

PROPOSED INTERIM RULE

Section 1. The definitions in this document apply throughout this document.

Section 2. (a) "Accredited program" means a food protection manager certification program that has been evaluated and listed by an accrediting agency as conforming to national standards for organizations that certify individuals.

(b) The term refers to the certification process and is a designation based upon an independent evaluation of factors such as:-

- (1) the sponsor's mission;
- (2) organizational structure;
- (3) staff resources;
- (4) revenue sources;
- (5) policies;
- (6) public information regarding program scope, eligibility requirements, re-certification, discipline and grievance procedures; and
- (7) test development and administration.

(c) The term does not refer to training functions or educational programs.

Section 3. "Acid foods" means foods that have a natural pH of 4.6 or below.

Section 4. (a) "Acidified Foods" means a food, other than alcoholic beverages, with a finished equilibrium pH of 4.6 or above and a water activity (a_w) greater than 0.85, that are intentionally altered by adding acid(s) or "acid foods" to reach a finished equilibrium pH of 4.6 or below and a water activity (a_w), greater than 0.85.

(b) This term does not include:

- (1) Acid foods that contain small amounts of other foods having a pH over 4.6 but will result in a product with finished equilibrium pH that does not significantly differ from that of the predominant acid or acid food.
- (2) foods that are stored, distributed, and retailed under refrigeration.

Section 5. "Additive" means a food or color additive.

Section 6. "Adulterated" has the meaning set forth in IC 16-42-1 and IC 16-42-2.

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

Section 8. (a) "Asymptomatic" means without obvious symptoms and includes not showing or producing indications of a disease or other medical condition, such as an individual infected with a pathogen but not exhibiting or producing any signs or symptoms of vomiting, diarrhea, or jaundice.

(b) The term includes not showing symptoms because symptoms have resolved or subsided, or because symptoms never manifested.

Section 9. "A_w" means water activity that is as follows:

- (a) A measure of the free moisture in a food.
- (b) The quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature.
- (c) Indicated by the symbol A_w.

Section 10. "Balut" means an embryo inside a fertile egg that has been incubated for a period sufficient for the embryo to reach a specific stage of development after which it is removed from incubation before hatching.

Section 11. "Beverage" means a liquid for drinking, including water.

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

Section 13. "Catering" means the preparation of food in an approved retail food establishment and may include the transportation of such food for service and consumption at some other site.

Section 14. "Certified food protection manager" has the meaning set forth in IC 16-42-5.2-4.

Section 15. "Certification number" means the unique identification number issued by the Shellfish Control Authority to each dealer for each location.

Section 16. "CFR" means the Code of Federal Regulations.

Section 17. (a) "Cleaned in place" or "CIP" means cleaned in place by the circulation or flowing by mechanical means through a piping system of a detergent solution, water rinse, and sanitizing solution onto or over equipment surfaces that require cleaning, such as the method used, in part, to clean and sanitize a frozen dessert machine.

(b) The term does not include the cleaning of equipment, such as band saws, slicers, or mixers that are subjected to in-place manual cleaning without the use of a CIP system.

Section 18. "Color additive" has the meaning set forth in 21 USC 321(t) and 21 CFR 70.3(f).

Section 19. "Comingle" means the act of combining different lots of shellfish.

Section 20. "Comminuted" means reduced in size by methods, including chopping, flaking, grinding, or mincing. The term includes the following:

(a) Fish or meat products that are reduced in size and restructured or reformulated, such as the following:

- (1) Ground beef.
- (2) Sausage.
- (3) Gefilte fish.

(4) Gyros.

(b) A mixture of two (2) or more types of meat that have been reduced in size and combined, such as sausages made from two (2) or more meats.

Section 21. "Commissary" means a registered catering establishment, restaurant, or any retail food establishment in which food, food containers, or food supplies are:

- (a) kept;
- (b) handled;
- (c) prepared;
- (d) packaged; or
- (e) stored;

from which meals are catered and mobile retail food establishments or pushcarts are serviced.

Section 22. "Conditional employee" means a potential food employee to whom a job offer is made, conditional on responses to subsequent medical questions or examinations designed to identify potential food employees who may be suffering from a disease that can be transmitted through food and done in compliance with Title 1 of the Americans with Disabilities Act of 1990.

Section 23. "Confirmed disease outbreak" means a foodborne disease outbreak in which laboratory analysis of appropriate specimens identifies a causative agent and epidemiological analysis implicates the food as the source of the illness.

Section 24. "Consumer" means a person who is a member of the public who:

- (a) takes possession of food;
- (b) is not functioning in the capacity of an operator of a retail food establishment or food processing plant; and
- (c) does not offer the food for resale.

Section 25. "Core item" means a provision in this document that is designated as CORE. The term includes an item that usually relates to general sanitation, operational control, sanitation standard operating procedures, facilities or structures, equipment design, or general maintenance.

Section 26. "Corrosion-resistant" means a material that maintains acceptable surface cleanability characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and sanitizing solutions, and other conditions of the use environment.

Section 27. "Counter-mounted equipment" means equipment that is not portable and is designed to be mounted off the floor on a table, counter, or shelf.

Section 28. "Critical control point" means a point or procedure in a specific food system where loss of control may result in an unacceptable health risk.

Section 29. "Critical limit" means the maximum or minimum value to which a physical,

biological, or chemical parameter must be controlled at a critical control point to minimize the risk that the identified food safety hazard may occur.

Section 30. "Cut leafy greens" means fresh leafy greens whose leaves have been cut, shredded, sliced, chopped, or torn.

Section 31. "Dealer" means a person who is authorized by a shellfish control authority for the activities of shellstock shipper, shucker-packer, repacker, reshipper, or depuration processor of molluscan shellfish according to the provisions of the National Shellfish Sanitation Program.

Section 32. "Department" means the Indiana department of health or its authorized representative.

Section 33. "Disclosure" means a written statement that clearly identifies the animal-derived foods that are, or can be ordered, raw, undercooked, or without otherwise being processed to eliminate pathogens, or items that contain an ingredient that is raw, undercooked, or without otherwise being processed to eliminate pathogens.

Section 34. (a) "Drinking water" means water that meets the requirements of 327 IAC 8.

(b) The term is traditionally known as potable water.

(c) The term includes water, except where the term used connotes that the water is not potable, such as the following:

- (1) Boiler water.
- (2) Mop water.
- (3) Rainwater.
- (4) Wastewater.
- (5) Nondrinking water.

Section 35. "Dry storage" describes a room or area designated for the storage of packaged or containerized bulk food that is not a TCS food, and dry goods, such as single-service items.

Section 36. (a) "Easily cleanable" means a characteristic of a surface that:

- (1) allows effective removal of soil by normal cleaning methods;
- (2) is dependent on the material, design, construction, and installation of the surface; and
- (3) varies with the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants into food based on the surface's approved placement, purpose, and use.

(b) The term includes a tiered application of the criteria that qualify the surface as easily cleanable as specified under subsection (a) to different situations in which varying degrees of cleanability are required, such as the:

- (1) appropriateness of stainless steel for a food preparation surface as opposed to the lack of need for stainless steel to be used for floors or for tables used for consumer dining; or
- (2) need for a different degree of cleanability for a utilitarian attachment or accessory in the kitchen as opposed to a decorative attachment or accessory in the consumer dining

area.

Section 37. "Easily movable" means:

- (a) portable, mounted on casters, gliders, or rollers, or provided with a mechanical means to safely tilt a unit of equipment for cleaning; and
- (b) having:
 - (1) no utility connection;
 - (2) a utility connection that disconnects quickly; or
 - (3) a flexible utility connection line of sufficient length to allow the equipment be moved for cleaning of the equipment and adjacent area.

Section 38. (a) "Egg" means the shell egg of avian species such as chicken, duck, goose, turkey, quail, guinea or ratites.

- (b) The term does not include:
 - (1) a balut;
 - (2) the egg of a reptile species such as alligator; or
 - (3) an egg product.

Section 39. (a) "Egg Product" means all, or a portion of, the contents found inside eggs separated from the shell and pasteurized in a food processing plant, with or without added ingredients, intended for human consumption, such as dried, frozen or liquid eggs.

(b) The term does not include food which contains eggs only in a relatively small proportion such as cake mixes.

Section 40. "Employee" means any of the following:

- (a) A person in charge.
- (b) A food employee.
- (c) A person having supervisory or management duties.
- (d) A person on the payroll.
- (e) A family member.
- (f) A volunteer.
- (g) A person performing work under contractual agreement.
- (h) Any other person working in a retail food establishment.

Section 41. "EPA" means the United States Environmental Protection Agency.

Section 42. (a) "Equipment" means an article that is used in the operation of a retail food establishment, such as the following:

- (1) A freezer.
- (2) A grinder.
- (3) A hood.
- (4) An ice maker.
- (5) A meat block.
- (6) A mixer.

- (7) An oven.
- (8) A reach-in refrigerator.
- (9) A scale.
- (10) A sink.
- (11) A slicer.
- (12) A stove.
- (13) A table.
- (14) A temperature measuring device for food or ambient air.
- (15) A vending machine.
- (16) A warewashing machine.

(b) The term does not include items used for handling or storing large quantities of packaged foods that are received from a supplier in a cased or overwrapped lot, such as the following:

- (1) Hand trucks.
- (2) Forklifts.
- (3) Dollies.
- (4) Pallets.
- (5) Racks.
- (6) Skids.

Section 43. "Exclude" means to prevent a person from working as a food employee or entering a retail food establishment as an employee.

Section 44. "FDA" means the U.S. Food and Drug Administration.

Section 45. (a) "Fish" means fresh or saltwater finfish, crustaceans, and other aquatic life including:

- (1) alligators;
- (2) frogs;
- (3) aquatic turtles;
- (4) jellyfish;
- (5) sea cucumbers;
- (6) sea urchins; and
- (7) mollusks;

other than birds, insects or mammals, if such animal life is intended for human consumption.

(b) The term includes the following:

- (1) Roe of all fish.
- (2) An edible human food product derived in whole or in part from fish, including fish that have been processed in any manner.

Section 46. (a) "Food" has the meaning set forth in IC 16-18-2-135.

(b) The term includes a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.

Section 47 "Food additive" has the meaning set forth in 21 USC 321(s) and 21 CFR 170.3(e)(1).

Section 48. "Foodborne disease outbreak" means the occurrence of:

- (a) two (2) or more cases of a similar illness resulting from the ingestion of a common food; or
- (b) a single case of illness from botulism or chemical poisoning.

Section 49. "Food contact surface" means a surface of equipment or a utensil:

- (a) with which food normally comes into contact; or
- (b) from which food may drain, drip, or splash:
 - (1) into a food; or
 - (2) onto a surface normally in contact with food.

Section 50. "Food employee" means an individual working with unpackaged food, food equipment or utensils, or food-contact surfaces.

Section 51. (a) "Food processing plant" means a commercial operation, such as:

- (1) a wholesale food establishment regulated under IC 16-42-5 and 410 IAC 7-21;
- (2) a dairy operation regulated under IC 15-18-1; and
- (3) a livestock or poultry operation regulated under IC 15-17-5;

that manufactures, packages, labels, or stores food for human consumption and does not provide food directly to a consumer.

(b) The term does not include a home based vendor under IC 16-42-5.3, or a retail food establishment as defined under section 105 of this document, unless the retail food establishment is conducting wholesale activities as specified in 410 IAC 7-21 or under a variance.

Section 52. (a) "Game animal" means an animal, the product of which is human food, not:

- (1) regulated as livestock or poultry product under IC 15-17-5;
- (2) fish as defined in section 45 of this document; and
- (3) possessed or raised in violation of state or federal law.

(b) The term includes non-farm raised animal, such as but is not limited to deer, bison, quail, rabbit or elk.

Section 53. "Grade A Standards" means the requirements of the United States Public Health Service, Food and Drug Administration Grade A Pasteurized Milk Ordinance and Grade A Condensed and Dry Milk Ordinance with which certain fluid and dry milk and milk products comply.

Section 54. "HACCP plan" means a written document that delineates the formal procedures for following the Hazard Analysis and Critical Control Point principles developed by the National Advisory Committee on Microbiological Criteria for Foods.

Section 55. "Handwashing sink" means a lavatory, a basin or vessel for washing, an automatic handwashing facility, a wash basin, or a plumbing fixture especially placed for use in personal hygiene and designed for the washing of the hands.

Section 56. "Hazard" means a biological, chemical, or physical property that may cause an unacceptable consumer health risk.

Section 57. "Health practitioner" means a physician licensed to practice medicine, or if allowed by law, a nurse practitioner, physician assistant, or similar medical professional.

Section 58. "Hermetically sealed container" means a container that is designed and intended to be secure against the entry of microorganisms and, in the case of low-acid canned foods, to maintain the commercial sterility of its contents after processing.

Section 59. "Highly susceptible population" means persons who are more likely than other people in the general population to experience foodborne disease because they are:

- (a) immunocompromised, preschool age children, or older adults; and
- (b) obtaining food at a facility that provides services such as custodial care, health care, or assisted living, such as a child or adult day care center, kidney dialysis center, hospital or nursing home, or nutritional or socialization services such as a senior center.

Section 60. "Imminent health hazard" means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury or illness based on the:

- (a) number of potential injuries or illnesses; and
- (b) nature, severity, and duration of the anticipated injury or illness.

Section 61. "Injected" means manipulating meat to which a solution has been introduced into its interior by processes that are referred to as "injecting," "pump marinating," or "stitch pumping".

Section 62. "In-shell product" means non-living, processed shellfish with one (1) or both shells present.

Section 63 "Intact meat" means a cut of whole muscle(s) that has not undergone comminution, mechanical tenderization, vacuum tumbling with solutions, reconstruction, cubing or pounding.

Section 64. (a) "Juice" means the aqueous liquid expressed or extracted from:

- (1) one (1) or more fruits or vegetables;
- (2) purées of the edible portions of one (1) or more fruits or vegetables; or
- (3) any concentrate of such liquid or purée.

(b) The term does not include, for purposes of HACCP, liquids, purées, or concentrates that are not used as beverages or ingredients of beverages.

Section 65. "Kitchenware" means food preparation and storage utensils.

Section 66. "Law" means applicable state and federal statutes and regulations and local ordinances.

Section 67. "Linens" means fabric items, such as the following:

- (a) Cloth hampers;
- (b) Cloth napkins;
- (c) Table cloths;
- (d) Wiping cloths;
- (e) Work garments, including, but not limited to, cloth gloves.

Section 68. (a) "Leafy greens" means:

- (1) iceberg lettuce;
- (2) romaine lettuce;
- (3) leaf lettuce;
- (4) butter lettuce;
- (5) baby leaf lettuce (e.g., immature lettuce or microgreens);
- (6) escarole;
- (7) endive;
- (8) spring mix;
- (9) spinach;
- (10) cabbage;
- (11) kale;
- (12) arugula; and
- (13) chard.

(b) The term does not include herbs such as cilantro or parsley.

Section 69. (a) "Major food allergen" means:

- (1) milk;
- (2) eggs;
- (3) fish such as bass, flounder, cod;
- (4) crustacean shellfish such as crab, lobster, or shrimp;
- (5) tree nuts, such as almonds, pecans, or walnuts;
- (6) wheat;
- (7) peanuts;
- (8) soybeans;
- (9) sesame; or
- (10) a food ingredient that contains protein derived from the foods listed in this subsection.

(b) The term does not include:

- (1) any highly refined oil derived from a food specified in subdivision (a)(1) through (a)(9) or any ingredient derived from such highly refined oil; or
- (2) any ingredient that is exempt under the petition or notification process specified in the Food Allergen Labeling and Consumer Protection Act of 2004 (Public Law 108-282).

Section 70. (a) "Meat" means the part of the muscle of any livestock that is skeletal or is found in the tongue, diaphragm, heart, or esophagus, with or without the accompanying and overlying fat,

and the portions of bone, skin, sinew, nerve, and blood vessels that:

- (1) normally accompany the muscle tissue; and
- (2) are not separated from it in the process of dressing.

(b) The term includes flesh of animals used as food including the dressed flesh of:

- (1) cattle;
- (2) swine;
- (3) sheep;
- (4) goats;
- (5) farm raised Cervidae;
- (6) bison;
- (7) ratites; or
- (8) and other edible animals, except fish, poultry, and game animals as specified under section 161 of this document.

(c) The term does not include products that:

- (1) contain meat or other parts of such carcasses only in a relatively small proportion; or
- (2) historically have not been considered by consumers as products of the meat food industry and are exempted from the definition as a meat food product by the state veterinarian under conditions the state veterinarian prescribes to ensure that the meat or other parts of the carcass contained in the product are not:
 - (A) adulterated; or
 - (B) represented as meat food products.

Section 71. (a) "Mechanically tenderized" means manipulating meat by piercing with a set of:

- (1) needles;
- (2) pins;
- (3) blades; or
- (4) any mechanical device;

which breaks up muscle fiber and tough connective tissue, to increase tenderness.

(b) The term includes:

- (1) injection;
- (2) scoring; and
- (3) processes which may be referred to as:
 - (A) blade tenderizing;
 - (B) jaccarding;
 - (C) pinning; or
 - (D) needling.

Section 72. "mg/L" means milligrams per liter, which is the metric equivalent of parts per million.

Section 73. "Micro market" has the meaning set forth in IC 16-42-5-32.

Section 74. "Misbranded" has the meaning set forth in IC 16-42-1, IC 16-42-2, and 410 IAC 7-5.

Section 75. "Mobile retail food establishment" means a retail food establishment that is:

- (a) wheeled;
- (b) on skids;
- (c) mounted on a vehicle;
- (d) a marine vessel; or
- (e) otherwise readily movable; such as a pushcart or trailer.

Section 76. (a) "Molluscan shellfish" means any edible species of fresh or frozen:

- (1) oysters;
- (2) clams;
- (3) mussels; or
- (4) scallops;

or edible portions thereof, except when the scallop product consists only of the shucked adductor muscle.

(b) The term includes shellstock, shucked shellfish, and in-shell products.

Section 77. (a) "Non-continuous cooking" means the cooking of food in a retail food establishment using a process in which the initial heating of the food is intentionally halted so that it may be cooled and held for complete cooking at a later time prior to sale or service.

(b) The term does not include cooking procedures that only involve temporarily interrupting or slowing an otherwise continuous cooking process.

Section 78. (a) "Outdoor food operation" means a permanently installed or portable extension of a retail food establishment, that operates for the purpose of storing, preparing, serving, packaging or otherwise handling of food.

(b) The term includes any of the following:

- (1) Barbeque pits smokers or grills on the premise of the permitted retail food establishment.
- (2) Food service sites or kiosks in amusement parks, theme parks, zoos, outdoor exhibitions, or athletic facilities.
- (3) Use of "garage doors" that open on any of the walls of a permanent structure.
- (4) A movable cooking operation that is conducted on equipment that is suitably designed and maintained for use out of doors and is operated in conjunction with a permanent retail food establishment.

(c) The term does not include:

- (1) a temporary food establishment; or
- (2) a mobile food establishment
- (3) a retail food establishment when:
 - (A) the only food handling activity is serving food per an individual order from an enclosed indoor facility; or
 - (B) outdoor equipment that consists only of enclosed, secured storage units, such as a walk-in cooler.

Section 79. (a) "Packaged" means:

- (1) bottled;
- (2) canned;
- (3) cartoned;
- (4) bagged; or
- (5) wrapped;

whether packaged in a retail food establishment or a food processing plant.

(b) The term does not include wrapped or placed in a carry-out container to protect the food during service or delivery to the consumer, by a food employee, upon consumer request.

Section 80. "Person" has the meaning set forth in IC 16-18-2-274.

Section 81. "Person in charge" means the individual present at a retail food establishment who is responsible for the operation at the time of inspection.

Section 82. (a) "Personal care items" means items or substances that may be poisonous, toxic, or a source of contamination and are used to maintain or enhance a person's health, hygiene, or appearance.

(b) The term includes the following items:

- (1) Medicines.
- (2) First aid supplies.
- (3) Cosmetics.
- (4) Toiletries such as toothpaste and mouthwash.

Section 83. "pH" means the symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution. Values between zero (0) and seven (7) indicate acidity, and values between seven (7) and fourteen (14) indicate alkalinity. The value for pure distilled water is seven (7), which is considered neutral.

Section 84. "Physical facilities" means the structure and interior surfaces of a retail food establishment, including floors, walls, ceilings, and accessories, such as the following:

- (a) Soap and towel dispensers;
- (b) Attachments, such as the following:
 - (1) Light fixtures;
 - (2) Heating or air conditioning system vents.

Section 85. "Plumbing fixture" means a receptacle or device that:

- (a) is permanently or temporarily connected to the water distribution system of the premises and demands a supply of water from the system; or
- (b) discharges used water, waste materials, or sewage directly or indirectly to the drainage system of the premises.

Section 86. "Plumbing system" means the following:

- (a) The water supply and distribution pipes;
- (b) Plumbing fixtures and traps;

- (c) Soil, waste, and vent pipes;
- (d) Water-treating equipment;
- (e) Sanitary and storm sewers and building drains, including their respective:
 - (1) connections;
 - (2) devices; and
 - (3) appurtenances;within the premises.

Section 87. "Poisonous or toxic materials" means substances that are not intended for ingestion and are included in five (5) categories, as follows:

- (a) Cleaners and sanitizers, which include cleaning and sanitizing agents and agents such as the following:
 - (1) Caustics;
 - (2) Acids;
 - (3) Drying agents;
 - (4) Polishes;
 - (5) Other chemicals;
- (b) Pesticides except sanitizers, which include substances such as insecticides and rodenticides.
- (c) Substances necessary for the operation and maintenance of the establishment, such as nonfood grade lubricants and personal care items that may be deleterious to health.
- (d) Substances that are not necessary for the operation and maintenance of the establishment and are on the premises for retail sale, such as petroleum products and paints.
- (e) Restricted use pesticide.

Section 88. "Poultry" means the following:

- (a) Chickens;
- (b) Turkeys;
- (c) Ducks;
- (d) Geese;
- (e) Guineas;
- (f) Ratites;
- (g) Squab;
- (h) Any other amenable avian species regulated under IC 15-17-5.

Section 89. "ppm" means parts per million, which is equivalent to milligrams per liter (mg/L).

Section 90. "Premises" means the physical facility, its contents, and the:

- (a) contiguous land or property under the control of the retail food establishment; or
- (b) land or property not described under subsection (a) if its facilities and contents are under the control of the owner or operator of the retail food establishment and may impact personnel, facilities, or operations, if a retail food establishment is only one (1) component of a larger operation, such as a:
 - (1) health care facility;
 - (2) hotel;

- (3) motel;
- (4) institution;
- (5) school;
- (6) recreational camp; or
- (7) prison.

Section 91. "Primal cut" means a basic major cut into which carcasses and sides of meat are separated, such as a:

- (a) beef round;
- (b) pork loin;
- (c) lamb flank; or
- (d) veal breast.

Section 92. (a) "Priority item" means a provision in this document whose application of which contributes directly to the elimination, prevention, or reduction to an acceptable level of hazards associated with foodborne illness or injury and there is no other provision that more directly controls the hazard.

(b) The term includes items with a quantifiable measure to show control of hazards such as cooking, reheating, cooling, handwashing.

(c) The term is an item that is denoted in this document with the notation of "P".

Section 93. (a) "Priority foundation item" means a provision in this document whose application supports, facilitates or enables one or more Priority items.

(b) The term includes an item that requires the purposeful incorporation of specific actions, equipment or procedures by industry management to attain control of risk factors that contribute to foodborne illness or injury such as personnel training, infrastructure or necessary equipment, HACCP plans, documentation or record keeping, and labeling.

(c) The term is an item that is denoted in this code with the notation of "PF".

Section 94. "Public water system" has the meaning set forth in 327 IAC 8.

Section 95. "Ratite" means a domesticated large flightless bird such as an emu, ostrich, or rhea.

Section 96. (a) "Ready-to-eat food" means food that:

- (1) is in a form that is edible without additional preparation to achieve food safety, as specified under section 198(a) through 198(c) of this document, section 199 of this document, or section 203 of this document, including food that may receive additional preparation for palatability or aesthetic, epicurean, gastronomic, or culinary purposes;
- (2) is a raw or partially cooked animal food and the consumer is advised as specified in section 198(d) of this document; or
- (3) is prepared in accordance with a variance that is granted as specified in section 198(d) of this document.

(b) The term includes, but is not limited to, the following:

- (1) Raw animal food that is cooked as specified under section 198 or 199 of this

document or frozen as specified under section 203 of this document.

(2) Raw fruits and vegetables that are washed as specified under section 179 of this document.

(3) Plant foods that are cooked for hot holding, as specified under section 200 of this document.

(4) All TCS food that is cooked to the temperature and time required for the specific food under sections 198 through 201 of this document and cooled as specified in section 211 of this document.

(5) Plant food for which further washing, cooking, or other processing is not required for food safety and from which:

(A) rinds;

(B) peels;

(C) husks; or

(D) shells;

if naturally present, are removed.

(6) Substances derived from plants, such as:

(A) spices;

(B) seasonings; or

(C) sugar.

(7) Bakery items such as:

(A) bread;

(B) cakes;

(C) pies;

(D) fillings; or

(E) icing;

for which further cooking is not required for food safety.

(8) The following products that are produced in accordance with USDA guidelines and that have received a lethality treatment for pathogens:

(A) Dry, fermented sausages, such as dry salami or pepperoni.

(B) Salt-cured meat and poultry products, such as prosciutto ham, country cured ham, and Parma ham.

(C) Dried meat and poultry products, such as jerky or beef sticks.

(9) Foods manufactured according to 21 CFR 113.

(c) The term does not include the following:

(1) Commercially packaged food that bears a manufacturer's cooking instructions.

(2) Food for which the manufacturer has provided information that it has not been processed to control pathogens.

Section 97. (a) "Reduced oxygen packaging" means:

(1) the reduction of the amount of oxygen in a package by:

(A) removing oxygen;

(B) displacing oxygen and replacing it with another gas or combination of gases;
or

- (C) otherwise controlling the oxygen content to a level below that normally found in the atmosphere (approximately twenty-one percent (21%) at sea level); and
 - (2) a process as specified in subdivision (1) that involves a food for which the hazards *Clostridium botulinum* or *Listeria monocytogenes* require control in the final packaged form.
- (b) The term includes any of the following:
- (1) Vacuum packaging, in which air is removed from a package of food and the package is hermetically sealed so that a vacuum remains inside the package.
 - (2) Modified atmosphere packaging, in which the atmosphere of a package of food is modified so that its composition is different from air, but the atmosphere may change over time due to the permeability of the packaging material or the respiration of the food. Modified atmosphere packaging includes:
 - (A) reduction in the proportion of oxygen;
 - (B) total replacement of oxygen; or
 - (C) an increase in the proportion of other gases such as carbon dioxide or nitrogen.
 - (3) Controlled atmosphere packaging, in which the atmosphere of a package of food is modified so that until the package is opened, its composition is different from air, and continuous control of that atmosphere is maintained, such as by using oxygen scavengers, or a combination of total replacement of oxygen, nonrespiring food, and impermeable packaging material.
 - (4) Cook chill packaging, in which cooked food is hot filled into impermeable bags that are then sealed or crimped closed. The bagged food is rapidly chilled and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens.
 - (5) Sous vide packaging, in which raw or partially cooked food is vacuum packaged in an impermeable bag, cooked in the bag, rapidly chilled, and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens.

Section 98. "Refuse" means solid waste not carried by water through the sewage system.

Section 99. "Regulatory authority" means the local, state, or federal enforcement body or authorized representative having jurisdiction over a retail food establishment.

Section 100. "Reminder" means a written statement concerning the health risk of consuming animal foods raw, undercooked, or without otherwise being processed to eliminate pathogens.

Section 101. "Re-service" means the transfer of food that is unused and returned by a consumer after being served or sold and in the possession of the consumer, to another person.

Section 102. "Restrict" means to limit the activities of a food employee so that there is no risk of transmitting a disease that is transmissible through food and the food employee does not work with:

- (a) exposed food;

- (b) clean equipment, utensils, or linens; or
- (c) unwrapped single-service or single-use articles.

Section 103. "Restricted egg" has the meaning set forth in 370 IAC 1-3-4.

Section 104. "Restricted use pesticide" has the meaning set forth in 357 IAC 1-17-1.

Section 105. (a) "Retail food establishment" means any building, room, basement, vehicle of transport that does the following:

- (1) Stores, prepares, packages, repackages, serves, or vends food directly to the consumer, or otherwise provides food for human consumption, such as:
 - (A) a restaurant;
 - (B) a catering operation if the operation provides food directly to a consumer;
 - (C) a conveyance used to transport people;
 - (D) a market, including, but not limited to;
 - (i) a grocery store;
 - (ii) a convenience store;
 - (iii) a micro market; or
 - (iv) a vending location;
 - (E) a mobile retail food establishment;
 - (F) an institution and its satellite or catered feeding location, such as:
 - (i) hospice services under IC 16-25-3;
 - (ii) health care facility as defined in IC 16-18-2-161;
 - (iii) health facility as defined in IC 16-18-2-167;
 - (iv) child care facility operated under IC 12-13-5 and 484 IAC 3;
 - (v) housing-with-services facility operating under IC 12-10-15;
 - (vi) correctional facility; or
 - (vii) educational facility
 - (G) food bank.
 - (2) Relinquishes possession of food to a consumer directly, or indirectly through a delivery service, such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.
- (b) The term includes the following:
- (1) An element of a retail food establishment, such as:
 - (A) a transportation vehicle operated by a food employee;
 - (B) a central preparation facility that supplies a vending location, mobile retail food establishment, or satellite feeding location unless the vending or feeding location is separately permitted by the regulatory authority; or
 - (C) an outdoor food operation.
 - (2) An operation that is conducted in:
 - (A) a mobile;
 - (B) a stationary;
 - (C) a temporary;
 - (D) a permanent;

- (E) an indoor; or
 - (F) an outdoor;
- facility or location, where consumption is on or off the premises and regardless of whether there is a charge for the food.
- (c) The term does not include the following:
- (1) An establishment that offers only prepackaged foods that are not TCS.
 - (2) A person who offers only whole, uncut produce.
 - (3) A food processing plant.
 - (4) A bed and breakfast establishment operated under IC 16-41-31 and 410 IAC 7-15.5.
 - (5) A private home that receives catered or home-delivered food.
 - (6) A private home.
 - (7) A dwelling where food is prepared on the premises by the occupants, free of charge, for their consumption or for consumption by their guests.
 - (8) A gathering of individuals at a venue of an organization that is organized for educational purposes in a nonpublic educational setting or for religious purposes, if:
 - (A) the individuals separately or jointly provide or prepare, free of charge, and consume their own food or that of others attending the gathering; and
 - (B) the gathering is for a purpose of the organization, including:
 - (i) funerals;,,
 - (ii) wedding receptions;
 - (iii) christenings;
 - (iv) bar or bat mitzvahs;
 - (v) baptisms;
 - (vi) communions; and
 - (vii) other events or celebrations sponsored by the organization.
 - (9) A vehicle used to:
 - (A) transport food solely for distribution to the needy, either free of charge or for a nominal donation; or
 - (B) deliver only food described in IC 16-42-5.3.
 - (10) A vehicle not operated by a food employee that is used to:
 - (A) deliver non-TCS food;
 - (B) deliver TCS food directly from the retail food establishment into the possession or control of the consumer within two (2) hours of the time the food leaves temperature control; or
 - (C) deliver TCS food into the possession or control of the consumer in a sealed package that allows the consumer to determine the package has been tampered with and is in a temperature self-controlled container.
 - (11) A private gathering of individuals who separately or jointly provide or prepare and consume their own food or that of others attending the gathering, regardless of whether the gathering is held on public or private property.
 - (12) Except for food prepared by a for-profit entity, a venue of the sale of food prepared for the organization:
 - (A) that is organized for:
 - (i) religious purposes; or

- (ii) educational purposes in a nonpublic educational setting;
 - (B) that is exempt from taxation under Section 501 of the Internal Revenue Code; and
 - (C) that offers the food for sale to the final consumer at an event held for the benefit of the organization; unless the food is being provided in a restaurant or a cafeteria with an extensive menu of prepared foods;
- (13) Except for food prepared by a for-profit entity, an Indiana nonprofit organization that:
- (A) is organized for civic, fraternal, veterans, or charitable purposes;
 - (B) is exempt from taxation under Section 501 of the Internal Revenue Code; and
 - (C) offers food for sale to the final consumer at an event held for the benefit of the organization; if the events conducted by the organization take place for not more than fifteen (15) days in a calendar year;
- (14) A person who:
- (A) is a home based vendor or an individual vendor who sells food products that meet the requirements of IC 16-42-5.3; or
 - (B) the holder of a farm winery permit under IC 7.1-3-12-5 or a brewer's permit under IC 7.1-3-2-7(5) if the requirements of IC 16-42-5-30 are met.

Section 106. "Risk" means the likelihood that an adverse health effect will occur within a population as a result of a hazard in food.

Section 107. "Safe material" means:

- (a) an article manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food;
- (b) an additive that is used as specified in 21 U.S.C. 350i; or
- (c) other materials that are not food or color additives and that are used in conformity with applicable regulations of the Food and Drug Administration.

Section 108. "Sanitization" means the application of cumulative heat or chemicals on cleaned food contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of five (5) logs, which is equal to a ninety-nine and nine hundred ninety-nine thousandths percent (99.999%) reduction of representative disease microorganisms of public health importance.

Section 109. "Sealed" means free of cracks or other openings that allow the entry or passage of moisture.

Section 110. "Service animal" has the meaning set forth in IC 16-32-3-1.5.

Section 111. (a) "Servicing area" means an operating base location to which an element of a retail food establishment, such as a mobile retail food establishment or transportation vehicle, returns regularly for support functions such as the following:

- (1) Vehicle and equipment cleaning;

- (2) Discharging liquid or solid wastes;
- (3) Refilling water tanks and ice bins;
- (4) Boarding food;

(b) Exempt as specified in (a), food preparation is not allowed in servicing area unless it is a registered commissary.

Section 112. "Sewage" means liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.

Section 113. "Shellfish control authority" means a state, federal, foreign, tribal, or other government entity legally responsible for administering a program that includes certification of molluscan shellfish harvesters and dealers for interstate commerce.

Section 114. "Shellstock" means live molluscan shellfish in the shell.

Section 115. (a) "Shiga toxin-producing *Escherichia coli*" or "STEC" means any *Escherichia coli* capable of producing Shiga toxins, also called verocytotoxins.

(b) The term includes STEC infections which can be asymptomatic or may result in a spectrum of illness ranging from mild non-bloody diarrhea, to hemorrhagic colitis (i.e., bloody diarrhea), to hemolytic uremic syndrome, which is a type of kidney failure.

(c) Examples of Serotypes of STEC include:

- (1) *E. coli* O157:H7;
- (2) *E. coli* O157:NM;
- (3) *E. coli* O26:H11;
- (4) *E. coli* O145:NM;
- (5) *E. coli* O103:H2; and
- (6) *E. coli* O111:NM.

(d) The term is sometimes referred to as VTEC (verocytotoxigenic *E. coli*) or as EHEC (Enterohemorrhagic *E. coli*). EHEC are a subset of STEC which can cause hemorrhagic colitis or hemolytic uremic syndrome.

Section 116. "Shucked shellfish" means molluscan shellfish that have both shells removed.

