and held at an air temperature of at least 325
 5 degrees Fahrenheit (163 degrees centigrade) throughout the
 6 process.

7 B. When beef roasts of ten pounds (five kilograms) or
 8 over in weight are cooked in a dry heat oven, the oven must be
 9 preheated to and held at an air temperature of at least 250
 10 degrees Fahrenheit (122 degrees centigrade) throughout the
 11 process.

12 C. In order to meet public health requirements for
 13 the processes in this item, the following table lists the
 14 minimum internal temperature of the beef roast for the minimum
 15 time the roast needs to be held at such temperature:

16 MINIMUM HOLDING TIMES FOR BEEF ROASTS

17 AT VARIOUS INTERNAL TEMPERATURES

18	Minimum	Minimum	
19	internal	holding	
20	temperature	time	
21			
22	Degrees	Degrees	
23	Fahrenheit	Centigrade	Minutes
24	130	54.4	121
25	131	55.0	97
26	132	55.6	77
27	133	56.1	62
28	134	56.7	47
29	135	57.2	37
30	136	57.8	32
31	137	58.4	24
32	138	58.9	19
33	139	59.5	15
34	140	60.0	12
35	141	60.6	10
36	142	61.1	8

1 143 61.7 6

2 144 62.2 5

3 D. If cooked in a microwave oven, beef roasts must be
4 cooked to an internal temperature of at least 145 degrees
5 Fahrenheit (63 degrees centigrade).

6 Subp. 6. **Reheating.** Potentially hazardous foods that have
7 been cooked and then refrigerated, if reheated, must be heated
8 rapidly to 165 degrees Fahrenheit (74 degrees centigrade) or
9 higher throughout before being served or before being placed in
10 a hot food storage facility. Steam tables, bainmaries, warmers,
11 and similar hot food holding facilities are prohibited for the
12 rapid reheating of potentially hazardous foods.

13 Subp. 7. **Thawing potentially hazardous foods.** Potentially
14 hazardous foods must be thawed in one of the following ways:

15 A. in refrigerated units at a temperature not to
16 exceed 40 degrees Fahrenheit (four degrees centigrade);

17 B. under potable running water of a temperature of 70
18 degrees Fahrenheit (21 degrees centigrade) or below, and
19 allowing the water to waste directly to the drain;

20 C. in a microwave oven only when the food will be
21 immediately transferred to conventional cooking facilities as
22 part of a continuous cooking process or when the entire,
23 uninterrupted cooking process takes place in the microwave oven;
24 or

25 D. as part of the conventional cooking process.

26 4625.3501 PREPARATION, DISPLAY, AND SERVICE.

27 Subpart 1. **Minimum manual contact.** Food must be prepared
28 or processed with the least possible manual contact and in a
29 manner that prevents cross-contamination of products. Only
30 suitable utensils or equipment which have been cleaned, rinsed,
31 and sanitized before use to prevent cross-contamination, must be
32 used in food preparation.

33 Subp. 2. **Raw fruits and vegetables.** Raw fruits and
34 vegetables must be thoroughly washed with potable water before
35 being cooked or served.

1 Subp. 3. **Re-service.** Once food has been served to a
2 consumer, it must not be served again, except that packaged
3 food, other than potentially hazardous food, that is still
4 packaged and is in sound condition may be re-served.

5 Subp. 4. **Shellfish.** Mollusks and crustacea, if served on
6 the shell, must be served in the original shell. Reuse of
7 shells for food service is prohibited.

8 Subp. 5. **Condiment dispensing.** Condiments, seasonings,
9 and dressing for self-service use must be provided in individual
10 packages, from dispensers, or from approved containers.
11 Condiments provided for table or counter service must be
12 individually portioned, except that catsup and other sauces may
13 be served in the original container or pour-type dispenser.
14 Sugar for consumer use must be provided in individual packages
15 or in pour-type dispensers.

16 Subp. 6. **Dispensing utensils.** To avoid unnecessary manual
17 contact with food, suitable dispensing utensils or equipment
18 must be used by employees or provided to consumers who serve
19 themselves. Between uses during service, dispensing utensils
20 must be:

21 A. stored in the food with the dispensing utensil
22 handle extended out of the food;

23 B. stored clean and dry; or

24 C. stored in a running water dipper well.

25 Subp. 7. **Display equipment.** Food on display must be
26 protected from consumer contamination by the use of packaging or
27 by the use of easily cleanable counter, serving line or salad
28 bar food shields, display cases, or by other effective means.
29 Adequate and sufficient hot or cold food facilities must be
30 available to maintain the required temperature of potentially
31 hazardous food on display.

32 Subp. 8. **Reuse of tableware.** Reuse of soiled tableware by
33 self-service consumers returning to the service area for
34 additional food must be prohibited. Beverage cups and glasses
35 are exempt from this requirement.

36 Subp. 9. **Food transportation.** The requirements of

1 temperature, storage, display, and those imposed for the
2 protection of food against contamination, as contained in parts
3 4625.2401 to 4625.7801, must also apply in the transporting of
4 food from one food establishment or other location to another
5 food establishment or other location for delivery, service, or
6 catering operations.

7 Subp. 10. **Storage.** Food, whether raw or prepared, if
8 removed from the container or package in which it was obtained,
9 must be stored in a clean, covered container. The container
10 need not be covered during necessary periods of preparation or
11 service. Container covers must be impervious and nonabsorbent,
12 except that clean linens or napkins may be used for lining or
13 covering bread or roll serving containers. Solid cuts of meat
14 must be protected by being covered in storage, except that
15 sides, quarters, or primal cuts of meat may be hung uncovered on
16 clean hooks if no food product is stored beneath the meat.

17 Subp. 11. **Containers.** Containers of food must be stored a
18 minimum of six inches above the floor in a manner that protects
19 the food from splash and other contamination, and that permits
20 easy cleaning of the storage area. Containers may be stored on
21 dollies, racks, or pallets, provided the equipment is easily
22 movable and constructed to allow for easy cleaning. Food and
23 containers of food must not be stored under exposed or
24 unprotected sewer lines or similar sources of potential
25 contamination. The storage of food in toilet rooms or
26 vestibules is prohibited.

27 Subp. 12. **Cross-contamination.** Food not subject to
28 further washing or cooking before serving must be stored in a
29 way that protects it against cross-contamination from food
30 requiring washing or cooking.

31 Subp. 13. **Packaged food.** Packaged food must not be stored
32 in contact with water or undrained ice. Wrapped sandwiches must
33 not be stored in direct contact with ice. Ice intended for
34 human consumption must not be used for cooling stored food, food
35 containers, or food utensils, except that the ice may be used
36 for cooling tubes conveying beverages or beverage ingredients to

1 a dispenser head.

2 Subp. 14. Bulk. Bulk foods such as cooking oil, legumes,
3 tubers, grains, syrup, salt, sugar, or flour and related
4 derivative products not stored in the product container or
5 package in which it was obtained, must be stored in a container
6 identifying the food by common name.

7 Subp. 15. Ice dispensing. All ice must be manufactured
8 only from potable water. Ice must be handled and transported in
9 single-service containers, or in utensils which have been
10 subjected to bactericidal treatment. Buckets, scoops, and ice
11 containers, unless they are single-service utensils, must be
12 made of a smooth, impervious material and designed to facilitate
13 cleaning. They must be clean at all times. Canvas containers
14 must not be used. If ice-crushers are used, they must be easily
15 cleanable. They must be maintained in a clean condition, must
16 be subject to bactericidal treatment and must be covered when
17 not in use. Ice for consumer use must be dispensed with scoops
18 or tongs from a properly protected storage device, or other ice
19 self-dispensing utensils, through automatic single-service ice
20 dispensing equipment, or be prepacked and portion controlled.
21 Ice dispensing utensils must be stored on a clean surface or in
22 the ice with the dispensing utensil's handle extended out of the
23 ice. Between uses, ice transfer receptacles must be stored in a
24 way that protects them from contamination.

25 4625.3601 DISEASE PREVENTION AND CONTROL AND EMPLOYEE PRACTICES.

26 Subpart 1. Prohibited persons. No person shall work in a
27 food establishment in any capacity in which there is a
28 likelihood of the person contaminating food or food-contact
29 surfaces with pathogenic organisms or transmitting disease to
30 other persons while:

31 A. infected with a disease in a communicable form
32 that can be transmitted by foods;

33 B. while being a carrier of organisms that cause such
34 a disease; or

35 C. while afflicted with a boil, an infected wound, or

1 an acute respiratory infection.

2 Subp. 2. Procedure when infection is suspected. When the
3 commissioner has reasonable cause to suspect the possibility of
4 disease transmission from a food-service establishment employee,
5 the commissioner shall secure an illness or morbidity history of
6 the suspected employee or make such other investigation as may
7 be indicated and take appropriate action. The commissioner may
8 require any or all of the following measures:

9 A. the immediate exclusion of the employee from all
10 food service establishments;

11 B. the immediate closure of the food service
12 establishment concerned until, in the opinion of the
13 commissioner, no further danger of disease outbreak exists;

14 C. restriction of the suspected employee's services
15 to an area of the establishment where there would be no danger
16 of transmitting disease; and

17 D. adequate medical and laboratory examinations of
18 the suspected employee, or other employees, and any body
19 discharges.

