

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

CHAPTER VIII

**FOOD, FOOD PRODUCTS,
FOOD HANDLING ESTABLISHMENTS**

SECTION 1

GENERAL PROVISIONS

REGULATION 1. Definitions

- (1) “A.A.C.” means the Arizona Administrative Code
- (2) “Accredited Program” refers to the certification process and is a designation based upon an independent evaluation of factors such as the sponsor’s mission; organizational structure; staff resources; revenue sources; policies; public information regarding program scope, eligibility requirements, recertification, discipline and grievance procedures; and test development and administration.
- (3) Additive.
 - (a) “Food Additive” has the meaning stated in A.R.S. § 36-901 (7).
 - (b) “Color Additive” has the meaning stated in A.R.S. § 36-901 (2).
- (4) “Adulterated” means possessing one or more of the conditions enumerated in A.R.S. § 36-904 (a) or listed below:
 - (a) It does not meet the requirements of the regulations and definitions for standard, fill and quality of the Federal Food and Drug Administration.
- (5) “Advanced Preparation” means food preparation with multi-step handling of raw and/or pre-cooked ingredients including the cooking, cooling, and re-heating of potentially hazardous foods for holding or immediate service, or where significant risk factors contributing to foodborne-illness may occur as determined by the Department.
- (6) “Applicant” means the following person requesting a permit:
 - (a) If an individual, the individual who owns the food establishment or their designee;
 - (b) If a corporation, any 2 officers of the corporation;
 - (c) If a limited liability company, the designated manager or, if no manager is designated, any 2 members of the limited liability company;
 - (d) If a partnership, any 2 of the partners;
 - (e) If a joint venture, any 2 individuals who signed the joint venture agreement;
 - (f) If a trust, the trustee of the trust;
 - (g) If a religious or nonprofit organization, the individual in the senior leadership position within the organization;
 - (h) If a school district, the superintendent of the district;
 - (i) If an agency, the individual in the senior leadership position within the agency; or

- (j) If a county, municipality, or other political subdivision of the state, the individual in the senior leadership position within the county, municipality, or political subdivision.
- (7) “Approved” means acceptable to the Department or to the food regulatory agency that has jurisdiction based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.
- (8) “A.R.S.” means the Arizona Revised Statute.
- (9) “A_w” means water activity which is a measure of the free moisture in a food, is the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature, and is indicated by symbol A_w.
- (10) “Bakery” means any place in which is carried on the process of mixing, compounding, cooking, baking, or manufacturing any bakery product. A bakery is a food establishment that exclusively prepares bakery items for immediate service on the premises, directly to a consumer, and/or for resale or redistribution by a retail food establishment.
- (11) “Bakery Product” means any bread, biscuits, pretzels, crackers, buns, rolls, macaroni or any similar pastes, pastries, cakes, doughnuts, pies or other food products of which flour or meal is the principal ingredient. Bakery products shall include the materials from which the above are manufactured, but shall not include packaged mixes.
- (12) “Bare Hand Contact Exemption” is an exemption that is granted by the department to an establishment that demonstrates a reduced health risk to hand contact.
- (13) “Beverage” means a liquid for drinking, including water.
- (14) “Bottled Water & Beverage Plant” means a food establishment in which is carried on the process of bottling, canning or packaging any beverage for human consumption.
- (15) “Boarding Home” means a transient dwelling establishment that also operates a food establishment where food is provided to patrons along with resident accommodations:
 - (a) Class 2 - operations with only limited preparation of menu items.
 - (b) Class 5 – operations with advanced preparation or where the consumers specifically include populations highly susceptible to foodborne illness.
- (16) “Bottle” means and includes any container used for the finished product regulated by this code.
- (17) “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 and is in compliance with AAC Title 9, Chapter 8, Sections 201 through 209, excluding Sections 202 and 208, Paragraphs a & b.
- (18) “Certification Number” means a unique combination of letters and numbers assigned by a shellfish control authority to a molluscan shellfish dealer according to the provisions of the National Shellfish Sanitation Program.
- (19) “CIP” means clean in place.
 - (a) “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) “CIP” 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.
- (20) “CFR” means Code of Federal Regulations. Citations in this code to the CFR refer sequentially to the title, part, and section numbers, such as 21 CFR 178.1010 refers to Title 21, Part 178, Section 1010.
- (21) “Class” means a permit subtype. A permit subtype class is based on the food main menu items, the degree of food preparation activities or the amount of pre-packaged food. There are five classes, one (1) through five (5).
- (22) “Code of Federal Regulations” means the compilation of the general and permanent rules published in the Federal Register by the executive Departments and agencies of the Federal Government which:
 - (a) Is published annually by the U.S. Government printing office; and
 - (b) Contains FDA rules in 21 CFR, USDA rules in 7 CFR and 9 CFR, EPA rules in 40 CFR, and wildlife and fisheries rules in 50 CFR, as amended at the time of their application.
- (23) “Comminuted” means any food items including fish or meat products that are reduced in size by methods including chopping, flaking, grinding, or mincing and are restructured or reformulated such as gefilte fish, gyros, ground beef, and sausage; and a mixture of 2 or more types of meat that have been reduced in size and combined, such as sausage made from 2 or more meats.
- (24) "Commissary" means a food establishment that acts as a base of operations for a mobile food establishment, food vending establishment, temporary (iterant) food establishment, adventure food establishment, or seasonal food establishment. The commissary provides facilities for adequate storage of food, food containers, or food supplies; equipment for adequate washing and sanitizing of food equipment and utensils; an outdoor servicing area for the sanitary disposal of liquid waste, for handling and disposal of garbage, grease, and rubbish originating from the mobile food establishment; an adequate outdoor servicing area for washing and storage of the mobile food establishment; facilities for filling the potable water holding tank in a sanitary manner; electrical outlets for establishments that require electrical service.
 - (a) Class 2 commissary provides only pre-packaged food items and supplies a vehicle lot for opening and closing activities.
 - (b) Class 4 commissary provides pre-packaged food items in addition to conducting food preparation and supplies a vehicle lot for opening and closing activities.
- (25) “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.
- (26) “Consumer” means a person who is a member of the public, takes possession of food, is not functioning in the capacity of an operator of a food establishment, and does not offer the food for resale.
- (27) “Converting” or “Converted” or “Conversion” when used in regards to frozen desserts shall be deemed to mean the process by which a frozen dessert is changed from a frozen to a semi-frozen form without any change in the ingredients thereof.
- (28) “Corrosion Resistant Material” 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.
- (29) "Critical Control Point" means a point or procedure in a specific food system where loss of control may result in an unacceptable health risk.
- (30) Critical Item.
- (a) "Critical Item" means a provision of this code that if in noncompliance, is more likely than other violations to contribute to food contamination, illness, or environmental health hazard.
- (b) "Critical Item" is an item that is denoted in Chapter VIII, Section 2 with an asterisk *"
- (31) "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.
- (32) "Damaged Food" means any food, whether or not packaged, which has been subjected to deleterious or destructive influences from fire, heat, freezing, radiation, physical damage, total or partial immersion in sewage, contaminated liquids or water, excessive shelf life or storage, or from any other circumstances, and which is held, offered for sale, sold, or given away for human consumption.
- (33) "Damaged Food Establishment" is a food establishment that specializes in the recovery, redistribution or resale of damaged food.
- (34) "Daycare Foodservice" is a food establishment which prepares food for immediate service on-site, or directly to a consumer where the consumers are facility staff and daycare children.
- (35) "Department" means the Maricopa County Environmental Services Department.
- (36) "Dispensing Freezer (Frozen Desserts)" means the type of equipment which freezes or partially freezes frozen desserts so they are served in a soft condition for sale to the retail customer. Dispensing freezers shall meet the minimum standards of design to construction as formulated by an American National Standards Institute Accredited Certification Program; only that equipment which is designed and constructed in accordance with the applicable standard may be installed as new or replacement equipment.
- (37) Drinking Water.
- (a) "Drinking Water" means water that meets 40 CFR 141 National Primary Drinking Water Regulations.
- (b) "Drinking Water" is traditionally known as "potable water."
- (c) "Drinking Water" includes the term "water" except where the term used connotes that the water is not potable, such as "boiler water," "mop water," "rainwater," "wastewater," and "nondrinking" water.
- (38) "Dry Storage Area" means a room or area designated for the storage of packaged or containerized bulk food that is not potentially hazardous and dry goods such as single-service items.
- (39) Easily Cleanable.
- (a) "Easily Cleanable" means a characteristic of a surface that:
- (i) Allows effective removal of soil by normal cleaning methods;
- (ii) Is dependent on the material, design, construction, and installation of the surface; and