Section 117. "Single-service articles" means tableware, carry-out utensils, and other items, such as:

- (a) bags;
- (b) containers;
- (c) placemats;
- (d) stirrers;
- (e) straws;
- (f) toothpicks;
- (g) cup lids/covers; and
- (h) wrappers;

that are designed and constructed for one (1) time, one (1) person use after which they are

intended for discard.

Section 118. (a) "Single-use articles" means utensils and bulk food containers designed and constructed to be used once and discarded.

(b) The term includes items, such as:

- (1) wax paper;
- (2) butcher paper;
- (3) plastic wrap;
- (4) formed aluminum food containers;
- (5) jars;
- (6) plastic tubs or buckets;
- (7) bread wrappers;
- (8) pickle barrels;
- (9) ketchup bottles; and
- (10) number ten (10) cans;

that do not meet the materials, durability, strength, and cleanability specifications under sections 226, 236, and 238 of this document for multiuse utensils.

Section 119. "Slacking" means the process of moderating the temperature of a food, such as allowing a food to gradually increase from a temperature of minus ten (-10) degrees Fahrenheit, minus twenty three (-23) degrees Celsius, to twenty-five (25) degrees Fahrenheit, minus four (-4) degrees Celsius, in preparation for deep-fat frying or to facilitate even heat penetration during the cooking of previously frozen food, such as shrimp, frozen potatoes, or other vegetables.

Section 120. "Smooth" means:

- (a) a food-contact surface having a surface free of pits and inclusions with a cleanability equal to or exceeding that of one hundred (100) grit number three (3) stainless steel;
- (b) a nonfood-contact surface of equipment having a surface equal to that of commercial grade hot-rolled steel free of visible scale; and
- (c) a floor, wall, or ceiling having an even or level surface with no roughness or projections that render it difficult to clean.

Section 121. "Special process" means any food preparation method, process, or procedure that requires:

- (a) specific food safety controls that are different from the conventional preparation of TCS foods; or
- (b) the use of specialized equipment where its design is normally used by food processing plant;

when the final products are reasonably likely to cause food related illness or injury in absence of a preventive and systematic food safety hazards control, such as product testing and an approved HACCP Plan.

Section 122. "Tableware" means:

- (a) eating, drinking, and serving utensils for table use;

- (b) hollowware including:
 - (1) bowls;
 - (2) cups;
 - (3) serving dishes; and
 - (4) tumblers;
- (c) plates.

Section 123. "Temperature measuring device" means:

- (a) a thermometer;
- (b) a thermocouple;
- (c) a thermistor;
- (d) a temperature sensitive tape; or
- (e) other device;

that indicates the temperature of food, air, or water.

Section 124 "Temporary food establishment" means a retail food establishment that operates in conjunction with a single event or celebration:

- (a) for a period of no more than fourteen (14) consecutive days; or
- (b) while at the Indiana State Fair.

Section 125. (a) The term "time/temperature control for safety food" or "TCS food" means:

- (1) A food that requires time or temperature control for safety to limit pathogenic microorganism growth or toxin formation.
- (2) The term includes:
 - (A) a food of animal origin that is raw or heat-treated;
 - (B) a plant food that is heat-treated or consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes or mixtures of cut tomatoes that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation, or garlic-in-oil mixtures that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation; and
 - (C) except as specified in subdivision (b)(4), a food that because of the interaction of its a_w and pH values is designated as Product Assessment Required in Table A or B:

Table A. Interaction of pH and a_w for control of spores in food heat-treated to destroy vegetative cells and subsequently packaged			
a_w values	pH values		
	4.6 or less	> 4.6 - 5.6	> 5.6
≤ 0.92	non-TCS food*	non-TCS food	non-TCS food
>0.92 - .95	non-TCS food	non-TCS food	PA**
>0.95	non-TCS food	PA	PA

* TCS food means Time/Temperature Control for Safety Food
 ** PA means Product Assessment required

Table B. Interaction of pH and a_w for control of vegetative cells and spores in food not heat-treated or heat-treated but not packaged

a_w values	pH values			
	<4.2	4.2 – 4–6	>4.6 - 5.0	>5.0
<0.88	non-TCS food*	non-TCS food	non-TCS food	non-TCS food
0.88 - 0.90	non-TCS food	non-TCS food	non-TCS food	PA**
>0.90 - 0.92	non-TCS food	non-TCS food	PA	PA
>0.92	non-TCS food	PA	PA	PA

* TCS food means Time/Temperature Control for Safety food
 ** PA means Product Assessment required

(b) The term does not include:

- (1) an air-cooled hard-boiled egg with shell intact, or an egg with shell intact that is not hard-boiled, but has been pasteurized to destroy all viable salmonellae;
- (2) a food in an unopened hermetically sealed container that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution;
- (3) a food that because of its pH or a_w value, or interaction of a_w and pH values, is designated as a non-TCS food in Table A or B;
- (4) a food that is designated as Product Assessment Required in Table A or B and has undergone a Product Assessment showing that the growth or toxin formation of pathogenic microorganisms that are reasonably likely to occur in that food is precluded due to:
 - (A) intrinsic factors including added or natural characteristics of the food such as preservatives, antimicrobials, humectants, acidulants, or nutrients;
 - (B) extrinsic factors including environmental or operational factors that affect the food such as packaging, modified atmosphere such as reduced oxygen packaging, shelf life and use, or temperature range of storage and use;
 - (C) a combination of intrinsic and extrinsic factors; or
- (5) a food that does not support the growth or toxin formation of pathogenic microorganisms in accordance with one (1) of the subdivisions (1) through (4) even though the food may contain a pathogenic microorganism or chemical or physical contaminant at a level sufficient to cause illness or injury.

Section 126. "Tobacco Product" has the meaning set forth in 21 USC 321(rr).

Section 127. "USDA" means the United States Department of Agriculture.

Section 128. "Utensil" means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of food, such as the following:

- (a) Kitchenware or tableware that is multiuse, single-service, or single-use.
- (b) Gloves used in contact with food.
- (c) Temperature sensing probes of food temperature measuring devices.
- (d) Probe-type price or identification tags used in contact with food.

Section 129. "Variance" means a written document issued by the department that authorizes a modification or waiver of one (1) or more requirements of this document if, in the opinion of the department, a health hazard or nuisance will not result from the modification or waiver.

Section 130. "Vending machine" has the meaning set forth in IC 16-42-5-32(c).

Section 131. "Vending machine location" means the:

- (a) room;
- (b) enclosure;
- (c) space; or
- (d) area;

where one (1) or more vending machines are installed and operated and includes the storage areas and areas on the premises that are used to service and maintain the vending machines.

Section 132. "Warewashing" means the cleaning and sanitizing of food-contact surfaces of equipment and utensils.

Section 133. "Whole-muscle, intact beef" means whole muscle beef that is not:

- (a) injected;
- (b) mechanically tenderized;
- (c) reconstructed; or
- (d) scored and marinated;

from which beef steaks may be cut.

Section 134. (a) The owner or operator of a retail food establishment shall have a person in charge present at the retail food establishment during all hours of operation.

(b) For purposes of this section, a violation of subsection (a) is a PF item.

Section 135. (a) Based on the risks of foodborne illness or injury inherent to the food operation, during inspections, the person in charge shall demonstrate to the regulatory authority knowledge of foodborne disease prevention, application of the HACCP principles, and the requirements of this document. The person in charge shall demonstrate this knowledge by either of the

following:

- (1) Having a certified food protection manager who has shown proficiency of required information through a certificate as defined by IC 16-42-5.2-3.7.
- (2) If a retail food establishment is exempt from IC 16-42-5.2, the demonstration of knowledge shall be met by:
 - (A) compliance with this document by having no violations of priority items during the current inspection; or
 - (B) responding correctly to the inspector's questions as they relate to the specific food operation. The areas of knowledge include the following:
 - (i) Describing the relationship between the prevention of foodborne disease and personal hygiene of a food employee.
 - (ii) Explaining the responsibility of the person in charge for preventing transmission of foodborne disease by a food employee who has a disease or medical condition that may cause foodborne disease.
 - (iii) Describing the symptoms associated with the diseases that are transmissible through food.
 - (iv) Explaining the significance of the relationship between maintaining the time and temperature of TCS food and the prevention of foodborne illness.
 - (v) Explaining the hazards involved in the consumption of raw or undercooked meat, poultry, eggs, and fish.
 - (vi) Stating the required food temperatures and times for safe cooking of TCS food, including meat, poultry, eggs, and fish.
 - (vii) Stating the required temperatures and times for the safe refrigerated storage, hot holding, cooling, and reheating of TCS food.
 - (viii) Describing the relationship between the prevention of foodborne illness and the management and control of:
 - (AA) cross-contamination;
 - (BB) hand contact with ready-to-eat foods;
 - (CC) hand washing; and
 - (DD) maintaining the retail food establishment in a clean condition and in good repair.
 - (ix) Describing foods identified as major food allergens and the symptoms that a major food allergen could cause in a sensitive individual who has an allergic reaction.
 - (x) Explaining the relationship between food safety and providing equipment that is as follows:
 - (AA) Sufficient in number and capacity.
 - (BB) Properly designed, constructed, located, installed, operated, maintained, and cleaned.
 - (xi) Explaining correct procedures for cleaning and sanitizing utensils and food contact surfaces of equipment.
 - (xii) Identifying the source of water used and measures taken to ensure that it remains protected from contamination, such as providing protection

- from backflow and precluding the creation of cross connections.
- (xiii) Identifying poisonous or toxic materials in the retail food establishment and the procedures necessary to ensure that they are safely stored, dispensed, used, and disposed of according to law.
- (xiv) Identifying critical control points in the operation from purchasing through sale or service that when not controlled may contribute to the transmission of foodborne illness and explaining steps taken to ensure that the points are controlled in accordance with the requirements of this document.
- (xv) Explaining the details of how the person in charge and food employees comply with the HACCP plan if a plan is required by the law, this document, or an agreement between the regulatory authority and the establishment.
- (xvi) Explaining the responsibilities, rights, and authorities assigned by this document to the:
 - (AA) food employee;
 - (BB) conditional employee;
 - (CC) person in charge; and
 - (DD) regulatory authority.
- (xvii) Explaining how the person in charge, food employees, and conditional employees comply with reporting responsibilities and exclusion or restriction of employees.

(b) For purposes of this section, a violation of subsection (a) is a PF item.

Section 136. (a) The person in charge of a retail food establishment shall ensure the following:

- (1) Retail food establishment operations are not conducted in a private home or in a room used as living or sleeping quarters as specified under section 427 of this document.
- (2) Persons unnecessary to the retail food establishment operation are not allowed in the food preparation, food storage, or warewashing areas, except that brief visits and tours may be authorized by the person in charge if steps are taken to ensure that:
 - (A) exposed food;
 - (B) clean equipment, utensils, and linens and
 - (C) unwrapped single-service and single-use articles;
 are protected from contamination.
- (3) Employees and other persons, such as delivery and maintenance persons and pesticide applicators, entering the food preparation, food storage, and warewashing shall comply with this document.
- (4) Employees are effectively cleaning their hands, by routinely monitoring the employees' handwashing.
- (5) Employees are visibly observing foods as they are received to determine that they are:
 - (A) from approved sources;
 - (B) delivered at the required temperatures;
 - (C) protected from contamination;
 - (D) unadulterated; and

- (E) accurately presented;
- by routinely monitoring the employees' observations and periodically evaluating foods upon their receipt.
- (6) Employees have a method for verifying that foods delivered to the retail food establishment during non-operating hours are:
- (A) from approved sources;
 - (B) placed into appropriate storage locations such that:
 - (i) they are maintained at the required temperatures; and
 - (ii) protected from contamination;
 - (C) unadulterated; and
 - (D) accurately presented.
- (7) Employees are properly cooking TCS food, being particularly careful in cooking those foods known to cause severe foodborne illness and death, such as eggs and comminuted meats, through daily oversight of the employees' routine monitoring of the cooking temperatures using appropriate temperature measuring devices properly scaled and calibrated as specified under section 246 and section 302(b) of this document.
- (8) Employees are using proper methods to rapidly cool TCS foods that are not held hot or are not for consumption within four (4) hours, through daily oversight of the employees' routine monitoring of food temperatures during cooling.
- (9) Employees are properly maintaining the temperatures of TCS foods during hot and cold holding through daily oversight of the employees' routine monitoring of food temperatures.
- (10) Food employees are properly maintaining the temperature of TCS foods during thawing through daily oversight of the food employees routine monitoring of food temperatures;
- (11) Consumers who order raw or partially cooked ready-to-eat foods of animal origin are informed as specified under section 223 of this document that the food is not cooked sufficiently to ensure its safety.
- (12) Employees are properly sanitizing cleaned multiuse equipment and utensils before they are reused, through routine monitoring of solution temperature and exposure time for hot water sanitizing, and chemical concentration, pH, temperature, and exposure time for chemical sanitizing.
- (13) Consumers are notified that clean tableware is to be used when they return to self-service areas, such as salad bars and buffets, as specified under section 187 of this document.
- (14) Except when approval is obtained from the department as specified in section 173(e) of this document, employees are preventing cross contamination of ready-to-eat food from unwashed hands and are properly using suitable utensils, such as:
- (A) deli tissue;
 - (B) spatulas;
 - (C) tongs;
 - (D) single-use gloves; or
 - (E) dispensing equipment.
- (15) Food employees are properly trained in food safety, including food allergy

awareness, as it relates to their assigned duties. Food allergy awareness includes describing foods identified as major food allergens and the symptoms that a major food allergen could cause in a sensitive individual who has an allergic reaction.

(16) Food employees and conditional employees are informed in a verifiable manner of their responsibility to report in accordance with law, to the person in charge, information about their health and activities as they relate to diseases that are transmissible through food, as specified under section 137(a) of this document.

(17) Written procedures and plans, where specified by this document and as developed by the retail food establishment, are maintained and implemented as required.

(b) For purposes of this section, a violation of subsections (a) is a PF item.

Section 137. (a) The owner or operator of a retail food establishment shall require food employees and conditional employees to report to the person in charge information about their health and activities as they relate to diseases that are transmissible through food. A food employee or conditional employee shall report the information in a manner that allows the person in charge to reduce the risk of foodborne disease transmission, including providing additional necessary information, such as the date of onset of symptoms and an illness, or of a diagnosis without symptoms, if the food employee or conditional employee:

(1) has any of the following symptoms:

(A) Vomiting;

(B) Diarrhea;

(C) Jaundice;

(D) Sore throat with fever;

(E) A lesion containing pus such as a boil or infected wound that is open or draining and is:

(i) on the hands or wrists, unless an impermeable cover such as a finger cot or stall protects the lesion and a single-use glove is worn over the impermeable cover;

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

(iii) on other parts of the body, unless the lesion is covered by a dry, durable, tight-fitting bandage;

(2) has an illness diagnosed by a health practitioner due to:

(A) Norovirus;

(B) Hepatitis A virus;

(C) *Shigella* spp.;

(D) Shiga toxin-producing *Escherichia coli*;

(E) Typhoid fever; or

(F) *Salmonella* (nontyphoidal);

(3) had a Typhoid fever, diagnosed by a health practitioner, within the past three (3) months, without having received antibiotic therapy, as determined by the health practitioner;

(4) has been exposed to, or is the suspected source of, a confirmed disease outbreak, because the food employee or conditional employee consumed or prepared food

implicated in the outbreak, or consumed food at an event prepared by a person who is infected or ill with:

- (A) Norovirus within the past forty-eight (48) hours of the last exposure;
- (B) Shiga toxin-producing *Escherichia coli* or *Shigella* spp. within the past three (3) days of the last exposure;
- (C) *Typhoid fever* within the past fourteen (14) days of the last exposure; or
- (D) Hepatitis A virus within the past thirty (30) days of the last exposure; or

(5) has been exposed by attending or working in a setting where there is a confirmed disease outbreak, or living in the same household as, and has knowledge about, an individual who works or attends a setting where there is a confirmed disease outbreak, or living in the same household as, and has knowledge about, an individual diagnosed with an illness caused by:

- (A) Norovirus within the past forty-eight (48) hours of the last exposure;=
- (B) Shiga toxin-Producing *Escherichia coli* or *Shigella* spp. within the past three (3) days of the last exposure;
- (C) *Typhoid fever caused by Salmonella Typhi* within the past fourteen (14) days of the last exposure; or
- (D) Hepatitis A virus within the past thirty (30) days of the last exposure.

(b) The person in charge shall notify the regulatory authority when a food employee is:

- (1) jaundiced; or
- (2) diagnosed with an illness due to a pathogen as specified under clauses (a)(2)(A) through (a)(2)(F).

(c) The person in charge shall ensure that a conditional employee:

- (1) who exhibits or reports a symptom, or who reports a diagnosed illness as specified under subdivisions (a)(1) through (a)(3) is prohibited from becoming a food employee until the conditional employee meets the criteria for the specific symptoms or diagnosed illness as specified under section 139 of this document; and
- (2) who will work as a food employee in a retail food establishment that serves as a highly susceptible population and reports a history of exposure as specified under subdivisions (a)(4) and (a)(5), is prohibited from becoming a food employee until the conditional employee meets the criteria as specified under section 139(a)(9) of this document.

(d) The person in charge shall ensure that a food employee who exhibits or reports a symptom, or who reports a diagnosed illness or a history of exposure as specified under subdivisions (a)(1) through (a)(5) is:

- (1) excluded as specified under subdivisions 138(a)(1) through 138(a)(3) of this document, and clauses 138(a)(4)(A), 138(a)(5)(A) of this document, 138(a)(6)(A) of this document, subdivision 138(a)(7) of this document or clause 138(a)(8)(A) of this document and in compliance with the provisions specified under subdivisions 139(a)(1) through 139(a)(8) of this document; or
- (2) restricted as specified under clauses 138(a)(4)(B), 138(a)(5)(B), 138(a)(6)(B), 138(a)(8)(B) of this document, or subdivisions 138(a)(9) or 138(a)(10) of this document and in compliance with the provisions specified under subdivisions 139(a)(4) through 139(a)(10) of this document.

(e) A food employee or conditional employee shall report to the person in charge the information as specified under subsection (a).

(f) A food employee shall:

(1) comply with an exclusion as specified under subdivisions 138(a)(1) through 138(a)(3) of this document and clauses 138(a)(4)(A), 138(a)(5)(A), 138(a)(6)(A) of this document, subdivision 138(a)(7) of this document, or clause 138(a)(8)(A) of this document and with the provisions specified under subdivisions 139 (a)(1) through 139(a)(8) of this document; or

(2) comply with a restriction as specified under clauses 138(a)(4)(B), 138(a)(5)(B), 138(a)(6)(B) of this document, subdivision 138(a)(7) of this document, clause 138(a)(8)(B) of this document, or subdivisions 138(a)(8), 138(a)(9), or 138(a)(10) of this document and comply with the provisions specified under subdivisions 139(a)(4) through 139(a)(10) of this document.

(g) For purposes of this section, a violation of subsection (a), (c), (d) or (f) is a P item.

(h) For purposes of this section, a violation of subsection (b) or (e) is a PF item

Section 138. (a) The person in charge shall exclude or restrict a food employee in accordance with the following conditions:

(1) *Except when the symptom is from a noninfectious condition, such as pregnancy related illness or Crohn's disease, exclude a food employee if the food employee is:*

(A) symptomatic with vomiting or diarrhea; or

(B) symptomatic with vomiting or diarrhea and diagnosed with an infection from Norovirus, Shigella spp., Salmonella (nontyphoidal), or Shiga Toxin Producing E. Coli (STEC).

(2) Exclude a food employee who is:

(A) jaundiced and the onset of jaundice occurred within the last seven (7) calendar days, *unless the food employee provides to the person in charge written medical*

documentation from a health practitioner specifying that the jaundice is not caused by hepatitis A virus or other fecal-orally transmitted infection;

(B) diagnosed with an infection from hepatitis A virus within fourteen (14) calendar days from the onset of any illness symptoms, or within seven (7) calendar days of the onset of jaundice; or

(C) diagnosed with an infection from hepatitis A virus without developing symptoms.

(3) Exclude a food employee who is diagnosed with *Typhoid fever*, or reports having had *Typhoid fever* within the past three (3) months as specified under section 137(a)(3) of this document.

(4) If a food employee is diagnosed with an infection from Norovirus and is asymptomatic:

(A) exclude the food employee who works in a retail food establishment serving a highly susceptible population; or

(B) restrict the food employee who works in a retail food establishment not serving a highly susceptible population.

- (5) If a food employee is diagnosed with an infection from *Shigella* spp. and is asymptomatic:
 - (A) exclude the food employee who works in a retail food establishment serving a highly susceptible population; or
 - (B) restrict the food employee who works in a retail food establishment not serving a highly susceptible population.
 - (6) If a food employee is diagnosed with an infection from STEC and is asymptomatic:
 - (A) exclude the food employee who works in a retail food establishment serving a highly susceptible population; or
 - (B) restrict the food employee who works in a retail food establishment not serving a highly susceptible population.
 - (7) If a food employee is diagnosed with an infection from *Salmonella* (nontyphoidal) and is asymptomatic, restrict the food employee from working at all retail food establishment.
 - (8) If a food employee is ill with symptoms of acute onset of sore throat with fever:
 - (A) exclude the food employee who works in a retail food establishment serving a highly susceptible population; or
 - (B) restrict the food employee who works in a retail food establishment not serving a highly susceptible population.
 - (9) If a food employee is infected with a skin lesion containing pus such as a boil or infected wound that is open or draining and not properly covered as specified under section 137(a)(1)(E) of this document, restrict the food employee.
 - (10) If a food employee is exposed to a foodborne pathogen as specified under sections 137(a)(4)(A) through (D) or sections 137(a)(5)(A) through (D) of this document, restrict the food employee who works in a retail food establishment serving a highly susceptible population.
- (c) For purposes of this section, a violation of subsection (a) is a P item.

Section 139. (a) The person in charge shall adhere to the following conditions when removing, adjusting, or retaining the exclusion or restriction of a food employee:

- (1) *Except when a food employee is diagnosed with Typhoid fever or an infection from hepatitis A virus:*
 - (A) reinstate a food employee who was excluded as specified under section 138(a)(1)(A) of this document if the food employee:
 - (i) is asymptomatic for at least twenty-four (24) hours; or
 - (ii) provides to the person in charge written medical documentation from a health practitioner that states the symptom is from a noninfectious condition;
 - (B) if a food employee was diagnosed with an infection from Norovirus and excluded as specified under section 138(a)(1)(B) of this document:
 - (i) restrict the food employee, who is asymptomatic for at least twenty-four (24) hours and works in a retail food establishment not serving a highly susceptible population, until the conditions for reinstatement specified under clauses (a)(4)(A) or (a)(4)(B) are met; or

- (ii) retain the exclusion for the food employee, who is asymptomatic for at least twenty-four (24) hours and works in a retail food establishment that serves a highly susceptible population, until the conditions for reinstatement as specified under clauses (a)(4)(A) or (a)(4)(B) are met;
 - (C) if a food employee was diagnosed with an infection from *Shigella* spp. and excluded as specified under section 138(a)(1)(B) of this document:
 - (i) restrict the food employee, who is asymptomatic for at least twenty-four (24) hours and works in a retail food establishment not serving a highly susceptible population, until the conditions for reinstatement as specified under clauses (a)(5)(A) or (a)(5)(B) are met; or
 - (ii) retain the exclusion for the food employee, who is asymptomatic for at least twenty-four (24) hours and works in a retail food establishment that serves a highly susceptible population, until the conditions for reinstatement as specified under clauses (a)(5)(A) or (a)(5)(B) are met;
 - (D) if a food employee was diagnosed with an infection from a STEC and excluded as specified under section 138(a)(1)(B) of this document:
 - (i) restrict the food employee, who is asymptomatic for at least twenty-four (24) hours and works in a retail food establishment not serving a highly susceptible population, until the conditions for reinstatement as specified under clauses (a)(6)(A) or (a)(6)(B) are met; or
 - (ii) retain the exclusion for the food employee, who is asymptomatic for at least twenty-four (24) hours and works in a retail food establishment that serves a highly susceptible population, until the conditions for reinstatement as specified under clauses (a)(6)(A) or (a)(6)(B) are met; or
 - (E) if a food employee was diagnosed with an infection from *Salmonella* (nontyphoidal) and excluded as specified under section 138(a)(1)(B) of this document:
 - (i) *restrict the food employee, who is asymptomatic for a least thirty (30) days until the conditions for reinstatement as specified in clauses (a)(7)(A) or (a)(7)(B) are met; or*
 - (ii) retain the exclusion for the food employee who is symptomatic, until conditions for reinstatement as specified under clauses (a)(7)(A) or (a)(7)(B) are met.
- (2) Reinstatement a food employee with a hepatitis A virus or jaundice diagnosis, who was excluded as specified under section 138(a)(2) of this document, if the person in charge obtains approval from the regulatory authority and one (1) of the following conditions is met:
- (A) The food employee has been jaundiced for more than seven (7) calendar days.
 - (B) The anicteric food employee has been symptomatic with symptoms other than jaundice for more than fourteen (14) calendar days.
 - (C) The food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee is free of a hepatitis A virus infection.
- (3) Reinstatement a food employee with *Typhoid fever*, who was excluded as specified under

section 138(a)(3) of this document if:

- (A) the person in charge obtains approval from the regulatory authority; and
- (B) the food employee provides to the person in charge written medical documentation from a health practitioner that states the food employee is free from *Typhoid fever*.

(4) Reinstate a food employee with a Norovirus diagnosis, who was excluded as specified under sections 138(a)(1)(B) or 138(a)(4)(A) of this document or who was restricted under section 138(a)(4)(B) of this document if the person in charge obtains approval from the regulatory authority and one (1) of the following conditions is met:

- (A) The excluded or restricted food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee is free of a Norovirus infection.
- (B) The food employee was excluded or restricted after symptoms of vomiting or diarrhea resolved, and more than forty-eight (48) hours have passed since the food employee became asymptomatic,
- (C) The food employee was excluded or restricted and did not develop symptoms and more than forty-eight (48) hours have passed since the food employee was diagnosed.

(5) Reinstate a food employee with a *Shigella spp.* Diagnosis, who was excluded as specified under sections 138(a)(1)(B) or 138(a)(5)(A) of this document or who was restricted under section 138 (a)(5)(B) of this document if the person in charge obtains approval from the regulatory authority and one of the following conditions is met:

- (A) The excluded or restricted food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee is free of a *Shigella spp.* infection based on test results showing two (2) consecutive negative stool specimen cultures that are taken:

- (i) not earlier than forty-eight (48) hours after discontinuance of antibiotics; and
- (ii) at least twenty-four (24) hours apart.

(B) The food employee was excluded or restricted after symptoms of vomiting or diarrhea resolved, and more than seven (7) calendar days have passed since the food employee became asymptomatic.

(C) The food employee was excluded or restricted and did not develop symptoms and more than seven (7) calendar days have passed since the food employee was diagnosed.

(6) Reinstate a food employee with a STEC diagnosis, who was excluded or restricted as specified under sections 138(a)(1)(B) or 138(a)(6)(A) of this document or who was restricted under section 138(a)(6)(B) of this document if the person in charge obtains approval from the regulatory authority and one (1) of the following conditions is met:

- (A) The excluded or restricted food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee is free of an infection from STEC based on test results that show two (2) consecutive negative stool specimen cultures that are taken:

- (i) not earlier than forty-eight (48) hours after discontinuance of

antibiotics; and

(ii) at least twenty-four (24) hours apart.

(B) The food employee was excluded or restricted after symptoms of vomiting or diarrhea resolved and more than seven (7) calendar days have passed since the food employee became asymptomatic.

(C) The food employee was excluded or restricted and did not develop symptoms and more than seven (7) days have passed since the food employee was diagnosed.

(7) Reinstate a food employee diagnosed with *Salmonella* (nontyphoidal), who was excluded as specified under sections 138(a)(1)(B) of this document or who was restricted as specified in section 138(a)(7) of this document if the person in charge obtains approval from the regulatory authority and one (1) of the following conditions is met:

(A) The excluded or restricted food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee is free of a *Salmonella* (nontyphoidal) infection based on test results showing two (2) consecutive negative stool specimen cultures that are taken:

(i) not earlier than forty-eight (48) hours after discontinuance of antibiotics; and

(ii) at least twenty-four (24) hours apart.

(B) The food employee was restricted after symptoms of vomiting or diarrhea resolved, and more than thirty (30) days have passed since the food employee became asymptomatic.

(C) The food employee was excluded or restricted and did not develop symptoms and more than thirty (30) days have passed since the food employee was diagnosed.

(8) Reinstate a food employee with a sore throat with fever, who was excluded or restricted as specified under sections 138(a)(8)(A) or 138(a)(8)(B) of this document if the food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee meets one (1) of the following conditions:

(A) Has received antibiotic therapy for *Streptococcus pyogenes* infection for more than twenty-four (24) hours.

(B) Has at least one (1) negative throat specimen culture for *Streptococcus pyogenes* infection.

(C) Is otherwise determined by a health practitioner to be free of a *Streptococcus pyogenes* infection.

(9) Reinstate a food employee who was restricted as specified under section 138(a)(9) of this document if the skin, infected wound, cut, or pustular boil is properly covered with one (1) of the following:

(A) An impermeable cover such as a finger cot or stall and a single-use glove over the impermeable cover if the infected wound or pustular boil is on the hand, finger, or wrist.

(B) An impermeable cover on the arm if the infected wound or pustular boil is on the arm.

- (C) A dry, durable, tight-fitting bandage if the infected wound or pustular boil is on another part of the body.
- (10) An employee who *works in a retail food establishment serving a highly susceptible population* that was restricted due to the condition specified under section 138(a)(10) of this document may be reinstated when:
 - (A) After the food employee was exposed to Norovirus:
 - (i) more than forty-eight (48) hours have passed since the last day the food employee was potentially exposed; or
 - (ii) more than forty-eight (48) hours have passed since the food employee's household contact became asymptomatic.
 - (B) After the food employee was exposed to *Shigella* spp. or STEC:
 - (i) more than three (3) calendar days have passed since the last day the food employee was potentially exposed; or
 - (ii) more than three (3) calendar days have passed since the food employee's household contact became asymptomatic.
 - (C) After the food employee was exposed to *Typhoid fever* (caused by *Salmonella* Typhi):
 - (i) more than fourteen (14) calendar days have passed since the last day the food employee was potentially exposed; or
 - (ii) more than fourteen (14) calendar days have passed since the food employee's household contact became asymptomatic.
 - (D) After the food employee was exposed to Hepatitis A virus:
 - (i) the food employee is immune to hepatitis A virus infection because of a prior illness from hepatitis A;
 - (ii) the food employee is immune to hepatitis A virus infection because of vaccination against hepatitis A;
 - (iii) the food employee is immune to hepatitis A virus infection because of Immunoglobulin G (IgG) administration;
 - (iv) more than thirty (30) calendar days have passed since the last day the food employee was potentially exposed;
 - (v) more than thirty (30) calendar days have passed since the food employee's household contact became jaundiced; or
 - (vi) the food employee does not use an alternative procedure that allows bare hand contact with ready-to-eat food until at least thirty (30) days after the potential exposure, as specified in item (a)(10)(D)(iv) and (a)(10)(D)(v), and the food employee receives additional training about:
 - (A) Hepatitis A symptoms and preventing the transmission of infection;
 - (B) proper handwashing procedures; and
 - (C) protecting ready-to-eat food from contamination introduced by bare hand contact.
- (b) For purposes of this section, a violation of subsection (a) is a P item.

Section 140. (a) Food employees shall keep their hands and exposed portions of their arms clean.

(b) For purposes of this section, a violation of subsection (a) is a P item.

Section 141. (a). Except as specified in subsection (d), food employees shall clean their hands and exposed portions of their arms, including surrogate prosthetic devices for hands or arms for at least twenty (20) seconds, using a cleaning compound in a handwashing sink that is equipped as specified under section 347 of this document and sections 429 through 433 of this document.

(b) Food employees shall use the following cleaning procedures in the order stated to clean their hands and exposed portions of their arms, including surrogate prosthetic devices for hands and arms:

- (1) Rinse under clean, running warm water.
- (2) Apply an amount of cleaning compound recommended by the cleaning compound manufacturer.
- (3) Rub together vigorously for at least ten (10) to fifteen (15) seconds while:
 - (A) paying particular attention to removing soil from underneath the fingernails during the cleaning procedure; and
 - (B) creating friction on the surfaces of the hands and arms or surrogate prosthetic devices for hands and arms, finger tips, and areas between the fingers.
- (4) Thoroughly rinse under clean, running warm water.
- (5) Immediately follow the cleaning procedure with thorough drying using a method as specified under section 430 of this document.–

(c) *To avoid recontaminating their hands or surrogate prosthetic devices, food employees may use disposable paper towels or similar clean barriers when touching surfaces such as manually operated faucet handles on a handwashing sink or the handle of a restroom door.*

(d) *If approved and capable of removing the types of soils encountered in the food operations involved, an automatic handwashing facility may be used by food employees to clean their hands and exposed portions of their arms or surrogate prosthetic devices.*

(e) For purposes of this section, a violation of section (a) or (b) is a P item.

Section 142. (a) Food employees shall clean their hands and exposed portions of their arms as specified under section 141 of this document immediately before engaging in food preparation, including working with exposed food, clean equipment and utensils, and unwrapped single-service and single-use articles and:

- (1) after touching bare human body parts other than clean hands and clean, exposed portions of arms;
- (2) after using the toilet room;
- (3) after caring for or handling service animals or aquatic animals as specified in section 152(b) of this document;
- (4) except as specified in section 148(b) of this document, after:
 - (A) coughing;
 - (B) sneezing;
 - (C) using a handkerchief or disposable tissue;
 - (D) using tobacco products;
 - (E) eating; or
 - (F) drinking;

- (5) after handling soiled surfaces, equipment, or utensils;
 - (6) during food preparation, as often as necessary to remove soil and contamination and to prevent cross contamination when changing tasks;
 - (7) when switching between working with raw food and working with ready-to-eat food;
 - (8) before donning gloves to initiate a task that involves working with food; and
 - (9) after engaging in other activities that contaminate the hands.
- (b) For purposes of this section, a violation of subsection (a) is a P item

Section 143. (a) Food employees shall clean their hands in a handwashing sink and may not clean their hands in a sink used for food preparation or warewashing, or in a service sink or a curbed cleaning facility used for the disposal of mop water or similar liquid waste.

(b) For purposes of this section, a violation of subsection (a) is a PF item.

Section 144. (a) A hand antiseptic used as a topical application, a hand antiseptic solution used as a hand dip, or a hand antiseptic soap shall be as follows:

(1) Comply with one (1) of the following:

(A) Be an *approved* drug that is listed in the FDA publication Approved Drug Products with Therapeutic Equivalence Evaluations as an *approved* drug based on safety and effectiveness.

(B) Have active antimicrobial ingredients that are listed in the FDA monograph for over-the-counter Health-Care Antiseptic Drug Products as an antiseptic handwash.

(2) Consist only of components which the intended use of each complies with one (1) of the following:

(A) A threshold of regulation exemption under 21 CFR 170.39.

(B) 21 CFR 178.

(C) A determination of generally recognized as safe (GRAS). Partial listings of substances with food uses that are GRAS may be found in 21 CFR 182, 21 CFR 184, or 21 CFR 186, and in FDA's Inventory of GRAS Notices.

