

Minnesota Attorney General: Administrative Rules Proceedings

Copyright Notice:

This material may be protected by copyright law (U.S. Code, Title 17). Researchers are liable for any infringement. For more information, visit www.mnhs.org/copyright.

Version 3
August 20, 2018

Office of the Revisor of Statutes

Administrative Rules

TITLE: Adopted Permanent Rules Relating to Food and Beverage Establishments

AGENCY: Department of Health

MINNESOTA RULES: Chapter 4625

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

National Sanitation Foundation Standard published by the National Sanitation Foundation.

The attached rules are approved for filing with the Secretary of State

Kathleen M. Traxler
Assistant Revisor

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

DEPARTMENT OF HEALTH

In the Matter of the
Proposed Adoption of the
Permanent Rule of the
Department of Health
Relating to Food and
Beverage Establishments

FINDINGS OF FACT,
CONCLUSIONS AND ORDER
ADOPTING A RULE WITHOUT
A PUBLIC HEARING

Notice of the intent of the Department of Health (hereinafter "Department") to adopt the above-entitled rule was published in the State Register on September 26, 1988, and was sent by United States mail to all persons on the list maintained by the Department pursuant to Minn. Stat. §§ 14.14, subd. la and 14.22 on September 21, 1988. The statement of need and reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public.

All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. The Department received no requests for a public hearing on the rule or for notice of submission to the Attorney General.

Comments on the rule were received by the Department.

Based on the comments and evidence in the record, the Department makes the following:

FINDINGS OF FACT

1. Part 4625.2401, subpart 27, is modified to clarify the definition of "person in charge";

2. Part 4625.2401, subpart 30, is modified because the proposed definition for "push cart" is limited to its use in the preparation and serving of frankfurters and not other products of this type. The modification permits its use in the preparation and serving of other pre-cooked products;

3. Part 4625.2601, subparts 1, 2, and 3, is modified to clarify that the subparts referring to embargo and condemnation apply to food;

4. Part 4625.2650, subpart 6, is modified so that the basis on which a denial, revocation, or refusal to renew a variance or waiver is complete by adding a reference to subparts 1 and 2 of part 4625.2650;

5. Part 4625.3301, subpart 2, is modified to require the Department to take action that is necessary to protect the public health when the Department receives notice that some event has occurred that might result in the contamination of food or prevent potentially hazardous food from being held at required temperatures;

6. The title of part 4625.3401, subpart 1, is modified to read "potentially hazardous" foods in order to correct an omission;

7. Part 4625.3401, subpart 5, item C, is modified to clarify its reference to items A and B of the same subpart;

8. Part 4625.3401, subpart 7, item B, is modified to clarify the language;

9. Part 4625.3501, subpart 6, item D, is added in response to public comment requesting the addition of an item covering proper handling of dispensing utensils in order to be consistent with the model federal ordinance;

10. Part 4625.3501, subpart 8, is modified in response to public comment that items such as single-service articles need to be specified as prohibited from reuse by self-service consumers, an especially critical concern in self-service salad bars;

11. Part 4625.3501, subpart 13, is modified to delete language which is no longer acceptable under National Sanitation Foundation standards;

12. Part 4625.3801, subpart 3, is modified to clarify the requirement regarding cleaning of oven utensils and equipment;

13. Part 4625.3801, subpart 6, item D, sub-item 2, is modified in order to clarify the requirement concerning the use of test kits and other devices that accurately measure the parts-per-million concentration of sanitizing solutions;

14. Part 4625.3801, subpart 6, items F and G, are renumbered E and F to correct typographical errors;

15. Part 4625.3901, subpart 2, is modified in response to public comment requesting clarification of special situations regarding sewage disposal. The modification adds appropriate wording consistent with the model federal ordinance;

16. Part 4625.3901, subpart 2, is modified to respond to public comment requesting additional categories of temporary facilities for alternative liquid waste disposal;

17. Part 4625.3901, subpart 4, is modified to clarify the language and make additions suggested by public comment;

18. Part 4625.3901, subpart 6, is modified in response to public comment that the proposed language would give the false impression of requiring a separate toilet facility for each gender in every food establishment and also that temporary facilities should not be exempt from the requirements of toilet facilities. The modification revises the language in order to clarify the rule and delete wording regarding exempted facilities;

19. Part 4625.4201, subpart 4, is modified to require that utility lines, pipes and waste lines or services be installed in the walls, under floors, or above ceilings;

20. Part 4625.4901, subpart 2, item B, is modified to make the language of item B consistent with other parts of the rule;

21. Part 4625.5101, subpart 6, item B, is modified to make the language of item B consistent with other parts of the rule;

22. Part 4625.5301, subpart 5, is modified in response to public comment expressing concern that subpart 5 allow for flexibility in the dispensing of single service items and condiments;

23. Part 4625.5901, subpart 2, item B, is modified to make the language of item B consistent with other parts of the rule;

24. Part 4625.6301, subpart 1, is modified to clarify the requirements of this subpart;

25. Part 4625.6301, subpart 5, is modified in response to public comment requesting a language change to make the language of subpart 5 consistent with other parts of the rule and to allow for flexibility;

26. Part 4625.6401, subpart 2, is modified to clarify the requirement for holding tank water systems;

27. Part 4625.6901, subpart 2, item B, is modified to make the language of item B consistent with other parts of the rule;

28. Part 4625.7101, subpart 2, is modified to use a more appropriate generic term;

29. Part 4625.7301, subpart 5, is modified in response to public comment requesting that this supbart be consistent with the language of similar subparts in the rule;

30. The statement of need and reasonableness is incorporated herein as the Department's findings except where inconsistent with the above.

Based upon the findings of fact, the Department makes the following:

CONCLUSIONS

1. The above captioned rule is needed and reasonable;

2. The above modifications are not substantial changes from the proposed rule as noticed because the modifications do not effect classes of persons who could not reasonably have been expected to comment on the proposed rule as originally noticed, do not introduce significant new subject matter which a reasonable person, on the basis of the proposed rule as originally noticed, would not have anticipated what would occur during the rulemaking proceeding, and make no major substantive change that was not raised by the proposed rule as originally noticed in such a way as to invite reaction.

NOW, THEREFORE, IT IS HEREBY ORDERED that the rule identified as Permanent Rules Relating to Food and Beverage Establishments are adopted this 10 day of April, 1989, pursuant to authority vested in the Department by Minn. Stat. §§ 144.05(b) and (c), 157.04, 157.08, 157.09 and 157.13 (1986).

Sr. Mary Madonna Ashton

SISTER MARY MADONNA ASHTON
Commissioner
Minnesota Department of Health

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

DEPARTMENT OF HEALTH

In the Matter of the Proposed Adoption of the Permanent Rule of the Department of Health Relating to Food and Beverage Establishments

SUPPLEMENTAL FINDINGS OF FACT, CONCLUSIONS AND ORDER ADOPTING A RULE WITHOUT A PUBLIC HEARING

Upon review by the Attorney General of the rule amendments identified as Permanent Rules Relating to Food and Beverage Establishments adopted by Order of the Commissioner of Public Health dated April 10, 1989, (the "rules as adopted") the Attorney General has determined that the rules as adopted must be amended, in one instance to prevent the rule as adopted from making a substantial change in the rule as proposed, and in three instances to remove excess discretion.

Said amendments may be made without the rule as adopted being modified in a way which makes it substantially different from that which was originally proposed and without raising significant new legal issues.

Accordingly:

Page 32, lines 13 through 15 of the rules as adopted are amended as follows:

> Subp. 6. Toilet facilities. Every food establishment, with the exception of itinerant, mobile, and special event food facilities, must be provided with conveniently located and approved toilet facilities for employees.

(Minn. Rule part 4625.3901, subp. 6) which amendment makes the provision identical to the provision as originally proposed; and

Page 11, lines 1 through 4 of the rules as adopted are amended as follows:

> If necessary to protect the public health, the commissioner ~~may~~ shall impose additional requirements to protect against health hazards related to the conduct of their operation and ~~may~~ shall prohibit the sale or giveaway of some or all potentially hazardous foods.

(Minn. Rule part 4625.3101.)

Page 39, lines 7 through 13 of the rules as adopted are amended as follows:

> If necessary to protect the public health, the commissioner ~~may~~ shall impose additional requirements to protect against health hazards related to the conduct of their operation and prohibit the sale or giveaway of some or all potentially hazardous foods.

(Minn. Rule part 4625.4901.)

Page 49, lines 22 through 25 of the rules as adopted are amended as follows:

> If necessary to protect the public health, the commissioner ~~may~~ shall impose additional requirements to protect against health hazards related to the conduct of their operation and ~~may~~ shall prohibit the sale or giveaway of some or all potentially hazardous foods.

(Minn. Rule part 4625.6901, subp. 1) which amendments delete discretionary language, include criteria upon which the Commissioner will exercise discretion, and make the sections mandatory.

Dated: May 3, 1989

Daniel J. McSweeney
for SISTER MARY MADONNA ASHTON
Commissioner of Health

SF-00006-05 (4/86)

DEPARTMENT : ATTORNEY GENERAL - Health

STATE OF MINNESOTA

Office Memorandum

DATE : May 5, 1989

TO : Julie A. Leppink
Special Assistant
Attorney General

FROM : Paul G. Zerby
Special Assistant
Attorney General

PHONE : 341-7272

SUBJECT : Resubmission of Permanent Rule of the Department of Health Relating to Food and Beverage Establishments
Your File No. 1588

Enclosed for your review, pursuant to Minn. Stat. § 14.26 (1986) and Minn. Rules pt. 2010.1300, are the following documents to support resubmission of the above-referenced rules:

A. Supplemental findings of fact, conclusions and order adopting a rule without public hearing, setting forth the modifications to the rule as adopted since the rule was disapproved, the reasons for the changes, and why the changes do not constitute substantial changes.

B. Not applicable.

C. Four copies of the rule with the modifications made to the rule as adopted reflected and approved as to form by the revisor of statute.

D. Not applicable.

E. Not applicable.

F. Not applicable.

PGZ:lb

Enclosures

Resubmission
approved
5/5/89
JAL

RULE REVIEW CHECKLIST
RESUBMITTED RULE

File No. 1588 Docket No. 05.0009.1220

RESUBMISSION DATE 5-5-89
DATE DUE 5-19-89

ADOPTED W/O HEARING _____
EMERGENCY RULE _____

APPROVED _____
DISAPPROVED _____
WITHDRAWM _____

REVISOR APPROVED _____
REVISOR DISAPPROVED _____
FILED W/SEC. STATE _____
RETURNED TO AGENCY _____

NO **Does the revision raise significant new legal issues?**

_____ Review date

✓ Rule as adopted (4 copies)

✓ Supplemental Findings of Fact, Conclusions & Order Adopting

N/A Board's Supplemental Resolution Adopting

N/A Notice of submission to Attorney General

N/A Affidavit of Mailing Notice to Attorney General

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL

DATE : May 8, 1989

TO : PAUL G. ZERBY
Special Assistant Attorney General

FROM : JULIE A. LEPPINK
Special Assistant Attorney General

PHONE : 6-9422

SUBJECT : In the Matter of the Adopted Permanent Rules Relating to Food and Beverage Establishments

The above-referenced rule has been approved as to its legality by the Attorney General on May 5, 1989.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies with the Secretary of State who will forward one copy to the Revisor of Statutes. The fourth is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submission or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must publish a notice of adoption in the State Register in accoradance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

If you have any questions in this regard, please contact me.

JAL:klk
Enclosures

cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Administrative Rules

William Brown
Chief Administrative Law Judge
Office of Administrative Hearings

jad

RULE REVIEW CHECKLIST

File No. 1588 Docket No. 05.0009.1220

DATE RECEIVED 4-12-89 ADOPTED W/O HEARING X

REVIEW DATE 4-21-89 EMERGENCY RULE

DUE DATE 4-26-89 REVISOR APPROVED

APPROVED REVISOR DISAPPROVED

DISAPPROVED X 4/26/89 jad FILED W/SEC. OF STATE

WITHDRAWN RETURNED TO AGENCY

✓ Rule as adopted (4 copies)

11/9/87 Notice to Solicit Outside Information/Opinion (if applicable)
- 11/9/87 Date published in State Register
- none Comments

~~Petition for Adoption of a Rule (if applicable)~~

~~Board's Authorizing Resolution~~
- ~~Date adopted~~

✓ Proposed Rule
- yes Revisor's Certificate

✓ Notice of Intent to Adopt Rule 144.05 b+c 157.08, 157.09, 157.13
- → Statutory Authority
- yes Small Business Statement
- yes Expenditure of public money statement
- yes Signature

✓ Statement of Need and Reasonableness (if applicable)
- yes Small Business Statement
- Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
- yes Date (30)/25 days before adoption
- yes Notice attached
- yes Copy of rule or summary attached

✓ Publication in State Register
- 9/26/88 Date (30)/25 days before adoption

180-day deadline from:
- Effective date of law requiring rule (14.12) (both rules)
- 10/26/88 end of comment period (§ 14.26) (rules without hearing) ok
- effective date of statutory authority (§ 14.29) (emergency rules)

~~Resolution Adopting~~
- ~~Date adopted~~

✓ Findings of Fact, Conclusions & Order Adopting
- 4/10/89 Date

✓ Written requests, submissions or comments (6)

✓ Declaration of attorney
- C Quinn Name of SAAG representing agency

~~Notice of Submission to Atty. Gen. (if applicable)~~

~~Aff. of Mailing Notice to Atty. Gen. (if applicable)~~

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL

DATE : April 26, 1989

TO : PAUL ZERBY, Special Assistant Attorney General
M. FREDERICK MITCHELL, Section Chief,
Community Environmental Services

FROM : JULIE A. LEPPINK
Special Assistant Attorney General

PHONE : 6-9422

SUBJECT : In the Matter of the Adopted Permanent Rules Relating to Food and Beverage Establishments

The above-referenced rule has not been approved by the Attorney General for the following reasons:

1. Part 4625.3901, subp. 6, as adopted, is substantially different from the rule as proposed in violation of Minn. Stat. § 14.05, subd. 2 (1988).