- (iii) 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) "Easily Cleanable" includes a tiered application of the criteria that qualify the surface as easily cleanable as specified under subparagraph (a) of this definition to different situations in which varying degrees of cleanability are required such as:
 - (i) The 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
 - (ii) The 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.
- (40) "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 no utility connection, a utility connection that disconnects quickly, or a flexible utility connection line of sufficient length to allow the equipment to be moved for cleaning of the equipment and adjacent area.
- (41) "Eating & Drinking Establishment" is a food establishment that prepares food for service on the premises or take-out delivery directly to a consumer. Examples of eating & drinking food establishments are: 0-9 seating, 10+ seating, adult daycare, assisted living, hospital food service, jail food service, nursing home, school food service, senior food service, and service kitchen.
 - (a) Class 2 – quick service operations with only limited preparation of menu items.
 - (b) Class 3 – quick service operations with advanced preparation of two or less menu items.
 - (c) Class 4 – full service operations with advanced preparation of three or more menu items.
 - (d) Class 5 – quick or full service operations where the consumers specifically include populations highly susceptible to foodborne illness.
- (42) "Egg" means the shell egg of avian species such as chicken, duck, goose, guinea, quail, ratities or turkey.
- (43) "Employee" means the permit holder, person in charge, person having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement, or other person working in a food establishment.
- (44) "EPA" means the U.S. Environmental Protection Agency.
- (45) Equipment
 - (a) "Equipment" means an article that is used in the operation of a food establishment such as a freezer, grinder, hood, ice maker, meat block, mixer, oven, reach-in refrigerator, scale, sink, slicer, stove, table, temperature measuring device for ambient air, vending machine, or warewashing machine.
 - (b) "Equipment" 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 hand trucks, forklifts, dollies, pallets, racks, and skids
- (46) "FC" means the United States Food and Drug Administration publication, Food Code: 1999 recommendations of the United States Public Health Service, Food and Drug Administration (1999), as modified and incorporated by reference in A.A.C. R9-8-107.
- (47) Fish.
- (a) "Fish" means fresh or saltwater finfish, crustaceans and other forms of aquatic life (including alligator, frog, aquatic turtle, jellyfish, sea cucumber, and sea urchin and the roe of such animals) other than birds or mammals, and all mollusks, if such animal life is intended for human consumption.
- (b) "Fish" includes an edible human food product derived in whole or in part from fish, including fish that have been processed in any manner.
- (48) "Food" means 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.
- (49) "Food Bank" is a food establishment that operates in conjunction with an organization such as a charity that provides food, which has been acquired through purchases or donations, and offers the food directly to a consumer.
- (50) "Foodborne Disease Outbreak" means the occurrence of two or more cases of a similar illness resulting from the ingestion of a common food, and the current definition provided by the U.S. Centers for Disease Control and Prevention.
- (51) "Food Catering" is a food establishment where a pre-arranged number of meals and/or food products are prepared at one permitted premise for immediate service and consumption at another pre-arranged off-site location for a temporary event or other occurrence.
- (52) "Food-Contact Surface" means:
- (a) A surface of equipment or a utensil with which food normally comes into contact; or
- (b) A surface of equipment or a utensil from which food may drain, drip, or splash:
- (i) Into a food, or
- (ii) Onto a surface normally in contact with food.
- (53) "Food Employee" means an individual working with unpackaged food, food equipment or utensils, or food-contact surfaces.
- (54) Food Establishment.
- (a) "Food Establishment" means an operation ~~and~~ that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption:
- (i) Such as a restaurant; satellite or catered feeding location; catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people; market; vending location; conveyance used to transport people; institution; or food bank; and
- (ii) That 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) "Food Establishment" includes:

- (i) An element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the Department; and
 - (ii) An operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off the premises; and regardless of whether there is a charge for the food.
 - (iii) The following establishments defined in this chapter such as: adventure food service; bakery; boarding home; bottled water & beverage plant; damaged food; daycare foodservice; eating and drinking; food bank; food catering; food jobber; food peddler; food processor; ice manufacturing; itinerant (temporary); meat market; miscellaneous food; mobile food unit; pushcart; refrigerated warehouse/locker; retail food establishment; seasonal food establishment; vending machine, and commissary.
 - (iv) Demonstration cooking classes that advertise and/or demonstrate the preparation and/or cooking of food and then offer the food to the public for consumption at the conclusion of the demonstration. This also includes kitchenware establishments that demonstrate and offer samples to customers and food or beverage sampling offered to the consumer from an open bottle, cup or container.
- (c) "Food Establishment" does not include:
- (i) A kitchen in a private home if only food that is not potentially hazardous is prepared for sale or service at a function such as a religious or charitable organization's bake sale if allowed by law and if the consumer is informed by a clearly visible placard at the sales or service location that the food is prepared in a kitchen that is not subject to regulation and inspection by the Department;
 - (ii) A kitchen in a private home, such as a small family day-care provider; or a bed-and-breakfast operation that prepares and offers food to guests if the home is owner occupied, the number of available guest bedrooms does not exceed 6, breakfast is the only meal offered, the number of guests served does not exceed 18, and the consumer is informed by statements contained in published advertisements, mailed brochures, and placards posted at the registration area that the food is prepared in a kitchen that is not regulated and inspected by the Department; or
 - (iii) A private home that receives catered or home-delivered food.
 - (iv) A home cooking school in which food and/or meals are served at a non-commercial social event, employee conducted function, or prepared at a home cooking school. No more than one meal per day shall be served to no more than fifteen students. The students shall be informed by a statement contained in a published advertisement, mailed brochure and placard posted at the cooking school's registration that the food is prepared in a kitchen that is not regulated and inspected by the Department or by a local health authority.

- (v) Demonstration culinary cooking schools and home economics classes accredited by the appropriate entity such as an educational institution and all food is prepared and consumed by the student in training. Food may not be purchased by the school or stored on premises.
 - (vi) A school or business that demonstrates the preparation of food but does not offer samples to the public for consumption.
 - (vii) A demonstration cooking class in which the public purchases, prepares and/or cooks and consumes their food.
 - (viii) A "Chef for Hire" at a private residence for a private, non-advertised event where fees are paid by the responsible party for this service. Fees cannot be collected from the attendees of the event.
- (55) "Food Jobber" means any wholesale food establishment in which food, not manufactured, on the premises, is offered for sale for ultimate human consumption.
- (56) "Food Processing Plant."
- (a) "Food Processing Plant" means food establishment that manufactures, packages, labels, or stores food for human consumption.
- (57) "Food Processor" a food establishment that manufactures, packages, labels, or stores food for human consumption.
- (a) Class 2 – operation with only limited preparation of food items.
 - (b) Class 4 – operation with advanced preparation of food items.
- (58) "Food Readily Perishable" means any food or ingredient capable of supporting rapid and progressive growth of spoilage microorganisms.
- (59) "Frozen Desserts" means ice cream, frozen custard, french ice cream, ice milk, quiescently frozen confection, quiescently frozen dairy confection, french custard ice cream, artificially sweetened ice cream, manufactured desserts mix, whipped cream confection, bisque tortoni sherbets, water ice and mellorine frozen desserts and all such other products, together with any mix, used in making such frozen desserts, and any other products which are similar in appearance, odor or taste to such products or are prepared or frozen as frozen desserts are customarily prepared and frozen, whether made with dairy products or non-dairy products.
- (60) "Frozen Desserts Mix" means any pasteurized mix that is converted into frozen dessert.
- (61) Game Animal.
- (a) "Game Animal" means an animal, the products of which are food, that is not classified as cattle, sheep, swine, goat, horse, mule, or other equine in 9 CFR Subchapter A - mandatory meat inspection, Part 301, as poultry in 9 CFR Subchapter C - mandatory poultry products inspection, Part 381, or as fish as defined under Subparagraph 1-201.10(b)(26).
 - (b) "Game Animal" includes mammals such as reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, opossum, raccoon, nutria, or muskrat, and nonaquatic reptiles such as land snakes.
 - (c) "Game Animal" does not include ratites such as ostrich, emu, and rhea.
- (62) "General Use Pesticide" means a pesticide that is not classified by EPA for restricted use as specified in 40 CFR 152.175.
- (63) "Grade A Standards" means the requirements of the United States Public Health Service/FDA "Grade A Pasteurized Milk Ordinance" and "Grade A Condensed and Dry Milk Ordinance" with which certain fluid and dry milk and milk products comply.

- (64) Group Residence.
- (a) "Group Residence" means a private or public housing corporation or institutional facility that provides living quarters and meals.
- (b) "Group Residence" includes a domicile for unrelated persons such as a retirement home or a long-term health care facility.
- (65) "HACCP Plan" means a written document that delineates the formal procedures for following the hazard analysis critical control point principles developed by the National Advisory Committee on Microbiological Criteria for Foods.
- (66) "Hazard" means a biological, chemical, or physical property that may cause an unacceptable consumer health risk.
- (67) "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.
- (68) "Highly Susceptible Population" means a group of persons who are more likely than other populations to experience foodborne disease because they are immunocompromised or older adults and in a facility that provides health care or assisted living services, such as a hospital or nursing home; or preschool age children in a facility that provides custodial care, such as a day care center.
- (69) "Hot Liquid Food or Beverage" means liquid food or beverage, the temperature of which at the time of service to the consumer is at least 130°F. (54°C.).
- (70) "Ice" means the product, in any form, obtained as a result of freezing water.
- (71) "Ice Manufacturing Plant" means any food establishment, together with the necessary appurtenances, in which ice is manufactured or processed, and stored, packaged, distributed or offered for sale for human consumption, or for use in which it may come into contact with food equipment or utensils, or with food or beverage intended for human consumption.
- (72) "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 based on:
- (a) The number of potential injuries, and
- (b) The nature, severity, and duration of the anticipated injury.
- (73) "Injected" means manipulating a meat so that infectious or toxigenic microorganisms may be introduced from its surface to its interior through tenderizing with deep penetration or injecting the meat such as by processes which may be referred to as "injecting," "pinning," or "stitch pumping."
- (74) "Insanitary" means unclean or unhealthy and the term shall apply to food in the process of production, preparation, manufacture, packing, storing, sale, distribution, or transportation which is not adequately protected from insects, flies, rodents, dust, and dirt and by all reasonable means from all other foreign or injurious contamination; or to refuse, dirt, or waste products subject to decomposition and fermentation incident to the manufacture, preparation, packing, storing, selling, distribution, or transportation of food which are not removed daily; or to machinery, equipment, and utensils used in food processing, preparation, manufacture, packing, storing, sale, distribution or transportation which are not maintained in a clean condition; or to clothing of persons