20 Subp. 3. Clothing. Employees shall wear clean outer
21 garments. Hairnets, headbands, caps, or other hair restraints
22 must be worn to prevent the contamination of food, utensils, and
23 equipment. Hair spray is not an acceptable hair restraint.

24 Subp. 4. Employee practices. Employees shall comply with
25 the following requirements:

26 A. All employees shall thoroughly wash their hands
27 and the exposed portions of their arms with soap and warm water
28 in an approved handwashing facility before starting work, during
29 work as often as is necessary to keep them clean, and after
30 smoking, eating, drinking, or using the toilet. Employees shall
31 keep their fingernails clean and trimmed, and maintain a high
32 degree of personal cleanliness and conform to hygienic practices
33 during all periods of duty.

34 B. Employees must not use tobacco in any form while
35 on duty to handle, prepare, or serve food, or clean utensils and
36 equipment in a food establishment. Employees must use tobacco

1 only in designated locations approved by the department.

2 C. All employees shall consume food only in
3 designated dining areas. An employee dining area must not be
4 designated if consuming food in that location could cause
5 contamination of other food, equipment, utensils, or other items
6 needing protection.

7 D. Employees shall handle soiled equipment or
8 utensils in a manner that minimizes contamination of their hands.

9 4625.3701 EQUIPMENT AND FACILITIES PROVIDED.

10 Subpart 1. General. A food establishment must have
11 equipment, applicable to the operation conducted, which is
12 designed, constructed, installed, located, and maintained
13 according to parts 4625.2401 to 4625.7801.

14 Subp. 2. Sanitary design, construction, and installation
15 of equipment and utensils. New and replacement equipment and
16 utensils must be appropriate to the operation conducted and
17 comply with the following:

18 A. All new and replacement equipment and utensils
19 must be of such material, workmanship, and design as to be
20 smooth, easily cleanable, resistant to wear, denting, buckling,
21 pitting, chipping, and crazing; and capable of withstanding
22 scrubbing, scouring, repeated corrosive action of cleaning
23 compounds, and other normal conditions and operations.

24 B. Food contact surfaces must be nontoxic.
25 Food-contact surfaces and surfaces which come in contact with
26 food debris must be readily accessible for cleaning and
27 inspection.

28 C. All equipment installed or placed in service after
29 the effective date of parts 4625.2401 to 4625.7801 must comply
30 with the following standards of the National Sanitation
31 Foundation when applicable:

32 (1) Standard No. 1, Soda Fountain and
33 Luncheonette Equipment, June 1984;

34 (2) Standard No. 2, Food Service Equipment,
35 November 1987;

- 1 (3) Standard No. 3, Spray Type Dishwashing
2 Machines, June 1982;
- 3 (4) Standard No. 4, Commercial Cooking and Hot
4 Food Storage Equipment, June 1986;
- 5 (5) Standard No. 5, Commercial Hot Water
6 Generating Equipment, November 1983;
- 7 (6) Standard No. 6, Dispensing Freezers, November
8 1982;
- 9 (7) Standard No. 7, Food Service Refrigerator and
10 Storage Freezers, November 1985;
- 11 (8) Standard No. 8, Commercial Powered Food
12 Preparation Equipment, November 1985;
- 13 (9) Standard No. 12, Automatic Ice Making
14 Equipment, November 1984;
- 15 (10) Standard No. 13, Refuse Compactors and
16 Compactor Systems, May 1985;
- 17 (11) Standard No. 18, Manual Food and Beverage
18 Dispensing Equipment, November 1987;
- 19 (12) Standard No. 20, Commercial Bulk Milk
20 Dispensing Equipment and Appurtenances, November 1985;
- 21 (13) Standard No. 25, Vending Machines for Food
22 and Beverage, November 1987;
- 23 (14) Standard No. 26, Pot, Pan and Utensil
24 Washers, December 1980;
- 25 (15) Standard No. 29, Detergent and Chemical
26 Feeders for Commercial Spray Type Dishwashing Machines, June
27 1982;
- 28 (16) Standard No. 35, Laminated Plastics for
29 Surfacing Food Service Equipment, May 1985;
- 30 (17) Standard No. 51, Plastic Materials and
31 Components Used in Food Equipment, May 1978;
- 32 (18) Standard No. 59, Food Carts, June 1986; and
33 (19) Criteria C-2, Special Equipment and/or
34 Devices, November 1983.
- 35 D. Used equipment which has met or exceeded the
36 requirements of the National Sanitation Foundation under earlier

1 standards may be installed when the equipment is in good repair
2 and does not constitute a health hazard as determined by the
3 commissioner. Equipment in use at the time of adoption of parts
4 4625.2401 to 4625.7801 which does not fully meet item C may be
5 continued in use only if it is in good repair, capable of being
6 maintained in a sanitary condition, has food-contact surfaces
7 that are nontoxic, and is approved by the commissioner.

8 E. All equipment must be kept in good repair and
9 installed and maintained to facilitate its cleaning and the
10 cleaning of adjacent areas.

11 F. All equipment must be located and installed in
12 such a manner as to ensure that preparation and service will
13 minimize the potential for cross-contamination and improper
14 handling of the food. Lavatories, chef sinks, utility sinks,
15 refrigeration equipment, hot food handling equipment, and
16 preparation and processing tables must be provided and
17 maintained and shall be convenient and adequate as approved by
18 the commissioner for the purpose for which they were designed.

19 G. Aisles and working spaces between units of
20 equipment and walls must be unobstructed and of sufficient width
21 to permit employees to perform their duties readily without
22 contamination of food or food-contact surfaces by clothing or
23 personal contact. All easily movable storage equipment such as
24 pallets, racks, and dollies must be positioned to provide
25 accessibility to working areas.

26 H. When the food service in a day care center is
27 limited to serving ten or fewer individuals, or where the main
28 meals of the day are not prepared in the center, the
29 commissioner may waive specific equipment requirements of this
30 part to permit the substitution of certain domestic type
31 equipment for commercial type equipment which complies with the
32 standards of the National Sanitation Foundation prescribed in
33 item C.

34 I. When the food service in a boarding and lodging
35 house is limited to serving ten or fewer residents, or where the
36 main meals of the day are not prepared in the facility, the

1 commissioner may waive specific equipment requirements of these
2 rules as stated in item H.

3 4625.3801 CLEANING, SANITIZATION, AND STORAGE OF EQUIPMENT AND
4 UTENSILS.

5 Subpart 1. General. All utensils and equipment must be
6 thoroughly cleaned, and food-contact surfaces of utensils and
7 equipment must be given sanitization treatment and must be
8 stored in such a manner as to be protected from contamination.

9 Subp. 2. Cleaning frequency. The equipment and utensils
10 must meet the following cleaning requirements:

11 A. Tableware must be washed, rinsed, and sanitized
12 after each use.

13 B. To prevent cross-contamination, kitchenware and
14 food-contact surfaces of equipment must be washed, rinsed, and
15 sanitized after each use and following any interruption of
16 operations during which time contamination may have occurred.

17 C. Where equipment and utensils are used for the
18 preparation of foods on a continuous or production-line basis,
19 utensils and food-contact surfaces of equipment must be washed,
20 rinsed, and sanitized at intervals throughout the day and on a
21 schedule based on food temperature, type of food, and amount of
22 food particle accumulation.

23 D. The food-contact surfaces of kettles, grills,
24 griddles, and similar cooking devices and the cavities and door
25 seals of microwave ovens must be cleaned at least once a day,
26 except that this shall not apply to hot oil cooking equipment
27 and hot oil filtering systems. The food-contact surfaces of all
28 cooking equipment must be kept free of encrusted grease deposits
29 and other accumulated soil.

30 E. Nonfood-contact surfaces of equipment must be
31 cleaned as often as is necessary to keep the equipment free of
32 accumulation of dust, dirt, food particles, and other debris.

33 Subp. 3. Oven utensils and equipment. Utensils and
34 equipment which routinely go into ovens for baking purposes and
35 which are used for no other purpose must not be required to be

1 given bactericidal treatment; however, such utensils and
2 equipment must be clean.

3 Subp. 4. **Wiping cloths.** Cloths used for wiping food
4 spills on tableware, such as plates or bowls being served to the
5 consumer, must be clean, dry, and used for no other purposes.
6 Moist cloths used for wiping food spills on kitchenware and
7 food-contact surfaces of equipment must be clean and rinsed
8 frequently in an approved sanitizing solution. These cloths
9 must be stored in sanitizing solution between uses. Moist
10 cloths used for cleaning nonfood-contact surfaces of equipment
11 such as counters, dining table tops, and shelves must be clean,
12 rinsed, and used for no other purpose. These cloths must be
13 stored in an approved sanitizing solution between uses.