As proposed, subpart 6 exempted itinerant, mobile, and special event food facilities from providing toilet facilities. In the rule as adopted, these exemptions were deleted. This deletion is a major substantive change and affects classes of persons who may not have commented on this proposed rule in the belief that they were exempt. See, Minn. R. pt. 2010.1000.

To overcome this deficiency, the amendment must be deleted or amended so that it is not substantially different than the rule as proposed.

2. Parts 4625.3101 (p. 11, lines 1-4), 4625.4901, subp. 1 (p. 39, lines 7-13) and 4625.6901, subp. 1 (p. 49 lines 22-25) are impermissibly vague and grant the Commissioner unbridled discretion. See Minn. R. pt. 2010.1000. When a rule is vague and allows officials to act at their own discretion, the risk of inconsistent application of the rule exists.

For the rules to be approved, the discretionary language should be deleted or specific criteria included upon which the Commisioner will exercise discretion.

In each of the subparts listed above, the rules provide that the Commissioner "may" impose additional requirements, and "may" prohibit rules and giveaways. One way of solving the problem is to make these sections mandatory by replacing "may" with "shall". The second option is to list the standards to be

used by the Commissioner in determining when additional requirements will be added and when sales and giveaways will be prohibited.

After the necessary changes are made and within 30 days, the rule may be submitted to the Attorney General for review. Upon resubmission, all documents listed in Minn. Rule pt. 2010.1300 must be included. In addition, please enclose a memorandum specifying that the rule is being resubmitted, direct the resubmission to me, and refer to our file number 1588 so that we may refer to our original file in this matter.

JAL:klk

cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Administrative Rules

William Brown
Chief Administrative Law Judge
Office of Administrative Hearings

Paul Marinac
Assistant Deputy Revisor for Rules
Revisor of Statutes Office

Martha Casserly
Special Assistant Attorney General

Jacquelyn Albright
Special Assistant Attorney General

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ADMINISTRATION
Building Codes and Standards Division

Office Memorandum

TO: M. Frederick Mitchell, Section Chief
Section of Community Environmental Services

DATE: 11/7/88

FROM: Fred Driver, Code Administrator
Building Codes and Standards Division

PHONE: 6-7099

SUBJECT: Review of Proposed Rule Change MDH Food and Beverage Rules

I have reviewed the proposed language changes to subp. 6 toilet facilities and I have determined in my opinion that the proposed rule change language,

Subp. 6 Toilet facilities

Line 10 through 14:

The number of toilet facilities must be determined by section 4715.1215 of the State Plumbing Code, and meet the requirements for sanitation fixtures in section 705 of the Uniform Building Code, as amended in part 1305.1900, and the requirements for handicapped accessibility in Chapter 1340.

would be appropriate and not give the false impressions of requiring a separate toilet facility for each sex in every food establishment.

I hope this will be helpful and if I can be of any further assistance please contact me at 612/296-7099.

FD/cj

NOV 0 8 1988

E. F. S.
Dept. of Health

RAMSEY COUNTY
Public Health Department
Rob Fulton, Director

Environmental Health Division
1910 W. County Rd. B. – Room 209
Roseville, Mn. 55113

633-0316 — 298-5972

M E M O R A N D U M

TO: M. Frederick Mitchell, R.S., Chief
Community Environmental Services
MDH

FROM: Ramsey County Health Department

RE: Comments/Questions on Proposed F B Service Rules.

1. Page 3: 4625.2401 Subp. 15; Was the statement about with or without charge intentionally omitted?

2. Page 4: 4625.2401 Subp. 27; Should the statement "then an employee present.... read...."then any employee present...."....?

3. The following terms were not included in the definitions: misbranding, putrescible material, and refuse.

4. Page 28: 4625.3801 Subp.6, Part F; Is this and succeeding parts just lettered wrong or was a Part E omitted?

5. Page 31: 4625.3901 Subp. 5; Was the requirement for 130°F maximum water temperature intentionally omitted?

6. Page 33: 4625.4201 Subp. 1; Does commercial grade VCT or sheet vinyl meet the requirements as stated? Are they durable? Do they resist the wear and abuse to which they are subjected?

7. Page 34: 4625.4201 Subp. 3; Should the attachment junction between the wall or ceiling surface and the fixture, etc. be sealed?

8. Page 35: 4625.4301 Subp. 1; Is 20 fc adequate for food prep surfaces and work areas? Why the drop from 70 fc. The same concern for the 10 fc in a walk-in refrigerating unit.

OF AGRICULTURE

September 27, 1988

Thomas W. Masso, Director
Food Inspection Division

Howard J. Anderson, Assistant Director
Food Inspection Division

(612) 296-2627

PROPOSED FOOD SERVICE RULES

4625.2401 Definitions.

Subp. 34. Sanitization. We changed our definition because the question was raised: What is a safe level? Ours was changed to: "Sanitization" means effective bactericidal treatment of clean food contact surfaces of utensils and equipment by an approved process that is effective in destroying microorganisms, including pathogens, without adversely affecting the product or the safety of the consumer.

4625.3600

Subp. 15. Ice dispensing. "Ice dispensing equipment must be stored on a clean surface or - ". With bulk food we require the dispensing utensil to be tethered and in a protective attached enclosure.

4625.4201 Construction and Maintenance of Physical Facilities.

Subp. 4. Utility lines and pines. Electric, gas, water, sewage and similar waste lines should be installed in the walls. Problems with cleaning could be brought on by allowing them to expose utility lines and pipes. Perhaps the word "should" could be changed to shall with the possibility of allowing variances.

HJA:af

ANOKA COUNTY REVIEW COMMENTS
PROPOSED MDH REQUIREMENTS FOR FOOD AND BEVERAGE ESTABLISHMENTS

4625.2401 DEFINITIONS

1. Page 2, lines 24-27; Subp. 12. The definition of employee should be clarified to include all help such as janitorial, pest control, maintenance, etc., (employed or contract).

2. Page 3, line 4; Subp. 15. Add, at the end of the line, "but is not limited to."

3. Page 3, lines 31-34; Subp. 22. Do limited food service establishments serve beverages also? If so, clarify.

4. Page 5, line 5; Subp. 30. Why are only frankfurters allowed? What about polish, bratwurst, wieners, link type sausages and other products of this type?

4635.2601 ADMINISTRATION

1. Page 6, Subp. 2. Embargo should, also apply to food.

2. Page 7, Subp. 3. Condemnation should also apply to food.

4625.2650 VARIANCES AND WAIVERS

1. Page 8, line 30; Subp. 6. The reference to Subp. 1 is incorrect. It should reference subp. 2.

4625.3201 FOOD AND FOOD HANDLING

1. Page 11, Supb. 2, lines 16-24 and the first word of line 25. This whole section prohibiting the dispensing of milk from retail containers should be eliminated. Lines 20-25 contradict lines 16-20. There is no longer any reasonable justification for this type of limitation. The old reasoning for these limitations is now covered under other sections of the food and food handling requirements.

2. Page 11, lines 31-35; Page 12, line 1; Subp. 3. This entire day care variance section can be eliminated if the foregoing is eliminated.

3. Page 13, line 4; Subp. 8. The word "must" needs to be changed to "can."

4625.3301 FOOD PROTECTION

1. Page 13, line 27; Subp. 2. "Person in charge" should be changed to "licensee, or its agent."

4625.3401 TEMPERATURE MAINTENANCE

1. Page 13, line 31; Subp. 1. "Hazardous foods" should be changed to "Potentially hazardous foods."

2. Page 14, lines 4-6; Subp. 1. The frozen food storage temperature requirement should be clarified to reflect that this is meant for long-term storage and does not prohibit a higher freezer temperature for ice cream dipping freezers and tempering freezers.

3. Page 14, lines 12-13; Subp. 2. All references to thermometers should be changed to have the same degree of accuracy instead of some plus or minus 2 and some plus or minus 3. The thermometers should all be accurate to plus or minus 2 degrees fahrenheit or plus or minus 1 degree centigrade.

4. Page 14, line 22; Subp. 2. This line should be amended to add the phrase "with a range from zero degrees fahrenheit (minus 18 degrees centigrade) to 220 degrees fahrenheit (110 degrees centigrade)" after the comma and before the word "and."

5. Page 15, line 15; Subp. 5. C. This line should be amended to add the phrase "before serving" after the word "temperature" and before the colon.

6. Page 16, line 19; Subp. 7. B. The phrase "the water to waste directly to the drain," should be edited to read more clearly.

7. Page 17, line 13; Subp. 6. A sentence should be added between lines 13 and 14 which prohibits refilling.

8. Page 17, line 20; Subp. 6. This line should be amended to add the phrase "protected from contamination and" after the word "be" and before the colon.

9. Page 17, line 22; Subp. 6. A. The word "or" should be added after the word "food" and before the semi-colon.

10. Page 17, line 29; Subp. 7. The word "facilities" should be changed to "equipment."

11. Page 18, line 35; Supb. 13. Should be amended to add the phrase "for equipment in service before _____" after the word "that" and before the word "ice" and the word "the" deleted.

4625.3801 CLEANING, SANITIZATION, AND STORAGE OF EQUIPMENT AND UTENSILS

1. Page 25, Subp. 4. The strength of the sanitizing solution should be stated in this section.

2. Page 28, lines 25-28; Subp. 6. D. These lines infer continued use of the test kit or device. Is this what is intended?

3. Page 28, line 34; Subp. 6. D. (4). This line should be amended to add the phrase "about to be" after the word "is" and before the word "depleted."

4. Page 29, line 20; Subp. 7. C. Why is this height requirement for open storage being reduced from 18 inches to 6 inches? It should be left at 18 inches.

5. Page 29, lines 27 and 28; Subp. 7. D. The phrase "wherever practical" should be eliminated because it is an unenforceable subjective measure.

4625.3901 PHYSICAL FACILITIES AND SANITATION

1. Page 30, lines 12-14; Subp. 2. These lines must be rephrased to more objectively define "special situations." Also, non-water-carried waste is not sewage.

2. Page 30, lines 15-18; Supb. 2. Should also require compliance with local ordinances.

3. Page 30, lines 19-25; Subp. 2. Should also address itinerant and special event food stands.

4. Page 31, lines 6-12; Subp. 4. These are contradictory statements and should be cleaned up. Why can't such a sink be installed in a toilet room, non-prep area of a kitchen, or non-packaged goods dry storeroom?

5. Page 31, line 14; Subp. 4. The word "this" should be replaced by the word "janitorial."

6. Page 31, line 17; Subp. 4. The word "facility" should be changed to "area."

7. Page 32, line 32-34; Subp. 6. The exception for itinerant, mobile, and special event food facilities must be addressed more positively. They should have toilet facilities available if possible.

8. Page 32, line 10-14; Subp. 6. These lines are a building code issue and not a health issue and should be removed.

4625.4201 CONSTRUCTION AND MAINTENANCE OF PHYSICAL FACILITIES

1. Page 33, lines 32-34; Subp. 1. Eliminate the sentence "Appropriate materials, include commercial grade vinyl, composition tile, sheet vinyl, ceramic tile, quarry tile, terrazzo, or equivalent." It does not help matters any and only confuses the issue.

2. Page 34, Subp. 4. This subpart should also address sprinkler system and ventilation ducts. It would help if line 34 were amended to read as

follows: "pipes, including but not necessarily limited to sprinkler systems, ventilation ducts, electric . . . . . ."

4625.4301 LIGHTING

1. Page 35, Subp. 1. More than 20 foot candles of light should be provided over food preparation surfaces.

4625.4701 PREMISES

1. Page 38, line 3; Subp. 3. These lines should be amended to eliminate the word "No" after the period and before the word "operation," and the word "not" should be added after the "must" and before the word "be."

4625.4901 ITINERANT FOOD SERVICE ESTABLISHMENTS

1. Page 39, line 11; Subp. 2. B. This line should be amended to read as follows: "limitation, commissary facilities, or climatic conditions."