- engaged in food handling which is unclean; or to any other condition determined by the Department to constitute a health hazard.
- (75) "Inspection Upon Request" is an inspection requested by the owner in addition to the routine inspections used to determine fees for their permit to operate. The owner must apply and pre-pay a fee for these inspections.
- (76) "Juice", when used in the context of food safety, means the aqueous liquid expressed or extracted from one or more fruits or vegetables, purées of the edible portions of one or more fruits or vegetables, or any concentrate of such liquid or purée. This definition does not apply to standards of identity.
- (77) "Kitchenware" means food preparation and storage utensils.
- (78) "Law" means applicable local, state, and federal statutes, regulations, code and ordinances.
- (79) "License" means the permit document issued by the Department that authorizes a person to operate a food establishment.
- (80) "License Holder" means the entity that:
- (a) Is legally responsible for the operation of the food establishment such as the owner, the owner's agent, or other person; and
 - (b) Possesses a valid permit to operate a food establishment.
- (81) "Limited Preparation" means food preparation limited to assemble-serve, cook-serve, chill-serve, and/or hold-serve or otherwise as determined by the Department.
- (82) "Linens" means fabric items such as cloth hampers, cloth napkins, table cloths, wiping cloths, and work garments including cloth gloves.
- (83) "Liquor License Survey" is the process put in place by the Department to assess whether or not an establishment is in compliance with the provisions set forth in this code. The owner who is applying for the liquor license application is charged a liquor license fee. The process requires an on-site visit to the establishment by the Department.
- (84) "Manufacturing" or "processing" means treating, compounding, blending, cooking, baking, packaging, pasteurizing, bottling, or any other method of preparing food for consumption.
- (85) "Meat" means the flesh of animals used as food including the dressed flesh of cattle, swine, sheep, or goats and other edible animals, except fish, poultry, and wild game animals as specified under subparagraphs regulations, codes and ordinances.
- (86) "Mg/l" means milligrams per liter, which is the metric equivalent of parts per million (ppm).
- (87) "Miscellaneous Food" means a retail food establishment that sells only non-potentially hazardous food. The total sales/display area shall be limited to ten linear feet.
- (88) "Mislabeled" or "Misbranded" means wrongly labeled or branded and the term shall apply to any food if it does not conform to the Federal Food and Drug Administration requirements for labeling located in 21CFR101.
- (89) "Mobile Food Service" means a food establishment selling, offering for sale or dispensing food for human consumption from any vehicle or other temporary or itinerant station. Mobile food establishments are classified as follows:
- (a) "Mobile Food Unit" means and refers to an enclosed vehicle-mounted food establishment designated to be readily movable from which food is composed, compounded, processed or prepared and from which food is vended, sold or given away.

- (b) "Pushcart" means and refers to a non-self-propelled vehicle designated to be readily movable which is limited to the serving of non-potentially hazardous foods or commissary- wrapped potentially hazardous food maintained at proper temperatures or limited to the assembling and serving of frankfurters. Unpackaged non-potentially hazardous food items approved for sale from a pushcart shall be limited to popcorn, nuts, produce, pretzels and similar bakery products, shaved ice, and snow cones.
 - (c) "Food Peddler" means and refers to a retail food establishment in operation from a vehicle designated to be readily movable from which properly labeled non-potentially hazardous foods or packaged potentially hazardous foods held at proper temperatures, frozen, or canned prepared food which is wrapped, packaged, portioned, kept in ready-to-eat units or raw fruits and vegetables are vended, sold, or given away but in which establishment the food is not composed, compounded, thawed, reheated, cut, cooked, processed or prepared. Food peddlers may dispense soda fountain drinks, hot drinks, and assemble snow cones from approved and properly installed equipment.
 - (d) "Temporary Food Establishment" means and refers to a food establishment that operates in conjunction with a fair, rodeo, exhibition or similar public event for not more than fourteen (14) consecutive days within any permit year provided it is the same permittee, at the same location and the same event. At the termination of the event the temporary food service establishment shall be removed from the premises.
 - (e) "Adventure Food Establishment" means and refers to a food establishment that operates in conjunction with a trail ride or similar type activity and prepares or serves food to participants.
- (90) "Molluscan Shellfish" means any edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions thereof, except when the scallop product consists only of the shucked adductor muscle.
- (91) Packaged.
- (a) "Packaged" means bottled, canned, cartoned, securely bagged, or securely wrapped.
 - (b) "Packaged" does not include a wrapper, carry-out box, or other nondurable container used to containerize food with the purpose of facilitating food protection during service and receipt of the food by the consumer.
- (92) "Pasteurization (Frozen Desserts)" means the process of heating every particle of mix to at least 155°F. and holding at such temperature for at least 30 minutes, or to at least 175°F. and holding at such temperature continuously for at least 25 seconds, in approved and properly operated equipment; provided, that nothing contained in this definition shall be construed to prevent the use of another process which has been demonstrated to be equally efficient and is approved by the Department.
- (93) "Permit" means the document issued by the Department that authorizes a person to operate a food establishment.
- (94) "Permit Category" means a category for which a particular food establishment would be classified as listed in the Maricopa County Environmental Health Code, Chapter I, Fee Schedule.
- (95) "Permit Holder" means the entity that:

- (a) Is legally responsible for the operation of the food establishment such as the owner, the owner's agent, or other person; and
- (b) Possesses a valid permit to operate a food establishment.
- (96) "Person" means an association, a corporation, individual, partnership, other legal entity, government, or governmental subdivision or agency.
- (97) "Person in Charge" means the individual present at a food establishment who is responsible for the operation at the time of inspection.
- (98) Personal Care Items.
 - (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) "Personal Care Items" include items such as medicines; first aid supplies; and other items such as cosmetics, and toiletries such as toothpaste and mouthwash.
- (99) "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 0 and 7 indicate acidity and values between 7 and 14 indicate alkalinity. The value for pure distilled water is 7, which is considered neutral.
- (100) "Physical Facilities" means the structure and interior surfaces of a food establishment including accessories such as soap and towel dispensers and attachments such as light fixtures and heating or air conditioning system vents.
- (101) "Plant (Frozen Desserts)" means any place, premises, or establishment or any part thereof, including specific applicable areas in retail stores, stands, hotels, restaurants and other establishments where frozen desserts are stored, frozen or converted in form for distribution and/or for sale and shall include rooms or space where utensils or equipment are stored, washed or sanitized and where ingredients for use in manufacturing frozen desserts are stored. The term "Plant" shall be deemed to include the following:
 - (a) "Mobile Unit" means any vehicle on which frozen desserts are manufactured, prepared, processed, or converted and which is used in selling and dispensing, frozen desserts. It shall include temporary buildings, which may be moved from place to place.
 - (b) "Mobile Unit Depot" means a building from which mobile units operate, where equipment facilities thereof are cleaned and sanitized, and where frozen desserts for sale from such mobile units may be handled or stored.
- (102) "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.
- (103) "Plumbing System" means the water supply and distribution pipes; plumbing fixtures and traps; soil, waste, and vent pipes; sanitary and storm sewers and building drains, including their respective connections, devices, and appurtenances within the premises; and water-treating equipment.
- (104) "Poisonous or Toxic Materials" means substances that are not intended for ingestion and are included in 4 categories:

- (a) Cleaners and sanitizers, which include cleaning and sanitizing agents and agents such as caustics, acids, drying agents, polishes, and 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; and
 - (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.
- (105) Potentially Hazardous Food.
- (a) "Potentially Hazardous Food" means a food that is natural or synthetic and that requires temperature control because it is in a form capable of supporting:
 - (i) The rapid and progressive growth of infectious or toxigenic
 - (ii) The growth and toxin production of *Clostridium botulinum*; or microorganisms;
 - (iii) In raw shell eggs, the growth of *Salmonella enteritidis*
 - (b) "Potentially Hazardous Food" includes an animal food (a food of animal origin) that is raw or heat-treated; a food of plant origin that is heat-treated or consists of raw seed sprouts; cut melons; and garlic-in-oil mixtures that are not modified in a way that results in mixtures that do not support growth as specified under subparagraph (a) of this definition.
 - (c) "Potentially Hazardous Food" does not include:
 - (i) An air-cooled hard-boiled egg with shell intact;
 - (ii) A food with an A_w value of 0.85 or less;
 - (iii) A food with a pH level of 4.6 or below when measured at 24°C. (75°F.);
 - (iv) A food, in an unopened hermetically sealed container, that is commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution;
 - (v) A food for which laboratory evidence demonstrates that the rapid and progressive growth of infectious or toxigenic microorganisms or the growth of *S. enteritidis* in eggs or *C. botulinum* can not occur, such as a food that has an A_w and a pH that are above the levels specified under subparagraphs (c)(ii) and (iii) of this definition and that may contain a preservative, other barrier to the growth of microorganisms, or a combination of barriers that inhibit the growth of microorganisms; or
 - (vi) A food that does not support the growth of microorganisms as specified under subparagraph (a) of this definition even though the food may contain an infectious or toxigenic microorganism or chemical or physical contaminant at a level sufficient to cause illness.
- (106) Poultry.
- (a) "Poultry" means:

- (i) Any domesticated bird (chickens, turkeys, ducks, geese, or guineas), whether live or dead, as defined in 9 CFR 381 Poultry Products Inspection Regulations; and
 - (ii) Any migratory waterfowl, game bird, or squab such as pheasant, partridge, quail, grouse, or guineas, whether live or dead, as defined in 9 CFR 362 Voluntary Poultry Inspection Program.
- (b) "Poultry" does not include ratites.
- (107) "Premises" means:
 - (a) The physical facility, its contents, and the contiguous land or property under the control of the permit holder; or
 - (b) The physical facility, its contents, and the land or property not described under subparagraph (a) of this definition if its facilities and contents are under the control of the permit holder and may impact food establishment personnel, facilities, or operations, and a food establishment is only one component of a larger operation such as a health care facility, hotel, motel, school, recreational camp, or prison.
- (108) "Prepare" means to process commercially for human consumption by manufacturing, packaging, labeling, cooking, or assembling.
- (109) "Primal Cut" means a basic major cut into which carcasses and sides of meat are separated, such as a beef round, pork loin, lamb flank, or veal breast.
- (110) "Product Contact Surface" means any surface, including but not limited to piping, machinery, equipment, containers or utensils of any description, with which food comes into contact.
- (111) "Public Health Control" means a method to prevent transmission of foodborne illness to the consumer.
- (112) "Public Water System" has the meaning stated in 40 CFR 141 National Primary Drinking Water Regulations.
- (113) Ready-To-Eat Food.
 - (a) "Ready-To-Eat Food" means food that is in a form that is edible without washing, cooking, or additional preparation by the food establishment or the consumer and that is reasonably expected to be consumed in that form.
 - (b) "Ready-To-Eat Food" includes:
 - (i) Potentially hazardous food that is unpackaged and cooked to the temperature and time required for the specific food under Subpart 3-401;
 - (ii) Raw, washed, cut fruits and vegetables;
 - (iii) Whole, raw fruits and vegetables that are presented for consumption without the need for further washing, such as at a buffet; and
 - (iv) Other food presented for consumption for which further washing or cooking is not required and from which rinds, peels, husks, or shells are removed.
- (114) "Reconstituted" means dehydrated food products recombined with water or other liquids.
- (115) Reduced Oxygen Packaging.
 - (a) "Reduced Oxygen Packaging" means:

- (i) The reduction of the amount of oxygen in a package by removing oxygen; displacing oxygen and replacing it with another gas or combination of gases; or otherwise controlling the oxygen content to a level below that normally found in the surrounding, 21% oxygen atmosphere, and
 - (ii) A process as specified in Subparagraph (a)(1) of this definition that involves a food for which *Clostridium botulinum* is identified as a microbiological hazard in the final packaged form.
- (b) "Reduced Oxygen Packaging" includes:
- (i) 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, such as sous vide;
 - (ii) 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: reduction in the proportion of oxygen, total replacement of oxygen, or an increase in the proportion of other gases such as carbon dioxide or nitrogen; and
 - (iii) 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.
 - (iv) Cook chill packaging, in which cooked food is hot filled into impermeable bags which have the air expelled and are then sealed or crimped closed. The bagged food is rapidly chilled and refrigerated at temperatures that inhibit the growth of psychotrophic pathogens.
 - (v) Sous vide packaging, in which raw or partially cooked food is placed in a hermetically sealed, impermeable bag, cooked in the bag, rapidly chilled, and refrigerated at temperatures that inhibit the growth of psychotrophic pathogens.
- (116) "Refrigerated Warehouse" means any place, other than a restaurant, store, home or eating establishment with refrigerated space exclusively for its own use, providing refrigeration and refrigerated storage service to the public with facilities to cool and keep food other than fresh unprocessed fruits and vegetables at a temperature at or below 41°F. (5°C.).
- (117) "Refuse" means solid waste not carried by water through the sewage system.
- (118) "Regulatory Authority" means the Maricopa County Environmental Services Department.
- (119) "Remodel" means to change the physical facilities or plumbing fixtures in a food establishment's food preparation, storage, or cleaning areas through construction, replacement, or relocation, but does not include the replacement of old equipment with new equipment of the same type.
- (120) "Requester" means a person who requests an approval from the Department, but who is not an applicant or a permit holder.

- (121) "Restricted Use Pesticide" means a pesticide product that contains the active ingredients specified in 40 CFR 152.175 pesticides classified for restricted use, and that is limited to use by or under the direct supervision of a certified applicator.
- (122) "Retail Food Establishment" means any retail establishment in the business of selling pre-packaged food, bulk non-potentially hazardous food, and/or produce for human consumption
- (a) Class 2 – operation with more than 10 linear feet of sales/display space of foodstuffs or pre-packaged potentially hazardous foods.
 - (b) Class 3 – operation with more than 10 linear feet of sales/display space of foodstuffs or pre-packaged potentially hazardous foods, including preparation limited to washing, portioning, and/or packaging produce.
- (123) "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 § 409 or 706 of The Federal Food, Drug, and Cosmetic Act; or
 - (c) Other materials that are not additives and that are used in conformity with applicable regulations of the Food and Drug Administration.
- (124) "Sanitary" means clean, healthy and not deleterious to health and the term shall apply to food in the process of production, preparation, manufacture, packing, storing, sale, distribution, or transportation which is adequately protected from flies and other insects, rodents, dust and dirt and by all reasonable means from all other foreign or injurious contamination; and shall apply to the absence of refuse, dirt, or waste products subject to decomposition.
- (125) "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 5 logs, which is equal to a 99.999% reduction, of representative disease microorganisms of public health importance.
- (126) "School Bakery" means a food establishment owned by a school district or similar entity that prepares exclusively bakery items for immediate service on-site, directly to a consumer, and/or for redistribution at another school or similar facility.
- (127) "School Food Catering" a food establishment owned by a school district or similar entity where a pre-arranged amount of food is prepared at one permitted premise for immediate service and consumption at another pre-arranged or satellite location on a school campus/grounds or another location owned by the school district.
- (128) "School food jobber" means a food establishment which is a food storage facility, owned by a school district or similar entity where food, not manufactured on the premises, is stored for ultimate human consumption at a school or similar facility.
- (129) "School Food Processor" means a food establishment that is processing food and is owned by a school district or similar entity:
- (a) Class 2 – operation with only limited preparation of food items.
 - (b) Class 4 – operation with advanced preparation of food items.
- (130) "Sealed" means free of cracks or other openings that allow the entry or passage of moisture.
- (131) "Service Animal" means an animal such as a guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability.

- (132) "Servicing Area" means the portion of a commissary to which a mobile food establishment or transportation vehicle returns regularly for such things as vehicle and equipment cleaning, discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding food.
- (133) "Seasonal Food Establishment" means and refers to a fixed or mobile food establishment that operates in conjunction with one public celebration or similar seasonal event for fifteen (15) to one hundred twenty (120) days within any permit year. At the termination of the event, the seasonal food establishment shall be removed from the premises or ceases operation as determined by the Department.
- (134) "Service Kitchen" means and refers to a food service establishment that operates in conjunction with a permitted food establishment and shall be operated and maintained in compliance with the appropriate provisions of the Maricopa County Environmental Health Code.
- (135) "Sewage" means liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.
- (136) "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.
- (137) "Shellstock" means raw, in-shell molluscan shellfish.
- (138) "Shucked Shellfish" means molluscan shellfish that have one or both shells removed.
- (139) "Single-Service Articles" means tableware, carry-out utensils, and other items such as bags, containers, placemats, stirrers, straws, toothpicks, and wrappers that are designed and constructed for one time, one person use after which they are intended for discard.
- (140) Single-Use Articles.
- (a) "Single-Use Articles" means utensils and bulk food containers designed and constructed to be used once and discarded.
- (b) "Single-Use Articles" includes items such as wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles, and number 10 cans which do not meet the materials, durability, strength, and cleanability specifications under §§ 4-101.11, 4-201.11, and 4-202.11 for multiuse utensils.
- (141) "Slacking" means the process of moderating the temperature of a food such as allowing a food to gradually increase from a temperature of -23°C. (-10°F.) to -4°C. (25°F.) in preparation for deep-fat frying or to facilitate even heat penetration during the cooking of previously block-frozen food such as spinach.
- (142) "Smooth" means:
- (a) A food-contact surface having a surface free of pits and inclusions with a cleanability equal to or exceeding that of (100 grit) number 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.
- (143) "Table-Mounted Equipment" means equipment that is not portable and is designed to be mounted off the floor on a table, counter, or shelf.

- (144) "Tableware" means eating, drinking, and serving utensils for table use such as flatware including forks, knives, and spoons; hollowware including bowls, cups, serving dishes, and tumblers; and plates.
- (145) "Tempered Water" means potable water ranging from 85°F to 105°F that comes from an approved source provided through a properly regulated mixing valve.
- (146) "Temperature Measuring Device" means a thermometer, thermocouple, thermistor, or other device that indicates the temperature of food, air, or water.
- (147) "Uniform Mechanical Code" means the Uniform Mechanical Code published by the International Association of Plumbing and Mechanical Officials.
- (148) "Uniform Plumbing Code" means the Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials.
- (149) "USDA" means the U.S. Department of Agriculture.
- (150) "Utensil" means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of food, such as kitchenware or tableware that is multiuse, single-service, or single-use; gloves used in contact with food; food temperature measuring devices; and probe-type price or identification tags used in contact with food.
- (151) "Variance" means a written document issued by the Department that authorizes a modification or waiver of one or more requirements of this Code if, in the opinion of the Department, a health hazard or nuisance will not result from the modification or waiver.
- (152) "Vending Machine" means a self-service device that, upon insertion of a coin, paper currency, token, card, or key, or by optional manual operation, dispenses unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation.
- (153) "Vending Machine Location" means the room, enclosure, space, or area where one 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.
- (154) "Vending Machine Operator" means anyone who as the owner or person in charge, furnishes, installs, services, operates or maintains one or more vending machines.
- (155) "Warewashing" means the cleaning and sanitizing of utensils and food-contact surfaces of equipment.
- (156) "Whole-Muscle, Intact Beef" means whole muscle beef that is not injected, mechanically tenderized, reconstructed, or scored and marinated, from which beef steaks may be cut.
- (157) "Wholesome" means clean, free from spoilage, and safe for human consumption.