14 Subp. 5. **Manual cleaning and sanitizing.** Manual cleaning
15 and sanitizing must be done in the following manner:

16 A. For manual washing, rinsing, and sanitizing of
17 utensils and equipment, a sink with not fewer than three
18 compartments must be provided and used. Sink compartments must
19 be large enough to permit the accommodation of the equipment and
20 utensils, and each compartment of the sink must be supplied with
21 hot and cold potable running water. Fixed equipment and
22 utensils and equipment too large to be cleaned in sink
23 compartments must be washed manually or cleaned through pressure
24 spray methods.

25 B. Integral drain boards of adequate size must be
26 provided at each end for proper handling of soiled utensils
27 before washing and for cleaned utensils following sanitizing and
28 must be located so as not to interfere with the proper use of
29 the utensil washing facilities.

30 C. Equipment and utensils must be preflushed or
31 prescraped and, when necessary, presoaked to remove gross food
32 particles and soil.

33 D. Except for fixed equipment and utensils too large
34 to be cleaned in sink compartments, manual washing, rinsing, and
35 sanitizing must be conducted in the following manner.

36 (1) Sinks must be cleaned before use.

1 (2) Equipment and utensils must be thoroughly
2 washed in the first compartment with a hot detergent solution
3 that is kept clean.

4 (3) Equipment and utensils must be rinsed free of
5 detergent and abrasives with clean water in the second
6 compartment.

7 (4) Equipment and utensils must be sanitized in
8 the third compartment in an approved manner.

9 E. The food-contact surfaces of all equipment and
10 utensils must be sanitized by:

11 (1) immersion for at least one-half minute in
12 clean, hot water at a temperature of at least 170 degrees
13 Fahrenheit (77 degrees centigrade);

14 (2) immersion for at least one minute in a clean
15 solution containing at least 50 parts per million, but no more
16 than 200 parts per million, of available chlorine as a
17 hypochlorite and at a temperature of at least 75 degrees
18 Fahrenheit (24 degrees centigrade);

19 (3) immersion for at least one minute in a clean
20 solution containing at least 12.5 parts per million, but not
21 more than 25 parts per million, of available iodine and having a
22 pH range which the manufacturer has demonstrated to be effective
23 and at a temperature of at least 75 degrees Fahrenheit (24
24 degrees centigrade);

25 (4) immersion in a clean solution containing any
26 other chemical sanitizing agent allowed under Code of Federal
27 Regulations, title 21, section 178.1010, that will provide at
28 least the equivalent bactericidal effect of a solution
29 containing 50 parts per million of available chlorine as a
30 hypochlorite at a temperature of at least 75 degrees Fahrenheit
31 (24 degrees centigrade) for one minute; or

32 (5) for equipment too large to sanitize by
33 immersion, but in which steam can be confined, treatment with
34 steam free from materials or additives other than those
35 specified in Code of Federal Regulations, title 21, section
36 173.310.

1 Equipment too large to sanitize by immersion, must be
2 rinsed, sprayed, or swabbed with a sanitizing solution of at
3 least twice the required strength for that particular sanitizing
4 solution.

5 F. When hot water is used for sanitizing, the
6 following facilities must be provided and used:

7 (1) an integral heating device or fixture
8 installed in, on, or under the sanitizing compartment of the
9 sink capable of maintaining the water at a temperature of at
10 least 170 degrees Fahrenheit (77 degrees centigrade);

11 (2) a numerically scaled indicating thermometer,
12 accurate to plus or minus three degrees Fahrenheit (plus or
13 minus two degrees centigrade) convenient to the sink for
14 frequent checks of water temperature; and

15 (3) dish baskets of such size and design to
16 permit complete immersion of the tableware, kitchenware, and
17 equipment in the hot water.

18 G. When chemicals are used for sanitization, they
19 must not have concentrations higher than the maximum permitted
20 under Code of Federal Regulations, title 21, section 178.1010,
21 and a test kit or other device that accurately measures the
22 parts per million concentration of the solution must be provided
23 and used.

24 Subp. 6. **Mechanical cleaning and sanitizing.** Mechanical
25 cleaning and sanitizing must be done in the following manner:

26 A. Cleaning and sanitizing may be done by spray-type
27 or immersion utensil washing machines or by any other type of
28 machine or device if it is demonstrated that it thoroughly
29 cleans, sanitizes equipment and utensils, and meets the
30 requirements in the National Sanitation Foundation Standard No.
31 3. These machines and devices must be properly installed, and
32 maintained in good repair. Machines and devices must be
33 operated in accordance with manufacturers' instructions, and
34 utensils and equipment placed in the machine must be exposed to
35 all washing cycles. Automatic detergent dispensers, wetting
36 agent dispensers, and liquid sanitizer injectors must be

1 properly installed and maintained.

2 B. Drainboards must be provided and be of adequate
3 size for the proper handling of soiled utensils before washing
4 and for cleaned utensils following sanitization, and must be so
5 located and constructed as not to interfere with the proper use
6 of the dishwashing facilities. This does not preclude the use
7 of easily movable dish tables for the storage of soiled utensils
8 or the use of easily movable dish tables for the storage of
9 clean utensils following sanitization.

10 C. Equipment and utensils must be flushed or scraped
11 and, when necessary, soaked to remove gross food particles and
12 soil before being washed in a dishwashing machine unless a
13 prewash cycle is a part of the dishwashing machine operation.
14 Equipment and utensils must be placed in racks, trays, or
15 baskets, or on conveyors, in a way that food-contact surfaces
16 are exposed to the unobstructed application of detergent wash
17 and clean rinse water and that permits free draining.

18 D. Machines (single-tank, stationary-rack, door-type
19 machines, and spray-type glass washers) using chemicals for
20 sanitization may be used, provided that:

21 (1) wash water temperatures, addition of
22 chemicals, rinse water temperatures, and chemical sanitizers
23 used are in conformance with Standards Nos. 3 and 29 of the
24 National Sanitation Foundation;

25 (2) a test kit or other device that accurately
26 measures the parts per million concentration of the sanitizing
27 solution must be available and used while the chemical
28 sanitizing machine is in use;

29 (3) containers for storing the sanitizing agent
30 must be installed in such a manner as to ensure that operators
31 maintain an adequate supply of sanitizing compound; and

32 (4) a visual or audible warning device must be
33 provided for the operator to easily verify when the sanitizing
34 agent is depleted.

35 F. Machines using hot water for sanitizing may be
36 used provided that wash water and pumped rinse water must be

1 kept clean and water must be maintained at not less than the
2 temperature specified by the National Sanitation Foundation
3 Standard No. 3, under which the machine is evaluated. A
4 pressure gauge must be installed with a valve immediately
5 adjacent to the supply side of the control valve in the final
6 rinse line provided that this requirement must not pertain to a
7 dishwashing machine with a pumped final rinse.

8 G. All utensil washing machines must be cleaned at
9 least once per day or more frequently if required.

10 Subp. 7. Equipment and utensil storage. Cleaned and
11 sanitized equipment and utensils must be handled in a way that
12 protects them from contamination.

13 A. Spoons, knives, and forks must be touched only by
14 their handles. Cups, glasses, bowls, plates, and similar items
15 must be handled without contact with inside surfaces or surfaces
16 that contact the user's mouth.

17 B. Utensils must be air dried before being stored or
18 must be stored in a self-draining position.

19 C. Cleaned and sanitized utensils and equipment must
20 be stored at least six inches above the floor in a clean, dry
21 location in a way that protects them from contamination by
22 splash, dust, and other means. The food-contact surfaces of
23 fixed equipment must also be protected from contamination.
24 Equipment and utensils must not be placed under exposed sewer
25 lines.

26 D. Glasses and cups must be stored inverted. Other
27 stored utensils must be covered or inverted, wherever
28 practical. Facilities for the storage of knives, forks, and
29 spoons must be designed and used to present the handle to the
30 employee or consumer.

31 Subp. 8. Single-service articles. Single-service articles
32 must have been manufactured, packaged, transported, stored,
33 handled, and dispensed in a sanitary manner.

34 Subp. 9. Prohibited storage area. The storage of food
35 equipment, utensils, or single-service articles in toilet rooms
36 or vestibules is prohibited.

1 4625.3901 PHYSICAL FACILITIES AND SANITATION.

2 Subpart 1. **Water supply.** Every food and beverage
3 establishment must be provided with a supply of water which is
4 adequate for the needs of the establishment. The water must be
5 obtained from a public water supply system, or a source of
6 supply and system which is located, constructed, and operated in
7 accordance with rules governing public water supplies, parts
8 4720.0100 to 4720.4600 and water wells, parts 4725.0100 to
9 4725.7600.

10 Subp. 2. **Sewage.** All sewage, including liquid waste, must
11 be disposed of to a public sewage system or to an approved
12 individual sewage disposal system. Nonwater-carried sewage
13 disposal facilities must be prohibited, except as permitted by
14 the commissioner because of special situations.

15 When there is no public sewage system available, an
16 individual sewage disposal system must be designed, located,
17 constructed, and operated in accordance with Minnesota Pollution
18 Control Agency rules, parts 7080.0010 to 7080.0240.