4625.5101 EQUIPMENT

1. Page 40, lines 11-12; Subp. 4. Utensils. The phrase "garbage bags and garbage containers must not be used for the covering or storing of food" should be used in part 4625.3701 subp. 2 on page 21 (Equipment and Facilities Provided).

2. Page 40, line 22; Subp. 6. B. The directions for germicidal solution should be the same directions as the sanitizing solution found on page 41, lines 10-11. Confusion is created by different types of solutions. Better to use the sanitizing solution than the weakened germicidal solution.

4625.5301 FOOD, BEVERAGE, AND UTENSIL HANDLING AND STORAGE

1. Page 42, lien 6; Subp. 4. Should be corrected to reference floor or "ground."

2. Page 42, line 12; Subp. 5. The word "enclosed" should be replaced by the word "approved."

4625.5901 MOBILE FOOD SERVICES OR PUSH CARTS

1. Page 44, line 17; Subp. 2. B. This line should be amended to read as follows: "limitations, commissary facilities, or climatic conditions."

4625.6101 EQUIPMENT

1. Page 45, line 23; Subp. 6. Should also include where food is "served."

4625.6301 FOOD, BEVERAGE, AND UTENSIL HANDLING AND STORAGE

1. Page 46, line 22; Subp. 1. The word "may" should be changed to the word "must."

2. Page 46, line 23; Subp. 1. This should be amended to add the word "approved" after comma and before the word "stock."

3. Page 47, line 10; Subp. 5. The word "enclosed" should be replaced by the word "approved."

4625.6401 WATER SUPPLY

1. Page 47, lines 12-14; Subp. 1. The second sentence should be deleted. Why can't a residential well be used if it complies with the code?

2. Page 47, line 17; Subp. 2. The word "hot" should be removed.

3. Page 47, line 21; Subp. 2. The word "approved" should be added after the word "external" and before the word "water."

4. Page 47, line 23; Subp. 2. Should be rephrased as follows by placing a period after the word "contaminated" and deleting the rest of the sentence.

4625.6901 SPECIAL EVENT FOOD STAND

1. Page 49, line 25; Subp. 2. B. This line should be amended to read as follows: "limitation, commissary facilities, or climatic conditions."

2. Page 50, lines 13-15; Subp. 2. Is mechanical refrigeration required for all potentially hazardous foods or only those listed? This provision should be rephrased by placing a period after the word "foods" and then deleting the rest of the sentence.

3. Page 50, line 18; Subp. 2. The phrase "this food" should be replaced by the phrase "these foods."

4. Page 50, line 22; Subp. 2. This line should be rephrased to delete the phrase "items such as hot dogs" and insert in its place the phrase "such frozen items as wieners."

5. Page 50, line 29; Subp. 3. This line should be amended to add the phrase "for potentially hazardous foods" at the end of the sentence.

4625.7201 DISHWASHING FACILITIES, PROCEDURES AND EQUIPMENT

1. Page 52, line 10-11; Subp. 6. Is it practical to require special event food stands to obtain sanitizer test kits?

4625.7301 FOOD, BEVERAGE, AND UTENSIL HANDLING AND STORAGE

1. Page 52, line 15; Subp. 1. Is it practical to prohibit the home storage of all materials for the special event food stand?

2. Page 53, line 4; Subp. 4. The word "Unopened" should be added ahead of the word "canned."

3. Page 53, line 9; Subp. 5. The word "enclosed" should be replaced by the word "approved."

MISCELLANEOUS

1. In the administration sections of the itinerant, mobile, and special event food stands, a provision should be added that requires that the establishment must have some method of retaining and/or displaying information relating to their approved menu.

KC:srp
10-11-88

Olmsted County Health Department
1650 Fourth Street S.E. Rochester, MN 55904
(507) 285-8370

DATE: October 20, 1988

TO: M. Frederick Mitchell, R.S., Chief
Community Environmental Services

FROM: Pete Giesen, R.S., Environmental Health Sanitarian PRG
Division of Environmental Health

RE: Comments on Proposed Food and Beverage Service Rules

Enclosed are comments on the proposed food and beverage service rules. Following our 1984 review of the MDH draft rules (see attached memo), we have identified concerns not adequately addressed in the 1976 FDA Model Food Service Sanitation Ordinance which Olmsted County adopted in 1983.

My comments are listed ascendingly by section number and are divided into two categories: 1) those sections which we feel are important to retain/add, and 2) those sections which need further clarification. These comments are in addition to those addressed in the 1984 memo.

In general, we are in agreement with the provisions in the MDH proposed rules. Once passed, we will propose that Olmsted County adopt these rules to provide uniform criteria and interpretation with the Minnesota Department of Health.

Thank you for your consideration of these comments. If you have any questions, please call me or Susan LeGare at (507) 285-8342.

cc: Rich Peter
Susan LeGare
Bill Adler, Minnesota Department of Health, Southeast District
Fred Anderson, Washington County

AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

PROPOSED SECTIONS OF RULES WE FEEL ARE IMPORTANT TO RETAIN/ADD

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

4625.3201 FOOD AND FOOD HANDLING, Subp. 3. Variance for certain establishments.

4625.3401 TEMPERATURE MAINTENANCE, Subp. 1. Hazardous foods.

4625.3701 EQUIPMENT AND FACILITIES PROVIDED, Subp. 2. Sanitary design, construction, and installation of equipment and utensils, items H and I.

4625.3901 PHYSICAL FACILITIES AND SANITATION, Subp. 4. Janitorial facilities.

PROPOSED SECTIONS OF RULES NEEDING FURTHER CLARIFICATION

4625.3901 PHYSICAL FACILITIES AND SANITATION
Subp. 1. Water Supply.

Comments: The sentence, "The water must be obtained from a public water supply system, or a source of supply and system which is located, constructed, and operated in accordance with rules governing public water supplies..." is clear. However, it is our observation that water supplies at food and beverage establishments which meet the definition of public non-community water supply, may not meet current state standards for well construction or plumbing. It may be more clearly worded to read, "The water must be obtained from a properly constructed and maintained public community or public non-community water supply, or a source of supply and system which is located, constructed, and operated in accordance with...".

It has also been observed through contact with sanitarians throughout the state that water quality and not well construction has been the criteria used to determine if the water supply is "safe". It has been our experience that the construction of the well is the most important criteria and must first be determined and used with the water quality data to accurately evaluate the water supply system. Water quality data alone is not enough to determine if a food and beverage establishment is serving safe water to the public. I presume that by requiring a "supply and system which is located, constructed, and operated in accordance with rules governing public water supplies ..." the state is willing and ready to enforce this requirement for all existing establishments with water supplies not constructed to meet the state's well construction standards.

Subp. 6. Toilet facilities.
Comments: Was it intended to omit "limited food establishments" in this subpart?

4625.5401, 4625.6401, 4625.7401 WATER SUPPLY

Comments: I feel it is necessary to specify locations in which potable water should be collected from an approved public water supply system. Sinks in restrooms and garages should not be used because of the potential for contaminating the containers. Also, the use of garden hoses to fill water containers should be prohibited.

In those stands where water is provided under pressure, only food-grade hoses should be acceptable. The proper lengthes and diameters of water lines, and the use of backflow preventers should be referenced to the Minnesota Plumbing Code.

The rule should also establish standards for use of a water supply from a properly constructed residential well that provides acceptable water as demonstrated by a recent water analysis.

4625.7301 FOOD, BEVERAGE AND UTENSIL HANDLING AND STORAGE.

Subp. 1. Food source.

Comments: The last sentence in this subpart implies that all school, fraternal organization and church kitchens comply with parts 4625.2401 to 4625.4701. Therefore, the facility must meet all the requirements that a typical restaurant would meet. It is then unecessary to retain the clause "such as a restaurant, school, fraternal organization kitchen, or church."

OTHER CONCERNS

- Throughout the rules, references are made to specific parts, i.e. "...compliance with parts 4625.2401 to 4625.4701...". In this example, part 4625.4701 would be excluded from the reference. However, it appears the intent should make it inclusive. To do that, references throughout the rules should be re-worded to read, " parts 4625.2401 through 4625.4701 ...".

olmsted county HEALTH department
415 Fourth Street S.E.
Rochester, Minnesota 55904
(507) 285-8352

COMMUNITY NURSING
DISEASE PREVENTION & CONTROL
ENVIRONMENTAL HEALTH
HEALTH EDUCATION
HOME HEALTH SERVICES
NUTRITION

DATE: April 19, 1984

TO: M. Frederick Mitchell, R.S., Section Chief Hotels, Resorts and Restaurants

FROM: Pete Giesen, Public Health Sanitarian PRG

RE: Revised draft of proposed food and beverage service rules

I have reviewed the rules for food and beverage establishments proposed by the Minnesota Department of Health. The F.D.A.'s 1976 Model Food Service Sanitation Ordinance was adopted with amendments for the food and beverage regulations in Olmsted County. It is very similar to your proposal. The amendments adopted in Olmsted County's Public Health Regulation #33 cover safe temperatures, N.S.F. equipment and utensils, employee toilet facilities and other provisions. I recommend that those amendments and other items discussed below be considered in your proposed regulation.

Amendment #6 of Olmsted County Health Department Regulation #33 concerning employee toilet facilities states, "...every food establishment to be constructed or remodeled to further seating capacity with accommodations for fifty seats or more shall be provided with separate and conveniently located toilet facilities for its employees and patrons." A requirement similar to this for separate employee and patron toilet facilities in establishments will improve the accessibility for employees to clean facilities equipped with soap, nail brushes and single-use towels.

Another concern of ours is the installation of fire extinguishing systems through ventilation hoods. We require new or remodeled extinguisher pipes under hoods to be chrome plated or stainless steel. We also limit the use of horizontal piping under hoods to minimize collection of dust and grease on pipes that can drip into food or onto food contact surfaces. This also makes the hoods and sprinkler systems easier to clean.

The requirements for floor coverings versus sealed concrete floors in food and beverage establishments has been an issue not adequately addressed in this draft. Contractors maintain that trowelled concrete sealed with several coats of sealer, can produce a finish which meets the requirements of the proposed (and past) regulations. If so, we suggest a minimum thickness of sealer be included in the regulation or the regulation should state specifically that sealed concrete floors are not allowed.

Generally, the draft of the proposed rules for food and beverage establishments was very thorough and it clarified concerns commonly encountered.

If you have any questions concerning our comments, please contact me at (507)285-8346.

PG/RAP:ry

OCT 21 1983
U.S.

HOSPITALITY INSTITUTE OF TECHNOLOGY & MANAGEMENT

760 Transfer Road, Saint Paul, Minnesota 55114 (612) 646-7077

October 10, 1988

Mr. Fred Mitchell
Minnesota Department of Health
717 SE Delaware Street
Minneapolis, MN 55440

Dear Fred:

I appreciate the opportunity to review your new requirements for food and beverage establishments. I know you've worked very hard on this document, but there are still a number of areas that are going to allow foodborne illnesses to occur. Before I comment on specific areas of the manual, let me refer to some critical controls that have been overlooked.

1. There is no reference to the control of nose tissues and handkerchiefs. We know that people discharge heavy loads of Staphylococcus aureus into their hands when they blow their noses. Nose tissues and handkerchiefs should be banned from the kitchen.

2. There is no mention of hard foreign objects, such as bone chips, metal objects, and so forth. Hard foreign objects cost the foodservice industry five times more money than all the other foodborne illnesses. Ignoring hard foreign objects does not protect the health of the public.

3. Dust and air have caused foodborne illnesses, both from water cooling towers and from bird fecal material which gets kicked up in dust. There is no serious mention of the control of molds, bacteria, and aerosols in air systems of food establishments.

4. Monosodium glutamate has repeatedly caused foodborne illnesses in Minnesota. There is no mention of control of nitrates in cured foods or MSG or other additives which are commonly put in food by foodservice establishments.

5. A major problem with many of people is allergic reactions to certain kinds of food. The document completely ignores the problem of food allergies. It is necessary to insert a requirement stating that a service person must be able to honestly tell the customer what the ingredients in a recipe are so that that person can avoid that food if they're allergic to any of the ingredients.

6. The document completely ignores the major cause of death in America, which is overconsumption of calories, salt, sugar, and fat. There are a few thousand deaths in the United States each year from foodborne illness. Tens of

thousands of persons are having their lives shortened each year because we are not requiring the industry to become educated in nutrition. Included in the document is a trivial requirement for truth in menu, but this ignores a major national problem in the fact that the foodservice industry makes no attempt to inform the consumer about the calories, salt, sugar, and fat in menu items. I think this is a major oversight in a document intended to protect the health and extend the quality of life of the residents of Minnesota.

7. The document ignores the problem of toxic chemicals being extracted from contact surfaces by acid foods. Again, we've had some major foodborne illnesses in Minnesota because of acids, particularly when they come in contact with copper. These should be identified and controls included in the document.