REGULATION 2. Approval of Plans Required

- a. No food establishment shall be constructed, nor shall any major alteration or addition be made thereto, until detailed plans and specifications for the premises have been submitted to and approved by the Department; nor shall any construction, alteration, or addition be made except in accordance with approved plans and specifications. The owner, operator, or his authorized agent shall certify in writing that the plan documents comply with these regulations.

- b. The approval shall expire at the end of one year unless the project contemplated in the approved plans is substantially under construction by that time.
- c. Should it be necessary or desirable to make any material change in the approved plans and specifications, revised plans and specifications shall be submitted to the Department for review, and approval shall be obtained before the work affected by the change is undertaken. Structural changes or minor revisions not affecting health and sanitation will be permitted during construction without further approval.

REGULATION 3. Permit Required

No person shall operate a food establishment without a valid permit to do so from the Department or otherwise than in compliance with the applicable regulations in the Environmental Health Code. The permit shall be posted in a conspicuous place on the premises of the food establishment.

REGULATION 4. Access to Premises

The owner or operator shall admit a representative of the Department at any reasonable time upon request, to any part of a food establishment for the purpose of inspection, and shall permit the copying of any or all records of food purchased or disposed of.

REGULATION 5. Embargoed Food

The Department, having reason to suspect that any food is unwholesome, spoiled or otherwise unsafe or unfit for human consumption, may forthwith label or seal such food as "withheld" or "embargoed." Such labeled or sealed food shall then be set apart from other foods by its owner and not used, sold or given away until the Department has had reasonable opportunity to cause a proper examination of the food to be made. After examination, the Department may remove the label or seal, or may direct the owner or person in charge of the food to denature, remove or destroy such food or to bring it into compliance with the requirements of this code, which he shall do.

REGULATION 6. Condemned Equipment

If after examination, the Department determines that a food utensil or food equipment is worn, defective, insanitary or otherwise prejudicial to health, such utensil or equipment may be labeled "condemned" by the Department and the utensil or equipment so labeled may not thereafter be used for food storage, preparation, handling or serving. The Department may direct the owner to bring the condemned utensil or equipment into compliance with the requirements of this code or to remove it from the food establishment, or replace it with approved units, which he shall do.

REGULATION 7. Removal of Seal

A "withheld," "embargoed" or "condemned" label, tag or seal, having once been affixed by the Department to food or equipment, shall be removed only by the Department except as otherwise provided by law.

REGULATION 8. General Sanitation

The following shall be complied with in all food establishments:

- a. All parts, equipment, and facilities of every food establishment, and all vehicles used in transporting food, shall be kept in a clean, healthful and sanitary condition, and in compliance with the pertinent provisions of this Health Code.
- b.
 - (1) All food shall be from approved, or if originating from a source beyond the Department's jurisdiction, approvable sources, and shall be clean, wholesome, free from spoilage, adulterations, mislabeling and misbranding, and safe for human consumption.
 - (2) Food once served to a customer shall not be served again to another customer except that packaged food, other than potentially hazardous food, still packaged and in sound condition, may be re-served.
- c. All food while being stored, handled, prepared, processed, displayed, served, sold or given away at a food establishment, or during transportation, shall be adequately protected from all forms of contamination, spoilage, adulteration, mislabeling, misbranding, and shall be safe for human consumption. Suitable means shall be employed to eliminate manual contact with unpackaged ready to eat food and minimize contact with all other food.
 - (1) Wet storage of packaged products is prohibited.
 - (2) Ice intended for human consumption or in direct contact with food shall be kept and handled as required for food and shall be dispensed by employees only using scoops, tongs, or other ice dispensing utensils or through automatic ice-dispensing equipment. Dispensing utensils shall be stored on a clean surface or in the ice with the handle extended out of the ice. Between uses, ice transfer equipment shall be protected from contamination. Ice storage bins shall be drained across an air gap. Cooling tubes or coils conveying beverages through ice to dispenser heads are acceptable.
 - (3) Bulk food such as cooking oil, syrup, salt, sugar or flour shall be stored in containers identifying the food by common name.
 - (4) Suitable dispensing utensils shall be used or provided to consumers who serve themselves. Multiuse dispensing utensils shall be stored in the food with the dispensing utensil handle extended out of the food; or stored clean and dry; or stored in running water; or in a container of water if the water is maintained at

a temperature greater than 130°F. and the container is cleaned at least every 24 hours or at a frequency to maintain the container clean.

- (5) Condiments, seasonings, dressings and sauces shall be provided in individually sealed packages, excepting that multi-use dispenser or containers of such foods which are protected in an approved manner from all forms of contamination or spoilage may also be used.
- (6) Excepting for beverage cups and glasses, reuse of soiled tableware by self-service consumers returning to the service area for additional food is prohibited.

d. Food readily perishable--potentially hazardous.

- (1) Food readily perishable shall be maintained at a temperature not lower than 130°F. (54°C.), frozen food must remain frozen, or not higher than 41°F. (5°C.) whichever is applicable, except during actual processing. Subsequent to processing, the food shall be returned to the temperature necessary for the preservation of its sanitary quality and wholesomeness in the minimum time consistent with good processing technique for the particular food.
- (2) Prior to service or use, potentially hazardous foods requiring cooking shall be cooked sufficiently to heat all parts of the food to a temperature of at least 130°F. (54°C.) except that:
 - (a) Poultry, poultry stuffings, stuffed meats and stuffings containing meat shall be cooked to heat all parts of the food to at least 165°F. (74°C.) for 15 seconds with no interruption of the cooking process.
 - (b) Raw animal foods cooked in a microwave must be covered, and rotated or stirred halfway through the cooking process, and cooked to 165°F. (74°C.) and held for two minutes prior to service.
 - (c) Ratites; injected meats; comminuted fish and meats; commercially raised and processed game animals; exotic animals; rabbits; or raw shell eggs not prepared for immediate service must be cooked to 155°F. (68°C.) for 15 seconds.
 - (d) Roast beef shall be cooked to an internal temperature of at least 130°F. (54°C.) and beef steak shall be cooked to a temperature of 130°F. (54°C.) unless otherwise ordered by the immediate consumer.
- (3) Liquid frozen, dry eggs and egg products shall be used only for cooking and baking purposes. The use of cracked or checked eggs is prohibited.
- (4) Potentially hazardous foods that have been cooked and then refrigerated, shall be reheated rapidly to 165°F. (74°C.) or higher throughout before being used or served.
- (5) Potentially hazardous foods shall be thawed:
 - (a) In refrigerated units at a temperature not to exceed 45°F. (7°C.); or

- (b) Completely submerged under potable running water of a temperature of 70°F. (21°C.) or below, with sufficient water velocity to agitate and float off loose food particles; or
 - (c) In a microwave oven only when the food will be immediately transferred to conventional cooking facilities as part of a continuous cooking process or when the entire, uninterrupted cooking process takes place in the microwave oven; or
 - (d) As part of the conventional cooking process.
- (6) Metal stem-type numerically scaled indicating thermometers, accurate to $\pm 2^{\circ}\text{F}$. (1°C .) shall be provided and used to assure the attainment and maintenance of proper internal cooking, holding, or refrigeration temperatures of all potentially hazardous foods.
- (7) Nondairy creaming or whitening agents shall be held in an individual service container, protected pour-type pitcher, or drawn from a refrigerated dispenser designed for such service.
- (8) Nondairy creaming, whitening, or whipping agents reconstituted on the premises shall be stored in sanitized, covered containers and cooled to 45°F. (7°C .) or below within 4 hours after preparation.
- (9) No oysters, clams, or mussels shall be stored, handled, processed, packed or repacked, held for sale, sold or given away unless:
- (a) They have been grown, harvested, processed and transported in accordance with requirements of the United States Public Health Service Shellfish Certification Program; and unless:
 - (b) All interstate shipments held are accompanied by the tag, label, or other approved mark showing that the shipper has been duly certified by the State, Province, or Country of origin, and the name and certificate number of the shipper is included on the current United States Public Health Service Shellfish Certification list.
- (10) Shellfish shall be so stored, handled, processed, packed or repacked, held for sale, sold or given away that its true origin may be traced with facility. Specifically:
- (a) All vendors or purveyors of shellfish at retail, including food establishments, shall sell or furnish shellfish in or from the original container as received and identified from the interstate source; or if furnished in any other way, shall retain for a period of 90 days after disposition of any consignment of shellfish the invoices or other documents which identify the source or origin of the shellfish.
 - (b) All shellfish vendors or purveyors not described in subparagraph (a) above shall hold shellfish in their original shipping containers marked as

required, or if the distributor or wholesaler repacks or processes the shellfish, the containers or packages thereof shall be identified with the certificate number showing the origin of the shellfish and the wholesaler's or distributor's name and address.