19 Mobile food units may dispose of their liquid waste into
20 receptacles carried on the vehicle for that purpose. This waste
21 ultimately must be discharged into the public sewage system or
22 otherwise disposed of in a manner which will not endanger any
23 source of water supply, pollute any body of surface water,
24 create a nuisance, or otherwise endanger the public health and
25 safety.

26 Subp. 3. **Plumbing.** Plumbing must be sized, installed, and
27 maintained to carry adequate quantities of water to required
28 locations throughout the establishment, to prevent contamination
29 of the water supply, and to convey sewage and liquid wastes
30 adequately from the establishment to the sewage system so that
31 it does not constitute a source of contamination of food,
32 utensils, or equipment or create an unsanitary condition or
33 nuisance.

34 Food service equipment such as refrigerators, ice makers,
35 ice storage bins, and steam tables must not be directly

1 connected to the sewer.

2 All new plumbing and all plumbing reconstructed or replaced
3 after the effective date of parts 4625.2401 to 4625.4701 must be
4 designed, constructed, and installed in conformity with the
5 Minnesota Plumbing Code, parts 4715.0100 to 4715.5600.

6 Subp. 4. **Janitorial facilities.** Janitorial facilities
7 including a janitorial utility sink must be provided and located
8 in an area other than a food preparation or storage area or
9 toilet room.

10 If adequate separation, or other protection has been
11 provided, the janitorial facility may be located in a packaged
12 goods' storeroom or employee toilet room.

13 The use of lavatories, utensil washing or equipment
14 washing, or food preparation sinks for this purpose is
15 prohibited.

16 Janitorial equipment must be stored in an approved manner
17 in the janitorial facility.

18 Subp. 5. **Handwashing facilities.** Every food
19 establishment, other than limited food establishments and mobile
20 food units handling only prepackaged food must be provided with
21 adequate, conveniently located, and approved handwashing
22 facilities which are continually maintained with hot and cold
23 running water, hand-cleansing soap or detergent, fingernail
24 brushes, and single-service towels or hand-drying devices
25 providing heated air. Handwashing facilities must be accessible
26 to persons at all times in all areas where food is prepared or
27 served, where utensils and equipment are cleansed or sanitized,
28 in or immediately adjacent to toilet rooms or other areas
29 designated by the commissioner. Sinks used for food preparation
30 or for washing equipment or utensils must not be used for
31 handwashing. Each handwashing sink must be provided with hot
32 and cold water tempered by means of a mixing valve or
33 combination faucet. Any self-closing, slow-closing, or metering
34 faucet must be designed to provide a flow of water for at least
35 15 seconds without the need to reactivate the faucet.
36 Steam-mixing valves are prohibited.

1 Subp. 6. Toilet facilities. Every food establishment,
2 with the exception of itinerant, mobile, and special event food
3 facilities, must be provided with conveniently located and
4 approved toilet facilities for employees. These facilities must
5 be kept clean and in good repair and free from flies, insects,
6 and offensive odors. Toilet fixtures and seats must be of
7 sanitary design and readily cleanable. The doors of all toilet
8 rooms must be self-closing. Easily cleanable receptacles must
9 be provided for waste materials. Toilet rooms used by women
10 must have at least one covered waste receptacle. Separate
11 toilet facilities must be provided for men and women according
12 to the requirements for sanitation fixtures in section 705 of
13 the Uniform Building Code, as amended in part 1305.1900, and the
14 requirements for handicapped accessibility in chapter 1340.
15 Where the use of nonwater-carried sewage disposal facilities
16 have been approved by the commissioner, the facilities must be
17 separate from the establishment and in accordance with the
18 standards of the commissioner.

19 4625.4001 GARBAGE AND REFUSE DISPOSAL.

20 Before disposal, all garbage and refuse must be kept in
21 tight, nonabsorbent, insect proof, rodent proof, and fireproof
22 containers. Containers must be kept covered with tight-fitting
23 lids when filled, in storage, or not in continuous use.
24 Containers need not be covered when stored in a special insect
25 and rodent-proofed room or enclosure. All other refuse must be
26 stored in containers, rooms, or areas in an approved manner.
27 The rooms, enclosures, areas, and containers used must be
28 adequate for the storage of all garbage and refuse accumulating
29 on the premises between collections. Adequate cleaning
30 facilities must be provided, and each container, room, or area
31 shall be thoroughly cleaned after the emptying or removal of
32 garbage and refuse. Containers designed with drains must have
33 drain plugs maintained in place at all times except during
34 cleaning. All garbage and refuse must be disposed of with
35 sufficient frequency and in such a manner as to prevent a

1 nuisance.

2 4625.4101 INSECT, RODENT, AND ANIMAL CONTROL.

3 Subpart 1. **General.** Effective measures must be taken to
4 prevent the entrance, breeding, or presence of rodents, flies,
5 cockroaches, and other vermin or insects on the premises. The
6 premises must be kept in such condition as to prevent the
7 harborage or feeding of insects or rodents.

8 Subp. 2. **Openings.** Outside openings must be effectively
9 protected against the entrance of rodents. Outside openings
10 must be protected against the entrance of insects by
11 tight-fitting, self-closing doors, closed windows, screening,
12 controlled air currents, or other means. Screen doors must be
13 self-closing, and screens for windows, doors, skylights,
14 transoms, intake and exhaust air ducts, and other openings to
15 the outside must be tight-fitting and free of breaks. Screening
16 materials must not be less than 16 mesh to the inch.

17 Subp. 3. **Animals.** Live animals, including birds and
18 turtles, shall be excluded from within the food service
19 operational premises and from adjacent areas under the control
20 of the person in charge. This exclusion does not apply to
21 edible fish, crustacea, mollusks, or to fish in aquariums.
22 Patrol dogs accompanying security or police officers, or guide
23 dogs accompanying sight-impaired persons or hearing-impaired
24 persons shall be permitted in dining areas.

25 4625.4201 CONSTRUCTION AND MAINTENANCE OF PHYSICAL FACILITIES.

26 Subpart 1. **Floors.** The floor surfaces of all food and
27 beverage preparation, food storage, equipment and utensil
28 washing, food service areas, waitress stations, dressing rooms,
29 locker rooms, toilet rooms and vestibules, janitorial areas,
30 kitchens, and bars must be constructed of smooth, durable,
31 nonabsorbent, easily cleanable materials which resist the wear
32 and abuse to which they are subjected. Appropriate materials
33 include commercial grade vinyl composition tile, sheet vinyl,
34 ceramic tile, quarry tile, terrazzo, or equivalent. Vinyl floor
35 coverings must not be used in walk-in refrigeration units and

1 storage freezers.

2 The junctures between walls and floors must be covered. Rugs
3 and carpets may be used in dining rooms and hallways, provided
4 that the floor coverings are kept clean. Abrasive strips also
5 may be used wherever deemed necessary to prevent accidents.

6 Mats and duckboards must be of nonabsorbent, nonwood,
7 grease resistant materials. The size, design, and construction
8 of the materials must facilitate easy cleaning. Duckboards must
9 not be used as storage racks.

10 All floors must be kept clean and in good repair, and the
11 use of sawdust and similar material is not permitted. Floor
12 drains must be provided in all rooms where floors are subject to
13 flooding-type cleaning or where normal operations release or
14 discharge water or other liquid wastes on the floor. The floors
15 must be graded to drain.

16 Subp. 2. **Walls and ceilings.** The walls and ceilings of
17 all rooms must be kept clean and in good repair. All walls of
18 rooms or areas in which food is prepared, areas where utensils
19 or hands are washed, toilet rooms, janitorial areas, laundry
20 rooms, or garbage and refuse storage rooms must have easily
21 cleanable, smooth, nonabsorbent, washable surfaces to the
22 highest level of splash, spray, or abuse. Wall finishes must be
23 resistant to the wear and abuse to which they are subject.
24 Ceilings must be smooth and easily cleanable. The walls and
25 ceilings must be finished in a light color. Concrete or pumice
26 blocks used for interior wall construction in these locations
27 must be finished and sealed to provide an easily cleanable
28 surface.

29 Subp. 3. **Attachments.** Light fixtures, vent covers,
30 wall-mounted fans, decorative materials, and similar equipment
31 attached to walls and ceilings must be easily cleanable, and
32 must be kept clean and in good repair.

33 Subp. 4. **Utility lines and pipes.** All utility lines and
34 pipes such as electric, gas, water, sewage, and similar waste
35 lines or services should be installed in the walls, under
36 floors, or above ceilings to avoid unnecessary exposure to food

1 equipment, walls, floors, or ceilings. Exposed utility service
2 lines or pipes must be installed so they do not obstruct or
3 prevent the easy cleaning of food equipment, floors, walls, and
4 ceiling surfaces.

5 4625.4301 LIGHTING.

6 Subpart 1. Lighting source and amount. Permanently fixed
7 artificial light sources must be installed to provide at least
8 20 foot candles of light on all food preparation surfaces and at
9 equipment or utensil washing work levels.

10 A. Permanently fixed artificial light sources must be
11 installed to provide, at a distance of 30 inches from the floor:

12 (1) at least 20 foot candles of light in utensil
13 and equipment storage areas and in lavatory and toilet areas;
14 and

15 (2) at least ten foot candles of light in walk-in
16 refrigerating units, dry food storage areas, and in all other
17 areas.