8. A major cause of foodborne illness in the United States is people carelessly adding toxic chemicals to food. The document does not directly address this as a hazard, nor does it identify the critical controls. The document should state what are the levels of chemical additives that are allowed and how these can be measured and controlled. For example, if people do not properly clean out a fryer with lye, they leave a significant residual of caustic chemicals in the fryer. Another problem is the large copper candy kettles that are used in bakeries and in candy shops. If people do not understand about acid in food, they're likely to cook fruit in these copper kettles and make people sick.

9. The document does not address the question of whether food should be left in its commercial container or not. As we know, there are still many cans with lead-soldered seams. The document should specifically state that food will be removed from cans and placed in a suitable stainless steel or plastic containers to avoid the lead problem.

10. While we have been lucky and cannot show an incidence of direct food sabotage by an employee or a customer, this is certainly a potential hazard. Any food purchased by a customer if returned by that customer must be thrown away for fear that the customer has added some form of harmful agent.

Now, let me give you some specific comments in regards to what the document itself does say.

Page 1, line 28 -- The definition of "clean" is very inadequate. It fails to mention the most critical element of clean, which means washed with soap and water. Actually, I would like to refer you to the Food and Drug Administration's manual called "Food Defect Action Levels." In your document it is implied that food is unacceptable when it has contaminants such as insect fragments.

According to the FDA manual mentioned above (which must be in your library) you will see that the Food and Drug Administration allows rodent hairs, insect parts, mold, and many other forms of contamination in food. It is absolutely ridiculous for us to set one standard for wholesale food processors and another standard for retail food processors/foodservice establishments. If insects don't make people sick, then we should say so, and the foodservice industry also should be allowed to have one or two insect parts in the food they prepare.

Page 2, line 15 -- "Easily cleanable" is used by the National Sanitation Foundation, even though they cannot define what they mean by it. There is no test or standard for the term "easily cleanable." What should be said in the document is that when surfaces are cleaned and sanitized, the microbiological count will not be greater than 100 per eight square inches. This standard is very easily measurable with inexpensive, easily obtainable microbiological test kits.

Page 3, line 19 -- In reference to the term "hermetically sealed containers," I would like to mention that a few nights ago at a grocery store, I saw the employees packaging cooked beef and cooked meats in plastic bags and then storing them at a temperature of about 50F in a reach-in case. The definition of a "hermetically sealed container" is completely inadequate to assure the safety of food being prepared in Minnesota.

Page 4, line 4 -- This implies that the National Sanitation Foundation is the only source for infomation. This is absolutely false. The American Society for Heating, Refrigeration, and Air Conditioning Engineers has many good refrigeration standards, and the American National Standards Institute now has a number of standards for commercial cooking equipment. This must be looked into, and we need to list all sources so that we can get away from this sole-source reliance on an organization that can't tell us and won't tell us how they measure their standards.

Page 4, line 18 -- "Person in charge" is not a significant term. The term the document should use is "person in charge of food safety."

Page 4, line 23 -- The definition for potable water should be taken from the water standard as a specified number of coliform and aerobic organisms per ml of water.

Page 5, line 22 -- Safe temperatures are defined as those below 40F and above 150F. As we have discussed, the actual upper growth temperature for <u>Clostridium perfringens</u>, the pathogenic bacteria with the highest temperature growth capability, is 127.5F. This makes 150F an inflated figure from a safety standpoint. The lower end temperature of 40F

is also an inflated figure, but in a different way. Many pathogenic bacteria can and will grow at or under 40F. From a safety standpoint, a low end temperature of less that 32F is required. Actual generation times for pathogens are as follows over the range of 32F to 70F.

32F 3 days

40F 28 hours

50F 5.8 hours

60F 3.7 hours

70F 1.8 hours

These are specific documented temperatures for growth of pathogens. Below 40F, the following pathogens will multiply.

Yersinia enterocolitica

Listeria monocytogenes

Pathogenic E. coli

Aeromonis hydrophilia

Nonproteolytic type B and E Clostridium botulinum

Vibrio parahaemolyticus, V. Vulnificans, V. Cholera

Eventually, we'll probably find some more.

Page 5, line 26 -- "Sanitizing" should be defined as less than 100 organisms per eight square inches.

Page 6, line 17 -- "Wholesome" as defined is completely unenforceable. The document should simply state that wholesome means less than 10 million organisms per gram of product. This is the general number that is used by the Food and Drug Administration when they decide on whether they're going to take action on a food in a wholesale system.

Page 10, line 23 -- The document says that itinerant mobile service pushcarts-special event food stands must comply with the regulations, yet there are special sections at the back of the document for each one. This is confusing. From the standpoint of time, temperature, and handling, all must comply with the same regulations. The microorganisms don't care whether it's a food stand or a restaurant in terms of growth rates and death rates.

Page 13, line 31 -- This talks about the internal temperature of all potentially hazardous food. The words "internal temperature" allow the health department to continue to use probe thermometers, when in fact these are

very inaccurate temperature measuring devices. In addition, it is impossible to measure the center temperature of sausages, hamburgers, fish pieces, and so forth with this device. Because we use probe thermometers, we ignore surface temperatures of food, which are often so poor that they will allow pathogens to grow.

Page 13, line 34 -- The document provides the escape phrase "except during preparation" and yet doesn't define how long that is. This makes it impossible for a sanitarian to enforce this particular requirement. I can provide you with times and temperatures if you would like to use them.

Page 14, line 21 -- This again specifies only a metal stem thermometer. The document doesn't say that these will be calibrated; it doesn't say that thermocouples are at least as good as if not much better than stem thermometers for measuring temperature. There is no way to tell that chicken is safe to eat unless one uses the thermocouple to measure its temperature. The same is true for hamburger.

Page 14, line 33 -- On the other hand, the document goes into elaborate detail about beef roasts. I challenge you to find one CDC documented foodborne illness which was caused by a fresh cooked roast of beef. The specific case which caused the U.S. Department of Agriculture to conduct the research and develop this data has now been recognized as not having been caused during the cooking process. It was post-cooking contamination. All that is needed to be said about beef is that it will be cooked from 40F to 130F in less than six hours. If this does not occur, then there is the opportunity for at least three or four generations of Clostridium perfringens multiplication. There are a number of research reports that document this problem, and I know of an actual instance in the Cities which was never reported but in which slow-cooked roast beef grew very high numbers of Clostridium perfringens.

Page 17, line 25 -- The display equipment statement is certainly laudable. However, I don't find that anybody enforces it. I do hope, now, that we will for the first time enforce 40F salad bar temperatures and cold food prep table temperatures as well as steam table temperatures. There are still many Sunday buffets in Minnesota where there is no refrigeration of very potentially hazardous food for many hours.

Page 18, line 31 -- This says that "packaged food will not be in contact with water or undrained ice." On the next page, though, the document requires that all ice be manufactured from potable water. I don't see what the hazard is to the packaged food if the ice is made from potable water, and I think you should eliminate the requirement referring to the contact.

Page 19, line 26 -- This talks about prohibited persons. This implies that there are times when people are not shedding pathogenic organisms and other times when they are. It is very well established that we shed pathogenic organisms whether we feel sick or not. People with AIDS are shedding pathogenic organisms, as are many types of carriers of pathogens who feel just fine. This requirement must be rewritten to get at the true problem, and that is that every day of our lives, every one of us is potentially hazardous. If we don't wash our fingertips correctly before we handle food, we are going to make other people ill.

Page 20, line 26 -- This says that all employees shall thoroughly wash their hands, but it does not refer to fingertips and it does not refer to the fingernail brush. At one point, the document says that there must be a fingernail brush at the sink. But if it doesn't tell people to use it, what kind of a regulation is that?

Page 25, line 14 -- This talks about manual cleaning and sanitizing. It implies that the second and third sinks and other things are critically important in food safety. There is ample research data now that shows the critical control point is the first wash sink with soap. This sink typically is at about 75-100F, which is a fine temperature for rapid growth of primarily spoilage organisms. The pH is reasonably neutral, and the organisms grow well. They grow to such an extent that research shows they cannot be removed by going through the typical second and third sink rinse and sanitize procedures. You have made an assumption that the material written in the U.S. Food and Drug Administration's foodservice manual is correct. Much of that information is fifty years old and has no scientific basis. The document has a legal responsibility to give people scientifically honest information. This whole business of manual-style cleaning and sanitizing is not accurate.

Page 33, line 17 -- This does not include service dogs for people in wheelchairs and others. We had a telephone call from a mother who implied that Minnesota regulations were inaccurate and needed to be revised. I would look this over very carefully because I think you have inaccuracies in this paragraph.

Page 35, line 5 -- This talks about lighting. These lighting standards are totally inadequate if a person is to keep a clean and safe foodservice kitchen. Minnesota has deviated from the federal standards in other areas when she thought is was appropriate, as when she specified 150F hot holding. Why doesn't the document specify adequate lighting standards?

In the last part of these regulations, the document refers to itinerant foodservices and others, and in each case there are various styles of hand washing. In each one, there

should be a requirement for hot water, soap, and a fingernail brush to get the feces out from underneath the fingernails. On page 51, the document makes a very serious mistake of allowing moist towelettes to take the place of hand washing. There is absolutely no documentation that has ever been developed that shows that towelettes do any more than add some perfume to the hands. There is no documentation that they remove fecal material from the fingertips, nor that they remove salmonella from the hands as does hot soapy water. Since it is the job of the health department to protect the health of the residents of Minnesota, I really don't think anything should be put into this regulation that can't be shown through research that it is in fact effective in assuring safety.

Fred, as you know, the Food and Drug wants us to use hazard analysis and critical control points. Hazards are simply those things that have been demonstrated in Minnesota to make people sick. Included in the document are many, many things that have no correlation with safety. But I understand that the residents of Minnesota want clean facilities. But you also should be assuring safety. You are in the one office of the state of Minnesota that should set the standards for everyone to follow in terms of safety. This document has many flaws. If this document is not corrected, it could be responsible for the illness of many people in Minnesota, and perhaps the deaths of some. It needs to be fixed before it is published as a final document. At a minimum, there should be rules that assure the causes of the documented Minnesota foodborne illnesses are efficiently blocked.

Sincerely yours,

Pete

O. Peter Snyder, Jr., PhD
Director

OPS/ag

SF-00006-05 (4/86)

DEPARTMENT : ATTORNEY GENERAL - Health

STATE OF MINNESOTA

Office Memorandum

DATE : April 12, 1989

TO : Christie Eller
Assistant Attorney General

Recd 4/12/89
OK

FROM : Catherine E. Avina
Special Assistant
Attorney General

PHONE : 341-7272

SUBJECT : In the Matter of the Proposed Adoption of the Permanent Rule of the Department of Health Relating to Food and Beverage Establishments

Enclosed for your review, pursuant to Minn. Stat. § 14.26 (1986) and Minn. Rules pt. 2010.0300 (1987), are the following documents to support the above-referenced rule:

1. Notice of Solicitation of Outside Information as published in the State Register;

2. Rule as proposed with a certificate of approval as to form by the Revisor of Statutes attached;

3. Notice of Intent to Adopt a Rule Without a Public Hearing, Notice of Intent to Adopt a Rule With a Public Hearing If 25 or More Persons Request a Hearing, and Notice of Intent to Cancel Hearing If Fewer Than 25 Persons Request a Hearing (as mailed);

4. Statement of Need and Reasonableness;

5. Certification of Mailing List (list attached);

6. Affidavit of Mailing the Notice of Intent to Adopt a Rule Without a Public Hearing, Notice of Intent to Adopt a Rule With a Public Hearing If 25 or More Persons Request Hearing, and Notice of Intent to Cancel Hearing If Fewer Than 25 Persons Request a Hearing;

7. Affidavit of Mailing the Proposed Rules;

8. Notice of Intent to Adopt a Rule Without a Public Hearing, Notice of Intent to Adopt a Rule With a Public Hearing If 25 or More Persons Request a Hearing, and Notice of Intent to Cancel Hearing If Fewer Than 25 Persons Request a Hearing as published in the State Register;

9. Public Comment;

10. Rule as adopted (original and three copies);

11. Findings of Fact, Conclusions and Order Adopting Rule Without a Public Hearing;

12. Declaration of Counsel;

PGZ:tmr
Enclosures

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

DEPARTMENT OF HEALTH

In the Matter of the
Proposed Adoption of the
Rule of the Department
of Health Relating to Food
and Beverage Establishments

DECLARATION OF COUNSEL

I, Catherine E. Avina, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule and the supporting rulemaking record and that, based on my examination, the Administrative Procedure Act and Minn. Rules ch. 2010 have been followed. For Attorney General billing purposes, the four-digit docket client code is 50.5X83.1220.

Dated: April 11, 1989

Catherine E. Avina

CATHERINE E. AVINA
Special Assistant
Attorney General

The State Board of Education estimates that there will be no cost to small business or to local school districts in the state in order to implement the proposed rule.