(D) A prior sanction listed under 21 CFR 181.

(E) A Food Contact Notification that is effective.

(3) Be applied only to hands that are cleaned as specified under section 141 of this document.

(b) If a hand antiseptic or a hand antiseptic solution used as a hand dip does not meet the criteria specified under subdivision (a)(2), use shall be:

(1) followed by thorough hand rinsing in clean water before hand contact with *food* or by the use of gloves; or

(2) limited to situations that involve no direct contact with *food* by the bare hands.

(c) A hand antiseptic solution used as a hand dip shall be maintained clean and at a strength equivalent to at least one hundred (100) ppm of chlorine.

(d) For purposes of this section, a violation of subsection (a), (b) or (c) is a PF item.

Section 145. (a) Food employees shall keep their fingernails trimmed, filed, and maintained so the edges and surfaces are cleanable and not rough.

(b) *Unless wearing intact gloves in good repair*, a food employee may not wear fingernail polish or artificial fingernails when working with exposed food.

(c) For purposes of this section, a violation of subsection (a) or (b) is a PF item.

Section 146. (a) Except for a plain ring such as a wedding band food employees may not wear jewelry including medical information jewelry on their arms and hands, while preparing food.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 147. (a) Food employees shall wear clean outer clothing to prevent contamination of:

- (1) food;
- (2) equipment;
- (3) utensils;
- (4) linens; and
- (5) single service and single-use articles.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 148. (a) Except as specified in subsection (b) of this section, an employee shall chew gum, eat and drink food, or use any form of tobacco products only in designated areas where the contamination of:

- (1) exposed food;
- (2) clean equipment, utensils, and linens;
- (3) unwrapped single-service and single-use articles; or
- (4) other items needing protection;

cannot result.

(b) A food employee may drink from a closed beverage container if the container is handled to prevent contamination of:

- (1) the employee's hands;
- (2) the container;
- (3) exposed food;
- (4) clean equipment, utensils, and linens; and
- (5) unwrapped single-service and single-use articles.

(c) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 149. (a) Food employees experiencing persistent sneezing, coughing or a runny nose that causes discharges from the eyes, nose, or mouth may not work with any of the following:

- (1) Exposed food.
- (2) Clean equipment, utensils, and linens.
- (3) Unwrapped single-service and single-use articles.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 150. (a) If used, an impermeable cover such as a bandage, finger cot or finger stall located on the wrist, hand or finger of a food employee working with exposed food shall be covered with a single-use glove.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 151. (a) Food employees shall wear hair restraints, such as hats, hair coverings or nets, beard restraints, and clothing that covers body hair, that are designed and worn to effectively keep their hair from contacting:

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

(b) This section does not apply to food employees, such as counter staff who only serve beverages and wrapped or packaged foods, hostesses, and wait staff if they present a minimal risk of contaminating:

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

(c) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 152. (a) Except as specified in subsection (b) of this section, food employees may not care for or handle animals that may be present such as patrol dogs, service animals, or pets that are allowed as specified in section 454(b)(2) through 454(b)(5) of this document.

(b) *Food employees with service animals may handle or care for their service animals and food employees may handle or care for fish in aquariums or molluscan shellfish or crustacea in display tanks if they wash their hands as specified under sections 141 and 142(a)(3) of this document.*

(c) For purposes of this section, a violation of subsection (a) is a PF item.

Section 153. (a) A retail food establishment shall have written procedures for employees to follow when responding to vomiting or diarrheal events that involve the discharge of vomitus or fecal matter onto surfaces in the retail food establishment. The procedures shall address the specific actions employees must take to minimize the spread of contamination and the exposure of employees, consumers, food, and surfaces to vomitus or fecal matter.

(b) For purposes of this section, a violation of subsection (a) is a PF item.

Section 154. (a) Food shall be safe, unadulterated, and, as specified under section 220 of this document, honestly presented.

(b) Food shall not be misbranded.

(c) For purposes of this section, a violation of subsection (a) or (b) is a P item.

Section 155. (a) Food shall be obtained from sources that comply with law at least equivalent to Indiana law.

(b) Food prepared in a private home, including but not limited to food prepared for sale under IC 16-42-5.3, may not be used or offered for human consumption in a retail food establishment.

(c) Packaged food shall be labeled as specified:

- (1) by law, including IC 16-42-1, IC 16-42-2, 21 CFR 101, 9 CFR 317, 9 CFR 381; and
- (2) in sections 159 and 169 of this document.

(d) Fish, *other than those specified in section 203(b) of this document, that are intended for*

consumption in raw or undercooked form and allowed as specified in section 198(d) of this document, may be offered for sale or service if they are:

(1) obtained from a supplier that freezes the fish as specified under section 203 of this document; or

(2) frozen on the premises as specified under section 203 of this document and records are retained as specified under section 204 of this document.

(e) Whole-muscle, intact beef steaks that are intended for consumption in an undercooked form without a consumer advisory as specified in section (c) of this document shall be:

(1) obtained from a food processing plant that does not mechanically tenderize, vacuum tumble with solutions, reconstruct, cube or pound these whole-muscle, intact beef steaks;

(2) deemed acceptable by the regulatory authority based on other evidence, such as written buyer specifications or invoices, that indicates that the steaks meet the definition of whole-muscle, intact beef; or

(3) if individually cut in a retail food establishment:

(A) cut from whole-muscle intact beef that is received from a food processing plant as specified in subdivision (f)(1) or identified as specified in subdivision (f)(2); and

(B) prepared so they remain intact.

(f) Meat and poultry that is not a ready-to-eat food and is in a packaged form when it is offered for sale or otherwise offered for consumption shall:

(1) be labeled to include safe handling instructions as specified in law, including 9 CFR 317.2(l) and 9 CFR 381.125(b); and

(2) meet applicable labeling requirements under IC 15-17-5.

(g) Eggs that have not been specifically treated to destroy all viable *Salmonellae* shall be labeled to include safe handling instructions as specified in law, including 21 CFR 101.17(h).

(h) For purposes of this section, a violation of subsection (a), (b), or clause (e)(3)(A) is a P item.

(i) For purposes of this section, a violation of subsection (d), subdivision (e)(1), (e)(2), or (e)(3)(b) is a PF item.

(j) For purposes of this section, a violation of subsection (c), (f) or (g) is a CORE item.

Section 156. (a) Food in a hermetically sealed container shall be obtained from a food processing plant that is regulated by the food regulatory agency that has jurisdiction over the plant.

(b) For purposes of this section, a violation of subsection (a) is a P item.

Section 157. (a) Fluid milk and milk products shall be obtained from sources that comply with Grade A Standards as specified in law.

(b) For purposes of this section, a violation of subsection (a) is a P item.

Section 158. (a) Except as in subsection (c), fish that are received for sale or service shall be:

(1) commercially and legally produced, caught, or harvested; or

(2) approved by the department for sale or service.

(b) Recreationally caught fish may be prepared by a retail food establishment determined by the regulatory authority to be able to safely accommodate such items, under the following conditions:

- (1) The retail food establishment has a HACCP Plan to assess the facility's capacity to handle the item without causing contamination of other food and food-contact surfaces in the establishment.
 - (2) The owner of the retail food establishment agrees in advance to prepare the item for the fisher.
 - (3) The fish may be served only to the fisher and their guests at the table.
- (d) For purposes of this section, a violation of subsection (a) or (b) is a P item.

Section 159. (a) Molluscan shellfish shall be obtained from sources according to law and the requirements specified in the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish.

(b) Molluscan shellfish received in interstate commerce shall be from sources that are listed in the Interstate Certified Shellfish Shippers List.

(c) For purposes of this section, a violation of subsection (a) or (b) is a P item.

Section 160. (a) Mushroom species picked in the wild shall not be offered, for sale or service by a retail food establishment unless the following conditions are met.

- (1) The mushroom species was obtained from a source where each mushroom is individually examined and determined to be safe by a mushroom identification expert; and
 - (2) The mushroom species is accompanied by a legible label or other written documentation that provides the following:
 - (A) A taxonomic identity of each type of mushroom including the scientific name and common name of the mushroom species.
 - (B) The name, address, and contact information of the wild mushroom identifier and the mushroom distributor.
 - (C) The qualifications and training of the identifier, specifically related to the wild mushroom identification.
 - (D) a statement of any common culinary hazards which might make the type of mushrooms unsafe to consume, such as "Do not cook," or "Should not be eaten uncooked."
- (b) The documentation in subdivision (a)(2) shall be retained as paper or electronic records for at least one (1) year from the last date of sale of an identified group of wild mushrooms.
- (c) This section does not apply to:
- (1) cultivated mushroom species that are grown, harvested, and processed as a product of agriculture in an operation that is regulated by the regulatory authority with jurisdiction over the operation; or
 - (2) wild mushroom species if they are in packaged form and are the product of a food processing plant that is regulated by the regulatory authority with jurisdiction over the plant.
- (d) For purposes of this section, a violation of subsection (a) or (b) is a P item.

Section 161. (a) If game animals are received for sale or service, they shall be slaughtered and

processed under a state or federal inspection program with requirements that are at least equal to IC 15-17-5.

(b) This section does not apply to retail food establishments that only custom slaughter or process for a person a raw product of an animal species that is not subject to IC 15-17-5.

(c) For purposes of this section, a violation of subsection (a) is a P item.

Section 162. (a) Except as specified in subsection (b), refrigerated TCS food shall be at a temperature of forty-one (41) degrees Fahrenheit, or five (5) degrees Celsius, or below when received.

(b) If a temperature other than forty-one (41) degrees Fahrenheit, or five (5) degrees Celsius, for a TCS food is specified in law governing its distribution, such as laws governing milk, and molluscan shellfish, the food may be received at the specified temperature.

(c) Raw eggs shall be received in refrigerated equipment that maintains an ambient air temperature of forty-five (45) degrees Fahrenheit, or seven (7) degrees Celsius, or less.

(d) TCS food that is cooked to a temperature and for a time specified under sections 198, 199, or 200 of this document and received hot shall be at a temperature of one hundred thirty-five (135) degrees Fahrenheit, or fifty seven (57) degrees Celsius, or above.

(e) A food that is labeled frozen and shipped frozen by a food processing plant shall be received frozen.

(f) Upon receipt, TCS food shall be free of evidence of previous temperature abuse.

(g) For purposes of this section, a violation of subsection (a), (c) or (d) is a P item.

(h) For purposes of this section, a violation of subsection (e) or (f) is a PF item.

Section 163. (a) Food may not contain unapproved food additives or additives that exceed amounts as specified in:

(1) 21 CFR 170 through 21 CFR 186;

(2) 9 CFR 424.21(b); or

(3) 40 CFR 180.

(b) For purposes of this section, a violation of subsection (a) is a P item.

Section 164. (a) Raw, in-shell chicken eggs shall be received clean and sound and may not exceed the restricted egg tolerances for U.S. Consumer Grade B as specified in United States Standards, Grades, and Weight Classes for Shell Eggs, AMS 56.200 et seq., administered by the Agricultural Marketing Service of USDA to the extent these requirements are consistent with IC 16-42-11 and rules authorized by that law.

(b) Eggs that are not the product of a domesticated chicken shall be received clean and sound from a source registered with a regulatory authority.

(c) For purposes of this section, a violation of subsection (a) or (b) is a P item.

Section 165. (a) Egg products shall be obtained pasteurized.

(b) Fluid and dry milk and milk products shall:

(1) be obtained pasteurized; and

(2) comply with Grade A standards as specified in law.

(c) Frozen milk products, such as ice cream, shall be obtained pasteurized as specified in 21 CFR

135.

(d) Cheese shall be obtained pasteurized unless alternative procedures to pasteurization are specified in the CFRs, such as 21 CFR 133.

(e) For purposes of this section, a violation of subsection (a), (b), (c) or (d) is a P item.

Section 166. (a) Food packages shall be in good condition and protect the integrity of the contents so that the food is not exposed to adulteration or potential contaminants.

(b) For purposes of this section, a violation of subsection (a) is a PF item.

Section 167. (a) Ice for use as a food or a cooling medium for food shall be made from drinking water.

(b) For purposes of this section, a violation of subsection (a) is a P item.

Section 168. (a) When received by a retail food establishment, shellstock shall be reasonably free of mud, dead shellstock, and shellstock with broken shells. Dead shellstock with badly broken shells shall be discarded.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 169 (a) Except as specified in subdivision (b)(1), molluscan shellfish shall be obtained in nonreturnable packages or containers which bear a legible tag or label that identifies the:

(1) source, and are affixed by a dealer that depurates, packs, ships or reships the molluscan shellfish, as specified in the National Shellfish Sanitation Program (NSSP) Guide for the Control of molluscan shellfish (Model Ordinance); and

(2) "sell by" or "best if used by" date for shucked shellfish packages with a capacity of less than 1.89 L (one-half gallon) or the date shucked for packages with a capacity of 1.89 L (one-half gallon) or more.

(b) When a two-tag harvester or dealer system is used, the dealer tag shall meet the requirements identified in subdivision (a)(1). When both the dealer and harvester tags appear on the container, the dealer's tag is not required to duplicate the information on the harvester's tag.

(c) A container of raw molluscan shellfish that does not bear a tag or label or which bears a tag or label which does not contain all the information as specified under the Model Ordinance shall be subject to a hold order, or seizure and destruction, as allowed by law.

(d) For purposes of this section, a violation of subsection (a) is a PF item.

(e) For purposes of this section, a violation of subsection (b) or (c) is a CORE item.

Section 170. (a) Pre-packaged juice shall be obtained:

(1) from a processor with a HACCP system as specified in 21 CFR 120; and

(2) pasteurized or otherwise treated to attain a 5-log reduction of the most resistant microorganism of public health significance as specified in 21 CFR 120.24.

(b) For purposes of this section, a violation of subdivision (a)(1) is a PF item.

(c) For purposes of this section, a violation of subdivision (a)(2) is a P item.

Section 171. (a) Except as specified in subsections (c), (d) and (e), molluscan shellfish shall not be removed from the container in which they are received other than immediately before sale or

preparation for service.

(b) Molluscan shellfish from one tagged or labeled container shall not be commingled with molluscan shellfish from another container with different certification numbers, different harvest dates, or different growing areas identified on the tag or label before being ordered by the consumer.

(c) For display purposes shellstock and in-shell product may be removed from the container in which they are received, displayed on drained ice, or held in a display container, and a quantity specified by a consumer may be removed from the display or display container and provided to the consumer if the:

(1) source of the shellstock or in-shell product on display is identified as specified under section 169 of this document and recorded as specified under section 171 of this document; and

(2) shellstock or in-shell product are protected from contamination.

(d) Shucked shellfish may be removed from the container in which they were received and held in a display container from which individual servings are dispensed upon a consumer's request if the:

(1) labeling information for the shellfish on display as specified under section 171 of this document is retained and correlated to the date when, or dates during which, the shellfish are sold or served; and

(2) shellfish are protected from contamination.

(e) *Shucked shellfish may be removed from the container in which they were received and repacked in consumer self-service containers if the:*

(1) labeling information for the shellfish is on each consumer self-service container as specified under sections 159, 221(a), and 221(b)(1) through 221(b)(5) of this document;—

(2) labeling information as specified under section 159 of this document is retained and correlated with the date when, or dates during which, the shellfish are sold or served;

(3) labeling information and dates specified under subdivision (d)(2) are maintained for ninety (90) days; and

(4) shellfish are protected from contamination.

(f) For purposes of this section, a violation of subsection (b) is a PF item

(g) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 172. (a) Except as specified under subsection (d), molluscan shellfish tags or labels shall remain attached to the container in which the shellstock are received until the container is empty.

(b) The date when the last molluscan shellfish from the container is sold or served shall be recorded on the tag, label, or invoice.

(c) The identity of the source of molluscan shellfish that are sold or served shall be maintained by retaining product tags, labels, or invoices for ninety (90) calendar days from the date that is recorded on the tag, label, or invoice, as specified under subsection (b) by using an approved record keeping system that keeps the tags, labels, or invoice in chronological order correlated to the date that is recorded on the tag, label, or invoice, as specified under subsection (b).

(d) If shellstock, shucked shellfish or in-shell product are removed from its tagged or labeled container the source, identification will be preserved by using a record under subdivision (c).

(e) A certification number must be included on the shellfish tag. Each shellfish certification

number shall consist of a one (1)-to-five (5) digit Arabic number preceded by the two (2) letter State abbreviation and followed by a two (2)-letter abbreviation for the type of activity or activities the dealer is qualified to perform in accordance with this provision of the National Shellfish Sanitation Program using the terms in the following tables:

Table A. Certifications

ACRONYM	TERM
SP	Shucker Packer
RP	Repacker
SS	Shellstock Shipper
RS	Reshipper

Table B. Permits

ACRONYM	TERM
PHP	Post-Harvest Processing
AQ	Aquaculture
WS	Wet Storage

(f) For purposes of this section, a violation of subsection (a), (b), (c), (d) or (e) is a PF item.

Section 173. (a) Food employees shall wash their hands as specified under section 141 of this document.

(b) Except when washing fruits and vegetables as specified under section 179 of this document or as specified in subsections (d) and (e), food employees may not contact exposed, ready-to-eat food with their bare hands and shall use suitable utensils, such as:

- (1) deli tissue;
- (2) spatulas;
- (3) tongs;
- (4) single-use gloves; or
- (5) dispensing equipment.

(c) Food employees shall minimize bare hand and arm contact with exposed food that is not in a ready-to-eat form.

(d) Subsection (b) does not apply to a food employee who contacts exposed, ready-to-eat food with bare hands at the time the ready-to-eat food is being added as an ingredient to a food that:

- (1) contains a raw animal food and is to be cooked in the retail food establishment to heat all parts of the food to the minimum temperatures specified in sections 198(a), 198(b) or 191 of this document; or-
- (2) does not contain a raw animal food but is to be cooked in the retail food establishment to heat all parts of the food to a temperature of at least one hundred forty-five (145) degrees Fahrenheit, sixty-three (63) degrees Celsius.

(e) Food employees not serving a highly susceptible population may contact exposed, ready-to-eat food with their bare hands if:

- (1) the owner or operator of a retail food establishment obtains prior approval from the regulatory authority;
- (2) written procedures are maintained in the retail food establishment and made available to the regulatory authority upon request that include the following:
 - (A) For each bare hand contact procedure, a listing of the specific ready-to-eat foods that are touched by bare hands.
 - (B) Diagrams and other information showing that handwashing facilities, installed, located, equipped, and maintained as specified under sections 351, 356, 359, 429, 430 and 432 of this document are in an easily accessible location and in

close proximity to the work station where the bare hand contact procedure is conducted;

(3) a written employee health policy is maintained that details how the retail food establishment complies with sections 137, 138 and 139 of this document including the following:

(A) Documentation that food employees and conditional employees acknowledge that they are informed to report information about their health and activities as they relate to gastrointestinal symptoms and diseases that are transmittable through food as specified under section 137(a) of this document.

(B) Documentation that food employees and conditional employees acknowledge their responsibilities as specified under sections 137(e) and (f) of this document.

(C) Documentation that the person in charge acknowledges the responsibilities as specified under sections 137(b) through 137(d) of this document and sections 138 and 139 of this document;-

(4) documentation is maintained that food employees acknowledge that they have received training in all of the following:

(A) The risks of contacting the specific ready-to-eat foods with bare hands.

(B) Proper handwashing as specified under section 141 of this document.

(C) When to wash their hands as specified under section 142 of this document.

(D) Where to wash their hands as specified under section 143 of this document.

(E) Proper fingernail maintenance as specified under section 145 of this

document.

(F) Prohibition of jewelry as specified under section 146 of this document.

(G) Good hygienic practices as specified under sections 148 and 149 of this document;

(5) documentation is maintained that hands are washed before food preparation and as necessary to prevent cross contamination by food employees as specified under sections 140, 141, 142 and 143 of this document during all hours of operation when the specific ready-to-eat foods are prepared;

(6) documentation is maintained that food employees contacting ready-to-eat food with bare hands use two (2) or more of the following control measures to provide additional safeguards to hazards associated with bare hand contact:

(A) Double handwashing.

(B) Nail brushes.

(C) A hand antiseptic after handwashing as specified under section 144 of this document.

(D) Incentive programs such as paid sick leave that assist or encourage food employees not to work when they are ill.

(E) Other control measures approved by the department; and

(7) documentation is maintained that corrective action is taken when subdivisions (e)(1) through (e)(6) are not followed.

(f) For purposes of this section, a violation of subsection (b) is a P item.

(g) For purposes of this section, a violation of subsection (c) is a PF item.

(h) For purposes of this section, a violation subsection (a) is a CORE item.

Sec 174. (a) A food employee may not reuse a utensil once it has been used to taste food that is to be sold or served.

(b) For purposes of this section, a violation of subsection (a) is a P item.

Section 175. (a) Food shall be protected from cross contamination by the following:

(1) Separating raw animal foods during storage, preparation, holding, and display from:
(A) raw ready-to-eat food including other raw animal food, such as fish for sushi or molluscan shellfish, or other raw ready-to-eat food, such as fruits and vegetables;

(B) cooked ready-to-eat food; and

(C) fruits and vegetables before they are washed.

(2) Except when combined as ingredients, separating types of raw animal foods from each other such as beef, fish, lamb, pork, and poultry during storage, preparation, holding, and display by:

(A) using separate equipment for each type; or arranging each type of food in equipment so that cross contamination of one (1) type with another is prevented; and

(B) preparing each type of food at different times or in separate areas.

(3) Cleaning equipment and utensils as specified under section 307(a) of this document and sanitizing as specified under section 318 of this document.

(4) Except as specified under section 212(b)(2) of this document and in subsection (b), storing the food in packages, covered containers, or wrappings.

(5) Cleaning hermetically sealed containers of food of visible soil before opening.

(6) Protecting food containers that are received packaged together in a case or overwrap from cuts when the case or overwrap is opened.

(7) Storing damaged, spoiled, or recalled food being held in the retail food establishment as specified under section 441 of this document.

(8) Separating fruits and vegetables, before they are washed as specified under section 179 of this document from ready-to-eat food.

(b) Subdivision (a)(4) does not apply to the following:

(1) Whole, uncut, raw fruits and vegetables and nuts in the shell, that require peeling or hulling before consumption.

(2) Primal cuts, quarters, or sides of raw meat or slab bacon that are hung on clean, sanitized hooks or placed on clean, sanitized racks.

(3) Whole, uncut, processed meats such as country hams, and smoked or cured sausages that are placed on clean, sanitized racks.

(4) Food being cooled as specified under section 212(b)(2) of this document.

(5) Shellstock.

(6) Frozen, commercially processed and packaged raw animal food may be stored or displayed with or above frozen, commercially processed and packaged, ready-to-eat food;

(c) For purposes of this section, a violation of clause (a)(1)(A) through (a)(1)(C), or (a)(2) is a P item.

(d) For purposes of this section, a violation of subdivision (a)(3) through (a)(8) is a CORE item.

Section 176. (a) Except for containers holding food that can be readily and unmistakably recognized such as dry pasta, working containers holding food or food ingredients that are removed from their original packages for use in the retail food establishment, including, but not limited to:

- (1) cooking oils;
- (2) flour;
- (3) herbs;
- (4) potato flakes;
- (5) salt;
- (6) spices; and
- (7) sugar;

shall be identified with the common name of the food.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 177. (a) Pasteurized eggs or egg products shall be substituted for raw eggs in the preparation of foods such as Caesar salad, hollandaise or Béarnaise sauce, mayonnaise, meringue, eggnog, ice cream, and egg-fortified beverages that are not:

- (1) cooked as specified under sections 198(a)(1) or 198(a)(2) of this document; or
- (2) included in section 198(d) of this document.

(b) For purposes of this section, a violation of subsection (a) is a P item.

Section 178. (a) As specified in section 163 of this document, food shall be protected from contamination that may result from the addition of:–

- (1) unsafe or unapproved food or color additives; and
- (2) unsafe or unapproved levels of approved food and color additives.

(b) A food employee shall not:

- (1) apply sulfiting agents to fresh fruits and vegetables intended for raw consumption or to a food considered to be a good source of vitamin B1; or
- (2) except for grapes, serve or sell food specified under subdivision (b)(1) that is treated with sulfiting agents before receipt by the retail food establishment.

(c) For purposes of this section, a violation of subsection (a) or (b) is a P item.

Section 179. (a) Except as specified in subsection (b) and except for whole, raw fruits and vegetables that are intended for washing by the consumer before consumption, raw fruits and vegetables shall be thoroughly washed in water to remove soil and other contaminants before being cut, combined with other ingredients, cooked, served, or offered for human consumption in ready-to-eat form.

(b) Fruits and vegetables may be washed by using chemicals as specified under section 462 of this document and a test kit or other device that accurately measures the active ingredient concentration of the fruit and vegetable wash solution may be used.

(c) Devices used for on-site generation of chemicals meeting the requirements specified in 21 CFR 173.315 for the washing of raw, whole fruits and vegetables shall be used in accordance with the manufacturer's instructions.

(d) For purposes of this section, a violation of subsection (a) is a CORE item.

(e) For purposes of this section, a violation of subsection (c) is a PF item.

Section 180. (a) After use as a medium for cooling the exterior surfaces of:

- (1) food such as melons or fish;
- (2) packaged foods such as canned beverages; or
- (3) cooling coils and tubes of equipment;

ice may not be used as food.

(b) For purposes of this section, a violation of subsection (a) is a P item.

Section 181. (a) Packaged food shall not be stored in direct contact with ice or water if the food is subject to the entry of water because of the nature of its packaging, wrapping, or container or its positioning in the ice or water.

(b) Except as specified in subsections (c) and (d), unpackaged food may not be stored in direct contact with undrained ice.

(c) The following may be immersed in ice or water:

- (1) Whole, raw fruits or vegetables.
- (2) Cut, raw vegetables such as celery or carrot sticks or cut potatoes.
- (3) Tofu.

(d) Raw poultry and raw fish that are received immersed in ice in shipping containers may remain in that condition while in storage awaiting preparation, display, service, or sale.

(e) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

Section 182. (a) Food shall only contact surfaces of:

- (1) equipment and utensils that are cleaned as specified under sections 306 through 315 of this document and sanitized as specified under sections 316 through 318 of this document;
- (2) single-service and single-use articles;
- (3) linens, such as cloth napkins, as specified under section 184 of this document that are laundered as specified under sections 319 through 323 of this document; or
- (4) wood as specified under section 232(c) of this document.

(b) For purposes of this section, a violation of subsection (a) is a P item.

Section 183. (a) During pauses in food preparation or dispensing, food preparation and dispensing utensils shall be stored:

- (1) except as specified under subdivision (2), in the food with their handles above the top of the food and the container;
- (2) in food that is not TCS food with their handles above the top of the food within containers or equipment that can be closed, such as bins of sugar, flour, or cinnamon;
- (3) on a clean portion of the food preparation table or cooking equipment only if the in-use utensil and the food contact surface of the food preparation table or cooking equipment are cleaned and sanitized at a frequency specified under sections 307 and 317 of this document;
- (4) in running water of sufficient velocity to flush particulates to the drain, if used with moist food such as ice cream or mashed potatoes;

- (5) in a clean, protected location if the utensils, such as ice scoops, are used only with a food that is not a TCS food; or
 - (6) in a container of water if the water is maintained at a temperature of at least one hundred thirty-five (135) degrees Fahrenheit, fifty-seven (57) degrees Celsius, and the container is cleaned at a frequency specified under section 307(d)(7) of this document.
- (b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 184. (a) Linens, such as cloth napkins, may not be used in contact with food unless they are used to line a container for the service of foods and the linens and napkins are replaced each time the container is refilled for a new consumer.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 185. (a) Cloths in-use for wiping food spills from tableware and carry-out containers that occur as food is being served shall be:

- (1) maintained dry; and
 - (2) used for no other purpose.
- (b) Cloths in-use for wiping counters and other equipment surfaces shall be:
- (1) held between uses in a chemical sanitizer solution at a concentration specified under section 299 of this document; and
 - (2) laundered daily as specified under section 320(d) of this document.
- (c) Cloths in-use for wiping surfaces in contact with raw animal foods shall be kept separate from cloths used for other purposes.
- (d) Dry wiping cloths and the chemical sanitizing solutions specified in subdivision (b)(1) in which wet wiping cloths are held between uses shall be free of food debris and visible soil.
- (e) Containers of chemical sanitizing solutions specified in subdivision (b)(1) in which wet wiping cloths are held between uses shall be stored off the floor and used in a manner that prevents contamination of food, equipment, utensils, linens, single-service, or single-use articles.
- (f) Single-use disposable sanitizer wipes shall be used in accordance with EPA-approved manufacturer's label use instructions.
- (g) For purposes of this section, a violation of subsection (a) through (f) is a CORE item.

Section 186. (a) If used, single-use gloves shall be:

- (1) used for only one (1) task such as working with ready-to-eat food or with raw animal food;
 - (2) used for no other purpose; and
 - (3) discarded when;
 - (A) damaged or soiled; or
 - (B) interruptions occur in the operation.
- (b) Except as specified in subsection (c), slash-resistant gloves that are used to protect the hands during operations requiring cutting shall be used in direct contact only with food that is subsequently cooked as specified under sections 198 through 207 of this document, such as frozen food or a primal cut of meat.
- (c) Slash-resistant gloves may be used with ready-to-eat food that will not be subsequently cooked if the slash-resistant gloves:

- (1) have a smooth, durable, and nonabsorbent outer surface; or
- (2) are covered with a smooth, durable, nonabsorbent glove, or a single-use glove.
- (d) Cloth gloves may not be used in direct contact with food unless the food is subsequently cooked as required under sections 198 through 207 of this document, such as frozen food or a primal cut of meat.
- (e) For purposes of this section, a violation of subsection (a) is a P item.
- (f) For purposes of this section, a violation of subsection (b), (c) or (d) is a CORE item.

Section 187. (a) Except for refilling a consumer's drinking cup or container without contact between the pouring utensil and the lip-contact area of the drinking cup or container, food employees may not use tableware, including single-service articles, soiled by the consumer, to provide second portions or refills.

(b) Except as specified in subsection (c), self-service consumers may not be allowed to use soiled tableware, including single-service articles, to obtain additional food from the display and serving equipment.

(c) Drinking cups and containers may be reused by self-service consumers if refilling is a contamination-free process as specified under section 251(a)(1), 251(a)(2), and 251(a)(4) of this document.-

(d) For purposes of this section, a violation of subsections (a) or (b) is a CORE item.

Section 188. (a) Except as specified in subsections (b) through (e), empty containers returned to a retail food establishment for cleaning and refilling with food shall be cleaned and refilled in a regulated food processing plant.

(b) A take-home food container returned to a retail food establishment may be refilled with food if the container is:

- (1) designed and constructed for reuse and in accordance with the requirements specified under sections 226 through 235 and 236 through 272 of this document;
- (2) one that was initially provided by the retail food establishment to the consumer, either empty or filled with food by the establishment, for the purpose of being returned for reuse;
- (3) returned to the retail food establishment by the consumer after use; and
- (4) subject to the following steps before being refilled with food:
 - (A) Cleaned as specified under sections 306 through 315 of this document.
 - (B) Sanitized as specified under sections 316 through 318 of this document.
 - (C) Visually inspected by a food employee to verify that the container, as returned, is in good condition and meets the requirements specified under sections 226 through 235 of this document and 236 through 272 of this document.

(c) A take-home food container returned to a retail food establishment may be refilled at the establishment with beverage if:

- (1) the beverage is not a TCS food;
- (2) the design of the container and of the rinsing equipment and the nature of the beverage, when considered together, allow effective cleaning at home or in the establishment;

- (3) facilities for rinsing before refilling returned containers with fresh, hot water that is under pressure and not re-circulated are provided as part of the dispensing system;
- (4) the consumer-owned container returned to the retail food establishment for refilling is refilled for sale or service only to the same consumer; and
- (5) the container is refilled by:
 - (A) an employee of the establishment; or
 - (B) the owner of the container if the beverage system includes a contamination-free transfer process as specified under section 251(a)(1), 251(a)(2), and 251(a)(4) of this document that cannot be bypassed by the container owner.

(d) Consumer-owned, personal take-out beverage containers, such as:

- (1) thermally insulated bottles;
- (2) nonspill coffee cups; and
- (3) promotional beverage glasses;

may be refilled by employees or the consumer if refilling is a contamination-free process as specified under section 251(a)(1), 251(a)(2), and 251(a)(4) of this document.

(e) Consumer-owned containers that are not food-specific may be filled at a water vending machine or system.

(f) For purposes of this section, a violation of section (a), subsections (b)(1), (b)(4)(B), or (b)(4)(C) is a P item.

Section 189. (a) Except as specified in subsections (b) and (c), food shall be protected from contamination by storing the food as follows:

- (1) In a clean, dry location.
- (2) Where it is not exposed to splash, dust, or other contamination.
- (3) At least six (6) inches, fifteen (15) centimeters, above the floor.

(b) Food in packages and working containers may be stored less than six (6) inches, fifteen (15) centimeters, above the floor on case lot handling equipment as specified under section 270 of this document.

(c) Pressurized beverage containers, cased food in waterproof containers, such as bottles or cans, or milk containers in plastic crates may be stored on a floor that is clean and not exposed to floor moisture.

(d) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 190. (a) Food may not be stored:

- (1) in locker rooms;
- (2) in toilet rooms;
- (3) in dressing rooms;
- (4) in garbage rooms;
- (5) in mechanical rooms;
- (6) under sewer lines that are not shielded to intercept potential drips;
- (7) under leaking water lines, including leaking automatic fire sprinkler heads, or under lines on which water has condensed;
- (8) under open stairwells; or
- (9) in or under other sources of contamination.

- (b) For purposes of this section, a violation of subdivision (a)(2) is a ^{Pf} item.
- (c) For purposes of this section, a violation of subdivision (a)(1), or (a)(3) through (a)(9) is a core item.

Section 191. (a) TCS food dispensed through a vending machine shall be in the package in which it was placed at the retail food establishment or food processing plant at which it was prepared.

- (b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 192. (a) During preparation, unpackaged food shall be protected from environmental sources of contamination.

- (b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 193. (a) Except for nuts in the shell and whole, raw fruits and vegetables that are intended for hulling, peeling, or washing by the consumer before consumption, food on display shall be protected from contamination by the use of:

- (1) packaging;
- (2) counter, service line, or salad bar food guards;
- (3) display cases; or
- (4) other effective means.

- (b) For purposes of this section, a violation of subsection (a) is a P item.

Section 194. (a) Condiments shall be protected from contamination by being kept in:

- (1) dispensers that are designed to provide protection;
- (2) protected food displays provided with the proper utensils;
- (3) original containers designed for dispensing; or
- (4) individual packages or portions.

(b) Condiments at a vending machine or micro market location shall be in individual packages or provided in dispensers that are filled at an approved location, such as the following:

- (1) The retail food establishment that provides food to the vending machine location.
- (2) A food processing plant that is regulated by the agency that has jurisdiction over the operation.
- (3) An adequately equipped area that is located on the site of the vending machine or micro market location.

- (c) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

Section 195. (a) Raw, unpackaged animal food, such as beef, lamb, pork, poultry, and fish may not be offered for consumer self-service. This section does not apply to:

- (1) consumer self-service of ready-to-eat foods at buffets or salad bars that serve foods such as sushi or raw shellfish; or
- (2) ready-to-cook individual portions for immediate cooking and consumption on the premises, such as:
 - (A) consumer-cooked meats or consumer-selected ingredients for Mongolian barbecue; or
 - (B) raw, frozen, shell-on shrimp, or lobster.