18 B. Subdued lighting in dining rooms and public access
19 areas is permissible, provided that lighting meeting the
20 requirements in item A, subitem (2) must be available during all
21 clean-up operations.

22 Subp. 2. Protective shielding. Shielding or coating to
23 protect against broken glass falling onto food must be provided
24 for all artificial lighting fixtures located over, by, or within
25 food storage, preparation, service, and display facilities, and
26 facilities where utensils and equipment are cleaned and stored.

27 Infra-red or other heat lamps must be protected against
28 breakage by a shield surrounding and extending beyond the bulb,
29 leaving only the face of the bulb exposed.

30 4625.4401 VENTILATION.

31 Rooms must have sufficient exhaust ventilation to keep them
32 free of excessive heat, steam, condensation, vapors, obnoxious
33 or disagreeable odors, smoke, and fumes. All ventilation
34 equipment and facilities, gas or oil fired room heaters, and
35 water heaters must be designed, installed, and operated in

1 accordance with the rules of the State Building Code Division
2 and the Uniform Fire Code. Intake and exhaust air ducts must be
3 maintained to prevent the entrance of dust, dirt, and other
4 contaminating materials.

5 4625.4501 DRESSING ROOMS AND LOCKER AREAS.

6 Subpart 1. **Dressing rooms.** If employees routinely change
7 clothes within the establishment, rooms or areas must be
8 designated and used for that purpose. These designated rooms or
9 areas must not be used for food preparation, storage, or
10 service, or for utensil washing or storage.

11 Subp. 2. **Locker areas.** Adequate lockers or other suitable
12 facilities must be provided and used for the orderly storage and
13 security of employee clothing and other belongings. Lockers or
14 other suitable facilities may be located only in the designated
15 dressing rooms or areas containing only completely packaged food
16 or packaged single-service articles.

17 4625.4601 POISONOUS OR TOXIC MATERIALS.

18 Subpart 1. **Materials permitted.** Food service
19 establishments must have only those poisonous or toxic materials
20 necessary for maintaining the establishment, cleaning and
21 sanitizing equipment and utensils, and controlling insects and
22 rodents.

23 Subp. 2. **Labeling of materials.** Containers of poisonous
24 or toxic materials must be prominently and distinctly labeled,
25 according to requirements in Code of Federal Regulations, title
26 7, section 162.10, and Minnesota Statutes, section 18B.14, for
27 easy identification of contents.

28 Subp. 3. **Storage of materials.** Poisonous or toxic
29 materials consist of the following categories:

30 A. insecticides and rodenticides; and

31 B. detergents, sanitizers, related cleaning or drying
32 agents, caustics, acids, polishes, and other chemicals.

33 Materials in each of these two categories must be stored
34 and physically located separate from each other. All poisonous
35 or toxic materials must be stored in cabinets or in a similar

1 physically separate place used for no other purpose. To
2 preclude contamination, poisonous or toxic materials must not be
3 stored above food, food equipment, utensils, or single-service
4 articles, except that this requirement does not prohibit the
5 convenient availability of detergents or sanitizers at utensil
6 or dishwashing stations.

7 Subp. 4. Use of materials. Sanitizers, cleaning
8 compounds, or other compounds intended for use on food-contact
9 surfaces must not be used in a way that leaves a toxic residue
10 on such surfaces or that constitutes a hazard to employees or
11 other persons.

12 Poisonous or toxic materials must not be used in a way that
13 contaminates food, equipment, or utensils, nor in a way other
14 than in full compliance with the manufacturer's labeling.

15 Subp. 5. Personal medications and first aid supplies.
16 Personal medications and first aid supplies must be stored to
17 prevent them from contaminating food and food-contact surfaces.

18 4625.4701 PREMISES.

19 Subpart 1. Housekeeping. All parts of the food
20 establishment and its premises must be kept neat, clean, and
21 free of litter and refuse. Cleaning operations must be
22 conducted in a manner as to minimize contamination of food and
23 food-contact surfaces. Only articles necessary for the
24 operation and maintenance of the food establishment must be
25 stored on the premises. Traffic of unnecessary persons through
26 the food preparation and utensil washing areas is prohibited.
27 The walking and driving surfaces of all exterior areas where
28 food is served must be kept clean, properly drained, and
29 finished so as to facilitate maintenance and minimize dust.
30 Pressurized tanks and compressed gas cylinders must be properly
31 secured to prevent them from being accidentally knocked over.

32 Subp. 2. Cleaning equipment storage. Maintenance and
33 cleaning tools such as brooms, mops, vacuum cleaners, and
34 similar equipment must be maintained and stored in a way that
35 does not contaminate food, utensils, equipment, or linens and

1 must be stored in an orderly manner for the cleaning of that
2 storage location.

3 Subp. 3. **Living areas.** No operation of a food
4 establishment must be conducted in any room used as living or
5 sleeping quarters. Food service operations must be separated
6 from any living or sleeping quarters by complete partitioning
7 and solid, self-closing doors.

8 Subp. 4. **Laundry facilities.** Laundry facilities in a food
9 establishment must be restricted to the washing and drying of
10 linens, cloths, uniforms, and aprons necessary to the
11 operation. If these items are laundered on the premises, an
12 electric or gas dryer must be provided and used.

13 Separate rooms must be provided for laundry facilities
14 except that such operations may be conducted in storage rooms
15 containing only packaged foods or packaged single-service
16 articles.

17 Subp. 5. **Linens and clothes storage.** Clean clothes and
18 linens must be stored in a clean place and protected from
19 contamination until used.

20 Soiled clothes and linens must be stored in nonabsorbent
21 containers or washable laundry bags until removed for laundering.

22 **REQUIREMENTS FOR ITINERANT FOOD SERVICE**

23 **4625.4901 ITINERANT FOOD SERVICE ESTABLISHMENTS.**

24 Subpart 1. **General.** An itinerant food service
25 establishment must comply with all provisions of parts 4625.2401
26 to 4625.4701 that are applicable to their operation and must
27 comply with parts 4625.4901 to 4625.5801. The commissioner may
28 impose additional requirements to protect against health hazards
29 related to the conduct of their operation and prohibit the sale
30 or giveaway of some or all potentially hazardous foods. When no
31 health hazard is likely to result, the commissioner may grant a
32 variance or modify specific requirements of parts 4625.4901 to
33 4625.5801.

34 Subp. 2. **Restricted operations.** This subpart applies to
35 an itinerant food service establishment approved under subpart 1

1 to operate without complying with the requirements of parts
2 4625.4901 to 4625.5801.

3 A. The itinerant food service establishment must be
4 located where it is protected from possible contamination; for
5 example toilets, animal pens, garbage collection sites. It must
6 be protected from dust and windblown particulates by location,
7 treatment of ground surfaces, or by having the establishment
8 enclosed.

9 B. The commissioner may restrict the type of food
10 served or the method of food preparation based on equipment
11 limitations or climatic conditions.

12 4625.5001 CONSTRUCTION.

13 Subpart 1. **Work space.** Work spaces must be sized to
14 permit unobstructed work activity. Equipment must be located to
15 permit easy cleaning.

16 Subp. 2. **Floors.** The interior floor must be equivalent to
17 one of the following:

18 A. solid concrete or asphalt; or

19 B. vinyl flooring or sealed wood.

20 Subp. 3. **Walls or enclosures.** The establishment must be
21 capable of being fully enclosed on the sides and roof to provide
22 protection against adverse weather. Canvas may be used. Solid
23 interior surfaces must be finished with smooth, durable,
24 nonabsorbent, easily cleanable material that resists the wear
25 and abuse to which the surfaces are subjected. High gloss paint
26 is the minimum acceptable finish.

27 4625.5101 EQUIPMENT.

28 Subpart 1. **General.** Food service equipment must comply
29 with the applicable standards of the National Sanitation
30 Foundation.

31 Subp. 2. **Refrigeration.** Mechanical refrigeration,
32 containing a thermometer, is required for potentially hazardous
33 foods such as meat, fish, poultry, milk, milk products, and
34 eggs. A metal stem product thermometer with a range from zero
35 degrees Fahrenheit (minus 18 degrees centigrade) to 220 degrees

1 Fahrenheit (110 degrees centigrade) is required for measuring
2 temperature of this food. Electricity must be provided to
3 refrigeration units 24 hours a day when the food stand has been
4 set in place for service.

5 Subp. 3. **Grills.** Charcoal grills are acceptable for
6 cooking food as long as they are equipped with a lid and safe
7 food temperatures are maintained.

8 Subp. 4. **Utensils.** Commercial food grade utensils must be
9 used. Galvanized or soft plastic containers, wooden spoons,
10 enamelware, paintbrushes, and similar materials are not
11 acceptable. Garbage bags and garbage containers must not be
12 used for covering or storing food.

13 Subp. 5. **Customer safety.** To help provide customer safety
14 and prevent possible contamination by customers, food
15 preparation and cooking areas must be protected by means of an
16 impervious shield or by separation distances.