The following rules have been repealed: 3520.0500, 3520.0700, 3520.0800, 3520.0900, 3520.1100, 3520.1700, 3520.1900, 3520.2000, 3520.2100, 3520.2200, 3520.2300, 3520.3800, 3520.4000, 3520.4200, 3520.4210, 3520.4220, 3520.4230, 3520.4240, 3520.4250, 3520.4260, 3520.4300, 3520.4520, 3520.4530, 3520.4580, 3520.4660, 3520.4690, 3520.4700, 3520.4710, 3520.4730, 3520.4740, 3520.4760, 3520.4770, 3520.4800, 3520.4810, 3520.4820, 3520.4830, 3520.4860, 3520.4870, 3520.4920, 3520.4940, 3520.4950, 3520.4960, 3520.4970, 3520.4990, 3520.5020, 3520.5100, 3520.5110, 3520.5130, 3520.5140, 3520.5150, 3520.5170, 3520.5210, 3520.5320, 3520.5350, 3520.5360, 3520.5400, 3520.5410, 3520.5420, 3520.5430, 3520.5440, 3520.5460, 3520.5470, 3520.5480, 3520.5530, 3520.5540, 3520.5550, 3520.5610 and 3520.5800.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit a written request to Len Nachman.

Dated: 17 June 1988

Ruth E. Randall
Secretary, State Board of Education

Rules as Proposed

For a copy of the proposed rules, refer to the July 4, 1988 *State Register*, Volume 13, Number 1, pages 6-33.

Department of Health

Proposed Permanent Rules Relating to Food and Beverage Establishments

EXPLANATION OF ALTERNATIVE NOTICES

The Minnesota Department of Health (hereinafter "Department") is hereby giving notice of its intent to adopt a rule without a public hearing under the noncontroversial rulemaking procedure of *Minnesota Statutes* §§ 14.22 to 14.28 (1986). However, in case 25 or more persons request a hearing, thus necessitating that one be held pursuant to *Minnesota Statutes* § 14.25 (1986), and in order to expedite the rulemaking process should that occur, the Department is at the same time hereby giving notice of the hearing on the proposed rule pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1986). The hearing will, of course, be cancelled if 25 or more people do not request that one be held. With the comment period closing on October 26, 1988, there will be 12 days before the scheduled hearing date. This 12-day period will give interested persons ample time to contact the Department to find out whether the hearing will be cancelled and to plan accordingly.

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Minnesota Department of Health (hereinafter "Department") proposes to adopt the above-captioned rule without a public hearing unless 25 or more persons submit written requests for a public hearing. The Department has determined that the proposed changes will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes* §§ 14.22 to 14.28 (1986).

Interested persons shall have 30 days from the date this notice is published in the *State Register* to submit comments in support of or in opposition to the proposed rule. The 30 days will expire on October 26, 1988. Comment is encouraged. Each comment should identify the portion of the proposed rule being addressed, the reason for the comment, and any change proposed to the rule by the comment. The proposed rule may be modified if the modifications are supported by the data and views submitted to the Department and do not result in a substantial change in the proposed language.

In addition to submitting comments, interested persons may request in writing during the 30-day comment period that a hearing be held on the proposed rule. Any person requesting a hearing should state his or her name, address, and telephone number and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any changes they want made to the proposed rule. If a person desires that a hearing be held on only a portion of the proposed rule, it is requested that the Department be informed of the specific amendments on which a hearing is being requested at the time that the hearing request is made. This will enable the Department to limit the hearing, if one is held, to the specific issues of concern. A public hearing will be held only if 25 or more persons submit in writing requests for a hearing on the proposed rule or a portion thereof by October 26, 1988. If a hearing is required, it will be held in accordance with the provisions of *Minnesota Statutes* §§ 14.131 to 14.20 (1986) and the hearing notice provided below.

Comments or written requests for a public hearing should be submitted to:

M. Frederick Mitchell, Section Chief
Community Environmental Services
717 Delaware Street Southeast
P.O. Box 9441
Minneapolis, Minnesota 55440
Telephone: (612) 623-5341

The statutory authority of the Department to adopt the proposed rule is contained in *Minnesota Statutes* §§ 144.05 (b) and (c), 157.04, 157.08, 157.09 and 157.13 (1986).

If adopted, the proposed rule would replace the existing Department rules governing food and beverage establishments *(Minnesota Rules* pts. 4625.2400-4625.5000) and update those rules to reflect the 1976 Food Service Sanitation Manual published by the U.S. Department of Public Health Service ("USPHS") in conjunction with the Food and Drug Administration (FDA), U.S. Department of Health, Education and Welfare, Public Health Service, Food and Drug Administration, DHEW Publication no. (FDA) 78-2081 (hereinafter "1976 FDA" Manual). The rules are intended to prevent the transmission of illness by food and beverage establishments and to reduce exposure to environmental health hazards in these establishments. The proposed rule will be published in the *State Register* issue of September 26, 1988, and a free copy of the rule may be obtained from the Department by writing or telephoning M. Frederick Mitchell at the address or telephone number listed above.

A statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed changes has been prepared and may be obtained from the Department by writing or telephoning M. Frederick Mitchell at the address or telephone number listed above.

Promulgation of the proposed rule is likely to result in the expenditure of public monies by local public bodies and further information as required under *Minnesota Statutes* § 14.11 (1986) is contained in the statement of need and reasonablensss. There is no impact on agricultural lands from the proposed rule.

It is the position of the Department that the proposed rule is subject to *Minnesota Statutes* § 14.115 (1986) regarding small business considerations in rulemaking. The Department's evaluation of the applicability of the methods contained in *Minnesota Statutes* § 14.115, subd. 2 (1986), for reducing the impact of the proposed rule is addressed in the statement of need and reasonableness.

Upon completion of the proposed rule without a public hearing, the rule as proposed, this notice, the statement of need and reasonableness, all written comments received, the rule as adopted, and a statement explaining any differences between the rule as proposed and as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General or who wish to receive a copy of the amendments as adopted should submit a written request to M. Frederick Mitchell at the address listed above.

NOTICE OF INTENT TO ADOPT A RULE WITH A PUBLIC HEARING IF 25 OR MORE PERSONS REQUEST A HEARING

PLEASE NOTE THAT IF 25 OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITH RESPECT TO THE ABOVE-CAPTIONED RULE WITHIN THE 30-DAY COMMENT PERIOD PURSUANT TO THE NOTICE GIVEN IN PART II ABOVE, A HEARING WILL BE HELD ON NOVEMBER 7, 1988, IN ACCORDANCE WITH THE FOLLOWING NOTICE OF PUBLIC HEARING.

NOTICE IS HEREBY GIVEN that a public hearing in the above-captioned matter will be held pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1986), in Room 105, the Chesley Room, Minnesota Department of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440, on November 7, 1988, commencing at 9:00 AM.

All interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of hearing which is to be included in the hearing record may be mailed to Howard L. Kaibel, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 South Fourth Avenue, Minneapolis, Minnesota 55415, telephone (612) 341-7608. Unless a longer period not to exceed 20 calendar days is ordered by the administrative law judge at the hearing, the hearing record will remain open for the inclusion of written material for five working days after the hearing ends. Written material

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

received during this period will be available for review at the Office of Administrative Hearings. The Department and interested persons may respond in writing within three business days after the submission periods ends to any new information submitted. No additional evidence may be submitted during the three-day period. This rule hearing procedure is governed by *Minnesota Statutes* §§ 14.131 to 14.20 (1986) and by *Minnesota Rules* pts. 1400.0200 to 1400.1200 (1986). Questions about procedure may be directed to the administrative law judge.

If adopted, the rule would replace the existing Department rules governing food and beverage establishments (*Minnesota Rules* pts. 4625.2400-4625.5000) and update those rules to reflect the 1976 Food Service Sanitation Manual published by the U.S. Department of Public Health Service ("USPHS") in conjunction with the Food and Drug Administration (FDA), U.S. Department of Health, Education and Welfare, Public Health Service, Food and Drug Administration, DHEW Publication no. FDA 78-2081 (hereinafter "1976 FDA" Manual). The rules are intended to prevent the transmission of illness by food and beverage establishments and to reduce exposure to environmental health hazards in these establishments. The proposed rule will be published in the *State Register* issue of September 26, 1988, and a free copy of the rule may be obtained from the Department by writing or telephoning M. Frederick Mitchell at the address and telephone number listed above in Part II of this notice.

The statutory authority of the Department to adopt the proposed rule is contained in *Minnesota Statutes* §§ 144.05 (b) and (c), 157.04, 157.08, 157.09, and 157.13 (1986).

The proposed rule may be modified as a result of the rule hearing process. Those who are potentially affected in any manner by the substance of the proposed rule are therefore advised to participate in the process.

Minnesota Statutes ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes* § 10A.01, subd. 11 as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101, telephone: (612) 296-5615.

NOTICE IS HEREBY GIVEN that a statement of need and reasonableness is now available for review at the Department and at the Office of Administrative Hearings. This statement of need and reasonableness includes a summary of all the evidence which the Department anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule. Copies of the statement of need and reasonableness may be reviewed at the Department or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Please note that any person may request notification of the date on which the administrative law judge's report will be available, after which date the Department may not take any final action on the rule for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. Any person may request notification of the date on which the rule was adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rule is filed. If you want to be so notified, you may so indicate at the hearing or send a request in writing to the Department at any time prior to the filing of the rule with the Secretary of State.

Promulgation of this proposed rule is likely to result in the expenditure of public monies by local public bodies and further information as required under *Minnesota Statutes* § 14.11 (1986) is contained in the statement of need and reasonableness. There is no impact on agricultural lands from the proposed rule.

It is the position of the Department that the proposed rule is subject to *Minnesota Statutes* § 14.115 (1986) regarding small business considerations in rulemaking. The Department's evaluation of the applicability of the methods contained in *Minnesota Statutes* § 14.115, subd. 2 (1986), for reducing the impact of the proposed rule are addressed in the statement of need and reasonableness.

NOTICE OF INTENT TO CANCEL HEARING IF FEWER THAN 25 PERSONS REQUEST A HEARING

PLEASE NOTE THAT THE HEARING, NOTICE OF WHICH IS GIVEN IN PART III ABOVE, WILL BE CANCELLED IF FEWER THAN 25 PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE GIVEN IN PART II ABOVE.

To be informed whether the hearing noticed in Part III above will be held, please call the Department before October 26, 1988, and leave your name, address, and telephone number. You will be notified after October 26, 1988, if the hearing has been cancelled. You may also call the Department after October 26, 1988, for oral confirmation regarding the scheduled hearing.

Dated: 12 September 1988

Sister Mary Madonna Ashton
Commissioner of Health

Rules as Proposed (all new material)

REQUIREMENTS FOR FOOD AND BEVERAGE ESTABLISHMENTS

4625.2401 DEFINITIONS.

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

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

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

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

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

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

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

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

Subp. 9. **Department.** "Department" means the Minnesota Department of Health.

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

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

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

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

Subp. 14. **Food.** "Food" means any 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.

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

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

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

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

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

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

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

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

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

Subp. 23. **Mobile food service.** "Mobile food service" means a food service establishment that is a vehicle mounted unit, either motorized or trailered, and readily movable without disassembling, for transport to another location and remaining for no more than 14 consecutive days at any one place.

Subp. 24. **National sanitation foundation standard.** "National sanitation foundation standard" means a standard issued and recommended by the National Sanitation Foundation for equipment used in food establishments. The standards are published by the National Sanitation Foundation, 3475 Plymouth Road, P.O. Box 1468, Ann Arbor, Michigan 48106. The standards listed in parts 4625.3701, subpart 2, item A, and 4625.3801, subpart 6, items D and F, are incorporated by reference and are available through the Minitex interlibrary loan system. The standards are not subject to frequent change.

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

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

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

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

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

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

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

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

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

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

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

Subp. 36. **Single-service articles.** "Single-service articles" means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, placemats, napkins, doilies, wrapping materials, toothpicks, and similar articles intended for one-time, one-person use and then discarded.

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

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

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

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

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

4625.2501 SCOPE.

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

4625.2601 ADMINISTRATION.

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

Subp. 2. **Embargo.** Equipment and utensils, which do not meet the requirements of parts 4625.2401 to 4625.7801, may be embargoed. Equipment and utensils must be released from the embargo upon notification of the commissioner by the person in charge of modification of the equipment or utensils to meet the requirements of parts 4625.2401 to 4625.7801 and after inspection of the utensils and equipment by the commissioner.

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

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

4625.2650 VARIANCES AND WAIVERS.

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

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

B. the reasons for the request;

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

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

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

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

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

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

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

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

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

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

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

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

Subp. 7. **Appeal procedure.** An applicant may contest the denial, revocation, or refusal to renew a variance or waiver by requesting a contested case hearing under the Administrative Procedure Act, Minnesota Statutes, chapter 14. The applicant shall submit, within 15 days after receiving the commissioner's decision, a written request for a hearing. The request for a hearing shall state, in detail, the reasons why the decision of the commissioner should be reversed or modified. At the hearing, the applicant bears the burden of proving that the applicant has satisfied the criteria specified in subpart 1.