- (b) Consumer self-service operations for ready-to-eat foods shall be provided with suitable utensils or effective dispensing methods that protect the food from contamination.
- (c) Consumer self-service operations such as buffets and salad bars shall be monitored by food employees trained in safe operating procedures.
- (d) For purposes of this section, a violation of subsection (a) is a P item.
- (e) For purposes of this section, a violation of subsections (b) or (c) is a PF item.

Section 196 (a) Except as specified in subsection (b), after being served or sold and in the possession of a consumer, food that is unused or returned by the consumer may not be offered as food for human consumption.

(b) Except as specified under section 225(a)(7) of this document, a container of food that is not a TCS food may be re-served from one (1) consumer to another if:

- (1) the food is dispensed so that it is protected from contamination and the container is closed between uses, such as a narrow-neck bottle containing catsup, steak sauce, or wine; or
- (2) the food, such as crackers, salt, or pepper, is in an unopened original package and is maintained in sound condition.

(c) For purposes of this section, a violation of subsections (a) or (b) is a P item.

Section 197. (a) Food shall be protected from contamination that may result from a factor or source not specified under sections 173 through 196 or 489 of this document.

(b) For purposes of this section, a violation of subsection (a) is either a P, PF, or CORE item based on the regulatory authority's determination of whether or not the violation significantly contributes to food contamination, an illness, or an environmental health hazard.

Section 198. (a) Except as specified under subsections (b) through (d), raw animal foods, such as eggs, fish, meat, poultry, and foods containing these raw animal foods, shall be cooked to heat all parts of the food to a temperature and for a time that complies with one (1) of the following methods based on the food that is being cooked:

(1) One hundred forty-five (145) degrees Fahrenheit, sixty-three (63) degrees Celsius, or above for fifteen (15) seconds for:

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

(B) fish and intact meat, except as specified under subdivisions (a)(2) and (a)(3).

(2) One hundred fifty-five (155) degrees Fahrenheit, sixty-eight (68) degrees Celsius, for seventeen (17) seconds or the temperature specified in the following chart that corresponds to the holding time for:

(A) ratites;

(B) meats that are not intact meats;

(C) fish if comminuted;

(D) game animals processed as per section 161(a) of this document, if comminuted; or

(D) raw eggs that are not prepared as specified under clause (a)(1)(A):

Minimum Temperature °F (°C)	Minimum Time
145 (63)	3 minutes
150 (66)	1 minute
158 (70)	< 1 second (instantaneous)

(3) One hundred sixty-five (165) degrees Fahrenheit, seventy-four (74) degrees Celsius, or above for less than one (1) second (instantaneous) for poultry, baluts, game animals, stuffed fish, stuffed meat, stuffed pasta, stuffed poultry, or stuffing containing fish, meat, or poultry.

(b) Whole meat roasts including beef, corned beef, lamb, pork, and cured pork roasts such as ham shall be cooked:

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

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

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

or

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

Temperature °F (°C)	Time ¹ in Minutes	Temperature °F (°C)	Time ¹ in Seconds
130 (54.4)	112	147 (63.9)	134
131 (55.0)	89	149 (65.0)	85
133 (56.1)	56	151 (66.1)	54
135 (57.2)	36	153 (67.2)	34
136 (57.8)	28	155 (68.3)	22
138 (58.9)	18	157 (69.4)	14
140 (60.0)	12	158 (70.00)	0

142 (61.1)	8		
144 (62.2)	5		
145 (62.8)	4		
¹ Holding time may include post-oven heat rise.			

(c) A raw or undercooked whole-muscle, intact beef steak may be served or offered for sale in a ready-to-eat form if:

- (1) the retail food establishment serves a population that is not a highly susceptible population;
- (2) the steak is labeled to indicate that it meets the definition of "whole-muscle, intact beef" as specified under section 155(e) of this document; and
- (3) the steak is cooked on both the top and bottom to a surface temperature of one hundred forty-five (145) degrees Fahrenheit, sixty-three (63) degrees Celsius, or above and a cooked color change is achieved on all external surfaces.

(d) A raw animal food or a partially cooked food such as:

- (1) raw egg;
- (2) raw fish;
- (3) raw-marinated fish;
- (4) raw molluscan shellfish;
- (5) steak tartare;
- (6) lightly cooked fish;
- (7) soft cooked eggs; or
- (8) rare meat other than whole-muscle, intact beef steaks as specified in subsection (c), may be served or offered for sale upon consumer request or selection in a ready-to-eat form if:

(A) the following are met:

- (i) As specified under section 225(a)(3)(A) and 225(a)(3)(B) of this document, the retail food establishment serves a population that is not a highly susceptible population.
- (ii) The food, if served or offered for service by consumer selection from a children's menu, does not contain comminuted meat.
- (iii) The consumer is informed as specified under section 223 of this document that to ensure its safety, the food should be cooked as specified under subsections (a) or (b); or

(B) the department grants a variance from subsections (a) or (b) as specified in section 483 of this document based on a HACCP plan that:

- (i) is submitted by the owner or operator of the retail food establishment and approved as specified under section 483 of this document;
- (ii) documents scientific data or other information showing that a lesser time and temperature regimen results in a safe food; and
- (iii) verifies that equipment and procedures for food preparation and training of food employees at the retail food establishment meet the conditions of the variance.

- (e) For purposes of this section, a violation of subdivisions (a)(1), (a)(1)(A), (a)(1)(B), (a)(2), (a)(3), or (b)(2) is a P item.
- (f) For purposes of this section, a violation of subdivision (b)(1) is a PF item.

Section 199. (a) Raw animal foods cooked in a microwave oven shall be:

- (1) rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat;
 - (2) covered to retain surface moisture;
 - (3) heated to a temperature of at least one hundred sixty-five (165) degrees Fahrenheit, seventy-four (74) degrees Celsius, in all parts of the food; and
 - (4) allowed to stand covered for two (2) minutes after cooking to obtain temperature equilibrium.
- (b) For purposes of this section, a violation of subdivision (a)(3) is a P item.
- (c) For purposes of this section, a violation of subdivision (a)(1), (a)(2), or (a)(4) is a CORE item.

Section 200. (a) Plant foods and any TCS foods not included under sections 198 and 199 of this document that are cooked for hot holding shall be cooked to a temperature of one hundred thirty-five (135) degrees Fahrenheit, fifty-seven (57) degrees Celsius.

(b) For purposes of this section, a violation of subsection (a) is a PF item.

Section 201. (a) Raw animal foods that are cooked using a non-continuous cooking process shall be:

- (1) subject to an initial heating process that is no longer than sixty (60) minutes in duration;
- (2) immediately after initial heating, cooled according to the time and temperature parameters specified for cooked time/temperature control for safety food under section 211(a) of this document;
- (3) after cooling, held frozen or cold, as specified for TCS food under section 213 (a)(2) of this document;
- (4) prior to sale or service, cooked using a process that heats all parts of the food to a temperature and for a time as specified under sections 198(a) through 198(c) of this document;
- (5) cooled according to the time and temperature parameters specified for cooked TCS food under section 211(a) of this document if not:
 - (A) hot held as specified under section 213(a) of this document;
 - (B) served immediately; or
 - (C) held using time as a public health control as specified under section 216 of this document after complete cooking; and
- (6) prepared and stored according to written procedures that:
 - (A) have obtained prior approval from the regulatory authority;
 - (B) are maintained in the retail food establishment and are available to the regulatory authority upon request;
 - (C) describe how the requirements specified under subdivisions (a)(1) through

- (a)(5) are to be monitored and documented by the owner or operator of the retail food establishment and the corrective actions to be taken if the requirements are not met;
- (D) describe how the foods, after initial heating, but prior to complete cooking, are to be marked or otherwise identified as foods that must be cooked as specified under subdivision (a)(4) prior to being offered for sale or service; and
- (E) describe how the foods, after initial heating but prior to cooking as specified under subdivision (a)(4), are to be separated from ready-to-eat foods as specified under section 175(a) of this document.

(b) For purposes of this section, a violation of subdivisions (a)(1), (a)(2), (a)(3), (a)(4), or (a)(5) is a P item.

(c) For purposes of this section, a violation of subdivision (a)(6) is a PF item.

Section 202 (a) Commercially packaged foods that bears a manufacturer's cooking instructions shall be cooked according to those instructions before:

- (1) use in ready-to-eat foods; or
- (2) offered in unpackaged form for human consumption; unless the manufacturer's instructions specify that the food may be consumed without cooking.

(b) Food for which the manufacturer has provided information that it has not been processed to control pathogens, when used in ready-to-eat foods or offered for human consumption shall be cooked according to a time and temperature appropriate for the food.

(c) For purposes of this section, a violation of subsection (a) or (b) is a P item.

Section 203. (a) Before service or sale in ready-to-eat form, raw, raw-marinated, partially cooked, or marinated-partially cooked fish shall be:

- (1) frozen and stored at a temperature of negative four (-4) degrees Fahrenheit, negative twenty (-20) degrees Celsius, or below for a minimum of one hundred sixty-eight (168) hours, seven (7) days, in a freezer;
- (2) frozen at negative thirty-one (-31) degrees Fahrenheit, negative thirty-five (-35) degrees Celsius, or below until solid and then stored at negative thirty-one (-31) degrees Fahrenheit, negative thirty-five (-35) degrees Celsius, for a minimum of fifteen (15) hours; or
- (3) frozen at negative thirty-one (-31) degrees Fahrenheit, negative thirty-five (-35) degrees Celsius, or below until solid and then stored at negative four (-4) degrees Fahrenheit, negative twenty (-20) degrees Celsius, or below for a minimum of twenty-four (24) hours.

(b) Subsection (a) does not apply to the following:

- (1) Molluscan shellfish;
- (2) A scallop product consisting of only the shucked adductor muscle.
- (3) Tuna of the following species:
 - (A) *Thunnus alalunga*;
 - (B) *Thunnus albacares*;
 - (C) *Thunnus atlanticus*;

- (D) *Thunnus maccoyii*;
- (E) *Thunnus obesus*;
- (F) *Thunnus thynnus*;
- (4) Aquacultured fish, such as salmon, that:
 - (A) if raised in open water, are raised in net-pens, or are raised in land-based operations such as ponds or tanks; and
 - (B) are fed formulated feed, such as pellets, that contains no live parasites infective to the aquacultured fish.
- (5) Fish eggs that have been removed from the skein and rinsed.
- (c) For purposes of this section, a violation of subdivision (a) is a P item.

Section 204. (a) Except as in subsection (b) and as specified in section 203(b) of this document, if raw, raw-marinated, partially cooked, or marinated-partially cooked fish are served or sold in ready-to-eat form, the person in charge shall record the freezing temperature and time to which the fish are subjected and shall retain the records of the retail food establishment for ninety (90) calendar days beyond the time of service or sale of the fish.

(b) If the fish are frozen by a supplier, a written agreement or statement from the supplier stipulating that the fish supplied are frozen to a temperature and for a time specified under section 203 of this document may substitute for the records specified under subsection (a).

(c) If raw, raw-marinated, partially cooked, or marinated-partially cooked fish are served or sold in ready-to-eat form, and the fish are raised and fed as specified in section 203(b)(4) of this document, a written agreement or statement from the supplier or aquaculturist stipulating that the fish were raised and fed as specified in section 203(b)(4) of this document shall be obtained by the person in charge and retained in the records of the retail food establishment for ninety (90) calendar days beyond the time of service or sale of the fish.

(d) For purposes of this section, a violation of subsection (a) or (c) is a PF item.

Section 205. (a) Cooked and refrigerated food that is prepared for immediate service in response to an individual consumer order, such as a roast beef sandwich au jus, may be served at any temperature.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 206. (a) Except as specified under subsections (b), (c), and (e), TCS food that is cooked, cooled, and reheated for hot holding shall be reheated so that all parts of the food reach a temperature of at least one hundred sixty-five (165) degrees Fahrenheit, seventy-four (74) degrees Celsius, for fifteen (15) seconds.

(b) Except as specified under subsection (c), TCS food reheated in a microwave oven for hot holding shall be reheated so that all parts of the food reach a temperature of at least one hundred sixty-five (165) degrees Fahrenheit, seventy-four (74) degrees Celsius, and the food is rotated or stirred, covered, and allowed to stand covered for two (2) minutes after reheating.

(c) Ready-to-eat, TCS food that has been commercially processed and packaged in a food processing plant that is inspected by the regulatory authority that has jurisdiction over the plant, shall be heated to a temperature of at least one hundred thirty-five degrees (135) Fahrenheit, fifty-seven (57) degrees Celsius, when being reheated for hot holding.

- (d) Reheating for hot holding as specified under subsections (a) through (c) shall be done rapidly and the time the food is between forty-one (41) degrees Fahrenheit, five (5) degrees Celsius and the temperatures specified under subsections (a) through (c) may not exceed two (2) hours.
- (e) Remaining unsliced portions of meat roasts that are cooked as specified under section 198(b) of this document may be reheated for hot holding using the oven parameters and minimum time and temperature conditions specified under section 198(b) of this document.
- (f) For purposes of this section, a violation of subsection (a), (b), (c), or (d) is a P item.

Section 207. (a) Juice packaged in a retail food establishment shall be labeled as specified under section 221 of this document.

- (b) Treated juice must follow the HACCP plan as specified in sections 486(a)(2) through 486(a)(5) of this document to attain a 5-log reduction, which is equal to a 99.999% reduction, of the most resistant microorganism of public health significance.
- (c) Juices that have not been treated as described in subsection (b) must be labeled as specified under 221 and in 21 CFR 101.17(g) including bearing the following statement: "WARNING: This product has not been pasteurized and, therefore, may contain harmful bacteria that can cause serious illness in children, the elderly, and persons with weakened immune systems."
- (d) For purposes of this section, a violation of subdivision (a) or (b) is a P item.
- (e) For purposes of this section, a violation of subdivision (c) is a PF item.

Section 208. (a) Stored frozen foods shall be maintained frozen.

- (b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 209. (a) Frozen TCS food that is slacked to moderate the temperature shall be held:

- (1) under refrigeration that maintains the food temperature at forty-one (41) degrees Fahrenheit, five (5) degrees Celsius, or less; or
 - (2) at any temperature if the food remains frozen.
- (b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 210. (a) Except as specified in subdivision (a)(4), TCS food shall be thawed:

- (1) under refrigeration that maintains the food temperature at forty-one (41) degrees Fahrenheit, five (5) degrees Celsius, or less;
- (2) completely submerged under running water:
 - (A) at a water temperature of seventy (70) degrees Fahrenheit, twenty-one (21) degrees Celsius, or below;
 - (B) with sufficient water velocity to agitate and float off loose particles in an overflow; and
 - (C) for a period of time that does not allow thawed portions of:
 - (i) ready-to-eat food to rise above forty-one (41) degrees Fahrenheit, five (5) degrees Celsius; or
 - (ii) a raw animal food requiring cooking as specified under sections 197(a) and 197(b) of this document to be above forty-one (41) degrees Fahrenheit, five (5) degrees Celsius, for more than four (4) hours including the time:

- (AA) the food is exposed to the running water and the time needed for preparation for cooking; or
- (BB) it takes under refrigeration to lower the food temperature to forty-one (41) degrees Fahrenheit, five (5) degrees Celsius;
- (3) as part of a cooking process if the food that is frozen is:
 - (A) cooked as specified under sections 198(a) or 198(b), section 199 or section 202 of this document; or
 - (B) thawed in a microwave oven and immediately transferred to conventional cooking equipment, with no interruption in the process; or
- (4) using any procedure if a portion of frozen ready-to-eat food is thawed and prepared for immediate service in response to an individual consumer's order.
- (b) Reduced oxygen packaged fish that bears a label indicating that it is to be kept frozen until time of use shall be removed from the reduced oxygen environment prior to:
 - (1) its thawing under refrigeration as specified in subdivision (a)(1); or
 - (2) immediately upon completion of its thawing using procedures specified in subdivision (a)(2).
- (c) For purposes of this section, a violation of section (a)(1) through (a)(3) are a PF item
- (d) For purposes of this section, a violation of section (b) is a CORE item.

Section 211. (a) Cooked TCS food shall be cooled as follows:

- (1) Within two (2) hours from one thirty-five (135) degrees Fahrenheit, fifty-seven (57) degrees Celsius, to seventy (70) degrees Fahrenheit, twenty-one (21) Celsius.
- (2) Within a total of six (6) hours from (135) degrees Fahrenheit, fifty-seven (57) degrees Celsius, to forty-one (41) degrees Fahrenheit, five (5) degrees Celsius, or less.
- (b) TCS food shall be cooled within four (4) hours to forty-one (41) degrees Fahrenheit, five (5) degrees Celsius, or less if prepared from ingredients at ambient temperature, such as reconstituted foods and canned tuna.
- (c) Except as specified under subsection (d), a TCS food received in compliance with laws allowing a temperature above forty-one (41) degrees Fahrenheit, five (5) degrees Celsius, during shipment from the supplier as specified in section 162(b) of this document shall be cooled within four (4) hours to forty-one (41) degrees Fahrenheit, five (5) degrees Celsius, or less.
- (d) Raw chicken eggs shall be received as specified under section 162(c) and immediately placed in refrigerated equipment that maintains an ambient air temperature of forty-five (45) degrees Fahrenheit, seven (7) degrees Celsius, or less.
- (e) For purposes of this section, a violation of subsection (a), (b), (c) or (d) is a P item.

Section 212. (a) Cooling shall be accomplished in accordance with the time and temperature criteria specified under section 211 of this document by using one (1) or more of the following methods based on the type of food being cooled:

- (1) Placing the food in shallow pans.
- (2) Separating the food into smaller or thinner portions.
- (3) Using rapid cooling equipment.
- (4) Stirring the food in a container placed in an ice water bath.
- (5) Using containers that facilitate heat transfer.

- (6) Adding ice as an ingredient.
- (7) Other effective methods.
- (b) When placed in cooling or cold holding equipment, food containers in which food is being cooled shall be:
 - (1) arranged in the equipment to provide maximum heat transfer through the container walls; and
 - (2) loosely covered, or uncovered if protected from overhead contamination as specified under section 181(a)(2) of this document, during the cooling period to facilitate heat transfer from the surface of the food.
- (c) For purposes of this section, a violation of subsection (a) is a PF item.
- (d) For purposes of this section, a violation of subsection (b) is a CORE item.

Section 213. (a) Except during preparation, cooking, or cooling, or when time is used as the public health control as specified under section 216 of this document, and except as specified under (b) and (c), TCS food shall be maintained:

- (1) at one hundred thirty-five (135) degrees Fahrenheit, fifty-seven (57) degrees Celsius, or above, except that roasts cooked to a temperature and for a time specified under section 198(b) of this document or reheated as specified in section 206(e) of this document may be held at a temperature of one hundred thirty (130) degrees Fahrenheit, fifty-four (54) degrees Celsius, or above; or
- (2) at forty-one (41) degrees Fahrenheit, five (5) degrees Celsius, or less.
- (b) Raw chicken eggs that have not been treated to destroy all viable *Salmonellae* shall be stored in refrigerated equipment that maintains an ambient air temperature of forty-five (45) degrees Fahrenheit, seven (7) degrees Celsius, or less.
- (c) TCS food in a homogenous liquid form may be maintained outside of the temperature control requirements, as specified under subsection (a), while contained within specially designed equipment that complies with the design and construction requirements as specified under section 251(a)(5) of this document.
- (d) For purposes of this section, a violation of subsection (a) or (b) is a P item.

Section 214. (a) Except when packaging food using a reduced oxygen packaging method as specified under section 218 of this document, and except as specified in subsection (e), refrigerated, ready-to-eat, TCS food prepared on premises and held in a retail food establishment for more than twenty-four (24) hours shall be clearly marked to indicate the date or day by which the food shall be consumed on the premises, sold, or discarded when held at a temperature of forty-one (41) degrees Fahrenheit, five (5) degrees Celsius, or less for a maximum of seven (7) days. The day of preparation shall be counted as day one (1).

(b) Except as specified in subsections (e) and (f), refrigerated, ready-to-eat, TCS food prepared and packaged by a food processing plant shall be clearly marked, at the time the original container is opened in a retail food establishment and if the food is held for more than twenty-four (24) hours, to indicate the date or day by which the food shall be consumed on the premises, sold, or discarded, based on the temperature and time combinations specified in subsection (a) and the following apply:

- (1) The day the original container is opened in the establishment shall be counted as

day one (1).

(2) The day or date marked by the establishment may not exceed a manufacturer's use-by date if the manufacturer determined the use-by date based on food safety.

(c) A refrigerated, ready-to-eat TCS food or portion of a refrigerated TCS food that is subsequently combined with additional ingredients or portions of food shall retain the date marking of the earliest-prepared or first-prepared ingredient.

(d) A date marking system that meets the criteria stated in subsections (a) and (b) may include:

(1) using a method approved by the regulatory authority for refrigerated, ready-to-eat TCS food that is frequently rewrapped, such as lunchmeat or a roast, or for which date marking is impractical, such as soft serve mix or milk in a dispensing machine;

(2) marking the date or day of preparation, with a procedure to discard the food on or before the last date or day by which the food must be consumed on the premises, sold, or discarded as specified under subsection (a);

(3) marking the date or day the original container is opened in the establishment, with a procedure to discard the food on or before the last date or day by which the food must be consumed on the premises, sold, or discarded as specified under subsection (b); or

(4) using calendar dates, days of the week, color-coded marks, or other effective marking methods, provided that the marking system is disclosed to the regulatory authority upon request.

(e) Subsections (a) and (b) do not apply to:

(1) individual meal portions served or repackaged for sale from a bulk container upon a consumer's request; or

(2) shellstock.

(f) Subsection (b) does not apply to the following foods prepared and packaged by a food processing plant inspected by a regulatory authority:

(1) Deli salads, such as ham salad, seafood salad, chicken salad, egg salad, pasta salad, potato salad, and macaroni salad, manufactured in accordance with 21 CFR 117.

(2) Hard cheeses containing not more than thirty-nine percent (39%) moisture as defined in 21 CFR 133, such as cheddar, gruyere, parmesan, parmigiano reggiano, and romano.

(3) Semi-soft cheeses containing more than thirty-nine percent (39%) moisture, but not more than fifty percent (50%) moisture, as defined in 21 CFR 133, such as blue, edam, gorgonzola, gouda, and monterey jack.

(4) Cultured dairy products as defined in 21 CFR 131, such as yogurt, sour cream, and buttermilk.

(5) Preserved fish products, such as pickled herring and dried or salted cod, and other acidified fish products defined in 21 CFR 114.

(6) Shelf stable, dry fermented sausages, such as pepperoni and genoa.

(7) Shelf stable salt-cured products such as prosciutto and parma (ham).

(g) For purposes of this section, a violation of subsections (a), (b) or (c) is a PF item.

Section 215. (a) A food specified in section 214(a) or 214(b) of this document shall be discarded if it:

(1) exceeds either of the temperature and time combinations specified in section 213(a) except time that the product is frozen;

- (2) is in a container or package that does not bear a date or day; or
- (3) is appropriately marked with a date or day that exceeds a temperature and time combination as specified in section 214(a) of this document.

(b) Refrigerated, ready-to-eat, TCS food prepared in a retail food establishment and dispensed through a vending machine with an automatic shutoff control shall be discarded if it exceeds a temperature and time combination as specified in section 214(a) of this document.

(c) For purposes of this section, a violation of subsection (a) or (b) is a P item.

Section 216. (a) Except as specified under subsection (d), if time without temperature control is used as the public health control for a working supply of TCS food before cooking, or for ready-to-eat TCS food that is displayed or held for sale or service:

(1) written procedures shall be prepared in advance, maintained in the retail food establishment and made available to the regulatory authority upon request that specify:

(A) methods of compliance with (b)(1) through (b)(4), or (c) ; and

(B) methods of compliance with section 211 of this document for food that is prepared, cooked, and refrigerated before time is used as a public health control.

(b) All of the following apply if time without temperature control is used as the public health control up to a maximum of four (4) hours:

(1) The food shall have an initial temperature of forty-one (41) degrees Fahrenheit, five (5) degrees Celsius, or less when removed from cold holding temperature control, or one hundred thirty-five (135) degrees Fahrenheit, fifty-seven (57) degrees Celsius, or greater when removed from hot holding temperature control.

(2) The food may have an initial temperature of seventy (70) degrees Fahrenheit, twenty-one (21) degrees Celsius or less if;

(A) it is a ready-to-eat fruit or vegetable that upon cutting is rendered a time/temperature control for safety food as defined in section 125 of this document;

(B) it is a ready-to-eat hermetically sealed food that upon opening is rendered a time/temperature control for safety food as defined in section 125 of this document ;

(C) the food temperature does not exceed seventy (70) degrees Fahrenheit, twenty-one (21) degrees Celsius, within a maximum time period of 4 hours from the time it was rendered a time/temperature control for safety food; and

(D) the food is marked or otherwise identified to indicate the time that is 4 hours past the point in time when the food is rendered a time/temperature control for safety food as specified in clause (b)(2)(A) and (b)(2)(B).

(3) The food shall be marked or otherwise identified to indicate the time that is four (4) hours past the point in time when the food is removed from temperature control.

(4) The food shall be cooked and served, served at any temperature if ready-to-eat, or discarded, within four (4) hours from the point in time when the food is removed from temperature control.

(5) The food in unmarked containers or packages, or marked to exceed a four (4)-hour limit shall be discarded.

(c) All of the following apply if time without temperature control is used as the public health

control up to a maximum of six (6) hours:

- (1) The food shall have an initial temperature of forty-one (41) degrees Fahrenheit, five (5) degrees Celsius, or less when removed from temperature control and the food temperature may not exceed seventy (70) degrees Fahrenheit, twenty-one (21) degrees Celsius, within a maximum time period of six (6) hours.
 - (2) The food shall be monitored to ensure the warmest portion of the food does not exceed seventy (70) degrees Fahrenheit, twenty-one (21) degrees Celsius, during the 6-hour period, unless an ambient air temperature is maintained that ensures the food does not exceed seventy (70) degrees Fahrenheit, twenty-one (21) degrees Celsius, during the six (6)-hour holding period.
 - (3) The food shall be marked or otherwise identified to indicate:
 - (A) the time when the food is removed from forty-one (41) degrees Fahrenheit, five (5) degrees Celsius, or less cold holding temperature control; and
 - (B) the time that is six (6) hours past the point in time when the food is removed from cold holding temperature control.
 - (4) The food shall be:
 - (A) discarded if the temperature of the food exceeds seventy (70) degrees Fahrenheit, twenty-one (21) degrees Celsius; or
 - (B) cooked and served, served at any temperature if ready-to-eat, or discarded within a maximum of six (6) hours from the point in time when the food is removed from forty-one (41) degrees Fahrenheit, five (5) degrees Celsius, or less cold holding temperature control.
 - (5) The food in unmarked containers or packages, or marked with a time that exceeds the six (6)-hour limit shall be discarded.
- (d) A retail food establishment that serves a highly susceptible population may not use time as specified under subsections (a), (b), or (c) as the public health control for raw eggs.
- (e) For purposes of this section, a violation of subdivision (b)(1), (b)(4), (b)(5), (c)(1), (c)(4) or (c)(5) is a P item.
- (f) For purposes of this section, a violation of subdivision (a), (b)(3), (c)(2) or (c)(3) is a PF item.
- (g) for purposes of the section a violation of subdivision (b)(2) and (d) is a Core item

Section 217. (a) An owner or operator of a retail food establishment must obtain a variance from the department as specified under section 483 of this document before doing the following:

- (1) Smoking food as a method of food preservation rather than as a method of flavor enhancement.
- (2) Curing food.
- (3) Using food additives or adding components such as vinegar:
 - (A) as a method of food preservation rather than as a method of flavor enhancement; or
 - (B) as a method to render a TCS food so that it is no longer TCS.
- (4) Packaging TCS food using a reduced oxygen packaging method except where the growth of and toxin formation by *Clostridium botulinum* and the growth of *Listeria Monocytogenes* are controlled as specified under section 218 of this document.
- (5) Operating a molluscan shellfish life-support system display tank used to store or

display shellfish that are offered for human consumption.

(6) Sprouting seeds or beans.

(7) Freeze drying food.

(8) Fermenting food with or without a casing. A casing is a tubular container for sausage products made of either natural or artificial (synthetic) material.

(9) Preparing food by another method that is determined by the regulatory authority to be a special process that requires a variance.

(b) For purposes of this section, a violation of subsection (a) is a PF item.

Section 218. (a) Except for a retail food establishment that obtains a variance as specified under section 217 of this document, a retail food establishment that packages TCS food using a reduced oxygen packaging method shall control the growth and toxin formation of *Clostridium botulinum* and the growth of *Listeria monocytogenes*.

(b) Except as specified under subsection (f), a retail food establishment that packages TCS food using a reduced oxygen packaging method shall implement a HACCP plan that contains the information specified under sections 486(a)(3) and 486(a)(4) of this document and includes all of the following:

(1) Identifies the food to be packaged.

(2) Except as specified under subsections (c) through (e), requires that the packaged food shall be maintained at forty-one (41) degrees Fahrenheit, five (5) degrees Celsius, or less and meet at least one (1) of the following criteria:

(A) Has an a_w of 0.91 or less.

(B) Has a pH of 4.6 or less.

(C) Is a meat or poultry product cured at a food processing plant regulated by the USDA using substances specified in 9 CFR 424.21 and is received in an intact package.

(D) Is a food with a high level of competing organisms such as raw meat, raw poultry, or raw vegetables.

(3) Describes how the package shall be prominently and conspicuously labeled on the principal display panel in bold type on a contrasting background, with instructions to:

(A) maintain the food at forty-one (41) degrees Fahrenheit, five (5) degrees Celsius, or below; and

(B) discard the food within thirty (30) calendar days of its packaging if:

(1) it is not served for on-premises consumption; or

(2) consumed if served or sold for off-premises consumption.

(4) Limits the refrigerated shelf life to no more than thirty (30) calendar days from packaging to consumption, except the time the product is maintained frozen, or the original manufacturer's "sell by" or "use by" date, whichever occurs first.

(5) Includes operational procedures that include all of the following:

(A) Prohibit contacting ready-to-eat food with bare hands as specified under section 173 of this document.

(B) Identify a designated work area and the method by which:

(i) physical barriers or methods of separation of raw foods and ready-to-eat foods minimize cross contamination; and

eat

- (ii) access to the processing equipment is limited to responsible trained personnel familiar with the potential hazards of the operation.
 - (C) Delineate cleaning and sanitization procedures for food-contact surfaces.
- (6) Describes the training program that ensures that the individual responsible for the reduced oxygen packaging operation understands the:
 - (A) concepts required for a safe operation;
 - (B) equipment and facilities; and
 - (C) procedures specified under subdivision (b)(5) and sections 486(a)(3) and 486(a)(4) of this document.
- (7) Is provided to the regulatory authority prior to implementation as specified under section 485(b) of this document.
- (c) Except for fish that is frozen before, during, and after packaging and bears a label indicating that it is to be kept frozen until time of use, a retail food establishment may not package fish using a reduced oxygen packaging method.
- (d) Except as specified under subsections (c) and (f), a retail food establishment that packages TCS food using a cook-chill or sous vide process shall do the following:
 - (1) Provide to the regulatory authority prior to implementation, a HACCP plan that contains the information as specified under sections 486(a)(3) and 486(a)(4) of this document.
 - (2) Ensure the food is as follows:
 - (A) Prepared and consumed on the premises or prepared and consumed off the premises but within the same business entity with no distribution or sale of the packaged product to another business entity or the consumer.
 - (B) Cooked to heat all parts of the food to a temperature and for a time as specified under sections 198(a), 198(b) and 198(c) of this document.
 - (C) Protected from contamination before and after cooking as specified under sections 173 through 207 of this document.
 - (D) Placed in a package with an oxygen barrier and sealed before cooking or placed in a package and sealed immediately after cooking and before reaching a temperature below one hundred thirty-five (135) degrees Fahrenheit, fifty-seven (57) degrees Celsius.
 - (E) Cooled to forty-one (41) degrees Fahrenheit, five (5) degrees Celsius, in the sealed package or bag as specified under section 192 of this document and:
 - (i) cooled to thirty-four (34) degrees Fahrenheit, one (1) degree Celsius, within forty-eight (48) hours of reaching forty-one (41) degrees Fahrenheit, five (5) degrees Celsius, and held at that temperature until consumed or discarded within thirty (30) days after the date of packaging;
 - (ii) held at forty-one (41) degrees Fahrenheit, five (5) degrees Celsius, for no more than seven (7) days, at which time the food must be consumed or discarded;
 - (iii) Cooled to thirty-four (34) degrees Fahrenheit, one (1) degree Celsius, within forty-eight (48) hours of reaching forty-one (41) degrees Fahrenheit, five (5) degrees Celsius, removed from refrigeration equipment that maintains a thirty-four (34) degrees Fahrenheit, one (1)

degree Celsius, food temperature and then held at 5°C (41°F) or less for no more than seven (7) days, not to exceed thirty (30) days from its date of packaging, at which time the food must be consumed or discarded; or (iv) held frozen with no shelf life restriction while frozen until consumed or used.

(F) Held in a refrigeration unit that is equipped with an electronic system that continuously monitors time and temperature and is visually examined for proper operation twice daily.

equipped (G) If transported off-site to a satellite location of the same business entity, with verifiable electronic monitoring devices to ensure that times and temperatures are monitored during transportation.

(H) Labeled with the product name and the date packaged.

(3) Maintain the records required to confirm that cooling and cold holding refrigeration time and temperature parameters are required as part of the HACCP plan and:

(A) make such records available to the regulatory authority upon request; and

(B) hold such records for at least six (6) months.

(4) Implement written operational procedures as specified under subdivision (b)(5) and a training program as specified under subdivision (b)(6).

(e) Except as specified under subsection (f) a retail food establishment that packages cheese using a reduced oxygen packaging method shall do all of the following:

(1) Limit the cheeses packaged to those that are commercially manufactured in a food processing plant with no ingredients added in the retail food establishment and that meet the standards of identity as specified in 21 CFR 133.150, 21 CFR 133.169, or 21 CFR 133.187.

(2) Have a HACCP plan that contains the information specified under sections 486(a)(3) and 486(a)(4) of this document and as specified under subdivision (b)(1), clause (b)(3)(A), and subdivisions (b)(5) and (b)(6).

(3) Label the package on the principal display panel with a "use by" date that does not exceed thirty (30) days from its packaging or the original manufacturer's "sell by" or "use by" date, whichever occurs first.

(4) Discard the reduced oxygen packaged cheese if it is not sold for off-premises consumption or consumed within thirty (30) calendar days of its packaging.

(f) A HACCP plan is not required when a retail food establishment uses a reduced oxygen packaging method to package TCS food that is always:

(1) labeled with the production time and date;

(2) held at forty-one (41) degrees Fahrenheit, five (5) degrees Celsius, or less during refrigerated storage; and

(3) removed from its package in the retail food establishment within forty-eight (48) hours after packaging.

(g) For purposes of this section, a violation of subsection (a), subdivision (b)(4), subsection (c), clause (d)(2)(B), (d)(2)(C), (d)(2)(D), (d)(2)(E), or subdivision (e)(1) is a P item.