- e. Construction - Buildings shall be of sound and tight construction. Studs, joists and rafters shall not be exposed in walk-in refrigeration units, food preparation areas, equipment and utensil washing areas or toilet rooms. Exposed utility service lines, ducts and pipes shall be so installed as to facilitate cleaning.
- f. Floors
 - (1) Floors shall be of impervious construction where they are subject to flooding, spillage, or other conditions of hard use, such as in food preparation and storage areas and utensil washing areas, and shall be easily cleanable, non-slip and where necessary graded to drain. The juncture of floors and walls shall be covered. The use of loose wood shavings, peanut hulls or similar materials on floors is prohibited.
 - (2) Carpeting, where permitted, shall be of closely woven construction, easily cleanable and maintained clean and in good repair. Carpeting is prohibited in food preparation, food service and equipment washing areas and in toilet room areas where urinals or toilet fixtures are located.
- g. Walls and Ceilings - Walls and ceilings of areas in which food is processed, prepared or stored and all utensil washing areas shall have smooth, easily cleanable surfaces. Wall surfaces from the lower edge of kitchen exhaust hoods to the floor surface including the floor/wall junctures shall be finished with metal, ceramic tile or similar durable, easily cleanable materials.
- h. Ventilation
 - (1) All rooms in which food is stored, prepared, or served, or in which utensils are washed, or in which noxious odors, vapors or fumes are generated shall be properly ventilated to the exterior air.
 - (2) Approved venting hoods and devices shall be provided for stoves, grills, and similar equipment. Such hoods shall be adequate to prevent grease and condensate from collecting on walls and ceilings and from dripping into food or onto food-contact surfaces. Filters or other grease-extracting equipment not designed to be cleaned in place shall be readily removable for servicing.
- i. Lighting

All areas of a food establishment shall be adequately lighted. At least 50 foot-candles 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. At least 20 foot-candles at a surface where food is provided for consumer self service such as buffets and salad bars or where fresh produce or packaged foods are sold or offered for consumption; inside equipment such as reach-in and under-counter refrigerators; at a distance of 75 cm (30 inches) above the floor in areas used for handwashing, warewashing, and equipment and utensil storage, and in toilet rooms. At least 10 foot candles at a distance of 75 cm (30 inches) above the floor, in walk-in refrigeration units and dry food storage areas and in other areas and rooms during periods of cleaning.

- (2) Shielding to protect against broken glass falling onto food shall be provided for all artificial lighting fixtures located over, by, or within food storage, preparation, service, and display facilities, and facilities where utensils and equipment are cleaned and stored.
- (3) Infrared or other heat lamps shall be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.

j. Toilet Facilities

- (1) Adequate and convenient toilet facilities, approved by the Department, shall be provided for employees. All toilet rooms shall have self-closing doors, smooth and easily cleanable walls and ceilings, adequate ventilation to the outside air, and shall be posted with approved hand washing signs. Vestibules shall be provided when deemed necessary by the Department.
- (2) Separate and adequate toilet and lavatory facilities shall be provided as required by this code and in accordance with Arizona Administrative Code, R4-48-102 for patrons of both sexes in all food service establishments. There shall be a minimum of one urinal in a restroom used by male patrons.
- (3) The use of toilet rooms or vestibules for the storage of food, drink, or utensils is prohibited.
- (4) Waterless urinals may be approved for use by the department when the use will not create a public health nuisance.

k. Lavatory Facilities

Adequate and convenient hand washing facilities shall be provided including, hot and cold running water, or tempered water, soap, and approved individual sanitary towels. Lavatories in addition to those provided in toilet rooms, shall be easily accessible to all employees. Mixing faucets are required in all new construction or when an existing lavatory is remodeled.

l. Water Supply

- (1) An adequate supply of pure and wholesome water under pressure and from an approved source shall be provided and used. Hot and cold running water shall be provided in all rooms or areas where food is processed or prepared, or where utensils are washed.
- (2) Where bottled or packaged water is also provided, it shall be from an approved source, handled in compliance with this Code and dispensed from the original container.
- (3) Steam used in contact with food or food-contact surfaces shall meet the standards for potable water.

m. Sewage Disposal

All sewage shall be handled and disposed of in a manner and by means which comply with the relevant provisions of this Environmental Health Code.

n. Insect and Vermin Control

Approved and effective methods of insect and vermin control shall be used at all times. To prevent the entrance of insects and vermin, all openings into the outer air shall be effectively screened and doors shall be self-closing, unless other approved means are provided to control insects and vermin.

o. Plumbing

- (1) All plumbing shall be sound, tight, durable and properly located, installed and maintained in good order and repair, and shall not constitute a source of contamination to food, equipment, or utensils, or create an insanitary condition or nuisance. No plumbing fixture, pipe or device which provides, or which may provide a connection between a potable water supply and a drainage, soil, waste or other sewer pipe so as to make possible the backflow of sewage or wastewater into the water supply system shall be installed or permitted to remain installed. All plumbing shall be installed in accordance with this code and in accordance with Arizona Administrative Code, R4-48-102
- (2) Drain lines from equipment shall not discharge wastewater in such a manner as to permit the flooding of floors or the flowing of water across working or walking areas, or in difficult to clean areas, or otherwise create an insanitary condition or nuisance.
- (3) Water which has been used for cooling, or for any other purpose shall not be reused except as approved by the Department.

p. Utensils and Equipment

- (1) Utensils and equipment, such as but not limited to vats, piping, counters, shelves, sinks, preparation tools, refrigerators, etc., shall be of approved materials and construction, easily cleanable and maintained in a sanitary condition. Equipment shall be certified or classified by an American National

Standards Institute Accredited Certification Program, or deemed acceptable by the Department.

- (a) The minimum number of sink compartments acceptable for manual washing, rinsing and sanitizing utensils and equipment shall be a 3 compartment sink with indirect drain lines except where utensils are limited in type to tongs, scoops and similar articles, the Department may approve a single compartment sink with an indirect drain line.
 - (b) A separate food preparation sink is required in facilities that have food preparation as determined by the Department.
- (2) Utensils, equipment, or tableware which are cadmium plated, or contain cadmium, lead or other toxic material are prohibited unless in low enough levels that they may be approved.
 - (3) All multi-use tableware shall be properly cleaned and sanitized before being dispensed for use and shall be stored, handled, set out and dispensed in a sanitary manner. Single-service articles shall be used only once.
 - (4) Where wood is used for cutting blocks, cutting boards, salad bowls, bakers' tables and similar surfaces, it shall be a hard nonabsorbent variety. Wood may be used for single-service articles such as chopsticks, stirrers or ice cream spoons.
 - (5) All materials used in utensils, equipment, tableware and other food-contact surfaces shall be nontoxic, corrosion resistant, not deleterious to the wholesomeness of the food contacted and resistant under normal conditions of use to scratching, scoring, decomposition, crazing, chipping, pitting and distortion and of sufficient weight, thickness and design to permit cleaning and sanitizing by normal washing methods.
 - (6) Mollusk and crustacean shells may be used only once as a serving container. Further reuse of such shells for food service is prohibited.
 - (7) Equipment and food-contact surfaces which are nontoxic, installed prior to the effective date of these regulations, which do not fully meet design and fabrication requirements shall be deemed acceptable provided they are maintained in good repair and in a sanitary condition.
- q. Cleaning and Bactericidal Treatment of Utensils and Equipment:
- (1) All utensils and equipment used in the processing, preparing, or serving of food, or used as containers for food, or used in processing food (grinders, mixers, etc.) shall be thoroughly cleaned and effectively subjected to an approved bactericidal process after each usage, or at least at the close of each business day, and stored and kept in a sanitary condition until reuse.
 - (2) Utility Sink--Every new or extensively remodeled establishment shall have at least one utility sink or a 4-inch curbed facility three feet square with a floor

drain for cleaning mops or similar wet floor cleaning tools and for the disposal of mop water or other liquid wastes. The use of lavatories, utensil washing or equipment washing or food preparation sinks for this purpose is prohibited.

- (3) Cloths used for wiping any food-contact surfaces shall be clean, sanitized and used for no other purpose. Cloths or sponges used for cleaning non-food-contact surfaces of equipment such as counters, dining tabletops and shelves shall be clean.

r. Manual Cleaning and Sanitizing

- (1) Sink compartments shall be large enough to permit the accommodation of equipment parts and utensils used in the establishment, and each compartment of the sink shall be supplied with hot and cold potable running water.
- (2) Drain boards or easily movable dish tables of adequate size shall be provided and located for proper handling of soiled and cleaned utensils.
- (3) Manual washing, rinsing and sanitizing in three compartment systems shall be conducted in the following sequence:
 - (a) Sinks shall be cleaned prior to use.
 - (b) Food residues shall be flushed, scraped or soaked from equipment and utensils.
 - (c) Equipment and utensils shall be thoroughly washed in the first compartment with a hot, clean detergent solution;
 - (d) Rinsed free of detergent and abrasives with clean water in the second compartment;
 - (e) Sanitized in the third compartment by:
 - (1.1) Immersion for at least one-half (1/2) minute in clean, hot water at a continuing temperature of at least 170°F. (77°C.); or
 - (1.2) Immersion for at least one (1) minute in a clean solution continuously containing at least 50 parts per million of available chlorine as a hypochlorite and at a temperature of at least 75°F. (24°C.); or
 - (1.3) Immersion for at least one (1) minute in a clean solution continuously containing at least 12.5 parts per million of available iodine and having a pH not higher than 5.0, at a temperature of at least 75°F. (24°C.); or
 - (1.4) Immersion for at least one (1) minute in a clean solution continuously containing at least 200 parts per million of available quaternary ammonia and at a temperature of at least 75°F. (24°C.); or
 - (1.5) By any other approved means specified in 40CFR180.940.