4625.2701 PLAN REVIEW OF FUTURE CONSTRUCTION.

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

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

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

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

4625.2801 MISREPRESENTATION OF FOOD.

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

A. the sale of adulterated food;

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

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

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

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

4625.2901 EMERGENCY FIRST AID FOR CHOKING.

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

4625.3001 MINNESOTA CLEAN INDOOR AIR ACT.

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

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

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

4625.3201 FOOD AND FOOD HANDLING.

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

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

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

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

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

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

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

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

4625.3301 FOOD PROTECTION.

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

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

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

C. unnecessary or improper handling;

D. coughs and sneezes;

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

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

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

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

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

4625.3401 TEMPERATURE MAINTENANCE.

Subpart 1. **Hazardous foods.** The internal temperature of all potentially hazardous foods must be maintained at 40 degrees Fahrenheit (four degrees centigrade) or below, or 150 degrees Fahrenheit (66 degrees centigrade) or above, except during preparation. Potentially hazardous foods requiring refrigeration after preparation must be rapidly cooled to an internal temperature of 40 degrees Fahrenheit (four degrees centigrade) or below within four hours after removal from the heating or hot holding device. Frozen food must be kept frozen and should be stored at an internal temperature of zero degrees Fahrenheit (minus 18 degrees centigrade) or below.

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

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

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

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

A. When beef roasts under ten pounds (five kilograms) in weight are cooked in a still dry heat oven, the oven must be preheated to and held at an air temperature of at least 350 degrees Fahrenheit (177 degrees centigrade) throughout the process. If cooked in a convection oven, the oven must be preheated to and held at an air temperature of at least 325 degrees Fahrenheit (163 degrees centigrade) throughout the process.

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

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

MINIMUM HOLDING TIMES FOR BEEF ROASTS AT VARIOUS INTERNAL TEMPERATURES

Minimum internal temperature		Minimum holding time
Degrees Fahrenheit	Degrees Centigrade	Minutes
130	54.4	121
131	55.0	97
132	55.6	77
133	56.1	62
134	56.7	47
135	57.2	37
136	57.8	32
137	58.4	24
138	58.9	19

139	59.5	15
140	60.0	12
141	60.6	10
142	61.1	8
143	61.7	6
144	62.2	5

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

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

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

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

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

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.

4625.3501 PREPARATION, DISPLAY, AND SERVICE.

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

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

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

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

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

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

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

B. stored clean and dry; or

C. stored in a running water dipper well.

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

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

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Subp. 9. **Food transportation.** The requirements of temperature, storage, display, and those imposed for the protection of food against contamination, as contained in parts 4625.2401 to 4625.7801, must also apply in the transporting of food from one food establishment or other location to another food establishment or other location for delivery, service, or catering operations.

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

Subp. 11. **Containers.** Containers of food must be stored a minimum of six 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. Containers may be stored on dollies, racks, or pallets, provided the equipment is easily movable and constructed to allow for easy cleaning. Food and containers of food must not be stored under exposed or unprotected sewer lines or similar sources of potential contamination. The storage of food in toilet rooms or vestibules is prohibited.

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

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

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

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

4625.3601 DISEASE PREVENTION AND CONTROL AND EMPLOYEE PRACTICES.

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

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

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

C. while afflicted with a boil, an infected wound, or an acute respiratory infection.

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

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

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

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

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

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

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

A. All employees shall thoroughly wash their hands and the exposed portions of their arms with soap and warm water in an

approved handwashing facility 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, and maintain a high degree of personal cleanliness and conform to hygienic practices during all periods of duty.

B. Employees must not use tobacco in any form while on duty to handle, prepare, or serve food, or clean utensils and equipment in a food establishment. Employees must use tobacco only in designated locations approved by the department.

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

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

4625.3701 EQUIPMENT AND FACILITIES PROVIDED.

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

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

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

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

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

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

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

(3) Standard No. 3, Spray Type Dishwashing Machines, June 1982;

(4) Standard No. 4, Commercial Cooking and Hot Food Storage Equipment, June 1986;

(5) Standard No. 5, Commercial Hot Water Generating Equipment, November 1983;

(6) Standard No. 6, Dispensing Freezers, November 1982;

(7) Standard No. 7, Food Service Refrigerator and Storage Freezers, November 1985;

(8) Standard No. 8, Commercial Powered Food Preparation Equipment, November 1985;

(9) Standard No. 12, Automatic Ice Making Equipment, November 1984;

(10) Standard No. 13, Refuse Compactors and Compactor Systems, May 1985;

(11) Standard No. 18, Manual Food and Beverage Dispensing Equipment, November 1987;

(12) Standard No. 20, Commercial Bulk Milk Dispensing Equipment and Appurtenances, November 1985;

(13) Standard No. 25, Vending Machines for Food and Beverage, November 1987;

(14) Standard No. 26, Pot, Pan and Utensil Washers, December 1980;

(15) Standard No. 29, Detergent and Chemical Feeders for Commercial Spray Type Dishwashing Machines, June 1982;

(16) Standard No. 35, Laminated Plastics for Surfacing Food Service Equipment, May 1985;

(17) Standard No. 51, Plastic Materials and Components Used in Food Equipment, May 1978;

(18) Standard No. 59, Food Carts, June 1986; and

(19) Criteria C-2, Special Equipment and/or Devices, November 1983.

D. Used equipment which has met or exceeded the requirements of the National Sanitation Foundation under earlier standards may be installed when the equipment is in good repair and does not constitute a health hazard as determined by the commissioner.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Equipment in use at the time of adoption of parts 4625.2401 to 4625.7801 which does not fully meet item C may be continued in use only if it is in good repair, capable of being maintained in a sanitary condition, has food-contact surfaces that are nontoxic, and is approved by the commissioner.

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

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

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

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

I. When the food service in a boarding and lodging house is limited to serving ten or fewer residents, or where the main meals of the day are not prepared in the facility, the commissioner may waive specific equipment requirements of these rules as stated in item H.

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

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

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

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

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

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

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

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

Subp. 3. **Oven utensils and equipment.** Utensils and equipment which routinely go into ovens for baking purposes and which are used for no other purpose must not be required to be given bactericidal treatment; however, such utensils and equipment must be clean.

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

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

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

B. Integral drain boards of adequate size must be provided at each end for proper handling of soiled utensils before washing

and for cleaned utensils following sanitizing and must be located so as not to interfere with the proper use of the utensil washing facilities.

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

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

(1) Sinks must be cleaned before use.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

B. Drainboards must be provided and be of adequate size for the proper handling of soiled utensils before washing and for cleaned utensils following sanitization, and must 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.

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

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

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

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

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

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

F. Machines using hot water for sanitizing may be used provided that wash water and pumped rinse water must be kept clean and water must be maintained at not less than the temperature specified by the National Sanitation Foundation Standard No. 3, under which the machine is evaluated. A pressure gauge must be installed with a valve immediately adjacent to the supply side of the control valve in the final rinse line provided that this requirement must not pertain to a dishwashing machine with a pumped final rinse.

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

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

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

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

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

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

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

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

4625.3901 PHYSICAL FACILITIES AND SANITATION.

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

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

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

Mobile food units may dispose of their liquid waste into receptacles carried on the vehicle for that purpose. This waste ultimately must be discharged into the public sewage system or otherwise disposed of in a manner which will not endanger any source of water

supply, pollute any body of surface water, create a nuisance, or otherwise endanger the public health and safety.

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

Food service equipment such as refrigerators, ice makers, ice storage bins, and steam tables must not be directly connected to the sewer.

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

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

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

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

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

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

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

4625.4001 GARBAGE AND REFUSE DISPOSAL.

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

4625.4101 INSECT, RODENT, AND ANIMAL CONTROL.

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

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

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

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

4625.4201 CONSTRUCTION AND MAINTENANCE OF PHYSICAL FACILITIES.

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

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

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

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

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

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

Subp. 4. **Utility lines and pipes.** All utility lines and pipes such as electric, gas, water, sewage, and similar waste lines or services should be installed in the walls, under floors, or above ceilings to avoid unnecessary exposure to food equipment, walls, floors, or ceilings. Exposed utility service lines or pipes must be installed so they do not obstruct or prevent the easy cleaning of food equipment, floors, walls, and ceiling surfaces.

4625.4301 LIGHTING.

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

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

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

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

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

Subp. 2. **Protective shielding.** Shielding or coating to protect against broken glass falling onto food must 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.

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

4625.4401 VENTILATION.

Rooms must have sufficient exhaust ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious or disagreeable odors, smoke, and fumes. All ventilation equipment and facilities, gas or oil fired room heaters, and water heaters must

be designed, installed, and operated in accordance with the rules of the State Building Code Division and the Uniform Fire Code. Intake and exhaust air ducts must be maintained to prevent the entrance of dust, dirt, and other contaminating materials.

4625.4501 DRESSING ROOMS AND LOCKER AREAS.

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

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

4625.4601 POISONOUS OR TOXIC MATERIALS.

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

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

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

A. insecticides and rodenticides; and

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

Materials in each of these two categories must be stored and physically located separate from each other. All poisonous or toxic materials must be stored in cabinets or in a similar physically separate place used for no other purpose. To preclude contamination, poisonous or toxic materials must not be stored above food, food equipment, utensils, or single-service articles, except that this requirement does not prohibit the convenient availability of detergents or sanitizers at utensil or dishwashing stations.

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

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

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

4625.4701 PREMISES.

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

Subp. 2. **Cleaning equipment storage.** Maintenance and cleaning tools such as brooms, mops, vacuum cleaners, and similar equipment must be maintained and stored in a way that does not contaminate food, utensils, equipment, or linens and must be stored in an orderly manner for the cleaning of that storage location.

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

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

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

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

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

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

REQUIREMENTS FOR ITINERANT FOOD SERVICE

4625.4901 ITINERANT FOOD SERVICE ESTABLISHMENTS.

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

Subp. 2. **Restricted operations.** This subpart applies to an itinerant food service establishment approved under subpart 1 to operate without complying with the requirements of parts 4625.4901 to 4625.5801.

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

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

4625.5001 CONSTRUCTION.

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

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

A. solid concrete or asphalt; or

B. vinyl flooring or sealed wood.

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

4625.5101 EQUIPMENT.

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

Subp. 2. **Refrigeration.** Mechanical refrigeration, containing a thermometer, is required for potentially hazardous foods such as meat, fish, poultry, milk, milk products, and eggs. A metal stem product thermometer with a range from zero degrees Fahrenheit (minus 18 degrees centigrade) to 220 degrees Fahrenheit (110 degrees centigrade) is required for measuring temperature of this food. Electricity must be provided to refrigeration units 24 hours a day when the food stand has been set in place for service.

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

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

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

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

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

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

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

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

4625.5201 DISHWASHING FACILITIES, PROCEDURES, AND EQUIPMENT CLEANING.

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

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

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

A. wash in warm, soapy water;

B. rinse in clear water; and

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

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

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

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

4625.5301 FOOD, BEVERAGE, AND UTENSIL HANDLING AND STORAGE.

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

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

Subp. 3. **Previously cooked foods.** If previously cooked food is reheated it must reach an internal temperature of at least 165 degrees Fahrenheit (75 degrees centigrade) throughout before being served. Any heated food left over at the end of the day must be discarded.

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

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

4625.5401 WATER SUPPLY.

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

4625.5501 WASTEWATER AND REFUSE DISPOSAL.

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

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

4625.5601 INSECT CONTROL.

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

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

4625.5701 EMPLOYEE PRACTICES.

Employees must comply with the following requirements:

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

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

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

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

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

4625.5801 SAFETY.

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

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

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

REQUIREMENTS FOR MOBILE FOOD SERVICES OR PUSHCARTS

4625.5901 MOBILE FOOD SERVICES OR PUSHCARTS.

Subpart 1. **General.** Mobile food services or pushcarts must comply with all provisions of parts 4625.2401 to 4625.4701 which are applicable to their operation and must comply with parts 4625.5901 to 4625.6801. The commissioner may impose additional requirements to protect against health hazards related to the conduct of their operation and may prohibit the sale or giveaway of some or all potentially hazardous foods. When no health hazard is likely to result, the commissioner may grant a variance or modify specific requirements of parts 4625.5901 to 4625.6801 relating to physical facilities.

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

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

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

4625.6001 CONSTRUCTION.

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

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

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

4625.6101 EQUIPMENT.

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

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

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

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

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

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

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

4625.6201 DISHWASHING FACILITIES, PROCEDURES, AND EQUIPMENT CLEANING.

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

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

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

A. wash in warm, soapy water;

B. rinse in clean water;

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

D. allow to air dry.

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

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

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

4625.6301 FOOD, BEVERAGE, AND UTENSIL HANDLING AND STORAGE.

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

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

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

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

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

4625.6401 WATER SUPPLY.

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

Subp. 2. **Holding tanks.** Each mobile food service or pushcart must be equipped with a fresh water holding tank that can be drained and a hot water heater, both of which are sufficiently sized to meet water demand. The holding tank must be corrosion resistent, nontoxic, and free of seams. When in operation, a unit may be directly supplied with water from an external water system.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

The connecting hose must be capped and otherwise protected when it is disconnected so that it will not be contaminated by waste discharge, road dust, oil, or grease.