(h) For purposes of this section, a violation of subdivision (b)(1), (b)(2), (b)(3), (b)(5), (b)(6), subdivision (d)(1), clause (d)(2)(A), (d)(2)(F), (d)(2)(G), or (d)(2)(H), subdivision (d)(3), subdivision (d)(4), subdivision (e)(2), (e)(3), or (e)(4) is a PF item.

(i) For purposes of this section, a violation of subdivision (b)(7) is a CORE item.

Section 219. (a) Packaged food shall comply with standards of identity requirements in [21 CFR 131-169](#) and [9 CFR 319](#), and the general requirements in [21 CFR 130](#) and [9 CFR 319 Subpart A](#).

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 220. (a) Food shall be offered for human consumption in a way that does not mislead or misinform the consumer.

(b) Food or color additives, colored overwraps, or lights may not be used to misrepresent the true appearance, color, or quality of a food.

(c) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

Section 221. (a) Food packaged in a retail food establishment shall be labeled as specified in law, including the following:

- (1) IC 16-42-1;
- (2) IC 16-42-2;
- (3) 410 IAC 7-5;
- (4) 21 CFR 101;
- (5) 9 CFR 317;

(b) Label information shall include all of the following:

- (1) The common name of the food or, absent a common name, an adequately descriptive identity statement;
- (2) If made from two (2) or more ingredients, a list of ingredients in descending order of predominance by weight, including a declaration of artificial color or flavor and chemical preservatives if contained in the food;
- (3) An accurate declaration of the net quantity of contents;
- (4) The name and place of business of the manufacturer, packer, or distributor;
- (5) The name of the food source for each major food allergen contained in the food unless the food source is already part of the common or usual name of the respective ingredient;
- (6) Except as exempted in the Federal Food, Drug, and Cosmetic Act 414(q)(3)-(5), nutrition labeling as specified in 21 CFR 101 and 9 CFR 317 Subpart B;
- (7) For any salmonid fish containing canthaxanthin or astaxanthin as a color additive, the labeling of the bulk fish container, including a list of ingredients, displayed on the retail container or by other written means, such as a counter card, that discloses the use of canthaxanthin or astaxanthin;

(c) Bulk food, either packaged or unpackaged, that is available for consumer self dispensing and not intended for immediate consumption shall be prominently labeled with either of the following information in plain view of the consumer:

- (1) The manufacturer's or processor's label that was provided with the food;
- (2) A card, sign, or other method of notification that includes the information specified under subdivisions (b)(1), (b)(2), (b)(5) and (b)(6);

(d) Bulk, unpackaged food such as bakery products and unpackaged foods that are portioned to consumer specifications need not be labeled if:

- (1) a health, nutrient content, or other claim is not made; and

(2) the food is manufactured or prepared on the premises of the retail food establishment or a food processing plant that is owned by the same person and is regulated by the food regulatory agency that has jurisdiction.

(e) For purposes of this section, a violation of subdivision (b)(5) is a PF item.

(f) For purposes of this section, a violation of subsection (a), subdivision (b)(1), (b)(2), (b)(3), (b)(4), (b)(6), (b)(7), subsection (c) or (d) is a CORE item.

Section 222. (a) Retail food establishment or manufacturers' dating information on foods may not be concealed or altered.

(b) The person-in-charge shall notify consumers by written notification of the presence of major food allergens as an ingredient in unpackaged food items that are served or sold to the consumer.

(c) For purposes of this section, a violation of subsection (a), (b) or (c) is a CORE item.

Section 223. (a) Except as specified in sections 198(c), 198(d)(4), and 225(a)(3) of this document, if a food of animal origin such as:

- (1) beef;
- (2) eggs;
- (3) fish;
- (4) lamb;
- (5) milk;
- (6) pork;
- (7) poultry; or
- (8) shellfish

is served or sold raw, undercooked, or without otherwise being processed to eliminate pathogens, either in ready-to-eat form or as an ingredient in another ready-to-eat food, the owner or operator of the retail food establishment shall inform consumers of the significantly increased risk of consuming such foods by way of a disclosure and reminder, as specified in subsections (b) and (c) using brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written or visual means.

(b) A disclosure shall include:

- (1) a description of the animal-derived foods, such as:
 - (A) "Oysters on the half shell (raw oysters)";
 - (B) "Raw-egg Caesar salad"; and
 - (C) "Hamburgers (can be cooked to order)"; or

- (2) identification of the animal-derived foods by asterisking them to a footnote that states that the items are served raw or undercooked or contain (or may contain) raw or undercooked ingredients.

(c) A reminder shall include asterisking the animal-derived foods requiring disclosure to a footnote that states one (1) of the following:

- (1) Regarding the safety of these items, written information is available upon request.
- (2) Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness.
- (3) Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a PF item.

Section 224. (a) A food that is unsafe, adulterated, misbranded, or not honestly presented as specified under sections 154 or 220 of this document shall be reconditioned according to an approved procedure or discarded.

(b) Food that is not from an approved source as specified under sections 155 through 161 of this document shall be discarded.

(c) Ready-to-eat food that may have been contaminated by an employee who has been restricted or excluded as specified under section 138 of this document shall be discarded.

(d) Food that is contaminated by food employees, consumers, or other persons through contact with soiled hands, bodily discharges, such as nasal or oral discharges, or other means shall be discarded.

(e) Infant formula shall not be sold for infant consumption or served to infants past the date on the container.

(f) For purposes of this section, a violation of subsection (a), (b), (c), (d) or (e) is a P item.

Section 225. (a) All of the following apply in a retail food establishment that serves a highly susceptible population:

(1) The following criteria apply to juice:

(A) For purposes of this subdivision only, children who are nine (9) years of age or less and receive food in a school, day care setting or similar facility that provides custodial care are included as highly susceptible populations;

(B) Prepackaged juice or a prepackaged beverage containing juice, that bears a warning label as specified in 21 CFR 101.17(g) or as specified under section 207(a) of this document may not be served or offered for sale;

(C) Unpackaged juice that is prepared on the premises for service or sale in a ready-to-eat form shall be processed under a HACCP plan that contains the information specified in section 486(a)(2) through 486(a)(5) of this document and as specified under 21 CFR 120 Subpart B 120.24;

(2) Pasteurized eggs or egg products shall be substituted for raw eggs in the preparation of the following:

(A) Foods, such as the following:

(i) Caesar salad;

(ii) Hollandaise or Béarnaise sauce;

(iii) Mayonnaise;

(iv) Meringue;

(v) Eggnog;

(vi) Ice cream;

(vii) Egg-fortified beverages;

(B) Except as specified in subdivision (a)(6), recipes in which more than one (1) egg is broken and the eggs are combined;

(3) The following foods may not be served or offered for sale in a ready-to-eat form:

(A) Raw food of animal origin, such as the following:

(i) Raw fish.

- (ii) Raw-marinated fish;
 - (iii) Raw molluscan shellfish;
 - (iv) Steak tartare;
- (B) A partially cooked food of animal origin, such as the following:
 - (i) Lightly cooked fish;
 - (ii) Rare meat;
 - (iii) Soft-cooked eggs that are made from raw eggs;
 - (iv) Meringue;
- (C) Raw seed sprouts;
- (D) Packaged food as specified under section 202;
- (4) Food employees may not contact ready-to-eat food as specified under sections 173(b) and 173(e) of this document;
- (5) Time only as a public health control as specified under section 216(d) of this document may not be used for raw eggs;
- (6) Clause (a)(2)(B) does not apply if:
 - (A) the raw eggs are combined:
 - (i) immediately before cooking for one consumer's serving at a single meal, cooked as specified under section 198(a)(1) of this document, and served immediately, such as an omelet, soufflé, or scrambled eggs; or
 - (ii) as an ingredient immediately before baking and the eggs are thoroughly cooked to a ready-to-eat form, such as a cake, muffin, or bread; or
 - (B) the preparation of the food is conducted under a HACCP plan that meets all of the following:
 - (i) Identifies the food to be prepared.
 - (ii) Prohibits contacting ready-to-eat food with bare hands.
 - (iii) Includes specifications and practices that ensure the following:
 - (AA) Salmonella enteritidis growth is controlled before and after cooking.
 - (BB) Salmonella enteritidis is destroyed by cooking the eggs according to the temperature and time specified in section 198(a)(2) of this document.
 - (iv) Contains the information specified under section 486(a)(4) of this document including procedures that:
 - (AA) control cross contamination of ready-to-eat food with raw eggs; and
 - (BB) delineate cleaning and sanitization procedures for food-contact surfaces;
 - (v) Describes the training program that ensures that the food employee responsible for the preparation of the food understands the procedures to be used;
- (7) Except as specified in subdivision (a)(8), food may be re-served as specified under sections 196(b)(1) and 196(b)(2) of this document;
- (8) Food may not be re-served under the following conditions:

(A) Any food served to patients or clients who are under contact precaution in medical isolation or quarantine, or protective environment isolation may not be re-served to others outside.

(B) Packages of food from any patient, clients, or other consumers must not be re-served to persons in protective environmental isolation;

(b) For purposes of this section, a violation of clause (a)(1)(B), (a)(1)(C), (a)(2)(A), (a)(2)(B), or (a)(3) through (a)(5) is a P item.

(c) For purposes of this section, a violation of clause (a)(1)(A) is a CORE item.

Section 226. (a) Except for wood used as specified in subsection 232(c) of this document, materials that are used in the construction of utensils and food-contact surfaces of equipment may not allow the migration of deleterious substances or impart colors, odors, or tastes to food and under normal use conditions shall be:

(1) Safe;

(2) Durable, corrosion-resistant, and nonabsorbent;

(3) Sufficient in weight and thickness to withstand repeated warewashing;

(4) Finished to have a smooth, easily cleanable surface; and

(5) Resistant to the following:

(A) Pitting;

(B) Chipping;

(C) Crazing;

(D) Scratching;

(E) Scoring;

(F) Distortion;

(G) Decomposition;

(b) For purposes of this section, a violation of subdivision (a)(1) is a P item.

(c) For purposes of this section, a violation of subdivision (a)(2), (a)(3), (a)(4) or (a)(5) is a CORE item.

Section 227. (a) Except as specified in subsections (b) and (c), cast iron may not be used for utensils or food-contact surfaces of equipment.

(b) Cast iron may be used as a surface for cooking.

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

(d) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 228. (a) Ceramic, china, crystal utensils, and decorative utensils, such as hand painted ceramic or china, that are used in contact with food shall be lead-free or contain levels of lead not exceeding the limits of the following utensil categories:

Utensil Category	Ceramic Article Description	Maximum Lead ppm (mg/L)

Beverage Mugs, Cups Pitchers	Coffee Mugs	0.5
Large Hollowware (excluding pitchers)	Bowls \geq 1.16 Quart (1.1 Liter)	1
Small Hollowware (excluding cups and mugs)	Bowls $<$ 1.16 Quart (1.1 Liter)	2
Flat Tableware	Plates, Saucers	3

(b) Pewter alloys containing lead in excess of 0.05% ppm (mg/L) may not be used as a food-contact surface.

(c) Solder and flux containing lead in excess of 0.2% ppm (mg/L) may not be used as a food-contact surface.

(d) For purposes of this section, a violation of subsection (a) or (b) is a P item;

(e) For purposes of this section, a violation of subsection (c) is a CORE item.

Section 229. (a) Except as specified in subsection (b), copper and copper alloys, such as brass, may not be used in contact with a food that has a pH below six (6), such as vinegar, fruit juice, or wine; or for a fitting or tubing installed between a backflow prevention device and a carbonator.

(b) Copper and copper alloys may be used in contact with beer brewing ingredients that have a pH below six (6) in the pre-fermentation and fermentation steps of a beer brewing operation, such as a brewpub or microbrewery.

(c) For purposes of this section, a violation of subsection (a) is a P item.

Section 230. (a) Galvanized metal may not be used for utensils or food-contact surfaces of equipment that are used in contact with acidic food.

(b) For purposes of this section, a violation of subsection (a) is a P item.

Section 231. (a) Sponges may not be used in contact with cleaned and sanitized or in-use food-contact surfaces.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 232. (a) Except as specified in subsections (b), (c), (d), and (e), wood and wood wicker may not be used as a food-contact surface.

(b) Hard maple or an equivalently hard, close-grained wood may be used for equipment such as:

- (1) cutting boards;
- (2) cutting blocks;
- (3) bakers' tables;
- (4) rolling pins;
- (5) doughnut dowels;

- (6) salad bowls;
 - (7) chopsticks; and
 - (8) wooden paddles used in confectionery operations for pressure scraping kettles when manually preparing confections at a temperature of two hundred thirty (230) degrees Fahrenheit, one hundred ten (110) degrees Celsius, or above.
- (c) A wood plank, such as cedar, may be used to impart flavor to baked fish if the plank is:
- (1) untreated by having had no chemicals or preservatives of any kind added to the wood;
 - (2) used only for baking fish;
 - (3) not served to, or displayed in the presence of a consumer;
 - (4) cleaned after each use with hot water as specified in section 313 of this document; and
 - (5) stored dry or covered and frozen during periods of non-use.
- (d) Whole, uncut, raw fruits and vegetables, and nuts in the shell may be kept in the wood shipping containers in which they were received, until the fruits, vegetables, or nuts are used.
- (e) If the nature of the food requires removal of rinds, peels, husks, or shells before consumption, the whole, uncut, raw food may be kept in:
- (1) untreated wood containers; or
 - (2) treated wood containers if the containers are treated with a preservative that meets 21 CFR 178.3800.
- (f) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 233. (a) Multiuse kitchenware, such as:

- (1) frying pans;
 - (2) griddles;
 - (3) saucepans;
 - (4) cookie sheets; and
 - (5) waffle bakers that have a perfluorocarbon resin coating shall be used with non-scoring or non-scratching utensils and cleaning aids.
- (b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 234. (a) Nonfood-contact surfaces of equipment that are exposed to splash, spillage, or other food soiling or that require frequent cleaning shall be constructed of a corrosion-resistant, nonabsorbent, and smooth material.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 235. (a) Materials that are used to make single-service and single-use articles may not:

- (1) allow the migration of deleterious substances; or
 - (2) impart colors, odors, or tastes to food.
- (b) The materials in subsection (a) shall be:
- (1) safe; and
 - (2) clean.
- (c) For purposes of this section, a violation of subdivision (a)(1) or (b)(1) is a P item.
- (d) For purposes of this section; a violation of subdivision (a)(2) or (b)(2) is a CORE item.

Section 236. (a) Equipment and utensils shall be designed and constructed to be durable and to retain their characteristic qualities under normal use conditions.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 237. (a) Food temperature measuring devices may not have sensors or stems constructed of glass, except that thermometers with glass sensors or stems that are encased in a shatterproof coating such as candy thermometers may be used.

(b) For purposes of this section, a violation of subsection (a) is a P item.

Section 238. (a) Except for wood used as specified in subsection 232(c) of this document, multiuse food-contact surfaces shall be as follows:

(1) Smooth.

(2) Free of:

(A) breaks;

(B) open seams;

(C) cracks;

(D) chips;

(E) inclusions;

(F) pits; or

(G) similar imperfections.

(3) Free of sharp internal angles, corners, and crevices.

(4) Finished to have smooth welds and joints.

(5) Except as specified in subsection (b), accessible for cleaning and inspection either:

(A) without being disassembled;

(B) disassembling without the use of tools; or

(C) by easy disassembling with the use of common tools available to maintenance and cleaning personnel, such as screwdrivers, pliers, and

wrenches.

(b) Subdivision (a)(5) does not apply to the following:

(1) Cooking oil storage tanks.

(2) Distribution lines for cooking oils.

(3) Beverage syrup lines or tubes.

(c) For purposes of this section, a violation of subsection (a) is a PF item.

Section 239. (a) CIP equipment shall meet the characteristics specified under section 238 of this document and shall be designed and constructed so that:

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

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

(b) CIP equipment that is not designed to be disassembled for cleaning shall be designed with inspection access points to ensure that all interior food-contact surfaces throughout the fixed system are being effectively cleaned.

(c) For purposes of this section, a violation of subdivision (a)(1) is a PF item.

(d) For purposes of this section, a violation of subdivision (a)(2) or subsection (b) is a CORE item.

Section 240. (a) “V” type threads may not be used on food-contact surfaces, except for hot oil cooking or filtering equipment.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 241. (a) Hot oil filtering equipment shall meet the characteristics specified under sections 238 and 239 of this document, and shall be readily accessible for filter replacement and cleaning of the filter.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 242. (a) Cutting or piercing parts of can openers shall be readily removable for cleaning and for replacement.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 243. (a) Nonfood-contact surfaces shall be free of unnecessary ledges, projections, and crevices, and designed and constructed to allow easy cleaning and to facilitate maintenance.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 244. (a) Kick plates shall be designed so that the areas behind them are accessible for inspection and cleaning by being:

(1) removable by one of the methods specified under subdivision 238(a)(5) of this document or capable of being rotated open; and

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

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 245. (a) Filters or other grease extracting equipment shall be designed to be readily removable for cleaning and replacement if not designed to be cleaned in place.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 246. (a) Food temperature measuring devices that are scaled only in Fahrenheit shall be accurate to plus or minus two (± 2) degrees Fahrenheit in the intended range of use.

(b) Food temperature measuring devices that are scaled only in Celsius or dually scaled in Celsius and Fahrenheit shall be accurate to plus or minus one (± 1) degree Celsius in the intended range of use.

(c) For purposes of this section, a violation of subsection (a) or (b) is a PF item.

Section 247. (a) Ambient air and water temperature measuring devices that are scaled in Fahrenheit shall be accurate to plus or minus three (± 3) degrees Fahrenheit in the intended range of use.

(b) Ambient air and water temperature measuring devices that are dually scaled in Celsius and Fahrenheit shall be designed to be easily readable and accurate to plus or minus one and five tenths (± 1.5) degrees Celsius in the intended range of use.

(c) For purposes of this section, a violation of subsection (a) or (b) is a PF item.

Section 248. (a) Pressure measuring devices that display the pressures in the water supply line for the fresh hot water sanitizing rinse shall have increments of one pound per square inch (7 kilopascals) or smaller and shall be accurate to plus or minus two (± 2) pounds per square inch (± 14 kilopascals) in the range indicated on the manufacturer's data plate.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 249. (a) Exhaust ventilation hood systems in food preparation and warewashing areas, including components, such as hoods, fans, guards, and ducting, shall be designed to prevent grease or condensation from draining or dripping onto the following:

- (1) Food;
- (2) Equipment;
- (3) Utensils;
- (4) Linens;
- (5) Single-service and single-use articles;

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 250. (a) A cover or lid for equipment shall overlap the opening and be sloped to drain.

(b) An opening located within the top of a unit of equipment that is designed for use with a cover or lid shall be flanged upward at least two-tenths (.2) of an inch (5 millimeters).

(c) Except as specified under subsection (d):

- (1) fixed piping;
- (2) temperature measuring devices;
- (3) rotary shafts; and
- (4) other parts extending into equipment;

shall be provided with a watertight joint at the point where the item enters the equipment.

(d) If a watertight joint is not provided:

(1) the piping, temperature measuring devices, rotary shafts, and other parts extending through the openings shall be equipped with an apron designed to deflect condensation, drips, and dust from openings into the food; and

(2) the opening shall be flanged as specified in subsection (b).

(e) For purposes of this section, a violation of subsection (a), (b), (c) or (d) is a CORE item.

Section 251. (a) In equipment that dispenses or vends liquid food or ice in unpackaged form, the following applies:

(1) The delivery tube, chute, orifice, and splash surfaces directly above the container receiving the food shall be designed in a manner, such as with barriers, baffles, or drip aprons, so that drips from condensation and splash are diverted from the opening of the container receiving the food.

(2) The delivery tube, chute, and orifice shall be protected from manual contact, such as by being recessed.

(3) The delivery tube or chute and orifice of equipment used to vend liquid food or ice in unpackaged form to self-service consumers shall be designed so that the delivery tube or

chute and orifice are protected from dust, insects, rodents, and other contamination by a self-closing door if the equipment is:

(A) located in an outside area that does not otherwise afford the protection of an enclosure against the:

(i) rain;

(ii) windblown debris;

(iii) insects;

(iv) rodents; and

(v) other contaminants that are present in the environment; or

(B) available for self-service during hours when it is not under the full-time supervision of a food employee.

(4) The dispensing equipment actuating lever or mechanism and filling device of consumer self-service beverage dispensing equipment shall be designed to prevent contact with the lip-contact surface of glasses or cups that are refilled.

(5) Dispensing equipment in which TCS food in a homogenous liquid form is maintained outside of the temperature control requirements as specified under section 213(a) of this document shall:

(A) be specifically designed and equipped to maintain the commercial sterility of aseptically packaged food in a homogenous liquid form for a specified duration from the time of opening the packaging within the equipment; and

(B) conform to the requirements for this equipment as specified in NSF/ANSI 18-2006, Manual Food and Beverage Dispensing Equipment.

(b) For purposes of this section, a violation of subdivision (a)(5) is a P item.

(c) For purposes of this section, a violation of subdivision (a)(1), (a)(2), (a)(3), or (a)(4) is a CORE item.

Section 252. (a) The dispensing compartment of a vending machine, including a machine that is designed to vend prepackaged snack food that is not TCS food, such as chips, party-mixes, and pretzels, shall be equipped with a self-closing door or cover if the machine is:

(1) located in an outside area that does not otherwise afford the protection of an enclosure against the:

(A) rain;

(B) windblown debris;

(C) insects;

(D) rodents; and

(E) other contaminants that are present in the environment; or

(2) available for self-service during hours when it is not under the full-time supervision of a food employee.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 253. (a) Equipment containing bearings and gears that require lubricants shall be designed and constructed so that the lubricant cannot leak, drip, or be forced into food or onto food-contact surfaces.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 254. (a) Beverage tubing and cold-plate beverage cooling devices may not be installed in contact with ice stored for human consumption, except for cold plates that are constructed integrally with an ice storage bin.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 255. (a) Liquid waste drain lines may not pass through an ice machine or ice storage bin.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 256. (a) If a condenser unit is an integral component of equipment, the condenser unit shall be separated from the food and food storage space by a dustproof barrier.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 257. (a) Cutting or piercing parts of can openers on vending machines shall be protected from all of the following:

- (1) Manual contact;
- (2) Dust;
- (3) Insects;
- (4) Rodents;
- (5) Other contamination;

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 258. (a) Except as specified under subsection (b), molluscan shellfish life support system display tanks may not be used to store or display shellfish that are offered for human consumption and shall be conspicuously marked so that it is obvious to the consumer that the shellfish are for display only.

(b) Molluscan shellfish life-support system display tanks that are used to store or display shellfish that are offered for human consumption shall be operated and maintained in accordance with a HACCP Plan approved under a variance granted by the department, as specified in section 483 of this document and:

- (1) is submitted by the owner or operator and approved; and
- (2) ensures that:
 - (A) water used with fish other than molluscan shellfish does not flow into the molluscan tank;
 - (B) the safety and quality of the shellfish as they were received are not compromised by the use of the tank; and
 - (C) the identity of the source of the shellstock is retained as specified under section 172 of this document.

(c) For purposes of this section, a violation of subsection (a) is a P item.

(d) For purposes of this section, a violation of subsection (b) is a PF item.

Section 259. (a) A machine vending TCS food shall have an automatic control that prevents the machine from vending food:

- (1) if there is a power failure, mechanical failure, or other condition that results in an

internal machine temperature that cannot maintain food temperatures as specified under sections 154 through 225 of this document; and

(2) if a condition specified under subdivision (a)(1) occurs, until the machine is serviced and restocked with food that has been maintained at temperatures specified under sections 154 through 225 of this document.

(b) When the automatic shutoff within a machine vending for TCS food is activated:

(1) in a refrigerated vending machine, the ambient temperature may not exceed forty-one (41) degrees Fahrenheit, five (5) degrees Celsius, for more than thirty (30) minutes immediately after the machine is filled, serviced, or restocked; or

(2) in a hot holding vending machine, the ambient temperature may not be less than one hundred thirty-five (135) degrees Fahrenheit, fifty-seven (57) degrees Celsius, for more than one hundred twenty (120) minutes immediately after the machine is filled, serviced, or restocked.

(c) A vending machine shall legibly display information on the consumer-facing side of each unit indicating the name, address, and telephone number, or website containing similar contact information, for the business responsible for the vending machine.

(d) For purposes of this section, a violation of subsection (c) is a CORE item.

(e) For purposes of this section, a violation of subsection (a) or (b) is a P item

Section 260. (a) In a mechanically refrigerated or hot food storage unit, the sensor of a temperature measuring device shall be located to measure the air temperature or a simulated product temperature in the warmest part of a mechanically refrigerated unit and in the coolest part of a hot food storage unit.

(b) Except as specified in subsection (c), cold or hot holding equipment used for TCS food shall be designed to include and shall be equipped with at least one integral or permanently affixed temperature measuring device that is located to allow easy viewing of the device's temperature display.

(c) Subsection (b) does not apply to equipment for which the placement of a temperature measuring device is not a practical means for measuring the ambient air surrounding the food because of the design, type, and use of the equipment, such as:

(1) calrod units;

(2) heat lamps;

(3) cold plates;

(4) bainmaries;

(5) steam tables;

(6) insulated food transport containers; and

(7) salad bars.

(d) Temperature measuring devices shall be designed to be easily readable.

(e) Food temperature measuring devices and water temperature measuring devices on warewashing machines shall have a numerical scale, printed record, or digital readout in increments no greater than two (2) degrees Fahrenheit, one (1) degree Celsius, in the intended range of use.

(f) For purposes of this section, a violation of subsection (e) is a PF item.

(g) For purposes of this section, a violation of subsection (a), (b) or (d) is a CORE item.

Section 261. (a) A warewashing machine shall be provided with an easily accessible and readable data plate affixed to the machine by the manufacturer that indicates the machine's design and operating specifications, including all of the following:

- (1) The temperatures required for washing, rinsing, and sanitizing.
- (2) The pressure required for the freshwater sanitizing rinse unless the machine is designed to use only a pumped sanitizing rinse.
- (3) The conveyor speed for conveyor machines or cycle time for stationary rack machines.

machines.

(b) For purposes of this section, a violation of subsection (a) is a CORE item

Section 262. (a) Warewashing machine wash and rinse tanks shall be equipped with:

- (1) baffles;
- (2) curtains; or
- (3) other means to minimize internal cross-contamination of the solutions in wash and rinse tanks.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 263. (a) A warewashing machine shall be equipped with a temperature measuring device that indicates the temperature of the water:

- (1) in each wash and rinse tank; and
- (2) as the water enters the hot water sanitizing final rinse manifold or in the chemical sanitizing solution tank.

(b) For purposes of this section, a violation of subsection (a) is a PF item.

Section 264. (a) If hot water is used for sanitization in manual warewashing operations, the sanitizing compartment of the sink shall be:

- (1) designed with an integral heating device that is capable of maintaining water at a temperature not less than one hundred seventy (170) degrees Fahrenheit, seventy-seven (77) degrees Celsius; and
- (2) provided with a rack or basket to allow complete immersion of equipment and utensils into the hot water.

(b) For purposes of this section, a violation of subsection (a) is a PF item.

Section 265. (a) A warewashing machine that is installed after the effective date of this document shall be equipped to:

- (1) automatically dispense detergents and sanitizers; and
- (2) incorporate a visual means to verify that detergents and sanitizers are delivered or a visual or audible alarm to signal if the detergents and sanitizers are not delivered to the respective washing and sanitizing cycles.

(b) For purposes of this section, a violation of subsection (a) is a PF item.

Section 266. (a) Warewashing machines that provide a fresh hot water sanitizing rinse shall be equipped with a pressure gauge or similar device, such as a transducer, that measures and

displays the water pressure in the supply line immediately before entering the warewashing machine.

(b) If the flow pressure measuring device is upstream of the fresh hot water sanitizing rinse control valve, the device shall be mounted in a one-fourth ($\frac{1}{4}$) inch iron pipe size (IPS) or six and four tenths (6.4) millimeter valve.

(c) Subsections (a) and (b) do not apply to a machine that uses only a pumped or recirculated sanitizing rinse.

(d) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

Section 267. (a) Sinks and drainboards of warewashing sinks and machines shall be self-draining.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 268. (a) Equipment compartments that are subject to accumulation of moisture due to conditions, such as:

- (1) condensation;
- (2) food or beverage drip; or
- (3) water from melting ice;

shall be sloped to an outlet that allows complete draining.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 269. (a) Vending machines designed to store beverages that are packaged in containers made from paper products shall be equipped with diversion devices and retention pans or drains for container leakage.

(b) Vending machines that dispense liquid food in bulk shall be as follows:

(1) Provided with an internally mounted waste receptacle for the collection of the following:

- (A) Drip;
- (B) Spillage;
- (C) Overflow;
- (D) Other internal wastes;

(2) Equipped with an automatic shutoff device that will place the machine out of operation before the waste receptacle overflows.

(c) Shutoff devices, specified under subdivision (b)(2), shall prevent water or liquid food from continuously running if there is a failure of a flow control device in the water or liquid food system or waste accumulation that could lead to overflow of the waste receptacle.

(d) For purposes of this section, a violation of subsection (a), (b) or (c) is a CORE item.

Section 270. (a) Equipment, such as dollies, pallets, racks, and skids used to store and transport large quantities of packaged foods received from a supplier in a cased or overwrapped lot, shall be designed to be moved by hand or by conveniently available equipment, such as hand trucks and forklifts.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 271. (a) Vending machine doors and access opening covers to food and container storage spaces shall be tight-fitting when closed, so that the space along the entire interface between the doors or covers and the cabinet of the machine is no greater than one-sixteenth ($1/16$) inch (1.5 millimeters) by using one of the following methods:

(1) Being covered with louvers, screens, or materials that provide an equivalent opening of not greater than one-sixteenth ($1/16$) inch (1.5 millimeters).

(2) Being effectively gasketed.

(3) Having interface surfaces that are at least one-half ($1/2$) inch wide (13 millimeters), or

(4) Jambs or surfaces used to form an L-shaped entry path to the interface.

(b) Vending machine service connection openings through an exterior wall of a machine shall be closed by sealants, clamps, or grommets so that the openings are no larger than one-sixteenth ($1/16$) inch (1.5 millimeters).

(c) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

Section 272. (a) Food equipment that is certified or classified for sanitation in conformance to a recognized American National Standard Institute (ANSI) accredited certification program is deemed to comply with sections 226 through 272 of this document.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 273. (a) Equipment for cooling and heating food and holding cold and hot food shall be sufficient in number and capacity to provide food temperatures as specified under sections 154 through 225 of this document.

(b) For purposes of this section, a violation of subsection (a) is a PF item.

Section 274. (a) Except as specified in subsection (c), a sink with at least three (3) compartments shall be provided for manually washing, rinsing, and sanitizing equipment and utensils.

(b) Sink compartments shall be large enough to accommodate immersion of the largest equipment and utensils. If equipment or utensils are too large for the warewashing sink, a warewashing machine or alternative equipment as specified in subsection (c) shall be used.

(c) Alternative manual warewashing equipment may be used when there are special cleaning needs or constraints, and its use is approved. Alternative manual warewashing equipment may include:

(1) high-pressure detergent sprayers;

(2) low-pressure detergent sprayers;

(3) other task-specific cleaning equipment;

(4) brushes or other implements;

(5) two (2) compartment sinks as specified under subsections (d) and (e); or

(6) receptacles that substitute for the compartments of a multicompartment sink.

(d) Before a two (2) compartment sink is used:

(1) the retail food establishment shall have its use approved; and

(2) The operator shall limit the number of kitchenware items cleaned and sanitized in the 2-compartment sink, and shall limit warewashing to batch operations for cleaning kitchenware such as between cutting one type of raw meat and another or cleanup at the

end of a shift, and shall:

(A) make up the cleaning and sanitizing solutions immediately before use and drain them immediately after use, and

(B) use a detergent-sanitizer to sanitize and apply the detergent-sanitizer in accordance with the manufacturer's label instructions and as specified under section 300, or use a hot water sanitization immersion step as specified under subdivision 315(a)(3) of this document.

(e) A two (2) compartment sink may not be used for warewashing operations where cleaning and sanitizing solutions are used for a continuous or intermittent flow of kitchenware or tableware in an ongoing warewashing process.

(f) For purposes of this section, a violation of subsection (a) or (b) is a PF item;

(g) For purposes of this section, a violation of subsection (d) or (e) is a CORE item.

Section 275. (a) Drainboards, utensil racks, or tables large enough to accommodate all soiled and cleaned items that may accumulate during hours of operation shall be provided for necessary utensil holding before cleaning and after sanitizing.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 276. (a) Ventilation hood systems and devices shall meet the requirements of the 675 IAC 13 and be sufficient in number and capacity to prevent grease or condensation from collecting on walls and ceilings.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 277. (a) Except as specified in subsection (b), if work clothes or linens are laundered on the premises, a mechanical clothes washer and dryer shall be provided and used.

(b) If on-premises laundering is limited to wiping cloths intended to be used wet, or wiping cloths are air-dried as specified under section 325 of this document, a mechanical clothes washer and dryer need not be provided.

(c) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 278. (a) A food dispensing utensil shall be available for each container displayed at a consumer self-service unit, such as a buffet or salad bar.

(b) For purposes of this section, a violation of subsection (a) is a PF item.

Section 279. (a) Food temperature measuring devices shall be provided and readily accessible for use in ensuring attainment and maintenance of food temperatures as specified under sections 154 through 225 of this document.

(b) A temperature measuring device with a suitable small diameter probe that is designed to measure the temperature of thin masses shall be provided and readily accessible to accurately measure the temperature in thin foods such as meat patties and fish filets.

(c) For purposes of this section, a violation of subsection (a) or (b) is a PF item.

Section 280. (a) In manual warewashing operations, a temperature measuring device shall be provided and readily accessible for frequently measuring the washing and sanitizing

temperatures.

(b) In hot water mechanical warewashing operations, an irreversible registering temperature indicator shall be provided and readily accessible for measuring the utensil surface temperature.

(c) For purposes of this section, a violation of subsection (a) or (b) is a PF item.

Section 281. (a) A test kit or other device that accurately measures the concentration in ppm of sanitizing solutions shall be provided.

(b) For purposes of this section, a violation of subsection (a) is a PF item.

Section 282 (a) Cleaning agents that are used to clean equipment and utensils as specified under sections 306 through 315 of this document, shall be provided and available for use during all hours of operation.

(b) Except for those that are generated on-site at the time of use, chemical sanitizers that are used to sanitize equipment and utensils as specified under sections 316 through 318 of this document, shall be provided and available for use during all hours of operation.

(c) For purposes of this section, a violation of subsection (a) or (b) is a PF item.

Section 283. (a) Except as specified in subsection (b), equipment, a cabinet used for the storage of food, or a cabinet that is used to store cleaned and sanitized equipment, utensils, laundered linens, and single-service and single-use articles may not be located as follows:

(1) In:

(A) locker rooms;

(B) toilet rooms;

(C) garbage rooms; and

(D) mechanical rooms when contamination is likely to occur.

(2) Under:

(A) sewer lines that are not shielded to intercept potential drips;

(B) leaking water lines including leaking automatic fire sprinkler heads or under lines on which water has condensed;

(C) open stairwells; or

(D) other sources of contamination.

(b) A storage cabinet used for linens, or single-service or single-use articles may be stored in a locker room.