17 Subp. 6. **Handwashing facilities.** Handwashing facilities
18 must be provided within the establishment. They must consist of:

19 A. soap, paper towels, and a water faucet or spigot
20 that discharges into a waste line or holding vessel;

21 B. paper towels and a spray bottle containing a
22 germicidal solution of one teaspoon of household bleach to a
23 gallon of water; or

24 C. moist towelettes when there is little or no food
25 preparation.

26 Subp. 7. **Lighting.** All interior lights must be shielded
27 or enclosed to prevent breakage. Lights used at night must not
28 attract insects.

29 4625.5201 DISHWASHING FACILITIES, PROCEDURES, AND EQUIPMENT
30 CLEANING.

31 Subpart 1. **General.** Single service, disposable eating and
32 drinking utensils must be used unless approved permanent
33 dishwashing facilities are available at the site. Approved
34 dishwashing facilities consisting of at least three sufficiently
35 sized basins must be provided for washing equipment and utensils

1 used for food preparation and cooking.

2 Subp. 2. **Drying.** Space must be provided for air drying
3 utensils. Towel drying is not permitted.

4 Subp. 3. **Manual utensil washing.** The procedure for manual
5 utensil washing is:

6 A. wash in warm, soapy water;

7 B. rinse in clear water; and

8 C. sanitize for at least one minute in a sanitizing
9 solution of sufficient concentration using one tablespoon of
10 household liquid bleach per two gallons of water, and allow to
11 air dry.

12 Subp. 4. **Cleaning of equipment.** Food contact equipment
13 that must be cleaned in place, like meat slicers or soft serve
14 ice milk dispensers, must be sanitized using a solution equal to
15 that listed in subpart 3, item C.

16 Subp. 5. **Wiping cloths.** Cloths used to wipe equipment and
17 counters must be stored in a sanitizing solution between uses.
18 The solution must equal that listed in subpart 3, item C.

19 Subp. 6. **Sanitizer test kits.** Test kits or strips for
20 analyzing sanitizer strength must be available and used.

21 4625.5301 FOOD, BEVERAGE, AND UTENSIL HANDLING AND STORAGE.

22 Subpart 1. **Food source.** All ice and food supplies must
23 come from an approved commercial source. No home prepared food
24 or food storage at home is permitted. Ice must be obtained only
25 in chipped, crushed, or cubed form and in single-use safe
26 plastic or wet-strength paper bag, filled and sealed at the
27 point of manufacture. The ice must be held in these bags until
28 it is dispensed in a way that protects it from contamination.

29 Subp. 2. **Temperatures.** Potentially hazardous food must be
30 maintained at 40 degrees Fahrenheit (four degrees centigrade) or
31 below, or 150 degrees Fahrenheit (66 degrees centigrade) or
32 above.

33 Subp. 3. **Previously cooked foods.** If previously cooked
34 food is reheated it must reach an internal temperature of at
35 least 165 degrees Fahrenheit (75 degrees centigrade) throughout

1 before being served. Any heated food left over at the end of
2 the day must be discarded.

3 Subp. 4. **Storage.** Food and single service disposable
4 utensils such as paper plates and plastic eating utensils must
5 be clean, dry, covered, and kept at least six inches off the
6 floor. Storage of packaged food in contact with water or
7 undrained ice is prohibited. Wrapped sandwiches must not be
8 stored in direct contact with ice.

9 Subp. 5. **Single service items and condiment dispensing.**
10 Single service utensils and self-service food including
11 condiments such as catsup, mustard, coffee whitener, and sugar
12 must be individually packaged or be dispensed from an enclosed
13 dispenser.

14 4625.5401 WATER SUPPLY.

15 Potable water must be obtained from an approved public
16 water supply system. Water may not come from a residential
17 well. If water is not provided under pressure at the
18 establishment, it may be transported and stored in approved,
19 cleanable, covered containers such as five- or ten-gallon coffee
20 urns or nongalvanized beverage coolers containing spigots.

21 4625.5501 WASTEWATER AND REFUSE DISPOSAL.

22 Subpart 1. **Wastewater.** Wastewater must be discharged into
23 an approved sanitary sewer system or a holding tank. Ground
24 surface discharge is not permitted.

25 Subp. 2. **Refuse and garbage disposal.** Refuse must be
26 deposited and stored so that it does not create a nuisance.
27 Garbage containing food waste, if stored overnight or for
28 extended periods of time, must be stored in tightly covered
29 nonabsorbent containers.

30 4625.5601 INSECT CONTROL.

31 Effective insect control must be achieved through
32 sanitation. If insecticides are used, they must be an approved
33 type such as pyrethrins as the active ingredient, and used
34 according to the manufacturer's directions. They must not be

1 used when food or utensils are exposed. Intermittent spray
2 dispensers and vapon strips must not be used.

3 4625.5701 EMPLOYEE PRACTICES.

4 Employees must comply with the following requirements:

5 A. Employees must maintain their hands in a clean and
6 sanitary condition and wash hands immediately after going to the
7 toilet, handling raw food, smoking, or otherwise soiling their
8 hands.

9 B. Employees must not engage in food preparation or
10 service activities if that person has a communicable disease,
11 gastrointestinal illness, sore throat, or discharging wound.

12 C. Employees must not use tobacco in any form while
13 on duty.

14 D. An employee's outer garments must be clean.

15 E. An employee must wear effective hair restraints
16 such as hairnets, headbands, and caps while engaged in food
17 preparation and service.

18 4625.5801 SAFETY.

19 Subpart 1. **Electrical.** Electrical service must comply
20 with the Minnesota State Building Code Electrical Code, chapter
21 1315. Electrical lines must not be located in or near water.

22 Subp. 2. **Carbon dioxide.** Carbon dioxide and bottled gas
23 cylinders must be secured by chains or other types of restraints.

24 Subp. 3. **Fire extinguisher.** A fire extinguisher with a
25 minimum 2A 10 B-C rating must be present if required by the fire
26 marshal.

27 REQUIREMENTS FOR MOBILE FOOD SERVICES OR PUSHCARTS

28 4625.5901 MOBILE FOOD SERVICES OR PUSHCARTS.

29 Subpart 1. **General.** Mobile food services or pushcarts
30 must comply with all provisions of parts 4625.2401 to 4625.4701
31 which are applicable to their operation and must comply with
32 parts 4625.5901 to 4625.6801. The commissioner may impose
33 additional requirements to protect against health hazards
34 related to the conduct of their operation and may prohibit the

1 sale or giveaway of some or all potentially hazardous foods.
2 When no health hazard is likely to result, the commissioner may
3 grant a variance or modify specific requirements of parts
4 4625.5901 to 4625.6801 relating to physical facilities.

5 Subp. 2. **Restricted operations.** This subpart applies
6 whenever a mobile food service or pushcart is approved under
7 subpart 1 to operate without complying with all the requirements
8 of parts 4625.5901 to 4625.6801.

9 A. The mobile food service or pushcart must be set in
10 a location where it is not subject to flooding and is protected
11 from possible contamination; for example toilets, animal pens,
12 or garbage collection sites. It must be protected from dust and
13 windblown particulates by location, treatment of ground
14 surfaces, or by having the unit enclosed.

15 B. The commissioner may restrict the type of food
16 served or the method of food preparation based on equipment
17 limitations or commissary facilities.

18 4625.6001 CONSTRUCTION.

19 Subpart 1. **Work spaces.** Work spaces must be sized to
20 permit unobstructed work activity. Equipment must be located to
21 permit easy cleaning.

22 Subp. 2. **Floors.** The interior floor must be noncorrosive
23 metal or be surfaced with vinyl flooring or equivalent.

24 Subp. 3. **Walls or enclosures.** The unit must be capable of
25 being fully enclosed on the sides and roof to provide protection
26 during adverse weather. Interior surfaces must be finished with
27 smooth, durable, nonabsorbent, easily cleanable material that
28 resists the wear and abuse to which the surfaces are subjected.
29 High gloss paint is the minimum, acceptable finish.

30 4625.6101 EQUIPMENT.

31 Subpart 1. **General.** Food service equipment must comply
32 with the applicable standards of the National Sanitation
33 Foundation.

34 Subp. 2. **Refrigeration.** Mechanical refrigeration,
35 containing a thermometer, is required for potentially hazardous

1 foods such as meat, fish, poultry, milk, milk products, and
 2 eggs. A metal stem product thermometer with a range from zero
 3 degrees Fahrenheit (minus 18 degrees centigrade) to 220 degrees
 4 Fahrenheit (104 degrees centigrade) is required for measuring
 5 temperatures of this food. Electricity must be provided to
 6 refrigeration units 24 hours a day when the mobile food stand
 7 has been set in place for service.

8 Subp. 3. **Exhaust system.** When grease laden cooking vapor
 9 or condensation is generated in the cooking process, a
 10 mechanical exhaust system must be provided to prevent grease and
 11 condensation from collecting on walls and ceilings.

12 Subp. 4. **Utensils.** Commercial food grade utensils must be
 13 used. Galvanized or soft plastic containers, wooden spoons,
 14 enamelware, paintbrushes, and similar materials are not
 15 acceptable. Garbage bags and garbage receptacles must not be
 16 used for covering or storing food.