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

4625.6501 WASTEWATER AND REFUSE DISPOSAL.

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

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

4625.6601 INSECT CONTROL.

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

4625.6701 EMPLOYEE PRACTICES.

Employees must comply with the following requirements:

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

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

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

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

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

4625.6801 SAFETY.

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

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

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

REQUIREMENTS FOR SPECIAL EVENT FOOD STANDS

4625.6901 SPECIAL EVENT FOOD STAND.

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

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

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

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

4625.7001 CONSTRUCTION.

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

Subp. 2. **Floors.** The interior floor must be constructed of concrete, asphalt, tight wood, or other similar cleanable material kept

in good repair. Dirt or gravel, when graded to drain, may be used as subflooring when covered with clean, removable platforms or duckboards, or covered with wood chips, shavings, or other suitable materials effectively treated to control dust.

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

4625.7101 EQUIPMENT.

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

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

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

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

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

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

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

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

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

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

4625.7201 DISHWASHING FACILITIES, PROCEDURES, AND EQUIPMENT CLEANING.

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

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

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

A. wash in warm, soapy water;

B. rinse in clean water;

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

D. allow to air dry.

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

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

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

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

4625.7301 FOOD, BEVERAGE, AND UTENSIL HANDLING AND STORAGE.

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

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

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

Subp. 4. **Storage.** Food and single service disposable utensils such as paper plates and plastic eating utensils must be clean, dry, covered, and kept at least six inches off the floor. Storage of packaged food in contact with water or undrained ice is prohibited. Wrapped sandwiches must not be stored in direct contact with ice. Canned, bottled, and other containerized beverages except milk may be chilled in ice.

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

4625.7401 WATER SUPPLY.

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

4625.7501 WASTEWATER AND REFUSE DISPOSAL.

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

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

4625.7601 INSECT CONTROL.

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

4625.7701 EMPLOYEE PRACTICES.

Employees must comply with the following requirements:

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

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

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

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

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

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

4625.7801 SAFETY.

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

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

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

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

Department of Human Services

Proposed Permanent Rules Relating to Maintenance Payments and Difficulty of Care Payments for Children in Foster Care

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Department of Human Services intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without as public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes*, section 256.82, subdivisions 3 and 4.

All persons have 30 days or until 4:30 p.m. on October 27, 1988 in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Marian Eisner
Minnesota Department of Human Services
444 Lafayette Road
St. Paul, MN 55155-3832.

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

The proposed permanent rule amends *Minnesota Rules*, parts 9560.0650 to 9560.0656 [Emergency] which established a uniform statewide system of difficulty of care payments to child foster care providers. The difficulty of care payment is an additional payment, over the basic foster care maintenance rate, to a foster parent for the care of a child who requires additional care, supervision, or attention because of the child's physical, mental or behavioral characteristics.

The proposed permanent rule maintains the system established in the emergency rule and includes an index which is the basis for annual adjustment of the payment rates. The rule modifies the criteria for assessing difficulty of care levels for children on the basis of county social service agency input and reflect current practice in services to children. The proposed rules, if adopted, will repeal the present *Minnesota Rules*, parts 9560.0650 to 9560.0656 [Emergency] and are necessary in order to comply with *Minnesota Statutes*, 256.82, subdivision 4. The proposed rule affects children placed in foster care, foster care providers and county governments.

A free copy of the rule is available upon request from Marian Eisner, Minnesota Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3832. A copy of the rule may also be viewed at any of the 87 county welfare or human services agencies in the State of Minnesota.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from:

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

DEPARTMENT OF HEALTH

ALTERNATIVE NOTICES

In the Matter of the Proposed Adoption of the Permanent Rule of the Department of Health Relating to Food and Beverage Establishments

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING, NOTICE OF INTENT TO ADOPT A RULE WITH A PUBLIC HEARING IF 25 OR MORE PERSONS REQUEST A HEARING, AND NOTICE OF INTENT TO CANCEL HEARING IF FEWER THAN 25 PERSONS REQUEST A HEARING

I.

EXPLANATION OF ALTERNATIVE NOTICES

The Minnesota Department of Health (hereinafter "Department") is hereby giving notice of its intent to adopt a rule without a public hearing under the noncontroversial rulemaking procedure of Minn. Stat. §§ 14.22 to 14.28 (1986). However, in case 25 or more persons request a hearing, thus necessitating that one be held pursuant to Minn. Stat. § 14.25 (1986), and in order to expedite the rulemaking process should that occur, the Department is at the same time hereby giving notice of the hearing on the proposed rule pursuant to Minn. Stat. §§ 14.131 to 14.20 (1986). The hearing will, of course, be cancelled if 25 or more people do not request that one be held. With the comment period closing on October 26, 1988, there will be 12 days before the scheduled hearing date. This 12-day period will give interested persons ample time to contact the Department to find out whether the hearing will be cancelled and to plan accordingly.

II.

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Minnesota Department of Health (hereinafter "Department") proposes to adopt the above-captioned rule without a

public hearing unless 25 or more persons submit written requests for a public hearing. The Department has determined that the proposed changes will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. §§ 14.22 to 14.28 (1986).

Interested persons shall have 30 days from the date this notice is published in the State Register to submit comments in support of or in opposition to the proposed rule. The 30 days will expire on October 26, 1988. Comment is encouraged. Each comment should identify the portion of the proposed rule being addressed, the reason for the comment, and any change proposed to the rule by the comment. The proposed rule may be modified if the modifications are supported by the data and views submitted to the Department and do not result in a substantial change in the proposed language.

In addition to submitting comments, interested persons may request in writing during the 30-day comment period that a hearing be held on the proposed rule. Any person requesting a hearing should state his or her name, address, and telephone number and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any changes they want made to the proposed rule. If a person desires that a hearing be held on only a portion of the proposed rule, it is requested that the Department be informed of the specific amendments on which a hearing is being requested at the time that the hearing request is made. This will enable the Department to limit the hearing, if one is held, to the specific issues of concern. A public hearing will be held only if 25 or more persons submit in writing requests for a hearing on the proposed rule or a portion thereof by October 26, 1988. If a hearing is required, it will be held in accordance with the provisions of Minn. Stat. §§ 14.131 to 14.20 (1986) and the hearing notice provided below.

Comments or written requests for a public hearing should be submitted to:

M. Frederick Mitchell, Section Chief
Community Environmental Services
717 Delaware Street Southeast
P.O. Box 9441
Minneapolis, Minnesota 55440
Telephone: (612) 623-5341

The statutory authority of the Department to adopt the proposed rule is contained in Minn. Stat. §§ 144.05 (b) and (c), 157.04, 157.08, 157.09 and 157.13 (1986).

If adopted, the proposed rule would replace the existing Department rules governing food and beverage establishments (Minn. Rules pts. 4625.2400-4625.5000) and update those rules to reflect the 1976 Food Service Sanitation Manual published by the U.S. Department of Public Health Service ("USPHS") in conjunction with the Food and Drug Administration (FDA), U.S. Department of Health, Education and Welfare, Public Health Service, Food and Drug Administration, DHEW Publication no. (FDA) 78-2081 (hereinafter "1976 FDA" Manual). The rules are intended to prevent the transmission of illness by food and beverage establishments and to reduce exposure to environmental health hazards in these establishments. The proposed rule will be published in the State Register issue of September 26, 1988, and a free copy of the rule may be obtained from the Department by writing or telephoning M. Frederick Mitchell at the address or telephone number listed above.

A statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed changes has been prepared and may be obtained from the Department by writing or telephoning M. Frederick Mitchell at the address or telephone number listed above.

Promulgation of the proposed rule is likely to result in the expenditure of public monies by local public bodies and further information as required under Minn.

Stat § 14.11 (1986) is contained in the statement of need and reasonableness. There is no impact on agricultural lands from the proposed rule.

It is the position of the Department that the proposed rule is subject to Minn. Stat. § 14.115 (1986) regarding small business considerations in rulemaking. The Department's evaluation of the applicability of the methods contained in Minn. Stat. § 14.115, subd. 2 (1986), for reducing the impact of the proposed rule is addressed in the statement of need and reasonableness.

Upon completion of the proposed rule without a public hearing, the rule as proposed, this notice, the statement of need and reasonableness, all written comments received, the rule as adopted, and a statement explaining any differences between the rule as proposed and as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General or who wish to receive a copy of the amendments as adopted should submit a written request to M. Frederick Mitchell at the address listed above.

III.

NOTICE OF INTENT TO ADOPT A RULE WITH A PUBLIC HEARING IF 25 OR MORE PERSONS REQUEST A HEARING

PLEASE NOTE THAT IF 25 OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITH RESPECT TO THE ABOVE-CAPTIONED RULE WITHIN THE 30-DAY COMMENT PERIOD PURSUANT TO THE NOTICE GIVEN IN PART II ABOVE, A HEARING WILL BE HELD ON NOVEMBER 7, 1988, IN ACCORDANCE WITH THE FOLLOWING NOTICE OF PUBLIC HEARING.

NOTICE IS HEREBY GIVEN that a public hearing in the above-captioned matter will be held pursuant to Minn. Stat §§ 14.131 to 14.20 (1986), in Room 105, the Chesley Room, Minnesota Department of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440, on November 7, 1988, commencing at 9:00 AM.

All interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of hearing which is to be included in the hearing record may be mailed to Howard L. Kaibel, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 South Fourth Avenue, Minneapolis, Minnesota 55415, telephone (612) 341-7608. Unless a longer period not to exceed 20 calendar days is ordered by the administrative law judge at the hearing, the hearing record will remain open for the inclusion of written material for five working days after the hearing ends. Written material received during this period will be available for review at the Office of Administrative Hearings. The Department and interested persons may respond in writing within three business days after the submission period ends to any new information submitted. No additional evidence may be submitted during the three-day period. This rule hearing procedure is governed by Minn. Stat. §§ 14.131 to 14.20 (1986) and by Minn. Rules pts. 1400.0200 to 1400.1200 (1986). Questions about procedure may be directed to the administrative law judge.

If adopted, the rule would replace the existing Department rules governing food and beverage establishments (Minn. Rules pts. 4625.2400-4625.5000) and update those rules to reflect the 1976 Food Service Sanitation Manual published by the U.S. Department of Public Health Service ("USPHS") in conjunction with the Food and Drug Administration (FDA), U.S. Department of Health, Education and Welfare, Public Health Service, Food and Drug Administration, DHEW Publication no. FDA 78-2081 (hereinafter "1976 FDA" Manual). The rules are intended to prevent the transmission of illness by food and beverage establishments and to reduce exposure to

environmental health hazards in these establishments. The proposed rule will be published in the State Register issue of September 26, 1988, and a free copy of the rule may be obtained from the Department by writing or telephoning M. Frederick Mitchell at the address and telephone number listed above in Part II of this notice.

The statutory authority of the Department to adopt the proposed rule is contained in Minn. Stat. §§ 144.05 (b) and (c), 157.04, 157.08, 157.09, and 157.13 (1986).

The proposed rule may be modified as a result of the rule hearing process. Those who are potentially affected in any manner by the substance of the proposed rule are therefore advised to participate in the process.

Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 as any individual:

> (a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or
>
> (b) Who spends more than $250, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101, telephone: (612) 296-5615.

Notice is hereby given that a statement of need and reasonableness is now available for review at the Department and at the Office of Administrative Hearings. This statement of need and reasonableness includes a summary of all the evidence which the Department anticipates presenting at the hearing justifying both the need

for and the reasonableness of the proposed rule. Copies of the statement of need and reasonableness may be reviewed at the Department or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Please note that any person may request notification of the date on which the administrative law judge's report will be available, after which date the Department may not take any final action on the rule for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. Any person may request notification of the date on which the rule was adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rule is filed. If you want to be so notified, you may so indicate at the hearing or send a request in writing to the Department at any time prior to the filing of the rule with the Secretary of State.

Promulgation of this proposed rule is likely to result in the expenditure of public monies by local public bodies and further information as required under Minn. Stat. § 14.11 (1986) is contained in the statement of need and reasonableness. There is no impact on agricultural lands from the proposed rule.

It is the position of the Department that the proposed rule is subject to Minn. Stat. § 14.115 (1986) regarding small business considerations in rulemaking. The Department's evaluation of the applicability of the methods contained in Minn. Stat. § 14.115, subd. 2 (1986), for reducing the impact of the proposed rule are addressed in the statement of need and reasonableness.

IV.

NOTICE OF INTENT TO CANCEL HEARING IF FEWER THAN 25 PERSONS REQUEST A HEARING

PLEASE NOTE THAT THE HEARING, NOTICE OF WHICH IS GIVEN IN PART III ABOVE, WILL BE CANCELLED IF FEWER THAN 25 PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE GIVEN IN PART II ABOVE.