(c) If a mechanical clothes washer or dryer is provided, it shall be located so that the washer or dryer is protected from contamination and only where there is no:

(1) exposed food;

(2) clean equipment, utensils, and linens; and

(3) unwrapped single-service and single-use articles.

(d) For purposes of this section, a violation of subsection (a)(1)(B) is a PF item.

(e) For purposes of this section, a violation of subsection (a)(1)(A), (a)(1)(C), (a)(1)(D), (b) or

(c) is a CORE item.

Section 284. (a) Equipment that is fixed because it is not easily movable shall be installed so that it is:

- (1) spaced to allow access for cleaning along the sides, behind, and above the equipment;
 - (2) spaced from adjoining equipment, walls, and ceilings a distance of not more than one thirty-second ($\frac{1}{32}$) inch (1 millimeter); or
 - (3) sealed to adjoining equipment or walls if the equipment is exposed to spillage or seepage.
- (b) Counter-mounted equipment that is not easily movable shall be installed to allow cleaning of the equipment and areas underneath and around the equipment by being:
- (1) sealed; or
 - (2) elevated on legs as specified under subsection 285(d) of this document.
- (c) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

- Section 285. (a) Except as specified in subsections (b) and (c), floor-mounted equipment that is not easily movable shall be sealed to the floor or elevated on legs that provide at least a six (6) inch, fifteen (15) centimeters, clearance between the floor and the equipment.
- (b) If no part of the floor under the floor-mounted equipment is more than six (6) inches fifteen, (15) centimeters, from the point of cleaning access, the clearance space may be only four (4) inches, ten (10) centimeters.
- (c) This section does not apply to display shelving units, display refrigeration units, and display freezer units located in consumer shopping areas, such as in a retail food store, if the floor under the units is maintained clean.
- (d) Except as specified in subsection (e), counter-mounted equipment that is not easily movable shall be elevated on legs that provide at least a four (4) inch, ten (10) centimeter, clearance between the table and the equipment.
- (e) The clearance space between the counter and counter-mounted equipment may be:
- (1) three (3) inches, seven and five tenths (7.5) centimeters, if the horizontal distance of the countertop under the equipment is no more than twenty (20) inches, fifty (50) centimeters, from the point of access for cleaning; or
 - (2) two (2) inches, five (5) centimeters, if the horizontal distance of the countertop under the equipment is no more than three (3) inches, seven and five tenths (7.5) centimeters, from the point of access for cleaning.
- (f) For purposes of this section, a violation of subsection (a) or (d) is a CORE item.

- Section 286. (a) Equipment shall be maintained in a state of repair and condition that meets the requirements specified under sections 226 through 272 of this document.
- (b) Equipment components, such as:
- (1) doors;
 - (2) seals;
 - (3) hinges;
 - (4) fasteners; and
 - (5) kick plates;
- shall be kept intact, tight, and adjusted in accordance with manufacturer's specifications.
- (c) Cutting or piercing parts of can openers shall be kept sharp to minimize the creation of metal fragments that can contaminate food when the container is opened.
- (d) For purposes of this section, a violation of subsection (a), (b) or (c) is a CORE item.

Section 287. (a) Surfaces, such as cutting blocks and boards, that are subject to scratching and scoring shall be resurfaced if they can no longer be effectively cleaned and sanitized, or discarded if they are not capable of being resurfaced.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 288. (a) Microwave ovens shall meet the safety standards specified in 21 CFR 1030.10.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 289. (a) A warewashing machine; the compartments of sinks, basins, or other receptacles used for washing and rinsing equipment, utensils, or raw foods, or laundering wiping cloths; and drainboards or other equipment used to substitute for drainboards as specified under section 275 of this document shall be cleaned:

(1) before use;

(2) throughout the day at a frequency necessary to prevent recontamination of equipment and utensils and to ensure that the equipment performs its intended function; and

(3) if used, at least every twenty-four (24) hours.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 290. (a) A warewashing machine and its auxiliary components shall be operated in accordance with the machine's data plate and other manufacturer's instructions.

(b) A warewashing machine's conveyor speed or automatic cycle times shall be maintained accurately timed in accordance with manufacturer's specifications.

(c) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

Section 291. (a) A warewashing sink shall not be used for handwashing as specified under section 143 of this document or as a service sink.

(b) If a warewashing sink is used to wash wiping cloths, wash produce, or thaw food, the sink shall be cleaned as specified under section 289 of this document before and after each time it is used to wash wiping cloths or wash produce or thaw food. Sinks used to wash or thaw food shall be sanitized as specified under sections 316 through 318 of this document before and after using the sink to wash produce or thaw food.

(c) A warewashing machine shall not be used for laundering linens, wiping cloths, food, floor mats, or other items not specified as an intended use of the machine by its manufacturer.

(d) For purposes of this section, a violation of subsection (a), (b) or (c) is a CORE item.

Section 292. (a) When used for warewashing, the wash compartment of a sink, mechanical warewasher, or wash receptacle of alternative manual warewashing equipment as specified in subsection 274(c) of this document shall contain a wash solution of:

(1) soap;

(2) detergent;

(3) acid cleaner;

(4) alkaline cleaner;

(5) degreaser;

- (6) abrasive cleaner; or
- (7) other cleaning agent;

according to the cleaning agent manufacturer’s label instructions.

(b) For purposes of this section, a violation of subsection (a) is a PF item.

Section 293. (a) The wash, rinse, and sanitize solutions shall be maintained clean.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 294. (a) The temperature of the wash solution in manual warewashing equipment shall be maintained at not less than one hundred ten (110) degrees Fahrenheit, forty-three (43) degrees Celsius, or the temperature specified on the cleaning agent manufacturer’s label instructions.

(b) For purposes of this section, a violation of subsection (a) is a PF item.

Section 295. (a) The temperature of the wash solution in spray type warewashing machines that use hot water to sanitize may not be less than:

- (1) for a stationary rack, single temperature machine, one hundred sixty-five (165) degrees Fahrenheit, seventy four (74) degrees Celsius;
- (2) for a stationary rack, dual temperature machine, one hundred fifty (150) degrees Fahrenheit, sixty-six (66) degrees Celsius;
- (3) for a single tank, conveyor, dual temperature machine, one hundred sixty (160) degrees Fahrenheit, seventy one (71) degrees Celsius; or
- (4) for a multi-tank, conveyor, multitemperature machine, one hundred fifty (150) degrees Fahrenheit, sixty six (66) degrees Celsius;

(b) The temperature of the wash solution in spray-type ware washers that use chemicals to sanitize may not be less than one hundred twenty (120) degrees Fahrenheit, forty-nine (49) degrees Celsius.

Hot Water Machine Type	Type of Temperature	Wash Temperature of Machine	Sanitization Temperature of the Machine
Stationary Rack	Single Temperature	165°F(74°C)	165°F(74°C)
Stationary Rack	Dual Temperature	150°F (66°C)	180°F(82°C)
Single Tank, conveyor	Dual Temperature	160°F(71°C)	180°F(82°C)
Multi-Tank, conveyor	Multi-Temperature	150°F(66°C)	180°F(82°C)
Chemical Machine		120°F F (49°C)	Per Sanitizer Manufacturer

(c) For purposes of this section, a violation of subsection (a) or (b) is a PF item.

Section 296. (a) If immersion in hot water is used for sanitizing in a manual operation, the

temperature of the water shall be maintained at one hundred seventy (170) degrees Fahrenheit, seventy-seven (77) degrees Celsius, or above.

(b) For purposes of this section, a violation of subsection (a) is a P item.

Section 297. (a) Except as specified in (b), in a mechanical operation, the temperature of the fresh hot water sanitizing rinse as it enters the manifold may not be more than ninety (90) degrees Celsius, one hundred ninety-four (194) degrees Fahrenheit, or less than:

- (1) for a stationary rack, single temperature machine, one hundred sixty-five (165) degrees Fahrenheit, seventy-four (74) degrees Celsius; or
- (2) for all other machines, one hundred eighty (180) degrees Fahrenheit, eighty-two (82) degrees Celsius.

(b) The maximum temperature specified under subsection (a) does not apply to the high pressure and temperature systems with wand-type, hand-held, spraying devices used for the in-place cleaning and sanitizing of equipment, such as meat saws.

(c) For purposes of this section, a violation of subsection (a) is a PF item.

Section 298. (a) The flow pressure of the fresh hot water sanitizing rinse in a warewashing machine, as measured in the water line immediately downstream or upstream from the fresh hot water sanitizing rinse control valve, shall be within the range specified on the machine manufacturer's data plate and may not be less than fifteen (15) pounds per square inch, one hundred four (104) kilopascals, or more than twenty-five (25) pounds per square inch, one hundred seventy three (173) kilopascals.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 299. (a) A chemical sanitizer used in a sanitizing solution for a manual or mechanical operation at contact times specified under subdivision 318(a)(3) of this document shall meet the criteria specified under section 461 of this document shall be used in accordance with the EPA-registered label use instructions, and shall be used as follows:

- (1) A chlorine solution shall have a minimum temperature based on the concentration and pH of the solution as listed in the following chart:

Concentration Range	Minimum Temperature		Exposure Times Specified in section 318
	pH 10 or less °F (°C)	pH 8 or less °F (°C)	
25 - 49	120 (49)	120 (49)	10 Seconds
50-99	100 (38)	75 (24)	7 Seconds
100	55 (13)	55 (13)	10 Seconds

- (2) An iodine solution shall have a:

- (A) minimum temperature of sixty-eight (68) degrees Fahrenheit, twenty (20)

degrees Celsius,

(B) pH of 5.0 or less or a pH no higher than the level for which the manufacturer specifies the solution is effective, and

(C) concentration between twelve and one-half (12.5) ppm and twenty-five (25) ppm.

(3) A quaternary ammonium compound solution shall:

(A) have a minimum temperature of seventy-five (75) degrees Fahrenheit, twenty-four (24) degrees Celsius;

(B) have a concentration as specified under section 461 of this document and as indicated by the manufacturer's use directions included in the labeling; and

(C) be used only in water with 500 ppm hardness or less or in water having a hardness no greater than specified by the EPA-registered label use instructions.

(4) If another solution of a chemical specified under subdivisions (a)(1) through (3) is used, the owner or operator of the retail food establishment shall demonstrate to the regulatory authority that the solution achieves sanitization, and the use of the solution shall be approved.

(5) If a chemical sanitizer other than chlorine, iodine, or a quaternary ammonium compound is used, it shall be applied in accordance with the EPA-registered label use instructions.

(6) If a chemical sanitizer is generated by a device located on-site at the retail food establishment it shall be used as specified subdivision (a)(1)-(4) and shall be produced by a device that:

(A) complies with regulation as specified in 7 USC 136(q)(1) and 7 USC 136(j);

(B) complies with 40 CFR 152.500 and 40 CFR 156.10;

(C) displays the EPA device manufacturing facility registration number on the device; and

(D) is operated and maintained in accordance with manufacturer's instructions.

(b) For purposes of this section, a violation of subsection (a), subdivision (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), or clauses (a)(6)(A) or (a)(6)(B) is a P item.

(c) For purposes of this section, a violation of clause (a)(6)(C) or (a)(6)(D) is a PF item.

Section 300. (a) If a detergent-sanitizer is used to sanitize in a cleaning and sanitizing procedure where there is no distinct water rinse between the washing and sanitizing steps, the agent applied in the sanitizing step shall be the same detergent-sanitizer that is used in the washing step.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 301. (a) The concentration of a sanitizing solution shall be accurately determined by using a test kit or other device.

(b) For purposes of this section, a violation of subsection (a) is a PF item.

Section 302. (a) Utensils shall be maintained in a state of repair or condition that complies with the requirements specified under sections 226 through 272 of this document or shall be removed from the premises.

(b) Food temperature measuring devices shall be calibrated in accordance with manufacturer's

specifications as necessary to ensure their accuracy.

(c) Ambient air temperature, water pressure, and water temperature measuring devices shall be maintained in good repair and be accurate within the intended range of use.

(d) For purposes of this section, a violation of subsection (a) or (c) is a CORE item.

(e) For purposes of this section, a violation of subsection (b) is a PF item.

Section 303. (a) An owner or operator of a retail food establishment without facilities specified under sections 306 through 318 of this document for cleaning and sanitizing kitchenware and tableware shall provide only single-use kitchenware, single-service articles, and single-use articles for use by food employees and single-service articles for use by consumers.

(b) For purposes of this section, a violation of subsection (a) is a P item.

Section 304. (a) Single-service and single-use articles may not be reused.

(b) The bulk milk container dispensing tube shall be cut on a diagonal leaving no more than one inch (2.54 centimeters) protruding from the chilled dispensing head.

(c) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

Section 305. (a) Mollusk shells, crustacean shells, and cedar planks may not be used more than once as serving containers.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 306. (a) Equipment food-contact surfaces and utensils shall be clean to sight and touch.

(b) The food-contact surfaces of cooking equipment and pans shall be kept free of encrusted grease deposits and other soil accumulations.

(c) Nonfood-contact surfaces of equipment shall be kept free of an accumulation of:

- (1) dust;
- (2) dirt;
- (3) food residue; and
- (4) other debris.

(d) For purposes of this section, a violation of subsection (a) is a PF item.

(e) For purposes of this section, a violation of subsection (b) or (c) is a CORE item.

Section 307. (a) Equipment food-contact surfaces and utensils shall be cleaned:

(1) except as specified in subsection (b), before each use with a different type of raw animal food such as:

- (A) meat;
- (B) poultry; or
- (C) fish;

(2) each time there is a change from working with raw foods to working with ready-to-eat foods;

(3) between uses with raw fruits and vegetables and with TCS food;

(4) before using or storing a food temperature measuring device; and

(5) at any time during the operation when contamination may have occurred.

(b) Subdivision (a)(1) does not apply if the food-contact surface or utensil is in contact with a

succession of different raw animal foods each requiring a higher cooking temperature as specified under section 198 of this document than the previous type.

(c) Except as specified in subsection (d), if used with TCS food, equipment food-contact surfaces and utensils shall be cleaned throughout the day at least every four (4) hours.

(d) Surfaces of utensils and equipment contacting TCS food may be cleaned less frequently than every four (4) hours if:

(1) in storage, containers of TCS food and their contents are maintained at temperatures specified under sections 154 through 225 of this document, and the containers are cleaned when they are empty;

(2) utensils and equipment are used to prepare food in a refrigerated room or area that is maintained at one of the temperatures in the following chart and:

(A) the utensils and equipment are cleaned at the frequency in the following chart that corresponds to the temperature; and

Temperature	Cleaning Frequency
41°F (5.0°C) or less	24 hours
>41°F - 45°F (>5.0°C - 7.2°C)	20 hours
>45°F - 50°F (>7.2°C - 10.0°C)	16 hours
>50°F - 55°F (>10.0°C - 12.8°C)	10 hours

(B) The cleaning frequency based on the ambient temperature of the refrigerated room or area is documented in the retail food establishment;

(3) containers in serving situations such as salad bars, delis, and cafeteria lines hold ready-to-eat, TCS food that is maintained at the temperatures specified under sections 154 through 225 of this document, are intermittently combined with additional supplies of the same food that is at the required temperature, and the containers are cleaned at least every twenty-four (24) hours;

(4) temperature measuring devices are maintained in contact with food, such as when left in a container of deli food or in a roast, held at temperatures specified under sections 154 through 225 of this document;

(5) equipment is used for storage of packaged or unpackaged food such as a reach-in refrigerator and the equipment is cleaned at a frequency necessary to preclude accumulation of soil residues;

(6) the cleaning schedule is approved based on consideration of:

(A) characteristics of the equipment and its use;

(B) the type of food involved;

(C) the amount of food residue accumulation; and

(D) the temperature at which the food is maintained during the operation and the potential for the rapid and progressive multiplication of pathogenic or toxic

- microorganisms that are capable of causing foodborne disease; or
- (7) in-use utensils are intermittently stored in a container of water in which the water is maintained at one hundred thirty-five (135) degrees Fahrenheit, fifty seven (57) degrees Celsius, or more and the utensils and container are cleaned at least every twenty-four (24) hours or at a frequency necessary to preclude accumulation of soil residues.
- (e) Except when dry cleaning methods are used as specified under section 310 of this document, surfaces of utensils and equipment contacting food that is not a TCS food shall be cleaned:
- (1) at any time when contamination may have occurred;
 - (2) at least every twenty-four (24) hours for iced tea dispensers and consumer self-service utensils such as tongs, scoops, or ladles;
 - (3) before restocking consumer self-service equipment and utensils such as condiment dispensers and display containers; and
 - (4) in equipment such as ice bins and beverage dispensing nozzles and enclosed components of equipment such as ice makers, cooking oil storage tanks and distribution lines, beverage and syrup dispensing lines or tubes, coffee bean grinders, and water vending equipment:
 - (A) at a frequency specified by the manufacturer, or
 - (B) absent manufacturer specifications, at a frequency necessary to preclude accumulation of soil or mold.
- (f) For purposes of this section, a violation of subsection (a) or (c) is a P item.
- (g) For purposes of this section, a violation of subsection (e) is a CORE item.

Section 308. (a) The food-contact surfaces of cooking and baking equipment shall be cleaned at least every twenty-four (24) hours. This section does not apply to hot oil cooking and filtering equipment if it is cleaned as specified in subdivision 307(d)(6) of this document.

- (b) The cavities and door seals of microwave ovens shall be cleaned at least every twenty-four (24) hours by using the manufacturer's recommended cleaning procedure.
- (c) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

Section 309. (a) Nonfood-contact surfaces of equipment shall be cleaned at a frequency necessary to preclude accumulation of soil residues.

- (b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 310. (a) If used, dry cleaning methods, such as brushing, scraping, and vacuuming shall contact only surfaces that are soiled with dry food residues that are not TCS food.

- (b) Cleaning equipment used in dry cleaning food-contact surfaces may not be used for any other purpose.
- (c) For purposes of this section a violation of subsections (a) or (b) is a CORE item.

Section 311. (a) Food debris on equipment and utensils shall be:

- (1) scraped over a waste disposal unit or garbage receptacle; or
 - (2) removed in a warewashing machine with a prewash cycle.
- (b) If necessary for effective cleaning, utensils and equipment shall be preflushed, presoaked, or scrubbed with abrasives.

(c) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

Section 312. (a) Soiled items to be cleaned in a warewashing machine shall be loaded into racks, trays, or baskets or onto conveyors in a position that:

- (1) exposes the items to the unobstructed spray from all cycles; and
- (2) allows the items to drain.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 313. (a) Equipment food-contact surfaces and utensils shall be effectively washed to remove or completely loosen soils by using the manual or mechanical means necessary, such as the application of:

- (1) detergents containing wetting agents and emulsifiers;
- (2) acid, alkaline, or abrasive cleaners;
- (3) hot water;
- (4) brushes;
- (5) scouring pads;
- (6) high-pressure sprays; or
- (7) ultrasonic devices.

(b) The washing procedures selected shall be based on:

- (1) the type and purpose of the equipment or utensil; and
- (2) the type of soil to be removed.

(c) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

Section 314. (a) If washing in sink compartments or a warewashing machine is impractical, such as when the equipment is fixed or the utensils are too large, washing shall be done by using alternative manual warewashing equipment as specified in subsection 274(c) of this document in accordance with the following procedures:

- (1) Equipment shall be disassembled as necessary to allow access of the detergent solution to all parts.
- (2) Equipment components and utensils shall be scrapped or rough cleaned to remove food particle accumulation.
- (3) Equipment and utensils shall be washed as specified under subsection 313(a) of this document.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 315. (a) Washed utensils and equipment shall be rinsed so that abrasives are removed, and cleaning chemicals are removed or diluted through the use of water or a detergent-sanitizer solution by using one (1) of the following procedures:

- (1) Use of a distinct, separate water rinse after washing and before sanitizing if using:
 - (A) a three (3) compartment sink;
 - (B) alternative manual warewashing equipment equivalent to a three (3) compartment sink as specified in subsection 274(c) of this document; or
 - (C) a three (3) step washing, rinsing, and sanitizing procedure in a warewashing system for CIP equipment.

- (2) Use of a detergent-sanitizer as specified under section 300 of this document if using:
 - (A) alternative warewashing equipment as specified in subsection 274(c) of this document that is approved for use with a detergent-sanitizer; or
 - (B) a warewashing system for CIP equipment.
 - (3) Use of a nondistinct water rinse that is integrated in the hot water sanitization immersion step of a two (2) compartment sink operation.
 - (4) If using a warewashing machine that does not recycle the sanitizing solution as specified under subdivision (a)(5), or alternative manual warewashing equipment, such as sprayers, use of a nondistinct water rinse that is:
 - (A) integrated in the application of the sanitizing solution; and
 - (B) wasted immediately after each application.
 - (5) If using a warewashing machine that recycles the sanitizing solution for use in the next wash cycle, use of a nondistinct water rinse that is integrated in the application of the sanitizing solution.
- (b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 316. (a) Equipment food-contact surfaces and utensils shall be sanitized.

(b) For purposes of this section, a violation of subsection (a) is a P item.

Section 317. (a) Utensils and food-contact surfaces of equipment shall be sanitized before use after cleaning.

(b) For purposes of this section, a violation of subsection (a) is a P item.

Section 318. (a) After being cleaned, equipment food-contact surfaces and utensils shall be sanitized in:

- (1) hot water manual operations by immersion for at least thirty (30) seconds as specified under section 296 of this document;
- (2) hot water mechanical operations by being cycled through equipment that is set up as specified under sections 290, 297 and 298 of this document and achieving a utensil surface temperature of one hundred sixty (160) degrees Fahrenheit, seventy-one (71) degrees Celsius, as measured by an irreversible registering temperature indicator; or
- (3) chemical manual or mechanical operations, including the application of sanitizing chemicals by immersion, manual swabbing, brushing, or pressure spraying methods, using a solution as specified under section 299 of this document. Contact times shall be consistent with those on EPA-registered label use instructions by providing:
 - (A) except as specified under clause (a)(3)(B), a contact time of at least ten (10) seconds for a chlorine solution specified under clause 299(a)(1) of this document;
 - (B) a contact time of at least seven (7) seconds for a chlorine solution of fifty (50) ppm that has a pH of ten (10) or less and a temperature of at least one hundred degrees Fahrenheit, thirty-eight (38) degrees Celsius, or a pH of eight (8) or and a temperature of at least seventy five (75) degrees Fahrenheit, twenty four(24) degrees Celsius;
 - (C) a contact time of at least thirty (30) seconds for other chemical sanitizing solutions; or

(D) a contact time used in relationship with a combination of temperature, defined in section 108 of this document.

(b) For purposes of this section, a violation of subsection (a) is a P item.

Section 319. (a) Clean linens shall be free from food residues and other soiling matter.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 320. (a) Linens that do not come in direct contact with food shall be laundered between operations if they become:

- (1) wet;
- (2) sticky; or
- (3) visibly soiled.

(b) Cloth gloves used as specified in subsection 186(d) of this document shall be laundered before being used with a different type of raw animal food, such as the following:

- (1) beef;
- (2) fish;
- (3) lamb;
- (4) pork; or
- (5) poultry.

(c) Linens and napkins that are used as specified under section 184 of this document and cloth napkins shall be laundered between each use.

(d) Wet wiping cloths shall be laundered daily.

(e) Dry wiping cloths shall be laundered as necessary to prevent contamination of food and clean serving utensils.

(f) For purposes of this section, a violation of subsections (a), (b), (c), (d), or (e) is a CORE item.

Section 321. (a) Soiled linens shall be kept in clean, nonabsorbent receptacles or clean, washable laundry bags and stored and transported to prevent contamination of:

- (1) food;
- (2) clean equipment;
- (3) clean utensils; and
- (4) single-service and single-use articles.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 322. (a) Except as specified in subsection (b), linens shall be mechanically washed.

(b) In retail food establishments in which only wiping cloths are laundered as specified in section 277(b) of this document, the wiping cloths may be laundered in a:

- (1) mechanical washer;
- (2) sink designated only for laundering wiping cloths; or
- (3) warewashing or food preparation sink that is cleaned as specified under section 289 of this document.

(c) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 323. (a) Except as specified in subsection (b), laundry facilities on the premises of a

retail food establishment shall be used only for the washing and drying of items used in the operation of the establishment.

(b) Separate laundry facilities located on the premises for the purpose of general laundering, such as for institutions providing boarding and lodging, may also be used for laundering retail food establishment items.

(c) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 324. (a) After cleaning and sanitizing, equipment and utensils:

(1) Shall be air-dried or used after adequate draining as specified in the first paragraph of 40 CFR 180.940, before contact with food; and

(2) May not be cloth-dried except that utensils that have been air-dried may be polished with cloths that are maintained clean and dry.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 325. (a) Wiping cloths laundered in a retail food establishment that does not have a mechanical clothes dryer as specified in section 277(b) of this document shall be air-dried in a location and in a manner that prevents contamination of:

(1) food;

(2) equipment;

(3) utensils;

(4) linens;

(5) single-service and single-use articles; and

(6) wiping cloths.

This section does not apply if wiping cloths are stored after laundering in a sanitizing solution as specified under section 299 of this document.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 326. (a) Lubricants as specified under section 465 of this document shall be applied to food-contact surfaces that require lubrication in a manner that does not contaminate food-contact surfaces.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 327. (a) Equipment shall be reassembled so that food-contact surfaces are not contaminated.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 328. (a) Except as specified in subsection (d), cleaned equipment and utensils, laundered linens, and single-service and single-use articles shall be stored:

(1) in a clean, dry location;

(2) where they are not exposed to splash, dust, or other contamination; and

(3) at least six (6) inches (fifteen (15) cm) above the floor.

(b) Clean equipment and utensils shall be stored as specified under subsection (a) and shall be stored:

(1) in a self-draining position that allows air drying; and

- (2) covered or inverted.
- (c) Single-service and single-use articles shall be stored as specified under subsection (a) and shall be kept in the original protective package or stored by using other means that afford protection from contamination until used.
- (d) Items that are kept in closed packages may be stored less than six (6) inches, fifteen (15) centimeters, above the floor on dollies, pallets, racks, and skids that are designed as specified under section 270 of this document.
- (e) For purposes of this section, a violation of subsection (a), (b) or (c) is a CORE item.

Section 329. (a) Except as specified in subsection (b), cleaned and sanitized equipment, utensils, laundered linens, and single-service and single-use articles may not be stored:

- (1) in locker rooms;
 - (2) in toilet rooms;
 - (3) in garbage rooms;
 - (4) in mechanical rooms, when contamination is likely to occur;
 - (5) under sewer lines that are not shielded to intercept potential drips;
 - (6) under leaking water lines, including leaking automatic fire sprinkler heads or under lines on which water has condensed;
 - (7) under open stairwells; or
 - (8) under other sources of contamination.
- (b) Laundered linens and single-service and single-use articles that are packaged or in a facility, such as a cabinet, may be stored in a locker room.
- (c) For purposes of this section, a violation of subsection (a)(2) is a PF item.
- (d) For purposes of this section, a violation of subsection (a)(1), or (a)(3) through (a)(8) is a CORE item.

Section 330. (a) Single-service articles, single-use articles, and utensils that have been sanitized shall be handled, displayed, and dispensed so that contamination of food-contact and lip-contact surfaces is prevented.

- (b) Knives, forks, and spoons that are not prewrapped shall be presented so that only the handles are touched by employees and by consumers if consumer self-service is provided.
- (c) Except as specified under subsection (b), single-service articles that are intended for food-contact or lip-contact shall be furnished for consumer self-service with the original individual wrapper intact or from an approved dispenser.
- (d) For purposes of this section, a violation of subsection (a), (b) or (c) is a CORE item.

Section 331. (a) Soiled tableware shall be removed from consumer eating and drinking areas and handled so that clean tableware is not contaminated.

- (b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 332. (a) Except as specified in (b) of this section, tableware that is preset shall be protected from contamination by being wrapped, covered, or inverted.

- (b) Preset tableware may be exposed if:
 - (1) Unused settings are removed when a consumer is seated; or

(2) Settings not removed when a consumer is seated are cleaned and sanitized before a different set of consumers are seated.

(c) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 333 (a) After being cleaned and sanitized, equipment and utensils shall not be rinsed before air drying or use unless:

(1) the rinse is applied directly from a potable water supply by a warewashing machine that is maintained and operated as specified under sections 249-301 of this document; and

(2) the rinse is applied only after the equipment and utensils have been sanitized by the application of hot water or by the application of a chemical sanitizer solution whose EPA-registered label use instructions call for rinsing off the sanitizer after it is applied in a commercial warewashing machine.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 334. (a) Drinking water shall be obtained from an approved source that is:

(1) a public water system; or

(2) a nonpublic water system that is constructed, maintained, and operated according to 327 IAC 8.

(b) For purposes of this section, a violation of subsection (a) is a P item.

Section 335. (a) A drinking water system shall be flushed and disinfected before being placed in service after construction, repair, modification, or after an emergency situation, such as a flood, that may introduce contaminants to the system.

(b) For purposes of this section, a violation of subsection (a) is a P item.

Section 336. (a) Bottled drinking water used or sold in a retail food establishment shall be obtained from approved sources in accordance with 21 CFR 129.

(b) For purposes of this section, a violation of subsection (a) is a P item.

Section 337. (a) Drinking water shall meet the quality standards specified in 327 IAC 8.

(b) For purposes of this section, a violation of subsection (a) is a P item.

Section 338. (a) Nondrinking water shall be used only for nonculinary purposes, such as:

(1) air conditioning;

(2) nonfood equipment cooling; and

(3) fire protection.

(b) For purposes of this section, a violation of subsection (a) is a P item.

Section 339. (a) Except when used as specified under section 338 of this document, water from a nonpublic water system shall be sampled and tested at least annually and as required by 327 IAC.

(b) For purposes of this section, a violation of subsection (a) is a PF item.

Section 340. (a) The most recent sample report for the nonpublic water system shall be retained

on file in the retail food establishment and provided to the regulatory authority upon request.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 341. (a) The water source and system shall be of sufficient capacity to meet the peak water demands of the retail food establishment.

(b) Hot water generation and distribution systems shall be sufficient to meet the peak hot water demands throughout the retail food establishment.

(c) For purposes of this section, a violation of subsections (a) or (b) is a PF item.

Section 342. (a) Water under pressure shall be provided to all fixtures, equipment, and nonfood equipment that are required to use water except that water supplied as specified under subdivisions 344(a)(1) and 344(a)(2) of this document to a temporary food establishment or in response to a temporary interruption of a water supply need not be under pressure.

(b) For purposes of this section, a violation of subsection (a) is a PF item.

Section 343. (a) Water shall be received from the source through the use of any of the following:

(1) An approved public water supply main.

(2) An approved private water supply system.

(3) One or more of the following, which shall be constructed, maintained and operated according to law:

(A) Nonpublic water main, water pumps, pipes, hoses, connections and other appurtenances.

(B) Water transport vehicles.

(C) Water containers.

(D) An alternative water supply.

(b) For purposes of this section, a violation of subsection (a) is a PF item.

Section 344. (a) Water meeting the requirements specified under sections 334 through 342 of this document shall be made available for a mobile facility, for a temporary food establishment without a permanent water supply, and for a retail food establishment with a temporary interruption of its water supply through any of the following:

(1) A supply of containers of commercially bottled drinking water.

(2) One or more closed portable water containers.

(3) An enclosed vehicular water tank.

(4) An on-premises water storage tank.

(5) Piping, tubing, or hoses connected to an adjacent approved source.

(b) For purposes of this section, a violation of subsection (a) is a PF item.

Section 345. (a) A plumbing system and hoses conveying water shall be constructed and repaired with approved materials according to 675 IAC 16.

(b) A water filter shall be made of safe materials.

(c) For purposes of this section, a violation of subsection (a) or (b) is a P item.

Section 346. (a) A plumbing system shall:

- (1) be designed, constructed, and installed according to 675 IAC 16; and
- (2) meet the capacity needs of the retail food establishment.
- (b) A plumbing fixture, such as a handwashing sink, toilet, or urinal shall be easily cleanable.
- (c) For purposes of this section, a violation of subsection (a) is a P item.
- (d) For purposes of this section, a violation of subsection (b) is a CORE item.

Section 347. (a) Unless otherwise approved, a handwashing sink shall be equipped to provide water at a temperature of at least eighty-five (85) degrees Fahrenheit, twenty-nine point four (29.4) degrees Celsius, through a mixing valve or combination faucet.

- (b) A steam mixing valve may not be used at a handwashing sink.
- (c) A self-closing, slow-closing, or metering faucet shall provide a flow of water for at least fifteen (15) seconds without the need to reactivate the faucet.
- (d) An automatic handwashing sink shall be installed in accordance with manufacturer's instructions
- (e) For purposes of this section, a violation of subsection (a) is a PF item.
- (f) For purposes of this section, a violation of subsection (b), (c) or (d) is a CORE item.

Section 348. (a) An air gap between the potable water supply outlet and the flood level rim of the plumbing fixture, equipment, or nonfood equipment shall be at least twice the diameter of the water supply inlet and may not be less than one (1) inch, twenty-five (25) millimeters.

- (b) For purposes of this section, a violation of subsection (a) is a P item.

Section 349. (a) A backflow or backsiphonage prevention device installed on a water supply system shall meet the standards in 675 IAC 16 for:

- (1) construction;
- (2) installation;
- (3) maintenance;
- (4) inspection; and
- (5) testing;

for that specific application and type of device.

- (b) For purposes of this section, a violation of subsection (a) is a P item.

Section 350. (a) A water filter, screen, and other water conditioning device installed on water lines shall be designed to facilitate disassembly for periodic servicing and cleaning. A water filter element shall be of the replaceable type.

- (b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 351. (a) Except as specified in subsection (b) and (c), at least one handwashing sink, a number of handwashing sinks necessary for their convenient use by employees in areas specified under section 356 of this document, and not fewer than the number of handwashing sinks required by 675 IAC 16 shall be provided.

- (b) If approved and capable of removing the types of soils encountered in the food operations involved, automatic handwashing facilities may be substituted for handwashing sinks in a retail food establishment that has at least one handwashing sink.

- (c) For purposes of this section, a violation of subsection (a) is a PF item.
- (d) For purposes of this section, a violation of subsection (b) is a CORE item

Section 352. (a) At least one toilet and not fewer than the toilets required by law shall be provided. If authorized by law and urinals are substituted for toilets, the substitution shall be done as specified in 675 IAC 16.

- (b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 353. (a) At least one service sink or one curbed cleaning facility equipped with a floor drain shall be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water and similar liquid waste.

- (b) A service sink or one curbed cleaning facility shall be equipped with;
 - (A) hot water of at least one hundred (100) degrees Fahrenheit, thirty-seven (37) degrees Celsius; and
 - (B) cold water.

(c) The service sink and/or curbed cleaning facility shall not be used in substitution for or as a warewashing or food preparation sink.

(d) Toilets and urinals may not be used as a service sink for the disposal of mop water and similar liquid waste.

- (e) For purposes of this section, a violation of subsection (a), (b), (c) or (d) is a CORE item.

Section 354. (a) A plumbing system shall be installed to preclude backflow of a solid, liquid, or gas contaminant into the water supply system at each point of use at the retail food establishment with or without a hose attached, and backflow prevention is required by 675 IAC 16, by:

- (1) providing an air gap as specified under section 348 of this document; or
- (2) installing an approved backflow prevention device as specified under section 349 of this document.

- (b) For purposes of this section, a violation of subsection (a) is a P item.