17 Subp. 5. **Customer safety.** To help provide customer safety
 18 and prevent possible contamination by customers, food
 19 preparation and cooking areas must be protected by means of an
 20 impervious shield or by separation distances.

21 Subp. 6. **Handwashing facilities.** A handwashing sink
 22 supplied with hot and cold running water, soap, and paper towels
 23 must be provided in all units where food is prepared.

24 Subp. 7. **Lighting.** All interior lights must be shielded
 25 or enclosed to prevent breakage. Lights used at night must not
 26 attract flying insects.

27 4625.6201 DISHWASHING FACILITIES, PROCEDURES, AND EQUIPMENT
 28 CLEANING.

29 Subpart 1. **General.** Single service, disposable eating and
 30 drinking utensils must be used unless approved permanent
 31 dishwashing facilities are available in the mobile unit.
 32 Dishwashing facilities must be available and consist of at least
 33 a three compartment sink, either free standing or installed in a
 34 counter.

35 Subp. 2. **Drying.** Space must be provided for air drying

1 utensils. Towel drying is not permitted.

2 Subp. 3. **Manual utensil washing.** The procedure to be used
3 for manual utensil washing is:

4 A. wash in warm, soapy water;

5 B. rinse in clean water;

6 C. sanitize for at least one minute in a sanitizing
7 solution of sufficient concentration, using one tablespoon of
8 household bleach per two gallons of water; and

9 D. allow to air dry.

10 Subp. 4. **Cleaning equipment.** Food contact equipment that
11 must be cleaned in place, like meat slicers or soft serve ice
12 milk dispensers, must be sanitized using a solution equal to
13 that listed in subpart 3, item C.

14 Subp. 5. **Wiping cloths.** Cloths used to wipe equipment and
15 counters must be stored in a sanitizing solution between uses.
16 The solution must equal that listed in subpart 3, item C.

17 Subp. 6. **Sanitizer test kits.** Test kits or strips for
18 analyzing sanitizer strength must be available and used.

19 4625.6301 FOOD, BEVERAGE, AND UTENSIL HANDLING AND STORAGE.

20 Subpart 1. **Food source.** All ice and food supplies must
21 come from an approved commercial source. No home prepared food
22 or food stored at home is allowed. Food may be kept in a
23 licensed commissary, stock truck, or within the unit. Ice must
24 be cubed or crushed and be sealed in a bag at the point of
25 manufacture. The ice must be held in these bags until it is
26 dispensed in a way that protects it from contamination.

27 Subp. 2. **Temperatures.** Potentially hazardous food must be
28 maintained at 40 degrees Fahrenheit (four degrees centigrade) or
29 below, and 150 degrees Fahrenheit (66 degrees centigrade) or
30 above. This includes periods when it is being transported.

31 Subp. 3. **Previously cooked foods.** Previously cooked food
32 that is reheated must reach an internal temperature of at least
33 165 degrees Fahrenheit (74 degrees centigrade) throughout before
34 being served. Heated food that is left over at the end of the
35 day must be discarded.

1 Subp. 4. **Storage.** Food and single service disposable
2 utensils such as paper plates and plastic eating utensils must
3 be clean, dry, covered, and kept at least six inches off the
4 floor. Storage of packaged food in contact with water of
5 undrained ice is prohibited. Wrapped sandwiches must not be in
6 direct contact with ice.

7 Subp. 5. **Single service items and condiment dispensing.**
8 Single service utensils and self-service food, including
9 condiments, like catsup, coffee whitener, or sugar, must be
10 individually packaged or dispensed from an enclosed dispenser.

11 4625.6401 WATER SUPPLY.

12 Subpart 1. **General.** Potable water must be obtained from
13 an approved public water supply system. Water must not come
14 from a residential well.

15 Subp. 2. **Holding tanks.** Each mobile food service or
16 pushcart must be equipped with a fresh water holding tank that
17 can be drained and a hot water heater, both of which are
18 sufficiently sized to meet water demand. The holding tank must
19 be corrosion resistant, nontoxic, and free of seams. When in
20 operation, a unit may be directly supplied with water from an
21 external water system. The connecting hose must be capped and
22 otherwise protected when it is disconnected so that it will not
23 be contaminated by waste discharge, road dust, oil, or grease.

24 Subp. 3. **System sanitizing.** The total water system must
25 be sanitized each year before the unit is put into service.

26 4625.6501 WASTEWATER AND REFUSE DISPOSAL.

27 Subpart 1. **Wastewater.** Wastewater must be discharged
28 directly into an approved sanitary sewer system or to a holding
29 tank which will subsequently be discharged into a sewer system.
30 Discharge lines and connections must not be compatible with the
31 water supply connections. The holding tank must be at least 15
32 percent larger than the fresh water storage tank. Ground
33 surface discharge is not permitted.

34 Subp. 2. **Refuse and garbage disposal.** Refuse must be
35 deposited and stored in a manner that will not tend to create a

1 nuisance. Garbage containing food waste, if stored overnight or
2 for extended periods of time, must be stored in tightly covered
3 nonabsorbent containers.

4 4625.6601 INSECT CONTROL.

5 Effective insect control must be achieved through
6 sanitation. If insecticides are to be used, they must be an
7 approved type such as pyrethrins as the active ingredient, used
8 according to the manufacturer's directions. They must not be
9 used when food or utensils are exposed. Intermittent spray
10 dispensers and vapona strips must not be used.

11 4625.6701 EMPLOYEE PRACTICES.

12 Employees must comply with the following requirements:

13 A. Employees must maintain their hands in a clean and
14 sanitary condition and wash hands immediately after going to the
15 toilet, handling raw food, smoking, or otherwise soiling their
16 hands.

17 B. An employee must not engage in food preparation or
18 service activities if that person has a communicable disease,
19 gastrointestinal illness, sore throat, or discharging wound.

20 C. An employee must not use tobacco in any form while
21 on duty.

22 D. An employee's outer garments must be clean.

23 E. An employee must wear effective hair restraints
24 such as hairnets, headbands, and caps while engaged in food
25 preparation and service.

26 4625.6801 SAFETY.

27 Subpart 1. Electrical. Electrical service must comply
28 with the Minnesota State Building Code Electrical Code, chapter
29 1315. Electrical lines should not be located in or near water.

30 Subp. 2. Carbon dioxide. Carbon dioxide and bottled gas
31 cylinders must be secured by chains or other types of restraints.

32 Subp. 3. Fire extinguishers. A fire extinguisher with a
33 minimum 2A 10 B-C rating must be present if required by the fire
34 marshal.

1 REQUIREMENTS FOR SPECIAL EVENT FOOD STANDS

2 4625.6901 SPECIAL EVENT FOOD STAND.

3 Subpart 1. **General.** Special event food stands must comply
4 with all provisions of parts 4625.2401 to 4625.4701 which are
5 applicable to their operation and must comply with parts
6 4625.6901 to 4625.7801. The commissioner may impose additional
7 requirements to protect against health hazards related to the
8 conduct of their operation and may prohibit the sale or giveaway
9 of some or all potentially hazardous foods. When no health
10 hazard is likely to result, the commissioner may grant a
11 variance or modify specific requirements of parts 4625.6901 to
12 4625.7801.

13 Subp. 2. **Restricted operations.** This subpart applies
14 whenever a special event food stand is approved under subpart 1
15 to operate without complying with all the requirements of parts
16 4625.6901 to 4625.7801.

17 A. The special event food stand must be located where
18 it is not subject to flooding and is protected from possible
19 contamination; for example toilets, animal pens, or garbage
20 collection sites. It must be protected from dust and windblown
21 particulates by location, treatment of ground surfaces, or by
22 having the food stand enclosed.

23 B. The commissioner may restrict the type of food
24 served or the method of food preparation based on equipment
25 limitations.

26 4625.7001 CONSTRUCTION.

27 Subpart 1. **Work spaces.** Work spaces must be sized to
28 permit unobstructed work activity. Equipment must be located to
29 permit easy cleaning.

30 Subp. 2. **Floors.** The interior floor must be constructed
31 of concrete, asphalt, tight wood, or other similar cleanable
32 material kept in good repair. Dirt or gravel, when graded to
33 drain, may be used as subflooring when covered with clean,
34 removable platforms or duckboards, or covered with wood chips,
35 shavings, or other suitable materials effectively treated to

1 control dust.

2 Subp. 3. **Walls or enclosures.** The stand must provide
3 protection during adverse weather by its construction or
4 location. If it does not, then food activities must cease
5 during periods of adverse weather. Interior surfaces must be
6 finished with smooth, durable, nonabsorbent, easily cleanable
7 material that resists the wear and abuse to which the surfaces
8 are subjected. High gloss paint is the minimum, acceptable
9 finish.

10 4625.7101 EQUIPMENT.