- (4) When hot water is used for sanitizing, the following facilities shall be provided and used:
 - (a) An integral heating device or fixture installed at the sanitizing compartment of the sink, capable of maintaining the water at a temperature of at least 170°F. (77°C.); and
 - (b) A numerically scaled indicating thermometer, accurate to $\pm 2^{\circ}\text{F}$. (1°C.) located at the sink for checking water temperature; and
 - (c) Baskets of a size and design permitting complete immersion of the tableware, kitchen-ware, and equipment in the hot water.
- (5) Where chemicals are used for sanitization, the operator shall use a test kit or other device to measure the concentration of sanitizer applied.

s. Mechanical Cleaning and Sanitizing

- (1) Spray-type, immersion or other types of dishwashing machines which thoroughly clean and sanitize equipment and utensils may be used. Such machines and devices shall be properly installed, operated and maintained in good repair. Automatic detergent dispensers, wetting agent dispensers, and liquid sanitizer injectors, if any, shall be properly installed, maintained, and used.
- (2) Final rinse water pressure in spray-type dishwashing machines shall be from 15 to 25 pounds per square inch measured in the water line immediately adjacent to the final rinse control valve. A 1/4-inch IPS fitting shall be located immediately upstream from the final rinse control valve to permit checking the flow pressure of the final rinse water.
- (3) A machine or water pipe-mounted numerically scaled indicating thermometer, accurate to $\pm 2^{\circ}\text{F}$. (1°C.), shall be provided to indicate the water temperature in each tank of the machine and the temperature of the final rinse water as it enters the manifold.
- (4) Rinse water tanks shall be protected using baffles, curtains, or other effective means to minimize the entry of wash water into the rinse water. Conveyors in dishwashing machines shall be accurately timed to assure proper exposure times in wash and rinse cycles.
- (5) Drain boards shall be provided and be adequate size for the proper handling of soiled utensils prior to washing and of cleaned utensils following sanitization and shall be so located and constructed as not to interfere with the proper use of the dishwashing facilities. This does not preclude the use of easily movable dish tables for the storage of soiled utensils or the use of easily movable dish tables for the storage of clean utensils following sanitization.

- (6) Gross food residues shall be flushed, scraped or soaked from equipment and utensils prior to washing in a dishwashing machine. Equipment and utensils shall be placed in racks, trays, or baskets, or on conveyors, so that food-contact surfaces are exposed to the unobstructed application of detergent wash and clean rinse waters, and free draining is permitted.
- (7) Machines (single-tank, stationary-rack, door-type machines and spray-type glass washers) using chemicals for sanitization may be used: provided that,
- (a) The temperature of the wash water shall not be less than 120°F. (49°C).
 - (b) The wash water shall be kept clean.
 - (c) Chemicals added for sanitization purposes are automatically dispensed.
 - (d) Utensils and equipment are effectively exposed to the final chemical sanitizing rinse.
 - (e) The continuous chemical sanitizing rinse water temperature shall not be less than 75°F. (24°C).
 - (f) The operator shall use a test kit which accurately measures the concentration of the solution applied.
- (8) In machines using hot water for sanitizing, the wash water and pumped rinse water shall be kept clean and be maintained at not less than the temperatures tabulated below. In all machines using hot water for sanitizing, the wash water must be at least 140°F. The final rinse surface temperature must be at least 170°F. Surface temperature shall be measured using an accurate holding thermometer or other approved methods.
- (a) Single-tank, stationary-rack, dual-temperature machine:

Wash temperature	150°F. (66°C.)
Final rinse temperature	180°F. (82°C.)
 - (b) Single-tank, stationary-rack, single-temperature machine:

Wash temperature	165°F. (74°C.)
Final rinse temperature	165°F. (74°C.)
 - (c) Single-tank, conveyor machine:

Wash temperature	160°F. (71°C.)
Final rinse temperature	180°F. (82°C.)
 - (d) Multi-tank, conveyor machine:

Wash temperature	150°F. (66°C.)
Pumped rinse temperature	160°F. (71°C.)
Final rinse temperature	180°F. (82°C.)
 - (e) Single-tank, pot, pan and utensil washer (either stationary or moving rack):

Wash temperature	140°F. (60°C.)
Final rinse temperature	180°F. (82°C.)

- (9) All dishwashing machines shall be thoroughly cleaned at least once a day or more often when necessary, and maintained free of any condition which interferes with their effective operation.

- t. **Drying**
After sanitization, all equipment and utensils shall be air or heat dried.

- u. **Storage and Handling of Utensils and Equipment**
 - (1) Clean utensils and equipment shall be properly stored in a clean dry place protected from insects and vermin, dust or other contamination.
 - (2) Containers and packaging materials shall be purchased in clean containers, stored in a clean dry area, and in such a manner as to preclude contamination.

- v. **Storage and Display of Food**
 - (1) All food and drink shall be protected from dust, insects, vermin, depredation and pollution by rodents, handling, droplet infection, overhead leakage, and other contamination.
 - (2) Raw or prepared food removed from the container or package in which it was obtained, shall be stored in a clean covered container except during necessary periods of use in preparation or service. Container covers shall be impervious and nonabsorbent, except that clean linens or napkins may be used for lining or covering bread or roll containers.
 - (3) Containers of food shall be stored in a minimum of 6 inches above the floor in a manner that protects the food from splash and other contamination, and that permits easy cleaning of the storage area, except that:
 - (a) Metal pressurized beverage containers, and cased food packaged in cans, glass or other durable waterproof containers need not be elevated when the food container is not exposed to floor moisture; and
 - (b) Containers may be stored on dollies, racks or pallets, provided such equipment is easily movable.
 - (4) Refrigerated storage -- enough properly refrigerated or effectively insulated facilities shall be provided to assure the maintenance of potentially hazardous food at required temperatures during storage. Each such mechanically refrigerated facility shall be provided with a numerically scaled indicating thermometer, accurate to +3°F. (1.5°C.), located to measure the air temperature in the warmest part of the facility and located to be easily readable. Recording thermometers, accurate to +3°F. (1.5°C.), may be used in lieu of indicating thermometers.
 - (5) Hot storage -- enough properly heated food storage facilities shall be provided to assure the maintenance of food at the required temperature during storage. Each such hot food facility shall have a numerically scaled indicating thermometer, accurate to +3°F. (1.5°C.), located to measure the air temperature

in the coolest part of the facility and located to be easily readable. Recording thermometers, accurate to +3°F. (1.5°C.), may be used in lieu of indicating thermometers. Where it is impractical to install thermometers on equipment such as bainmaries, steam tables, steam kettles, heat lamps, cal-rod units, or insulated food transport carriers, a product thermometer must be available and used to check internal food temperature.

- (6) No hermetically sealed, no acid and low acid food which has been processed in place other than a commercial food processing establishment shall be used.

w. Personal Health and Cleanliness

- (1) The person in charge shall:

- (a) Exclude a food employee from a food establishment if the food employee is diagnosed with an illness due to:
 - (1.1) *Salmonella typhi*
 - (1.2) *Shigella spp.*
 - (1.3) *Escherichia coli* O157:H7, or
 - (1.4) Hepatitis A virus;
- (b) Except as specified under (c) or (d) of this section, restrict a food employee from working with exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles, in a food establishment if the food employee is:
 - (1.1) Suffering from a symptom caused by illness, infection, or other source that is:
 - (i) Associated with an acute gastrointestinal illness such as:
 - (a.1) Diarrhea,
 - (a.2) Fever,
 - (a.3) Vomiting,
 - (a.4) Jaundice, or
 - (a.5) Sore throat with fever, or
 - (ii) A lesion containing pus such as a boil or infected wound that is open or draining and is:
 - (a.1) 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,
 - (a.2) On exposed portions of the arms, unless the lesion is protected by an impermeable cover, or
 - (a.3) On other parts of the body, unless the lesion is covered by a dry, durable, tight-fitting bandage;
 - (1.2) Not experiencing a symptom of acute gastroenteritis specified under Regulation 8(w)(1)(b)(1.1)(i) but has a stool that yields a specimen culture that is positive for *Salmonella typhi*, *Shigella spp.*, or *Escherichia coli* O157:H7;

- (c) If the population served is a highly susceptible population, exclude a food employee who:
 - (1.1) Is experiencing a symptom of acute gastrointestinal illness specified under Regulation 8(w)(1)(b)(1.1)(i) and meets a high-risk condition specified below:
 - (i) Is suspected of causing, or being exposed to, a confirmed disease outbreak caused by *S. typhi*, *Shigella* spp., *E. coli* O157:H7, or hepatitis A virus including an outbreak at an event such as a family meal, church supper, or festival because the food employee or applicant:
 - (a.1) Prepared food implicated in the outbreak,
 - (a.2) Consumed food implicated in the outbreak, or
 - (a.3) Consumed food at the event prepared by a person who is ill or infected with the infectious agent that caused the outbreak or who is suspected of being a shedder of the infectious agent,
 - (ii) Lives in the same household as a person who is diagnosed with a disease caused by *S. typhi*, *Shigella* spp., *E. coli* O157:H7, or hepatitis A virus, or
 - (iii) Lives in the same household as a person who attends or works in a setting where there is a confirmed disease outbreak caused by *S. typhi*, *Shigella* spp., *E. coli* O157:H7, or hepatitis A virus.
 - (1.2) Is not experiencing a symptom of acute gastroenteritis specified under Regulation 8(w)(1)(b)(1.1)(i) but has a stool that yields a specimen culture that is positive for *S. typhi*, *Shigella* spp., or *E. coli* O157:H7,
 - (1.3) Had a past illness from *S. typhi* within the last 3 months, or
 - (1.4) Had a past illness from *Shigella* spp. Or *E. coli* O157:H7 within the last month; and
 - (d) For a food employee who is jaundiced:
 - (1.1) If the onset of jaundice occurred within the last 7 calendar days, exclude the food employee from the food establishment, or
 - (1.2) If the onset of jaundice occurred more than 7 calendar days before:
 - (i) Exclude the food employee from a food establishment that serves a highly susceptible population, or
 - (ii) Restrict the food employee from activities specified under Regulation 8(w)(1)(b), if the food establishment does not serve a highly susceptible population.
- (2) The person in charge may remove an exclusion according to the following conditions.