Section 355. (a) The water supply connection to carbonated beverage systems shall be protected against backflow by a device listed in 675 IAC 16.

(b) If not provided with an air gap as specified under 348 a dual check valve with an intermediate vent preceded by a screen of not less than 100 mesh to 25.4 mm (100 mesh to 1 inch) shall be installed upstream from a carbonating device and downstream from any copper in the water supply line.

(c) A dual check valve attached to the carbonator need not be of the vented type if an air gap or vented backflow prevention device has been otherwise provided as specified under (a).

(d) Copper shall not be used downstream from the backflow preventer in accordance with 675 IAC 16.

- (e) For purposes of this section, a violation of subsection (a), (b) or (d) is a P item.

Section 356. (a) A handwashing sink shall be located in the following places:

- (1) To allow convenient use by employees in:
 - (A) food preparation;

- (B) food dispensing; and
- (C) warewashing areas.

(2) In, or immediately adjacent to, toilet rooms.

(b) For purposes of this section, a violation of subsection (a) is a PF item.

Section 357. (a) A backflow prevention device shall be located so that it may be serviced and maintained.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 358. (a) A water filter, screen, and other water conditioning device installed on water lines shall be located to facilitate disassembly for periodic servicing and cleaning.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 359. (a) A handwashing sink shall be maintained so that it is accessible at all times for employee use.

(b) A handwashing sink may not be used for purposes other than handwashing.

(c) An automatic handwashing sink shall be used in accordance with manufacturer's instruction.

(d) For purposes of this section, a violation of subsection (a), (b) or (c) is a PF item.

Section 360. (a) Except for firefighting purposes, a person may not create a cross connection by connecting a pipe or conduit between the drinking water system and a nondrinking water system or a water system of unknown quality.

(b) The piping of a nondrinking water system shall be durably identified so that it is readily distinguishable from piping that carries drinking water.

(c) For purposes of this section, a violation of subsection (a) is a P item.

(d) For purposes of this section, a violation of subsection (b) is a PF item.

Section 361. (a) A water treatment device or backflow preventer shall be scheduled for inspection or service in accordance with the manufacturer's instructions and as required by the local water utility, Indiana Department of Environmental Management, or other local regulatory authority having jurisdiction to prevent device failure based on local water conditions.

(b) Records demonstrating inspection and service shall be:

(1) maintained at the facility; and

(2) provided to the regulatory authority upon request.

(c) For purposes of this section, a violation of subsection (a) or (b) is a PF item.

Section 362. (a) A reservoir that is used to supply water to a device, such as a produce fogger, shall be:

(1) maintained in accordance with manufacturer's specifications; and

(2) cleaned in accordance with manufacturer's specifications or according to the procedures specified under subsection (b), whichever is more stringent.

(b) cleaning procedures shall include at least the following steps and shall be conducted at least once a week:

(1) Draining and complete disassembly of the water and aerosol contact parts.

- (2) Brush-cleaning the reservoir, aerosol tubing, and discharge nozzles with a suitable detergent solution.
 - (3) Flushing the complete system with water to remove the detergent solution and particulate accumulation.
 - (4) Rinsing by immersing, spraying, or swabbing the reservoir, aerosol tubing, and discharge nozzles with at least fifty (50) ppm hypochlorite solution.
- (c) For purposes of this section, a violation of subsection (a) or (b) is a P item.

Section 363. (a) A plumbing system shall be:

- (1) repaired according to 675 IAC 16; and
 - (2) maintained in good repair.
- (b) For purposes of this section, a violation of subdivision (a)(1) is a P item.
- (c) For purposes of this section, a violation of subdivision (a)(2) is a CORE item.

Section 364. (a) Materials that are used in the construction of a mobile water tank, mobile retail food establishment water tank, and appurtenances shall be:

- (1) safe;
 - (2) durable;
 - (3) corrosion-resistant;
 - (4) nonabsorbent; and
 - (5) finished to have a smooth, easily cleanable surface.
- (b) For purposes of this section, a violation of subsection (a)(1) is a P item.
- (c) For purposes of this section, a violation of subsection (a)(2) through (a)(5) is a CORE item.

Section 365. (a) A mobile water tank shall be:

- (1) enclosed from the filling inlet to the discharge outlet; and
 - (2) sloped to an outlet that allows complete drainage of the tank.
- (b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 366. (a) If a water tank for a mobile retail food establishment is designed with an access port for inspection and cleaning, the opening shall be in the top of the tank and:

- (1) flanged upward at least one-half (1/2) inch, thirteen (13) millimeters; and
 - (2) equipped with a port cover assembly that is:
 - (A) provided with a gasket and a device for securing the cover in place; and
 - (B) flanged to overlap the opening and sloped to drain.
- (b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 367. (a) In the mobile retail food establishment, a fitting with “V” type threads on a water tank inlet or outlet shall be allowed only when a hose is permanently attached.

- (b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 368. (a) If provided, a mobile water tank vent in the mobile retail food establishment shall terminate in a downward direction and shall be covered with:

- (1) sixteen (16) mesh to one (1) inch, twenty-five and four tenths (25.4) millimeters,

screen or equivalent when the vent is in a protected area; or

(2) a protective filter when the vent is in an area that is not protected from windblown dirt and debris.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 369. (a) Mobile retail food establishment's water tank and its inlet and outlet shall be sloped to drain.

(b) A water tank inlet shall be positioned so that it is protected from contaminants, such as:

(1) waste discharge;

(2) road dust;

(3) oil; or

(4) grease.

(c) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

Section 370. (a) Hose used for conveying drinking water from the mobile retail food establishment's water tank shall be:

(1) safe;

(2) durable;

(3) corrosion-resistant;

(4) nonabsorbent;

(5) resistant to:

(A) pitting;

(B) chipping;

(C) crazing;

(D) scratching;

(E) scoring;

(F) distortion; and

(G) decomposition;

(6) finished with a smooth interior surface; and

(7) clearly and durably identified as to its use if not permanently attached.

(b) For purposes of this section, a violation of subsection (a)(1) is a P item.

(c) For purposes of this section, a violation of subsection (a)(2) through (a)(7) is a CORE item.

Section 371. (a) In a mobile retail food establishment, a filter that does not pass oil or oil vapors shall be installed in the air supply line between the compressor and drinking water system when compressed air is used to pressurize the water tank system.

(b) For purposes of this section, a violation of subsection (a) is a P item.

Section 372. (a) In a mobile retail food establishment, a cap and keeper chain, closed cabinet, closed storage tube, or other approved protective cover or device shall be provided for a water inlet, outlet, and hose.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 373. (a) A mobile retail food establishment's water tank inlet shall be as follows:

(1) Three-fourths (3/4) inch, nineteen and one tenth (19.1) millimeters, in inner diameter or less; and

(2) Provided with a hose connection of a size or type that will prevent its use for any other service.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 374. (a) A mobile retail food establishment's water tank, pump, and hoses shall be flushed and sanitized before being placed in service after:

(1) construction;

(2) repair;

(3) modification; or

(4) periods of nonuse.

(b) For purposes of this section, a violation of subsection (a) is a P item.

Section 375. (a) A person shall operate a water tank, pump, and hoses so that backflow and other contamination of the water supply for the mobile retail food establishment are prevented.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 376. (a) If the mobile retail food establishment is not in use, a water tank hose inlet and outlet fitting shall be protected using a cover or device as specified under section 372 of this document.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 377. (a) Except as specified in subsection (b), a mobile retail food establishment's water tank, pump, and hoses used for conveying drinking water shall be used for no other purpose.

(b) Water tanks, pumps, and hoses approved for liquid foods may be used for conveying drinking water if they are cleaned and sanitized before they are used to convey water.

(c) For purposes of this section, a violation of subsection (a) is a P item.

Section 378. (a) A sewage holding tank in a mobile retail food establishment or temporary retail food establishment shall be:

(1) sized fifteen (15) percent larger in capacity than the water supply tank;

(2) sloped to a drain that is one (1) inch, twenty-five and four tenths (25.4) millimeters, in inner diameter or greater; and

(3) equipped with a shut-off valve.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 379. (a) Retail food establishment drainage systems, including grease traps, that convey sewage shall be designed and installed as specified under section 346(a) of this document.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 380. (a) Except as specified in subsections (b), (c), (d), and (e), and as specified in the 675 IAC 16, drains from equipment fixtures and portable equipment utilized for:

(1) storage;

- (2) preparation; and
- (3) handling of foods, such as:
 - (A) food preparation sinks;
 - (B) salad bars;
 - (C) steam tables;
 - (D) dipper wells; and
 - (E) ice bins

shall have an indirect connection through an air gap to:

- (A) a standpipe;
- (B) a hub drain; or
- (C) a waste receptor

connected to the sanitary drainage system.

(b) Drains from food storage areas, such as:

- (1) coolers;
- (2) walk-in refrigerators;
- (3) freezers; and
- (4) food storage bins

shall have an indirect connection through an air gap to:

- (1) a standpipe;
- (2) a hub drain; or
- (3) a waste receptor

connected to the sanitary drainage system, except that where protected against backflow by a backwater valve, such floor drains shall be indirectly connected to the sanitary drainage system by means of an air break or air gap as specified in 675 IAC 16.

(c) Drains from commercial warewashing machines shall be indirectly connected through an air gap or air break to:

- (1) a standpipe;
- (2) a hub drain; or
- (3) a waste receptor

connected to the sanitary drainage system as specified in 675 IAC 16.

(d) A sink used only for warewashing may have a direct connection as specified in 675 IAC 16.

(e) Sinks used only for warewashing and which have drains with discharge temperatures less than one hundred forty (140) degrees Fahrenheit, sixty-one (61) degrees Celsius, are required to be directly connected to the sanitary system as specified in 675 IAC 16.

(f) Warewashing sink drains or other fixture drains with discharge temperatures above one hundred forty (140) degrees Fahrenheit, sixty-one (61) degrees Celsius, are required to be indirectly connected to the sanitary system as specified in 675 IAC 16.

(g) For purposes of this section, a violation of subsection (a) is a P item.

(h) For purposes of this section, a violation of subsection (b), (c), (e), or (f) is a CORE item.

Section 381. (a) If used, a grease trap shall be located to be easily accessible for cleaning.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 382. (a) Sewage shall be conveyed to the point of disposal through an approved sanitary

sewage system or other system, including:

- (1) sewage transport vehicles;
- (2) waste retention tanks;
- (3) pumps;
- (4) pipes;
- (5) hoses; and
- (6) connections

that are constructed, maintained, and operated according to law.

(b) Except if approved by the regulatory authority for an outdoor food operation hand sink or for a mobile retail food establishment or temporary retail food establishment, an owner or operator of a new retail food establishment shall not utilize a holding tank as a means of sewage disposal.

(c) For purposes of this section, a violation of subsection (a) or (b) is a P item.

Section 383. (a) Sewage and other liquid wastes shall be removed from a mobile retail food establishment at an approved waste servicing area or by a sewage transport vehicle in such a way that a public health hazard or nuisance is not created.

(b) For purposes of this section, a violation of subsection (a) is a PF item.

Section 384. (a) A tank for liquid waste retention shall be thoroughly flushed and drained in a sanitary manner during the servicing operation.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 385. (a) Sewage shall be disposed through an approved facility that is:

- (1) a public sewage treatment plant; or
- (2) an individual sewage disposal system that is:
 - (A) sized;
 - (B) constructed;
 - (C) maintained; and
 - (D) operated;

according to law.

(b) For purposes of this section, a violation of subsection (a) is a P item

Section 386. (a) Condensate drainage and other non sewage liquids and rainwater shall be drained from point of discharge to disposal according to law.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 387. (a) If located within the retail food establishment, a storage area for refuse, recyclables, and returnables shall meet the requirements specified under sections 407, 409 through 416, 410, and 422 of this document.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 388. (a) An outdoor storage surface for refuse, recyclables, and returnables shall be:

- (1) constructed of nonabsorbent material, such as concrete or asphalt, and
- (2) smooth, durable, and sloped to drain.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 389. (a) If used, an outdoor enclosure for refuse, recyclables, and returnables shall be constructed of durable and cleanable materials.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 390. (a) Except as specified in subsection (b), receptacles and waste handling units for refuse, recyclables, and returnables and for use with materials containing food residue shall be:

- (1) durable;
- (2) cleanable;
- (3) insect-resistant;
- (4) rodent-resistant;
- (5) leakproof; and
- (6) nonabsorbent.

(b) Plastic bags and wet strength paper bags may be used to line receptacles for storage inside the retail food establishment, or within closed outside receptacles.

(c) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 391. (a) Except for a receptacle for beverage bottle crown closures, a refuse receptacle may not be located within a vending machine.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 392. (a) Receptacles and waste handling units for refuse, recyclables, and returnables used with materials containing food residue and used outside the retail food establishment shall be designed and constructed to have tight fitting lids, doors, or covers.

(b) Receptacles and waste handling units for refuse and recyclables, such as a compactor, shall be installed so that accumulation of debris and rodent/insect attraction or harborage are minimized. Such units shall be installed so that effective cleaning is facilitated around and, if the unit is not installed flush with the base pad, under the unit.

(c) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

Section 393. (a) Inside storage rooms and areas, outside storage areas and enclosures, and receptacles shall be of sufficient capacity to hold refuse, recyclables, and returnables that accumulate.

(b) A receptacle shall be provided in each area of the retail food establishment or premises where refuse is generated or commonly discarded, or where recyclables or returnables are placed.

(c) If disposable towels are used at handwashing sinks, a waste receptacle shall be located at each sink or group of adjacent sinks.

(d) For purposes of this section, a violation of subsections (a), (b) or (c) is a CORE item.

Section 394. (a) A toilet room used by females shall be provided with a covered receptacle for sanitary napkins.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 395. (a) Except as specified in subsection (b), suitable cleaning implements and supplies, such as:

- (1) high pressure pumps;
- (2) hot water;
- (3) steam; and
- (4) detergent

shall be provided as necessary for effective cleaning of receptacles and waste handling units for refuse, recyclables, and returnables.

(b) If approved, off-premises-based cleaning services may be used if on-premises cleaning implements and supplies are not provided.

(c) For purposes of this section, a violation of subsection (a) or (b) is CORE item.

Section 396. (a) An area designated for:

- (1) refuse;
- (2) recyclables;
- (3) returnables; and
- (4) except as specified in subsection (b), a redeeming machine for recyclables or returnables shall be located so that it is separate from:
 - (A) food;
 - (B) equipment;
 - (C) utensils;
 - (D) linens; and
 - (E) single-service and single-use articles

and does not create a public health hazard or nuisance.

(b) A redeeming machine may be located in the packaged food storage area or consumer area of a retail food establishment if:

- (1) food;
- (2) equipment;
- (3) utensils;
- (4) linens; and
- (5) single-service and single-use articles

are not subject to contamination from the machines and a public health hazard or nuisance is not created.

(c) The location of receptacles and waste handling units for refuse, recyclables, and returnables may not:

- (1) create a public health hazard or nuisance; or
- (2) interfere with the cleaning of adjacent space.

(d) For purposes of this section, a violation of subsection (a), (b) or (c) is a CORE item.

Section 397. (a) Refuse, recyclables, and returnables shall be stored in receptacles or waste handling units so that they are inaccessible to insects and rodents.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 398. (a) Storage areas, enclosures, and receptacles for refuse, recyclables, and

returnables shall be maintained in good repair.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 399. (a) Except as specified in subsection (b), refuse receptacles not meeting the requirements specified under subsection 390(a) of this document, such as:

- (1) receptacles that are not rodent-resistant;
- (2) unprotected plastic bags and paper bags; or
- (3) baled units

that contain materials with food residue may not be stored outside.

(b) Cardboard or other packaging material that:

- (1) does not contain food residues; and
- (2) is awaiting regularly scheduled delivery to a recycling or disposal site may be stored outside without being in a covered receptacle if it is stored so that it does not create a rodent harborage problem.

(c) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 400. (a) Receptacles and waste handling units for refuse, recyclables, and returnables shall be kept covered:

- (1) inside the retail food establishment if the receptacles and units:
 - (A) contain food residue and are not in continuous use; or
 - (B) after they are filled; and
- (2) with tight-fitting lids or doors if kept outside the retail food establishment.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 401. (a) Drains in receptacles and waste handling units for refuse, recyclables, and returnables shall have drain plugs in place.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 402. (a) A storage area and enclosure for refuse, recyclables, or returnables, shall be maintained free of unnecessary items, as specified under section 453 of this document, and clean.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 403. (a) Receptacles and waste handling units for refuse, recyclables, and returnables shall be thoroughly cleaned in a way that does not contaminate:

- (1) food;
- (2) equipment;
- (3) utensils;
- (4) linens; or
- (5) single serve and single use articles.

(b) Wastewater shall be disposed of as specified under section 382 of this document.

(c) Soiled receptacles and waste handling units for refuse, recyclables, and returnables shall be cleaned at frequency necessary to prevent them from:

- (1) developing a buildup of soil; or
- (2) becoming attractants for insects and rodents.

(d) For purposes of this section, a violation of subsection (a), (b) or (c) is a CORE item.

Section 404. (a) Refuse, recyclables, and returnables shall be removed from the premises at a frequency that will minimize the development of objectionable odors and other conditions that attract or harbor insects and rodents.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 405. (a) Refuse, recyclables, and returnables shall be removed from the premises by way of:

- (1) portable receptacles that are constructed and maintained according to law; or
- (2) a transport vehicle that is:
 - (A) constructed;
 - (B) maintained; and
 - (C) operated;

according to law.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 406. (a) Solid waste not disposed of through the sewage system, such as through grinders and pulpers, shall be:

- (1) recycled or disposed of in an approved public or private community recycling or refuse facility; or
- (2) disposed of in an individual refuse facility, such as a landfill or incinerator that is:
 - (A) sized;
 - (B) constructed;
 - (C) maintained; and
 - (D) operated;

according to law.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 407. (a) Except as specified in subsection (b), materials for indoor floor, wall, and ceiling surfaces under conditions of normal use shall be:

- (1) smooth, durable, and easily cleanable for areas where retail food establishment operations are conducted;
- (2) closely woven and easily cleanable carpet for carpeted areas; and
- (3) nonabsorbent for areas subject to moisture, such as:
 - (A) food preparation areas;
 - (B) walk-in refrigerators;
 - (C) warewashing areas;
 - (D) toilet rooms;
 - (E) mobile retail food establishment servicing areas; and
 - (F) areas subject to flushing or spray cleaning methods.

(b) In a temporary food establishment:

- (1) if graded to drain, a floor may be concrete, machine-laid asphalt, or dirt or gravel if it

is covered with:

- (A) mats;
- (B) removable platforms;
- (C) duckboards; or
- (D) other approved materials

that are effectively treated to control dust and mud; and

(2) walls and ceilings may be constructed of a material that protects the interior from:

- (A) the weather; and
- (B) windblown dust and debris.

(c) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 408. (a) Outdoor walking and driving areas shall be surfaced with concrete, asphalt, or gravel or other materials that have been effectively treated to:

- (1) minimize dust;
- (2) facilitate maintenance; and
- (3) prevent muddy conditions.

(b) Exterior surfaces of buildings and mobile retail food establishments shall:

- (1) be of weather-resistant materials; and
- (2) comply with law.

(c) Outdoor storage areas for refuse, recyclables, or returnables shall be of materials specified under section 388 or 389 of this document.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a CORE item.

Section 409. (a) Except as specified under section 412 of this document, and except that anti-slip floor coverings or applications may be used for safety reasons:

- (1) floors;
- (2) floor coverings;
- (3) walls;
- (4) wall coverings; and
- (5) ceilings

shall be designed, constructed, and installed so they are smooth and easily cleanable.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 410. (a) Utility service lines and pipes may not be unnecessarily exposed.

(b) Exposed utility service lines and pipes shall be installed so they do not obstruct or prevent cleaning of the floors, walls, or ceilings.

(c) Exposed horizontal utility service lines and pipes may not be installed on the floor.

(d) For purposes of this section, a violation of subsection (a), (b) or (c) is a CORE item.

Section 411. (a) In retail food establishments in which cleaning methods other than water flushing are used for cleaning floors, the floor and wall junctures shall be coved and closed to no larger than one thirty-second (1/32) inch, one (1) millimeter.

(b) The floors in retail food establishments in which water flush cleaning methods are used shall be provided with drains and be graded to drain, and the floor and wall junctures shall be coved

and sealed.

(c) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

Section 412. (a) A floor covering, such as carpeting or similar material may not be installed as a floor covering in:

- (1) food preparation areas;
- (2) walk-in refrigerators;
- (3) warewashing areas;
- (4) toilet room areas where:
 - (A) handwashing sinks;
 - (B) toilets; or
 - (C) urinals;are located;
- (5) refuse storage rooms; or
- (6) other areas where the floor is subject to:
 - (A) moisture;
 - (B) flushing; or
 - (C) spray cleaning methods.

(b) If carpeting is installed as a floor covering in areas other than those specified under subsection (a), it shall be as follows:

- (1) Securely attached to the floor with a durable mastic, by using:
 - (A) a stretch and tack method; or
 - (B) by another method.
- (2) Installed;
 - (A) tightly against the wall under the coving; or
 - (B) away from the wall with a space between the carpet and the wall and with the edges of the carpet secured by:
 - (i) metal stripping; or
 - (ii) some other means.

(c) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

Section 413. (a) Mats and duckboards shall be designed to be removable and easily cleanable.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 414. (a) Wall and ceiling covering materials shall be attached so that they are easily cleanable.

(b) Except in areas used only for dry storage, concrete, porous blocks, or bricks used for indoor wall construction shall be finished and sealed to provide a smooth, nonabsorbent, easily cleanable surface.

(c) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

Section 415. (a) Except as specified in subsection (b), attachments to walls and ceilings, such as:

- (1) light fixtures;
- (2) mechanical room ventilation system components;

- (3) vent covers;
- (4) wall mounted fans;
- (5) decorative items; and
- (6) other attachments

shall be easily cleanable.

(b) In a consumer area, wall and ceiling surfaces and decorative items and attachments that are provided for ambiance need not meet this requirement if they are kept clean.

(c) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 416. (a) Except in temporary retail food establishments, studs, joists, and rafters may not be exposed in areas subject to moisture.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 417. (a) Except as specified in subsection (b), light bulbs shall be shielded, coated, or otherwise shatter-resistant in areas where there is:

- (1) exposed food;
- (2) clean equipment, utensils, and linens; or
- (3) unwrapped single-service and single-use articles.

(b) Shielded, coated, or otherwise shatter-resistant bulbs need not be used in areas used only for storing food in unopened packages if the:

- (1) integrity of the packages cannot be affected by broken glass falling onto them; and
- (2) packages are capable of being cleaned of debris from broken bulbs before the packages are opened.

(c) An infrared or other heat lamp shall be protected against breakage by a shield surrounding and extending beyond the bulb so that only the face of the bulb is exposed.

(d) For purposes of this section, a violation of subsection (a) or (c) is a CORE item.

Section 418. (a) Heating, ventilating, and air conditioning systems shall be designed and installed so that makeup air intake and exhaust vents do not cause contamination of:

- (1) food;
- (2) food-contact surfaces;
- (3) equipment; or
- (4) utensils.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 419. (a) Insect control devices that are used to electrocute or stun flying insects shall be designed to retain the insect within the device.

(b) Insect control devices shall be installed so that:

- (1) the devices are not located over a food preparation area; and
- (2) dead insects and insect fragments are prevented from being impelled onto or falling on:

- (A) exposed food;
- (B) clean equipment, utensils, and linens; and
- (C) unwrapped single-service and single-use articles.

(c) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

Section 420. (a) Except where a toilet room is located outside a food establishment and does not open directly into the food establishment such as a toilet room that is provided by the management of a shopping mall, a toilet room located on the premises shall be completely enclosed and provided with a tight-fitting and self-closing door.

(b) Toilet room doors shall be kept closed, except during cleaning and maintenance.

(c) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

Section 421. (a) Except as specified in this section, outer openings of a retail food establishment shall be protected against the entry of insects and rodents by:

- (1) filling or closing holes and other gaps along floors, walls, and ceilings;
- (2) closed, tight-fitting windows; and
- (3) solid, self-closing, and tight-fitting doors.

(b) Subsection (a) does not apply if a retail food establishment opens into a:

- (1) larger structure, such as a mall, airport, or office building; or
- (2) an attached structure, such as a porch;

and the outer openings from the larger or attached structure are protected against the entry of insects and rodents.

(c) Exterior Doors used as exits need not have a self-closing device when they are:

- (1) solid and tight-fitting;
- (2) designated for use only when an emergency exists, by the fire protection authority that has jurisdiction over the establishment; and
- (3) limited use so they are not used for entrance or exit from the building for purposes other than the designated emergency exit use.

(d) Except as specified in subsections (b) and (e), if the windows or doors of a retail food establishment, or of a larger structure within which a retail food establishment is located, are kept open for ventilation or other purposes or a temporary retail food establishment is not provided with windows and doors as specified under subsection (a), the openings shall be protected against the entry of insects and rodents by:

- (1) sixteen (16) mesh to one (1) inch, sixteen (16) mesh to twenty-five and four tenths (25.4) millimeter, screens;
- (2) properly designed and installed air curtains to control flying insects; or
- (3) other effective means.

(e) Subsection (d) does not apply if flying insects and other pests are absent due to the location of the establishment, the weather, or other limiting condition.

(f) This section does not apply to an approved outdoor food operation of a retail food establishment.

(g) For purposes of this section, a violation of subsection (a) or (d) is a CORE item.

Section 422. (a) Unless approved not to have perimeter walls and roofs, such as for some:

- (1) temporary food establishments;
- (2) mobile food establishments; or
- (3) outdoor food operations,

a retail food establishment shall have perimeter walls and roofs that effectively protect the establishment from the weather and the entry of insects, rodents, and other animals.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 423. (a) If located outdoors, a machine used to vend food shall be provided with overhead protection, except that machines vending canned beverages need not meet this requirement.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 424. (a) Unless otherwise approved by the regulatory authority, servicing areas shall be provided with overhead protection, except areas used only for:

- (1) the loading or unloading of closed food containers;
- (2) the loading of water; or
- (3) the discharge of sewage and other liquid waste using closed system of hoses;

need not be provided with overhead protection.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 425. (a) Exterior walking and driving surfaces shall be graded to drain.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 426. (a) Outdoor refuse areas shall be constructed in accordance with law and shall be curbed and graded to drain to collect and dispose of liquid waste that results from the refuse and from cleaning the area and waste receptacles.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 427. (a) The following may not be used for retail food establishment operations:

- (1) a private home;
- (2) a room used as living or sleeping quarters; or
- (3) an area directly opening into a room used as living or sleeping quarters.

(b) For purposes of this section, a violation of subsection (a) is a P item.

Section 428. (a) Living or sleeping quarters located on the premises of a retail food establishment, such as those provided for lodging registration clerks or resident managers, shall be separated from rooms and areas used for retail food establishment operations by complete partitioning and solid self-closing doors.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 429. (a) Each handwashing sink or group of two (2) adjacent handwashing sinks shall be provided with a supply of hand cleaning:

- (1) liquid;
- (2) powder; or
- (3) bar soap.

(b) For purposes of this section, a violation of subsection (a) is PF item.

Section 430. (a) Each hand washing sink or group of adjacent sinks shall be provided with one of the following:

- (1) Individual, disposable towels.
- (2) A continuous towel system that supplies the user with a clean towel.
- (3) A heated-air hand drying device.
- (4) A hand drying device that employs an air-knife system that delivers high velocity, pressurized air at ambient temperatures.

(b) For purposes of this section, a violation of subsection (a) is PF item.

Section 431. (a) A sink used for food preparation or utensil washing, or a service sink or curbed cleaning facility used for the disposal of mop water or similar wastes, may not be provided with the hand washing aids and devices required for a hand washing sink as specified under sections 429, 430, and 393(c) of this document.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 432 (a) A sign or poster that notifies food employees to wash their hands shall be posted at:

- (1) all handwashing sinks used by food employees, and
- (2) shall be clearly visible to food employees

(b) For purpose of this section a violation of subsections (a) is a Core item.

Section 433. (a) A hand washing sink or group of adjacent sinks that is provided with disposable towels shall be provided with a waste receptacle as specified under section 393(c) of this document.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 434. (a) Toilets and urinals shall be provided as specified under section 352 of this document.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 435. (a) A supply of toilet tissue shall be available at each toilet.

(b) For purposes of this section, a violation of subsection (a) is a PF item.

Section 436. (a) The light intensity shall be at least ten (10) foot-candles, one hundred and eight (108) lux, at a distance of thirty (30) inches, seventy-five (75) centimeters, above the floor, in walk-in refrigeration units and dry food storage areas and in other areas and rooms during periods of cleaning.

(b) The light intensity shall be at least twenty (20) foot-candles, two hundred and fifteen (215) lux:

- (1) at a surface where food is provided for consumer self-service such as buffets and salad consumption;
- (2) inside equipment such as reach-in and under-counter refrigerators; and
- (3) at a distance of thirty (30) inches, seventy-five (75) centimeters, above the floor in areas used for handwashing, warewashing, and equipment and utensil

storage, and in toilet rooms.

(c) The light intensity shall be at least fifty (50) foot-candles, five hundred and forty (540) lux, at a surface where a food employee is working with food or working with utensils or equipment such as knives, slicers, grinders, or saws where employee safety is a factor.

(d) For purposes of this section, a violation of subsection (a), (b) or (c) is a CORE item.

Section 437. (a) Mechanical ventilation shall be provided in accordance with requirements of 675 IAC and shall be of sufficient capacity to keep rooms free of the following:

- (1) Excessive heat.
- (2) Steam.
- (3) Condensation.
- (4) Vapors.
- (5) Obnoxious odors.
- (6) Smoke.
- (7) Fumes.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 438. (a) Dressing rooms or dressing areas shall be designated and used if employees regularly change their clothes in the establishment.

(b) Lockers or other suitable facilities shall be provided and used for the orderly storage of employee clothing and other possessions.

(c) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

Section 439. (a) Toilet rooms shall be conveniently located and accessible to employees during all hours of operation.

(b) For purposes of this section, a violation of subsection (a) is CORE item.

Section 440. (a) Areas designated for employees to eat, drink, and use tobacco products shall be located so that:

- (1) food;
- (2) equipment;
- (3) linens; and
- (4) single-service and single-use articles;

are protected from contamination.

(b) Lockers or other suitable facilities shall be located in a designated room or area where contamination of:

- (1) food;
- (2) equipment;
- (3) utensils;
- (4) linens; and
- (5) single-service and single-use articles;

cannot occur.

(c) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

Section 441. (a) Products that are held by the owner or operator in a retail food establishment for credit, redemption, or return to the distributor, such as damaged, spoiled, or recalled products, shall be segregated and held in designated areas that are separated from:

- (1) food;
- (2) equipment;
- (3) utensils;
- (4) linens; and
- (5) single-service and single-use articles.

(b) For purposes of this section, a violation of subsection (a) is a PF item.

Section 442. (a) The physical facilities shall be maintained in good repair.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 443. (a) The physical facilities shall be cleaned as often as necessary to keep them clean.

(b) Cleaning shall be done during periods when the least amount of food is exposed, such as after closing. This requirement does not apply to cleaning that is necessary due to a spill or other accident.

(c) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

Section 444. (a) Except as specified in subsection (b), only dustless methods of cleaning shall be used, such as:

- (1) wet cleaning;
- (2) vacuum cleaning;
- (3) mopping with treated dust mops; or
- (4) sweeping using a broom and dust-arresting compounds.

(b) Spills or drippage on floors that occur between normal floor cleaning times may be cleaned:

- (1) without the use of dust-arresting compounds; and
- (2) in the case of liquid spills or drippage, with the use of a small amount of absorbent compound, such as sawdust or diatomaceous earth compounds, applied immediately before spot cleaning.

(c) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 445. (a) Intake and exhaust air ducts shall be cleaned and have filters changed so they are not a source of contamination by:

- (1) dust;
- (2) dirt; and
- (3) other materials.

(b) If vented to the outside, ventilation systems may not create a:

- (1) public health hazard;
- (2) nuisance; or
- (3) unlawful discharge.

(c) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

Section 446. (a) Food preparation sinks, handwashing sinks, and warewashing equipment may

not be used for the:

- (1) cleaning of maintenance tools;
- (2) preparation or holding of maintenance materials; or
- (3) disposal of mop water and similar liquid wastes.

(b) For purposes of this section, a violation of subsection (a) is a PF item.

Section 447. (a) After use, mops shall be placed in a position that allows them to air-dry without soiling walls, equipment, or supplies.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 448. (a) Except as specified in subsection 444(b) of this document:

- (1) sawdust;
- (2) wood shavings;
- (3) granular salt;
- (4) baked clay;
- (5) diatomaceous earth compounds; or
- (6) similar materials

may not be used on floors.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 449. (a) Plumbing fixtures, such as handwashing sinks, toilets, and urinals, shall be cleaned as often as necessary to keep them clean.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 450. (a) The premises shall be maintained free of insects, rodents, and other pests. The presence of insects, rodents, and other pests shall be controlled to eliminate their presence on the premises by:

- (1) routinely inspecting incoming shipments of food and supplies;
- (2) routinely inspecting the premises for evidence of pests;
- (3) using methods, if pests are found, such as trapping devices or other means of pest control as specified under sections 459, 467, and 468 of this document, and
- (4) eliminating harborage conditions.

(b) For purposes of this section, a violation of subdivision (a)(3) is a PF item.

(c) For purposes of this section, a violation of subdivision (a)(1), (a)(2) or (a)(4) is a CORE item.

Section 451. (a) Dead or trapped:

- (1) birds;
- (2) insects;
- (3) rodents; and
- (4) other pests

shall be removed from control devices and the premises at a frequency that prevents their accumulation, decomposition, or attraction of pests.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 452. (a) Maintenance tools, such as brooms, shovels, mops, vacuum cleaners, and similar items shall be stored so they do not contaminate:

- (1) food;
- (2) equipment;
- (3) utensils;
- (4) linens; and
- (5) single-service and single-use articles.

(b) These same maintenance tools shall be stored in an orderly manner that facilitates cleaning the area used for storing the maintenance tools.

(c) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

Section 453. (a) The premises shall be free of:

- (1) items that are unnecessary to the operation or maintenance of the establishment such as equipment that is nonfunctional or no longer used; and
- (2) litter.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 454. (a) Except as specified in this section, live animals may not be allowed in the operational areas of a retail food establishment.

(b) Live animals may be allowed if the contamination of food, clean equipment, utensils, linens, and unwrapped single-service and single-use articles cannot result such as in the following situations:

- (1) Edible fish or decorative fish in aquariums, shellfish or crustacea on ice or under refrigeration, and shellfish and crustacea in display tank systems.
- (2) Patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas, and sentry dogs running loose in outside fenced areas.
- (3) In areas that are not used for food preparation and are usually open for customers, such as dining and sales areas, service animals that are controlled by the disabled employee or person, if a health or safety hazard will not result from the presence or activities of the service animal.
- (4) Pets in the common dining areas of institutional care facilities, such as nursing homes, assisted living facilities, group homes, or residential care facilities, at times other than during meals if:
 - (A) effective partitioning and self-closing doors separate the common dining areas from food storage or food preparation areas;
 - (B) condiments, equipment, and utensils are stored in enclosed cabinets or removed from the common dining areas when pets are present; and
 - (C) dining areas, including tables, countertops, and similar surfaces, are effectively cleaned before the next meal service.
- (5) In areas that are not used for food preparation, storage, sales, display, or dining, in which there are caged animals or animals that are similarly confined, such as in a:
 - (A) variety store that sells pets; or
 - (B) tourist park that displays animals.