11 Subpart 1. **General.** Food service equipment must be
12 appropriately designed and sized for its use.

13 Subp. 2. **Refrigeration.** Mechanical refrigeration is
14 required for potentially hazardous foods such as meat, fish,
15 poultry, milk and milk products, and eggs. A metal stem product
16 thermometer with a range from zero degrees Fahrenheit (minus 18
17 degrees centigrade) to 220 degrees Fahrenheit (104 degrees
18 centigrade) is required for measuring temperature of this food.
19 Electricity must be provided to refrigeration units 24 hours a
20 day when the special event food stand has been set in place for
21 service. Insulated chests containing dry ice or frozen
22 refrigerant packs may be used for items such as hot dogs and
23 precooked sausages as long as required temperatures are
24 maintained. A thermometer is required for each refrigerator and
25 insulated chest.

26 Subp. 3. **Cooking equipment.** Electric skillets, roasters,
27 propane stoves, and charcoal grills equipped with lids are
28 acceptable for cooking food as long as safe food temperatures
29 are maintained. Crock pots may not be used.

30 Subp. 4. **Utensils.** Commercial food grade utensils must be
31 used. Galvanized or soft plastic containers, wooden spoons,
32 enamelware, paintbrushes, and similar materials are not
33 acceptable. Garbage bags and garbage receptacles must not be
34 used for covering or storing food.

35 Subp. 5. **Customer safety.** To help provide customer safety

1 and prevent possible contamination by customers, food
2 preparation and cooking areas must be protected by an impervious
3 shield or by separation distances.

4 Subp. 6. **Handwashing facilities.** Handwashing facilities
5 shall be provided within the stand. They shall consist of:

6 A. soap, paper towels, and a water faucet or spigot
7 that discharges into a waste line or holding vessel; or

8 B. paper towels and a spray bottle containing a
9 germicidal solution, using one teaspoon of household bleach to a
10 gallon of water; or

11 C. moist towelettes when there is little or no food
12 preparation.

13 Subp. 7. **Lighting.** All interior lights must be shielded
14 or enclosed to prevent breakage. Lights used at night must not
15 attract flying insects.

16 4625.7201 DISHWASHING FACILITIES, PROCEDURES, AND EQUIPMENT
17 CLEANING.

18 Subpart 1. **General.** Single service, disposable eating and
19 drinking utensils must be used unless approved permanent
20 dishwashing facilities are available. Utensils are to be washed
21 and sanitized immediately before the special event and as often
22 as necessary during the event. Utensils may be washed off the
23 site if approval is granted. When this is done, the clean
24 utensils must be suitably covered with plastic wrap or placed in
25 a covered container when transported. When utensils are not
26 washed at the site, enough utensils must be provided so that if
27 one becomes soiled or contaminated, a clean one is available.

28 Subp. 2. **Drying.** Space must be provided for air drying
29 utensils. Towel drying is not permitted.

30 Subp. 3. **Manual utensil washing.** The procedure for manual
31 utensil washing is:

32 A. wash in warm, soapy water;

33 B. rinse in clean water;

34 C. sanitize for at least one minute in a sanitizing
35 solution of sufficient concentration, using one tablespoon of

1 household bleach per two gallons of water; and

2 D. allow to air dry.

3 Subp. 4. **Cleaning equipment.** Food contact equipment that
4 must be cleaned in place, like meat slicers or soft serve ice
5 milk dispensers, must be sanitized using a solution equal to
6 that listed in subpart 3, item C.

7 Subp. 5. **Wiping cloths.** Cloths used to wipe equipment and
8 counters must be stored in a sanitizing solution between uses.
9 The solution must equal that listed in subpart 3, item C.

10 Subp. 6. **Sanitizer test kits.** Test kits or strips for
11 analyzing sanitizer strength must be available and used.

12 4625.7301 FOOD, BEVERAGE, AND UTENSIL HANDLING AND STORAGE.

13 Subpart 1. **Food source.** All ice and food supplies must
14 come from an approved commercial source. No home prepared food
15 or food storage at home is permitted. Ice must be obtained only
16 in chipped, crushed, or cubed form and in single-use safe
17 plastic or wet-strength paper bags filled and sealed at the
18 point of manufacture. The ice must be held in these bags until
19 it is dispensed in a way that protects it from contamination.
20 When preparation or hot and cold holding equipment are not
21 adequate for the volume of food prepared, food preparation
22 activities must take place in a facility which is in compliance
23 with parts 4625.2401 to 4625.4701, such as a restaurant, school,
24 fraternal organization kitchen, or church.

25 Subp. 2. **Temperature.** Potentially hazardous food must be
26 maintained at 40 degrees Fahrenheit (four degrees centigrade) or
27 below and 150 degrees Fahrenheit (66 degrees centigrade) or
28 above, including periods when it is being transported.

29 Subp. 3. **Previously cooked foods.** Previously cooked food
30 that is reheated must reach an internal temperature of at least
31 165 degrees Fahrenheit (74 degrees centigrade) throughout before
32 being served. Any heated food that is left over at the end of
33 the day must be discarded.

34 Subp. 4. **Storage.** Food and single service disposable
35 utensils such as paper plates and plastic eating utensils must

1 be clean, dry, covered, and kept at least six inches off the
2 floor. Storage of packaged food in contact with water or
3 undrained ice is prohibited. Wrapped sandwiches must not be
4 stored in direct contact with ice. Canned, bottled, and other
5 containerized beverages except milk may be chilled in ice.

6 Subp. 5. Single service items and condiment dispensing.
7 Single service utensils and self-service food including
8 condiments such as catsup, mustard, coffee whitener, and sugar
9 must be individually packaged or be dispensed from an enclosed
10 dispenser.

11 4625.7401 WATER SUPPLY.

12 Potable water must be obtained from an approved public
13 water supply system. Water must not come from a residential
14 well. If water is not provided under pressure at the
15 establishment, it may be transported and stored in approved,
16 cleanable, covered containers such as five- or ten-gallon coffee
17 urns or nongalvanized beverage coolers containing spigots.

18 4625.7501 WASTEWATER AND REFUSE DISPOSAL.

19 Subpart 1. Wastewater. Wastewater must be discharged into
20 an approved sanitary sewer system or a holding tank. Ground
21 surface discharge is not permitted.

22 Subp. 2. Refuse and garbage disposal. Refuse and garbage
23 must be deposited and stored in a manner that will not tend to
24 create a nuisance. Garbage containing food waste if stored
25 overnight or for extended periods of time must be stored in
26 tightly covered nonabsorbent containers.

27 4625.7601 INSECT CONTROL.

28 Effective insect control is to be achieved through
29 sanitation. If insecticides are to be used, they must be an
30 approved type such as pyrethrins as the active ingredient, used
31 according to the manufacturer's directions. They must not be
32 used when food or utensils are exposed. Intermittent spray
33 dispensers and vapo-na strips must not be used.

34 4625.7701 EMPLOYEE PRACTICES.

1 Employees must comply with the following requirements:

2 A. Employees must maintain their hands in a clean and
3 sanitary condition and wash hands immediately after going to the
4 toilet, handling raw food, smoking, or otherwise soiling their
5 hands.

6 B. Employees must not engage in food preparation or
7 service activities if that person has a communicable disease,
8 gastrointestinal illness, sore throat, or discharging wound.

9 C. An employee must not use tobacco in any form while
10 on duty.

11 D. An employee's outer garments must be clean.

12 E. An employee must wear effective hair restraints
13 such as hairnets, headbands, and caps while engaged in food
14 preparation and service.

15 F. An adult shall be responsible for the operation of
16 the stand and shall supervise children working in the stand.

17 4625.7801 SAFETY.

18 Subpart 1. **Electrical.** Electrical service must comply
19 with the Minnesota State Building Code Electrical Code, chapter
20 1315. Electrical lines should not be located in or near water.

21 Subp. 2. **Carbon dioxide.** Carbon dioxide and bottled gas
22 cylinders must be secured by chains or other types of restraints.

23 Subp. 3. **Fire extinguishers.** A fire extinguisher with a
24 minimum 2A 10 B-C rating must be present if required by the fire
25 marshal.

26

27 **REPEALER.** Parts 4625.2400, 4625.2500, 4625.2600,
28 4625.2700, 4625.2800, 4625.2900, 4625.3000, 4625.3100,
29 4625.3200, 4625.3300, 4625.3400, 4625.3500, 4625.3600,
30 4625.3700, 4625.3800, 4625.3900, 4625.4000, 4625.4100,
31 4625.4200, 4625.4300, 4625.4400, 4625.4500, 4625.4600,
32 4625.4700, 4625.4800, and 4625.4900, are repealed.

Office of the Revisor of Statutes

Administrative Rules



TITLE: Proposed Permanent Rules Relating to Food and Beverage Establishments

AGENCY: Department of Health

MINNESOTA RULES: Chapter 4625

INCORPORATION BY REFERENCE:

Parts 4625.2401, subpart 24; 4625.3701, subpart 2, item C; and 4625.3801, subpart 6, items D and F.

National Sanitation Foundation Standard published by the National Sanitation Foundation.

The attached rules are approved for publication
in the State Register

A handwritten signature in cursive script, appearing to read "Kathleen M. Traxler".

Kathleen M. Traxler
Assistant Revisor

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