- (a) The person in charge may remove an exclusion specified under Regulation 8(w)(1)(a) if:
 - (1.1) The person in charge obtains approval from the Department; and
 - (1.2) The person excluded as specified under Regulation 8(w)(1)(a) provides to the person in charge written medical documentation from a physician licensed to practice medicine or, if allowed by law, a nurse practitioner or physician assistant, that specifies that the excluded person may work in an unrestricted capacity in a food establishment, including an establishment that serves a highly susceptible population, because the person is free of the infectious agent of concern as specified in Regulation 8(2)(e).
- (b) The person in charge may remove a restriction specified under:
 - (1.1) Regulation 8(w)(1)(b)(1.1) if the restricted person:
 - (i) Is free of the symptoms specified under Regulation 8(w)(1)(b)(1.1) and no foodborne illness occurs that may have been caused by the restricted person,
 - (ii) Is suspected of causing foodborne illness but:
 - (a.1) Is free of the symptoms specified under Regulation 8(w)(1)(b)(1.1), and
 - (a.2) Provides written medical documentation from a physician licensed to practice medicine or, if allowed by law, a nurse practitioner or physician assistant, stating that the restricted person is free of the infectious agent that is suspected of causing the person's symptoms or causing foodborne illness, as specified in Regulation 8(2)(e), or
 - (iii) Provides written medical documentation from a physician licensed to practice medicine or, if allowed by law, a nurse practitioner or physician assistant, stating that the symptoms experienced result from a chronic noninfectious condition such as Crohn's disease, irritable bowel syndrome, or ulcerative colitis; or
 - (1.2) Regulation 8(1)(b)(1.2) if the restricted person provides written medical documentation from a physician, licensed to practice medicine, or, if allowed by law, a nurse practitioner or physician assistant, according to the criteria specified in Regulation 8(2)(e) that indicates the stools are free of *Salmonella typhi*, *Shigella* spp., or *E. coli* O157:H7, whichever is the infectious agent of concern.
- (c) The person in charge may remove an exclusion specified under Regulation 8(w)(1)(c) if the excluded person provides written medical documentation from a physician licensed to practice medicine or, if allowed by law, a nurse practitioner or physician assistant:

- (1.1) That specifies that the person is free of:
 - (i) The infectious agent of concern as specified in Regulation 8(w)(2)(e), or
 - (ii) Jaundice as specified under Regulation 8(w)(2)(d) if hepatitis A virus is the infectious agent of concern; or (2) if the person is excluded under Regulation 8(w)(1)(c)(1.1), stating that the symptoms experienced result from a chronic noninfectious condition such as Crohn's disease, irritable bowel syndrome, or ulcerative colitis.
- (d) The person in charge may remove an exclusion specified under Regulation 8(w)(1)(d)(1.1) and Regulation 8(w)(1)(d)(1.2)(i) and a restriction specified under Regulation 8(w)(1)(d)(1.2)(ii) if:
 - (1.1) No foodborne illness occurs that may have been caused by the excluded or restricted person and the person provides written medical documentation from a physician licensed to practice medicine or, if allowed by law, a nurse practitioner or physician assistant, that specifies that the person is free of hepatitis A virus as specified in Regulation 8(w)(2)(e)(1.4)(i); or
 - (1.2) The excluded or restricted person is suspected of causing foodborne illness and complies with the requirements in Regulation 8(w)(2)(e)(1.4).
- (e) The Department shall release a food employee from restriction or exclusion according to law and the following conditions:
 - (1.1) A food employee who was infected with *Salmonella typhi* if the food employee's stools are negative for *S. typhi* based on testing of at least 3 consecutive stool specimen cultures that are taken:
 - (i) Not earlier than 1 month after onset,
 - (ii) At least 48 hours after discontinuance of antibiotics, and
 - (iii) At least 24 hours apart; and
 - (1.2) If one of the cultures taken as specified in Regulation 8(w)(2)(e)(1.1) of this section is positive, repeat cultures are taken at intervals of 1 month until at least 3 consecutive negative stool specimen cultures are obtained.
 - (1.3) A food employee who was infected with *Shigella* spp. or *Escherichia coli* O157:H7 if the employee's stools are negative for *Shigella* spp. or *E. coli* O157:H7 based on testing of 2 consecutive stool specimen cultures that are taken:
 - (i) Not earlier than 48 hours after discontinuance of antibiotics; and
 - (ii) At least 24 hours apart.
 - (1.4) A food employee who was infected with hepatitis A virus if:

- (i) Symptoms cease; or
 - (ii) At least 2 blood tests show falling liver enzymes.
 - (3) Responsibility of a food employee or an applicant to report to the person in charge.
 - (a) A food employee or a person who applies for a job as a food employee shall:
 - (1.1) In a manner specified under Chapter VIII, Section 2, 2-201.11, report to the person in charge the information specified under Chapter VIII, Section 2, 2-201.11(a)-(d); and
 - (1.2) Comply with exclusions and restrictions that are specified under Chapter VIII, Section 2, 2-201.12(a)-(d).
 - (4) The person in charge shall notify the Department that a food employee is diagnosed with an illness due to *Salmonella typhi*, *Shigella* spp., *Escherichia coli* O157:H7, or hepatitis A virus.
 - (5) All food handlers shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to approved hygienic practices while engaging in handling, processing, preparing or serving food.
 - (6) Food handlers, while engaged in preparing or handling food, shall not use tobacco in any form.
 - (7) Food handlers shall use hair restraints, which prevent any possibility of hair entering into food or contaminating food contact surfaces.
 - (8) Food handlers shall wash their hands and the exposed portions of their arms thoroughly with soap and warm water before starting work, during work as often as is necessary to keep them clean, and after smoking, eating, drinking or using the toilet. Employees shall keep their fingernails clean and trimmed. In addition, all employees shall wash hands before donning gloves and prior to working with food.
- x. Poisonous and Toxic Materials
 - (1) Only such poisonous and toxic materials as are required to maintain sanitary conditions and for sanitization purposes may be used or stored in food service establishments. Poisonous and toxic materials shall be clearly identified, and shall be used in such manner and under such conditions as will not contaminate food, constitute a hazard or be deleterious to the health of employees or customers. Automatic devices for pest and vermin control may be used only if approved by the Department.
 - (2) Personal medications shall not be stored in food storage, preparation or service areas.
 - (3) No article, polish, or other substance containing a poisonous material shall be used for the cleaning or polishing of utensils.

- (4) Equipment using toxic lubricants shall be designed, constructed and operated so that the lubricant cannot and does not leak, drip or be forced into food or onto food-contact surfaces.
- y. Refuse--All refuse shall be stored and disposed of in accordance with the provisions of this code governing the storage, collection transportation, and disposal of refuse and other objectionable wastes.
- z. Vehicles Transporting Food -- All vehicles carrying food and food products shall be constructed, equipped, and maintained as to protect the purity and wholesomeness of the transported products and shall conform to the applicable general regulations found in this code.
- aa. Miscellaneous:
 - (1) Cleaning -- Cleaning of floors, walls and equipment shall be performed by means that minimize airborne dust and under conditions when the quantity of exposed food is minimized.
 - (2) Cleaning and maintenance equipment such as brooms, mops, vacuum cleaners shall be stored in such manner as to prevent contamination of food.
 - (3) Only persons necessary in the preparation and processing of food, or in the management, maintenance or housekeeping of the establishment shall be allowed in food processing and serving areas.
 - (4) None of the operations connected with a food establishment shall be conducted in any room used for domestic purposes.

REGULATION 9. Animals and Birds Prohibited

Live animals or birds are prohibited in any area in a food establishment where food is stored, processed, offered for sale or served; except that service animals accompanying a disabled person, or patrol dogs accompanying police or security officers may be allowed in the sales or serving area.

REGULATION 10.

No person shall sell, offer for sale, or give away any food, which is unclean, unwholesome, contaminated, unfit or otherwise dangerous or deleterious to health. The use of food from hermetically sealed containers which was not processed in an approved food processing establishment is prohibited.

REGULATION 11. Compliance

Representatives of the Department shall make such inspections of food establishments as necessary to assure compliance with these regulations. A copy of the report of the

inspection shall be furnished to the owner, or operator, of the food establishment indicating the degree of compliance or noncompliance with the provisions of these regulations. Failure to correct any violation noted within the time limit specified shall be cause for denial, revocation, or suspension of the permit to operate.