(c) Live or dead fish bait may be stored if contamination of:

- (1) food;
- (2) clean equipment, utensils, and linens; and
- (3) unwrapped single-service and single-use articles;

cannot result.

(d) If approved by the regulatory authority, retail food establishments may allow pet dogs in outdoor dining areas.

(e) For purposes of this section, a violation of subsection (a) is a PF item.

Section 455. (a) Containers of poisonous or toxic materials and personal care items shall bear a legible manufacturer's label.

(b) For purposes of this section, a violation of subsection (a) is a PF item.

Section 456. (a) Working containers used for storing poisonous or toxic materials, such as cleaners and sanitizers taken from bulk supplies, shall be clearly and individually identified with the common name of the material

(b) For purposes of this section, a violation of subsection (a) is a PF item.

Section 457. (a) Poisonous or toxic materials shall be stored so they cannot contaminate food, equipment, utensils, linens, and single-service and single-use articles by:

- (1) separating the poisonous or toxic materials by spacing or partitioning; and
- (2) locating the poisonous or toxic materials in an area that is not above:
 - (A) food;
 - (B) equipment;
 - (C) utensils;
 - (D) linens; and
 - (E) single-service or single-use articles.

(b) This section does not apply to equipment and utensil cleaners and sanitizers that are stored in warewashing areas for availability and convenience if the materials are stored to prevent contamination of food, equipment, utensils, linens, and single-service and single-use articles.

(c) For purposes of this section, a violation of subsection (a) is a P item.

Section 458. (a) Only those poisonous or toxic materials that are required for the operation and maintenance of a retail food establishment, such as for the:

- (1) cleaning and sanitizing of equipment and utensils; and
- (2) the control of insects and rodents;

shall be allowed in a retail food establishment.

(b) Subsection (a) does not apply to packaged poisonous or toxic materials that are for retail sale.

(c) For purposes of this section, a violation of subsection (a) is a PF item.

Section 459. (a) Poisonous or toxic materials shall be used according to the following:

- (1) The law and this document.
- (2) Manufacturer's use directions included in labeling, and, for a pesticide, manufacturer's label instructions that state that use is allowed in a retail food establishment.
- (3) The conditions of certification for use of pest control materials.

- (b) Poisonous or toxic materials shall be applied so that:
 - (1) a hazard to employees or other persons is not constituted; and
 - (2) contamination, including toxic residues due to drip, drain, fog, splash or spray on food, equipment, utensils, linens, and single-service and single-use articles is prevented, and this is achieved by:
 - (A) removing the items;
 - (B) covering the items with impermeable covers, or taking other appropriate preventive actions; and
 - (C) cleaning and sanitizing equipment and utensils after application.
- (c) A restricted use pesticide shall be applied only by:
 - (1) an applicator certified according to law; or
 - (2) a person under the direct supervision of a certified applicator.
- (d) For purposes of this section, a violation of subdivision (a)(2), (a)(3) or subsection (b) is a P item.
- (e) For purposes of this section, a violation of subsection (c) is a PF item.
- (f) For purposes of this section, a violation of subdivision (a)(1) is a CORE item.

Section 460. (a) A container previously used to store poisonous or toxic materials may not be used to store, transport, or dispense food, equipment, utensils, linens, single-service or single-use articles.

(b) For purposes of this section, a violation of subsection (a) is a P item.

Section 461. (a) Chemical sanitizers, including chemical sanitizing solutions generated on-site, and other chemical antimicrobial formulations applied to food-contact surfaces shall:

- (1) meet the requirements specified in 40 CFR 180.940, or
- (2) meet the requirements as specified in 40 CFR 180.2020.

(b) For purposes of this section, a violation of subsection (a) is a P item.

Section 462. (a) Chemicals, including those generated at a retail food establishment, used to wash or peel raw, whole fruits and vegetables or used in the treatment, storage, and processing of fruits and vegetables shall:

- (1) be an approved food additive listed for this intended use in 21 CFR 173,
- (2) be GRAS for this intended use, or
- (3) be the subject of an effective food contact notification for this intended use, only effective for the manufacturer or supplier identified in the notification, and meet the requirements in 40 CFR 156.

(b) For purposes of this section, a violation of subsection (a) is a P item.

Section 463. (a) Chemicals used as boiler water additives shall meet the requirements specified in 21 CFR 173.310.

(b) For purposes of this section, a violation of subsection (a) is a P item.

Section 464. (a) Drying agents used in conjunction with sanitization shall contain only components that are listed as one of the following:

- (1) GRAS for use in food as specified in 21 CFR 182 or 21 CFR 184.™
 - (2) GRAS for the intended use as specified in 21 CFR 186.
 - (3) GRAS for the intended use determined by experts qualified in indirectly, to food as described in 21 CFR 170.30.
 - (4) Subject to an effective Food Contact Notification as described in the Federal Food Drug and Cosmetic Act (FFDCA) Section 420(h).
 - (5) Approved for use as a drying agent under a prior sanction as described in the Federal Food Drug and Cosmetic Act (FFDCA) 201(s)(4).
 - (6) Specifically regulated as an indirect food additive for use as a drying agent as specified in 21 CFR 174 through 186.
 - (7) Approved for use as a drying agent under the threshold of regulation process established by 21 CFR 170.39.
- (b) When sanitization is with chemicals, the approval required under subdivision (a)(5) or (a)(7) or the regulation as an indirect food additive required under subdivision (a)(6), shall be specifically for use with chemical sanitizing solutions.
- (c) For purposes of this section, a violation of subsection (a) or (b) is a P item.

Section 465. (a) Lubricants shall meet the requirements specified in 21 CFR 178.3570 if they are used on:

- (1) food-contact surfaces; or
 - (2) bearings and gears located:
 - (A) on or within food-contact surfaces; or
 - (B) so that lubricants may;
 - (i) leak;
 - (ii) drip; or
 - (iii) be forced;
- into food or onto food-contact surfaces.
- (b) For purposes of this section, a violation of subsection (a) is a P item.

Section 466. (a) Restricted use pesticides specified under subsection 459(c) of this document shall meet the requirements specified in the laws and rules of the office of the Indiana state chemist.

- (b) For purposes of this section, a violation of subsection (a) is a P item.

Section 467. (a) Rodent bait shall be contained in a covered, tamper-resistant bait station.

- (b) For purposes of this section, a violation of subsection (a) is a P item.

Section 468. (a) A toxic tracking powder pesticide may not be used in a retail food establishment.

- (b) If used, a nontoxic tracking powder, such as talcum or flour, may not contaminate:
- (1) food;
 - (2) equipment;
 - (3) utensils;
 - (4) linens; and

- (5) single-service and single-use articles;
- (c) For purposes of this section, a violation of subsection (a) is a P item.
- (d) For purposes of this section, a violation of subsection (b) is a CORE item.

Section 469. (a) Only those medicines that are necessary for the health of employees shall be allowed in a retail food establishment. This section does not apply to medicines that are stored or displayed for retail sale.

(b) Medicines that are in a retail food establishment for the employees' use shall be:

- (1) labeled as specified under section 455 of this document; and
- (2) located to prevent the contamination of:
 - (A) food;
 - (B) equipment;
 - (C) utensils;
 - (D) linens; and
 - (E) single-service and single-use articles.

- (c) For purposes of this section, a violation of subsection (b) is a P item.
- (d) For purposes of this section, a violation of subsection (a) is a PF item.

Section 470. (a) Medicines belonging to employees or to children in a day care center that require refrigeration and are stored in a food refrigerator shall be:

- (1) stored in a package or container;
- (2) kept inside a covered, leakproof container that is identified as a container for the storage of medicines; and
- (3) Located so they are inaccessible to children.

(b) For purposes of this section, a violation of subsection (a) is a P item.

Section 471. (a) First aid supplies that are in a retail food establishment for employees' use shall be labeled as specified under section 455 of this document.

(b) First aid supplies shall be stored in a kit or a container that is located to prevent the contamination of:

- (1) food;
- (2) equipment;
- (3) utensils;
- (4) linens; and
- (5) Single-service and single-use articles.

- (c) For purposes of this section, a violation of subsection (b) is a P item.
- (d) For purposes of this section, a violation of subsection (a) is a PF item.

Section 472. (a) Except as specified under section 470 or 471 of this document, employees shall store their personal care items in facilities as specified under subsection 438(b) of this document.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 473. (a) Poisonous or toxic materials shall be stored and displayed for retail sale so they cannot contaminate food, equipment, utensils, linens, and single-service and single-use articles

by:

- (1) separating the poisonous or toxic materials by spacing or partitioning; and
- (2) locating the poisonous or toxic materials in an area that is not above:
 - (A) food;
 - (B) equipment;
 - (C) utensils;
 - (D) linens; and
 - (E) single-service or single-use articles.

(b) For purposes of this section, a violation of subsection (a) is a P item.

Section 474. (a) The regulatory authority shall apply this document uniformly to all retail food establishments in a reasonable manner that promotes its underlying purpose of safeguarding public health and ensuring that food is:

- (1) safe;
- (2) not misbranded;
- (3) unadulterated; and
- (4) honestly presented;

when offered to the consumer.

(b) In enforcing this document, the regulatory authority shall assess existing facilities or equipment that were in use before the effective date of this document based on the following considerations:

- (1) Whether the facilities or equipment are in good repair and capable of being maintained in a sanitary condition.
- (2) Whether food-contact surfaces comply with sections 226 through 235 of this document.
- (3) Whether the capacities of cooling, heating, and holding equipment are sufficient to comply with section 273 of this document.
- (4) The existence of a documented agreement with the retail food establishment that the facilities or equipment will be replaced or upgraded.

Section 475. (a) Except as specified in (b) of this section, the owner or operator shall at the time of inspection correct a violation of a priority item or priority foundation item of this document and implement corrective actions for a HACCP plan provision that is not in compliance with its critical limit.

(b) Considering the nature of the potential hazard involved and the complexity of the corrective action needed, the regulatory authority may agree to or specify a longer time frame, not to exceed:

- (1) 72 hours after the inspection, for the owner or operator to correct violations of a priority item; or
- (2) 15 calendar days after the inspection, for the owner or operator to correct violations of a priority foundation item or HACCP plan deviations.

(c) For purposes of this section, a violation of subsection (a) is a PF item.

Section 476. (a) Except as specified in (b) of this section, the owner or operator shall correct core items by a date and time agreed to or specified by the department but no later than 90 calendar days after the inspection.

(b) The regulatory authority may approve a compliance schedule that extends beyond the time limits specified under (a) of this section if a written schedule of compliance is submitted by the permit holder and no health hazard exists or will result from allowing an extended schedule for compliance.

(c) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 477. (a) A person may not operate a retail food establishment without first having registered with the regulatory authority as required under IC 16-42-1-6.

(b) Except as in subsection (c), to allow verification that the retail food establishment is constructed, equipped, and otherwise meets requirements of this document, the regulatory authority shall be notified of an intent to operate at least thirty (30) days prior to operating under this document.

(c) The regulatory authority pre-operation requirements for micro market operations shall comply with the IC 16-42-5-32(e).

(d) For purposes of this section, a violation of subsection (a) is a PF item.

(e) For purposes of this section, a violation of subsection (b) is a CORE item.

Section 478. (a) After the regulatory authority presents official credentials and expresses an intent to conduct an inspection, investigation, or to collect food samples, the person in charge shall allow the regulatory authority to verify that the retail food establishment is in compliance with this document by allowing access to the establishment, and providing information and records specified in this document and to which the regulatory authority is entitled according to law, during the retail food establishment's hours of operation and other reasonable times.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 479. (a) Existing retail food establishments with plumbing and mechanical equipment and/or systems that pre-date the effective date of this document and which were approved by the regulatory authority, or through a variance, at the time of construction shall not be required to update such systems unless any of the following occurs:

(1) Substantial upgrades to the plumbing or mechanical equipment and/or systems required by 675 IAC 16 and 675 IAC 18.

(2) Correction to deficiencies that have caused health incidents.

(3) Deficiencies that pose a potential health risk as determined by the regulatory authority.

(4) Substantial facility remodeling or new construction that requires plan review in accordance with section 480 of this document.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 480. (a) Except as stated in subsection 477(c) of this document, the owner or other authorized agent of an existing or proposed retail food establishment shall submit to the regulatory authority plans and specifications for review before any of the following:

- (1) the construction of a retail food establishment;
 - (2) the conversion of an existing structure for use as a retail food establishment;
 - (3) the remodeling of a retail food establishment or a change of type of retail food establishment or food operation if the regulatory authority determines that plans and specifications are necessary to ensure compliance with this document; or
 - (4) the addition or remodeling of an outdoor food operation.
- (b) The owner or authorized agent of a retail food establishment or temporary food establishment may use the 2016 or later version of the Food Establishment Plan Review Guide, as published by FDA and the Conference for Food Protection, as a source for determining recommended equipment specifications and operational standards for retail food establishments and temporary food establishments.
- (c) The plans and specifications shall be approved by the regulatory authority prior to construction and the operation of the retail food establishment.
- (d) For purposes of this section, a violation of subsection (a) or (c) is a PF item.

Section 481 (a) The plans and specifications for a retail food establishment shall include, as required by the regulatory authority based on the type of operation, type of food preparation, and foods prepared, the following information to demonstrate compliance with this document:

- (1) Intended menu.
 - (2) Anticipated volume of food to be stored, prepared, and sold or served.
 - (3) Proposed layout, mechanical schematics, construction materials, and finish schedules.
 - (4) Proposed equipment types, manufacturers, model numbers, locations, dimensions, performance capacities, and installation specifications.
 - (5) Evidence that standard operating procedures that ensure compliance with the requirements of this document are developed or are being developed.
 - (6) Other information that may be required by the regulatory authority for review of the food establishment.
- (b) For purposes of this section, a violation of subsection (a) is a CORE item.

Section 482. (a) If the regulatory authority determines it necessary to protect against public health hazards or nuisances, the regulatory authority may temporarily impose specific requirements authorized by state or federal law in addition to the requirements contained in this document.

(b) The regulatory authority shall document the conditions that necessitate the imposition of additional requirements and the underlying public health rationale. The documentation shall be provided to the retail food establishment and a copy shall be maintained in the regulatory authority's file for the retail food establishment.

Section 483. (a) The owner or operator of a retail food establishment may request a variance from this document as specified in IC 16-19-3-4.3 and IC 16-42-5-5.2.

(b) The owner or other authorized agent of a retail food establishment who requests a variance of this document must complete a variance application provided by the department. The application information must adequately and completely address all areas of concern described in the department's "Policy for Processing Variance Requests".

(c) From the effective date of this document, a retail food establishment shall not commence implementation of a modification to this document without first obtaining approval from the department.

(d) An owner or operator of a retail food establishment with an approved variance shall meet the requirements and conditions stated in the variance.

(e) For purposes of this section, a violation of subsection (c) or (d) is a P item.

Section 484. (a) If the department grants a variance as specified in section 483 of this document, or a HACCP plan is otherwise required as specified under section 485 of this document, the owner or other authorized agent of the retail food establishment shall:

(1) maintain the approved variance at the retail food establishment;

(2) comply with the HACCP plans and procedures that are submitted as specified under section 486 of this document and approved as a basis for the modification or waiver; and

(3) maintain and provide to the regulatory authority or department, upon request, records specified under subdivisions 486(a)(4) and (a)(5)(C) of this document that demonstrate that the following are routinely employed;

(A) procedures for monitoring the critical control points;

(B) monitoring of the critical control points;

(C) verification of the effectiveness of the operation or process; and

(D) necessary corrective actions if there is failure at a critical control point.

(b) For purposes of this section, a violation of subdivision (a)(2) is a P item.

(c) For purposes of this section, a violation of subdivision (a)(1) or (a)(3) is a PF item.

Section 485. (a) Before engaging in an activity that requires a HACCP plan, the owner or other authorized agent of a retail food establishment shall submit a properly prepared HACCP plan as specified under section 486 of this document to the regulatory authority or the department for approval if:

(1) submission of a HACCP plan is required according to this document;

(2) a variance is required as specified under clause 198(d)(8)(B) of this document, section 217 of this document and subsection 258(b) of this document; or

(3) the regulatory authority or the department determines that a food preparation or processing method requires a variance based on a plan submittal specified under 481 of this document, an inspectional finding, or a variance request.

(b) Before engaging in reduced oxygen packaging without a variance as specified under section 218 of this document, an owner or operator of a retail food establishment shall submit a HACCP plan containing the information in section 486 of this document to the regulatory authority.

(c) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

Section 486. (a) For a retail food establishment that is required under section 485 of this document to have a HACCP plan, the owner or other authorized agent of a retail food establishment shall submit to the regulatory authority or the department a properly prepared HACCP plan that includes:

(1) general information such as the name of the retail food establishment owner, the retail food establishment address, and contact information;

- (2) a categorization of the types of TCS foods that are to be controlled under the HACCP plan;
 - (3) a flow diagram or chart for each specific food or category type that identifies:
 - (A) each step in the process; and
 - (B) the steps that are critical control points;
 - (4) the ingredients, recipes or formulations, materials, and equipment used in the preparation of each specific food or category type and methods and procedural control measures that address the food safety concerns involved;
 - (5) a critical control points summary for each specific food or category type that clearly identifies:
 - (A) each critical control point;
 - (B) the significant hazards for each critical control point;
 - (C) the critical limits for each critical control point;
 - (D) the method and frequency for monitoring and controlling each critical control point by the designated food employee or the person in charge;
 - (E) action to be taken by the designated food employee or person in charge if the critical limits for each critical control point are not met;
 - (F) the method and frequency for the person in charge to routinely verify that the food employee is following standard operating procedures and monitoring critical control points; and
 - (G) records to be maintained by the person in charge to demonstrate that the HACCP plan is properly operated and managed;
 - (6) supporting documents such as:
 - (A) food employee and supervisory training plan that addresses the food safety issues of concern;
 - (B) copies of blank record forms that are necessary to implement the HACCP plan; and
 - (C) Additional scientific data or other information, as required by the regulatory authority, supporting the determination that food safety is not compromised by the proposal; and
 - (7) Any other information required by the regulatory authority or the department.
- (b) For purposes of this section, a violation of subsection (a)(2) through (a)(7) is PF item.
- (c) For purposes of this section, a violation of subsection (a)(1) is a CORE item.

Section 487. The regulatory authority shall treat as confidential in accordance with IC 24-2-3 and IC 5-14-3:

- (a) the information contained in plans and specifications listed in sections 481 and 486 of this document;
- (b) a HACCP plan;
- (c) the information contained on inspection forms or electronic reports that meet the criteria of a trade secret; or
- (d) information on material submitted for a variance request identified as proprietary or confidential.

Section 488. (a) A mobile retail food establishment shall comply with the applicable requirements of this document except as set forth below:

(1) Unless approved in writing by the regulatory authority for another servicing interval, a mobile retail food establishment shall physically return to a servicing area or a commissary at least once daily for any support activities.

(2) A mobile retail food establishment shall inquire of each regulatory authority regarding the need for plans and specifications under section 480 of this document when the mobile unit is new or previously has not been operated within the jurisdiction of that regulatory authority.

(3) A mobile retail food establishment shall provide convenient access to a restroom for employees of the unit.

(4) A mobile retail food establishment serving packaged manufactured non-TCS foods, or beverages that are non-TCS and are dispensed from covered urns or other protected equipment, need not comply with this document pertaining to the following:

(A) the necessity of water and sewage systems;

(B) the cleaning and sanitizing of equipment and utensils if the required equipment for cleaning and sanitizing exists at the commissary; and

(C) operate dependent upon a servicing area.

(5) A mobile retail food establishment shall provide only single-service articles for use by the consumer.

(6) A mobile retail food establishment requiring a water system shall have a potable water system under pressure. The system shall be of sufficient capacity to furnish enough hot and cold water for food preparation, utensil cleaning and sanitizing, and handwashing, as specified in this document.

(7) If liquid waste results from the operation of a mobile retail food establishment, a mobile retail food establishment shall store the waste in a permanently installed retention tank that is of at least fifteen (15) percent larger capacity than the water supply tank.

(8) A mobile retail food establishment may not discharge liquid waste from their retention tank when the mobile retail food establishment is in motion.

(b) For purposes of this section, a violation of subdivision (a)(8) is a P item.

(c) For purposes of this section, a violation of subdivision (a)(2), (a)(3), or (a)(6) is a PF item.

(d) For purposes of this section, a violation of subdivision (a)(1), (a)(5), or (a)(7) is a CORE item.

Section 489. (a) Outdoor food operations, prior to production shall:

(1) have the establishment approved from the regulatory authority as per sections 480 and 481 of this document; and

(2) meet the requirements of the Indiana Department of Homeland Security, Fire and Building Safety and Services, and the requirements of applicable city or county fire, building, water, wastewater, zoning, or planning departments.

(b) Outdoor food operations shall meet all applicable requirements of this document, and the following:

(1) Outdoor food operations which include open food or have outdoor food preparation shall not be conducted in inclement weather and when conditions such as the following

cannot be adequately mitigated:

- (A) precipitation that causes dripping water;
- (B) dust or other airborne debris; or
- (C) an uncontrollable presence of pests.

(2) A retail food establishment with an outdoor food operation shall provide protective and secure conditions for:

- (A) food;
- (B) food equipment, including all food contact surfaces;
- (C) utensils, and
- (D) single-service and single-use articles;

that are equivalent to the conditions provided as if the operation was conducted indoors.

(3) Except when food is fully contained within food equipment, food of an outdoor food operation shall be attended continuously by a food employee while being:

- (A) prepared;
- (B) held for service;
- (C) displayed for service; or
- (D) served to consumers.

(4) Food shall be protected against intentional and unintentional contamination, and shall be discarded if it is contaminated.

(5) Contaminated food equipment, utensils, or any food contact surface used by an outdoor food operation, including single-use and single-service articles, shall be discarded or washed and sanitized.

(6) Food employees shall have unobstructed access to a handwashing sink and a restroom at all times.

(8) Wastewater from an outdoor food operation shall not be disposed on the ground or in a manner that creates a public health hazard or nuisance.

(9) Food, utensils, single-service and single-use articles, and food-contact surfaces of equipment shall not be stored exposed to the outdoors environment overnight or while not in use.

(10) Outdoor food operation equipment shall be maintained as follows;

- (A) stored clean;
- (B) properly maintained and repaired; and
- (C) secured from unauthorized access while not in use.

(11) Fans and other equipment used in outdoor food operations shall be used in a way that does not contaminate food, food contact surfaces, utensils, and single-service and single-use articles.

(12) Motor vehicles shall be prevented from driving through or near the food preparation or display area of an outdoor food operation.

(c) Retail food establishments with outdoor food operations which were approved prior to the effective date of this document under a variance from the department may continue to operate according to the terms of that variance when the variance specifies requirements which are different from this section.

(d) For purposes of this section, a violation of subsection (a) is a CORE item.

(e) For purposes of this section, a violation subsection (b) is a Priority item.

Section 490. (a) Except as specified in subsection (b), the owner or operator of a retail food establishment shall immediately discontinue operations and notify the regulatory authority if an imminent health hazard may exist because of an emergency, such as:

- (1) fire;
- (2) flood;
- (3) an extended interruption of electrical or water service;
- (4) a sewage backup;
- (5) a misuse of poisonous or toxic materials;
- (6) an onset of an apparent foodborne illness outbreak;
- (7) a gross insanitary occurrence or condition; or
- (8) other circumstance that may endanger public health.

(b) A retail food establishment need not discontinue operations in an area of an establishment that is unaffected by the imminent health hazard.

(c) If operations are discontinued as specified under this section or otherwise according to law, the retail food establishment shall obtain approval from the regulatory authority before resuming operations.

(d) For purposes of this section, a violation of subsection (a) is a P item.

(e) For purposes of this section, a violation of subsection (b) or (c) is a CORE item.

Section 491. (a) The regulatory authority shall act when it has reasonable cause to believe that a food employee or conditional employee:

- (1) has possibly transmitted disease;
- (2) may be infected with a disease in a communicable form that is transmissible through food;
- (3) may be a carrier of infectious agents that cause a disease that is transmissible through food; or
- (4) is affected with:
 - (A) a boil;
 - (B) an infected wound; or
 - (C) an acute respiratory infection

(b) The regulatory authority shall act by:

- (1) securing a confidential medical history of the food employee or conditional employee suspected of transmitting disease or making other investigations as deemed appropriate; and
- (2) requiring appropriate medical examinations, including collection of specimens for laboratory analysis of a suspected food employee or conditional employee.

Section 492. Based on the findings of an investigation related to a food employee or conditional employee who is suspected of being infected or diseased, the regulatory authority may issue an order to the suspected or conditional employee or to the retail food establishment owner instituting one (1) or more of the following control measures:

- (a) Restricting the employee or conditional employee's activities to specific areas and tasks in the establishment which present no risk of transmitting the disease.

(b) Excluding the food employee or conditional employee from a retail food establishment.

(c) Closing the retail food establishment in accordance with law.

Section 493. Based on the findings of the investigation as specified in 491 of this document and to control disease transmission, the regulatory authority may issue an order of restriction or exclusion to a suspected food employee or the owner or operator of the retail food establishment without prior warning, notice of a hearing, or a hearing if the order states the following:

(a) The reasons for the restriction or exclusion that is ordered.

(b) The evidence that the food employee or the owner or operator of the retail food establishment shall provide in order to demonstrate that the reasons for the restriction or exclusion are eliminated.

(c) That the suspected food employee or the permit holder may request an appeal hearing by submitting a timely request as provided in law.

(d) The name and address of the regulatory authority representative to whom a request for an appeal hearing may be made, pursuant to IC 4-21.5-3-7.

Section 494. The regulatory authority shall release a food employee, or conditional employee from restriction or exclusion according to law and the conditions specified under section 139 of this document.

Section 495. (a) When used in this article, references to the following publications shall mean the version of that publication listed below. The following publications are hereby incorporated by reference:

(1) 9 CFR 317 (December 14, 2023 Edition).

(2) 9 CFR 319 (December 14, 2023 Edition).

(3) 9 CFR 381 (December 14, 2023 Edition).

(4) 9 CFR 424.21 (December 14, 2023 Edition).

(5) 21 CFR 70.3. (January 22, 2024 Edition).

(6) 21 CFR 101 (January 22, 2024 Edition).

(7) 21 CFR 113 (January 22, 2024 Edition).

(8) 21 CFR 114 (January 22, 2024 Edition).

(9) 21 CFR 120 (January 22, 2024 Edition).

(10) 21 CFR 129 (January 22, 2024 Edition).

(11) 21 CFR 130 (January 22, 2024 Edition).

(12) 21 CFR 131-169 (January 22, 2024 Edition).

(13) 21 CFR 170.3 (January 22, 2024 Edition).

(14) 21 CFR 178 (January 22, 2024 Edition).

(15) 21 CFR 1030.10 (January 22, 2024 Edition).

(16) 40 CFR 152 (January 29, 2024 Edition).

(17) 40 CFR 156 (January 29, 2024 Edition).

(18) 40 CFR 180 (January 29, 2024 Edition).

(19) 21 USC 9 and seq.

(20) United States Standards, Grades, and Weight classes for Shell Eggs (AMS 56.200 *et*

seq.) (Effective July 20, 2000). Copies are available from the United States Department of Agriculture, Agricultural Marketing Service, Poultry Programs, USDA, AMS, Poultry Programs STOP 0259, Room 3944-South 1400 Independence Avenue, SW Washington, DC 20250-0259

(21) National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish (2019 Revision). Copies are available from the United States Food and Drug Administration, Center for Food Safety and Applied Nutrition, Shellfish Sanitation Program, <https://www.fda.gov/food/federalstate-food-programs/national-shellfish-sanitation-program-nssp>

(22) NSF/ANSI 18-2023-Manual Food & Beverage Dispensing Equipment

(23) FDA publication Approved Drug Products with Therapeutic Equivalence Evaluations (44th Edition)

(24) Over-the-Counter (OTC) Monograph M003: First Aid Antiseptic Drug Products for Over-the-Counter Human Use (May 2, 2023)

(b) Federal rules which have been incorporated by reference do not include any later amendments than those specified in the incorporated citation. Sales of the Code of Federal Regulations are handled exclusively by the Superintendent of Documents, <https://bookstore.gpo.gov/CFR>.

Sec. 496. (a) The department may commence an action under IC 4-21.5-3-8 to levy civil penalties against a person who:

(1) fails to comply with IC 16-42-5, 410 IAC 7-21, or this document; or

(2) interferes with or obstructs the department in the performance of duties under IC 16-42-5, 410 IAC 7-21, or this document.

(b) A civil penalty in an amount in the appropriate range specified in subsection (d), (e), or (f), or any combination thereof, may be sought for each day of each violation.

(c) In determining the seriousness of the violation and the specific amount of the civil penalty to be sought for each violation, the department will consider, but is not limited to, the following:

(1) The potential for harm or imminent threat to public health.

(2) The extent of deviation from statutory or regulatory requirements.

(3) Degree of willfulness or negligence.

(4) History of noncompliance.

The absence of direct harm will not result in assessment of a lower penalty for a violation.

(d) Unless adjusted as provided in subsections (g) and (h), and if penalties are to be assessed to a food establishment, as defined in IC 16-42-5, then they shall be assessed in accordance with the following:

INDIANA CODE SECTION	PENALTY RANGE
IC 16-42-5-6; IC 16-42-5-11; IC 16-42-5-19; IC 16-42-5-21	\$0 to \$1,000
IC 16-42-5-7; IC 16-42-5-12; IC 16-42-5-13; IC 16-42-5-14; IC 16-42-5-15; IC 16-42-5-17; IC 16-42-5-18; IC 16-42-5-20	\$0 to \$500
IC 16-42-5-8; IC 16-42-5-9; IC 16-42-5-10;	\$0 to \$100

IC 16-42-5-16; IC 16-42-5-22	
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(e) Unless adjusted as provided in subsections (g) and (h), and if penalties are to be assessed to a retail food establishment, as defined in this document, then they shall be assessed in accordance with the following:

INTERIM RULE SECTION	PENALTY RANGE
138; 142; 154; 155; 161; 173; 198; 274; 385; 427; 477	\$0-\$500
134; 137; 149; 156; 157; 158; 159; 160; 162; 163; 164; 165; 166;167; 169(a); 172; 174; 175; 177; 178; 195(a); 199; 200; 203; 206; 211; 213; 216; 218; 221; 222; 223; 224(d); 225; 226; 296; 299; 303; 316; 317; 318; 334; 335; 336; 337; 341; 345; 346; 348; 351; 355; 356;360; 362; 363(a)(1); 380; 382; 434; 450; 455; 456; 457; 458; 459; 460; 461; 462; 463; 464; 465; 466; 468; 478; 479; 481; 483; 484; 490	\$0-\$250
135; 140; 141; 144; 147; 148; 169(b); 169(c); 170; 196; 197 ;212; 214; 224(a); 224(b); 224(c); 235; 238; 259; 273; 306(a); 307; 338; 374; 428; 454; 485; 486; 488	\$0-\$100
136; 139; 143; 145; 146; 168; 171; 176; 179; 180; 181; 183; 184; 185; 186; 187; 188; 189; 190; 191; 192; 193; 194; 195(b); 195(c); 204; 205; 207; 208; 209; 210; 219; 220; 227; 228; 229; 230; 231; 232; 233;234; 236; 237; 239; 240; 241; 242; 244; 245; 246; 247; 248; 249; 250; 251; 252; 253; 254; 255; 256; 257; 258; 260; 261; 262; 263; 264; 265; 266; 267; 268; 269; 271; 274; 275; 276; 277; 278; 279; 280; 281; 282; 283; 284; 285; 286; 287; 288; 289; 290; 291; 292; 293; 294; 295; 297; 298; 300; 301; 302; 304; 305; 306(b); 306(c); 308; 309; 312; 313; 314; 315; 319; 320; 321; 322; 323; 324; 325; 326; 327; 328; 329; 330;331; 333; 339; 340; 342; 343; 344; 347; 349; 350; 353; 354; 355; 357; 358; 359; 361; 363(a)(3); 364; 365; 366; 367; 368; 369; 370; 371; 372; 373; 375; 377; 378; 381; 383; 384; 386; 387; 388; 389; 390; 391; 392; 393; 394; 395; 396; 397; 398; 399;400; 401;402; 403; 404; 405; 406; 407;408; 409; 410; 411; 412; 413; 414; 415;	\$0-\$50

416; 417; 418; 419; 420; 421; 422; 423; 424; 425; 426; 429; 430; 431; 433; 435; 436; 437; 438; 439; 440; 441; 442; 443; 444; 445; 446; 447; 448; 451; 452; 453; 467; 469; 470; 471; 473	
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(f) Unless adjusted as provided in subsections (g) and (h), and if penalties are to be assessed to a wholesale food establishment, as defined in 410 IAC 7-21, then they shall be assessed in accordance with the following:

SECTION OF 410 IAC 7-21	PENALTY RANGE
35; 36(1); 36(2); 36(3); 36(4); 36(5); 39(b)(8); 40; 41; 42(b); 45(c); 45(n); 45(p); 45(q); 45(r); 46; 47(9)(B); 48; 49(d); 49(e); 50(d)	\$0-\$1,000
36(8); 37; 38; 39(a); 39(b)(1); 39(b)(2); 39(b)(3); 39(b)(4); 39(b)(5); 39(b)(6); 39(b)(7); 42(a); 42(d); 42(e); 44(i); 45(a); 45(b); 45(d); 45(e); 45(f); 45(g); 45(h); 45(i); 45(j); 45(k); 45(l); 45(m); 45(o); 45(s); 47(2); 47(3); 47(4); 47(5); 47(6); 47(7); 47(9)(A); 47(9)(C); 50(c); 50(f); 51(a); 51(c); 51(d)	\$0-\$500
36(6); 36(7); 42(c); 43(b); 43(c); 43(d); 44(c); 44(e); 44(h); 47(1); 47(8); 49(a); 49(b); 49(c); 50(b); 51(b)	\$0-\$250
36(9); 43(a); 43(e); 44(a); 44(b); 44(d); 44(f); 44(g); 45(t); 47(10); 47(11); 47(12); 47(13); 47(14); 47(15)	\$0-\$100

(g) After reinspection and determining the appropriate penalty based on the schedule in subsection (d), (e), or (f), or any combination thereof, the department may adjust the penalty to reflect a good faith effort to comply as follows:

- (1) Each individual penalty will be multiplied by the number of days the particular violation has been documented by the department.
- (2) Penalties for violations documented in two (2) consecutive inspections by the department shall be assessed on the basis that the violations have remained uncorrected over the period of time between the two (2) inspections.
- (3) If the person found in violation has requested reinspection and has produced substantive evidence that the violation or violations have been corrected, the penalties shall be assessed for the period between initial discovery of violation and the receipt of request for reinspection.
- (4) Penalties for all violations documented in an inspection or series of inspections at an establishment will be totaled and sought under one (1) cause of action.

Section 497. Sections 1 through 495 supersede 410 IAC 7-24.

Section 498. Section 496 supersedes 410 IAC 7-23.

Section 499. This document expires on DATE.

TITLE 410 INDIANA DEPARTMENT OF HEALTH