To be informed whether the hearing noticed in Part III above will be held, please call the Department before October 26, 1988, and leave your name, address, and telephone number. You will be notified after October 26, 1988, if the hearing has been cancelled. You may also call the Department after October 26, 1988, for oral confirmation regarding the scheduled hearing.

Dated: September 12, 1988.

SISTER MARY MADONNA ASHTON
Commissioner of Health

Subd. 3. CONTESTED CASE; REPORT. The hearing and all matters after the hearing are a contested case under chapter 14. Within 45 days from the commencement of the hearing and within 15 days of the completion of the hearing the administrative law judge shall submit a report to the commissioner of commerce. The parties, or the administrative law judge, if the parties cannot agree, shall adjust all time requirements under the contested case procedure to conform with the 45-day requirement.

Subd. 4. DECISION. The commissioner shall make a decision within ten days of the receipt of the administrative law judge's report.

Subd. 5. WAIVER OR MODIFICATION. If all parties to the proceeding agree, any of the requirements of this section may be waived or modified.

Subd. 6. CASE PRESENTATION. The department of commerce, upon request by small businesses as defined by section 14.115, subdivision 1, shall assist small businesses in any specific class requesting continuation of coverage beyond the 180-day period, in coordinating the class and presenting the case in the contested hearing.

Environmental Quality Board

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Pipeline Routing

Notice is hereby given that the Minnesota Environmental Quality Board is seeking information or opinions from sources outside the Minnesota Environmental Quality Board in preparing to propose the adoption of rules for pipeline routing. The adoption of rules is authorized by *Minnesota Statutes*, section 116I.015 subd. 3 (Supp. 1987), which requires the Minnesota Environmental Quality Board to adopt rules governing the routing of pipelines.

The Minnesota Environmental Quality Board requests information and opinions concerning the subject matter of the rules. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: Larry B. Hartman, 380 Centennial Office Building, 658 Cedar Street, St. Paul, MN 55155. Oral statements will be received during regular business hours over the telephone at 612-296-5089 and in person at the above address.

All statements of information and opinions shall be accepted until 4:30 p.m., December 18, 1987. Any written material received by the Minnesota Environmental Quality Board shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 2 November 1987

John C. Ditmore, Chairman
Minnesota Environmental Quality Board

Department of Health

Division of Environmental Health

Notice of Intent to Solicit Outside Opinion on Various Proposed Rules

Notice is hereby given that the State Department of Health is seeking information or opinions from sources outside the agency in preparing to propose the adoption or amendment of the rules listed below.

Subject of Rule	Statutory Authority	Contact Person
Procedure for Variances (New Rule)	*Minnesota Statutes*, § 144.05	P. Bouchard 612/623-5331
Food Service Establishments (*Minnesota Rules* 4625.2400-4625.5000)	*Minnesota Statutes*, Chap. 157	M. F. Mitchell 612/623-5341
Children's Camps (*Minnesota Rules* 4630.2300-4630.4700)	*Minnesota Statutes*, § 144.74	C. B. Schneider 612/623-5335
Enclosed Sports Arenas (*Minnesota Rules* 4635.1100-4635.2000)	*Minnesota Statutes*, § 144.12	M. Thompson 612/623-5336
Water Wells (*Minnesota Rules*, Chap. 4725	*Minnesota Statutes*, Chap. 156A	J. Nye 612/623-5339
Formaldehyde (*Minnesota Rules* 4620.1600-4620.2100)	*Minnesota Statutes*, § 144.495	L. Oatman 612/623-5219

Sources of Radiation (*Minnesota Rules*, Chap. 4730)	*Minnesota Statutes*, § 144.121	W. Breitenstein 612/623-5346

The State Department of Health requests information and opinions concerning the subject matter of these rules. Interested persons or groups may submit data or views on the rule of concern in writing or orally. Written statements should be addressed to the contact person identified above for the rule in question, and mailed to the Minnesota Department of Health, Division of Environmental Health, 717 Delaware Street S.E., Minneapolis, Minnesota 55440. Oral statements will be received during regular business hours over the telephone at the number of the appropriate contact person, and in person at the above address.

All statements of information and opinion shall be accepted until January 1, 1988. Any written material received by the State Department of Health shall become part of the rulemaking record to be submitted to the Attorney General or Administrative Law Judge in the event that the rule is adopted.

Dated: 28 October 1987

Raymond W. Thron, Ph.D., P.E., Director
Division of Environmental Health

Sentencing Guidelines Commission

Notice of Public Hearing to Consider Modifications to the Sentencing Guidelines

The Minnesota Sentencing Guidelines Commission will hold a public hearing on Thursday, December 10, 1987, at 6:00 p.m. in Hearing Room 5, Ground Floor, State Office Building, 100 Constitution Ave., St. Paul, Minnesota. The public hearing is to consider proposed modifications to the sentencing guidelines regarding the presumptive sentence for offenders to the right of the dispositional line at severity levels I through VI, an additional aggravating factor for offenders with extensive criminal history, and the ranking for Sale of Cocaine and Sale of Heroin when the amount of drug involved is at least 10 grams over a 90 day period.

Additional copies of the proposed modifications that include proposed modifications to the Commentary are available, free of charge, by contacting the Minnesota Sentencing Guidelines Commission at 51 State Office Building, St. Paul, MN 55155, or by calling (612) 296-0144.

All interested persons are encouraged to attend the hearing and offer comments. Persons wishing to speak may register in advance by contacting the Commission staff at the above address/telephone number.

The Commission will hold the record open for five days after the public hearing to accept additional written comment on the proposed modifications. On December 15, 1987, the Commission will meet in Room 10, State Office Building, 100 Constitution Avenue, St. Paul, Minnesota to formally adopt or reject the proposed modifications. If adopted, the modifications as indicated will become effective December 16, 1987. Those requiring legislative review will become effective August 1, 1988 absent legislative action to the contrary.

Proposed Modifications Effective December 16, 1987

Proposed Change to Section V. **Offense Severity Reference Table** are as follows:

VII	Sale of Cocaine—152.15, subd. 1(1), (i), (ii), (v), & (vi) Sale of Heroin—152.15, subd. 1(1) (ii), (v) & (vi)

Proposed Modifications Effective August 1, 1988 Barring Legislative Action to the Contrary

Proposed Change to Section II.C. (Presumptive Sentence)

C. Presumptive Sentence: The offense of conviction determines the appropriate severity level on the vertical axis. The offender's criminal history score, computed according to section B above, determines the appropriate location on the horizontal axis. The presumptive fixed sentence for a felony conviction is found in the Sentencing Guidelines Grid cell at the intersection of the column defined by the criminal history score and the row defined by the offense severity level. The offenses within the Sentencing Guidelines Grid are presumptive with respect to the duration of the sentence and whether imposition or execution of the felony sentence should be stayed.

The line on the Sentencing Guidelines Grid demarcates those cases for whom the presumptive sentence is executed from those for whom the presumptive sentence is stayed. ~~For cases contained in cells below and to the right of the line, the sentence should be executed.~~ For cases contained in cells above and to the left of the line, the sentence should be stayed, unless the conviction offense carries a mandatory minimum sentence. For cases contained in cells below and to the right of the line, the sentence should be executed unless any one of the following circumstances exist:

1) the current conviction offense is at severity level I or II and the offender has had less than three prior interventions; or

Department of Health

Proposed Permanent Rules Relating to Food and Beverage Establishments

Rules as Proposed (all new material)

REQUIREMENTS FOR FOOD AND BEVERAGE ESTABLISHMENTS

4625.2401 DEFINITIONS.

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

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

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

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

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

Approved by Revisor

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

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

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

Subp. 9. **Department.** "Department" means the Minnesota Department of Health.

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

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

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

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

Subp. 14. **Food.** "Food" means any 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

Approved
by Revisor _____

consumption.

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

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

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

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

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

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

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

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

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

Approved by Revisor _____

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

Subp. 24. **National sanitation foundation standard.** "National sanitation foundation standard" means a standard issued and recommended by the National Sanitation Foundation for equipment used in food establishments. The standards are published by the National Sanitation Foundation, 3475 Plymouth Road, P.O. Box 1468, Ann Arbor, Michigan 48106. The standards listed in parts 4625.3701, subpart 2, item A, and 4625.3801, subpart 6, items D and F, are incorporated by reference and are available through the Minitex interlibrary loan system. The standards are not subject to frequent change.

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

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

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

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

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

Approved
by Revisor _____

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

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

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

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

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

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

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

Approved
by Revisor _____

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

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

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

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

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

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

4625.2501 SCOPE.

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

4625.2601 ADMINISTRATION.

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

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

Approved
by Revisor _____

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

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

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

4625.2650 VARIANCES AND WAIVERS.

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

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

B. the reasons for the request;

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

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

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

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

Approved
by Revisor _____

evaluation that:

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

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

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

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

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

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

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

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

Approved
by Revisor _____

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

4625.2701 PLAN REVIEW OF FUTURE CONSTRUCTION.

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

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

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

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

4625.2801 MISREPRESENTATION OF FOOD.

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

Approved
by Revisor _____

misrepresentation include:

A. the sale of adulterated food;

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

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

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

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

4625.2901 EMERGENCY FIRST AID FOR CHOKING.

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

4625.3001 MINNESOTA CLEAN INDOOR AIR ACT.

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

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

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

Approved
by Revisor _____

4625.3201 FOOD AND FOOD HANDLING.

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

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

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

Approved
by Revisor _____

gallon capacity into the drinking vessel.

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

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

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

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

Approved
by Revisor _____

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

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

4625.3301 FOOD PROTECTION.

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

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

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

C. unnecessary or improper handling;

D. coughs and sneezes;

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

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

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

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

4625.3401 TEMPERATURE MAINTENANCE.

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

Approved by Revisor _____

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

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

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

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

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

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

Approved by Revisor _____

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

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

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

MINIMUM HOLDING TIMES FOR BEEF ROASTS
AT VARIOUS INTERNAL TEMPERATURES

Minimum internal temperature		Minimum holding time
Degrees Fahrenheit	Degrees Centigrade	Minutes
130	54.4	121
131	55.0	97
132	55.6	77
133	56.1	62
134	56.7	47
135	57.2	37
136	57.8	32
137	58.4	24
138	58.9	19
139	59.5	15
140	60.0	12
141	60.6	10
142	61.1	8

Approved by Revisor _____

143	61.7	6
144	62.2	5

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

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

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

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

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

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.

4625.3501 PREPARATION, DISPLAY, AND SERVICE.

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

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

Approved
by Revisor _____

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

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

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

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

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

B. stored clean and dry; or

C. stored in a running water dipper well.

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

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

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

Approved by Revisor _____

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

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

Subp. 11. **Containers.** Containers of food must be stored a minimum of six 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. Containers may be stored on dollies, racks, or pallets, provided the equipment is easily movable and constructed to allow for easy cleaning. Food and containers of food must not be stored under exposed or unprotected sewer lines or similar sources of potential contamination. The storage of food in toilet rooms or vestibules is prohibited.

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

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

Approved
by Revisor _____

a dispenser head.

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

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

4625.3601 DISEASE PREVENTION AND CONTROL AND EMPLOYEE PRACTICES.

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

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

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

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

Approved by Revisor _____

an acute respiratory infection.

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

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

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

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

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

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

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

A. All employees shall thoroughly wash their hands and the exposed portions of their arms with soap and warm water in an approved handwashing facility 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, and maintain a high degree of personal cleanliness and conform to hygienic practices during all periods of duty.

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

Approved
by Revisor _____

only in designated locations approved by the department.

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

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

4625.3701 EQUIPMENT AND FACILITIES PROVIDED.

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

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

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

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

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

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

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

Approved by Revisor _____

(3) Standard No. 3, Spray Type Dishwashing Machines, June 1982;

(4) Standard No. 4, Commercial Cooking and Hot Food Storage Equipment, June 1986;

(5) Standard No. 5, Commercial Hot Water Generating Equipment, November 1983;

(6) Standard No. 6, Dispensing Freezers, November 1982;

(7) Standard No. 7, Food Service Refrigerator and Storage Freezers, November 1985;

(8) Standard No. 8, Commercial Powered Food Preparation Equipment, November 1985;

(9) Standard No. 12, Automatic Ice Making Equipment, November 1984;

(10) Standard No. 13, Refuse Compactors and Compactor Systems, May 1985;

(11) Standard No. 18, Manual Food and Beverage Dispensing Equipment, November 1987;

(12) Standard No. 20, Commercial Bulk Milk Dispensing Equipment and Appurtenances, November 1985;

(13) Standard No. 25, Vending Machines for Food and Beverage, November 1987;

(14) Standard No. 26, Pot, Pan and Utensil Washers, December 1980;

(15) Standard No. 29, Detergent and Chemical Feeders for Commercial Spray Type Dishwashing Machines, June 1982;

(16) Standard No. 35, Laminated Plastics for Surfacing Food Service Equipment, May 1985;

(17) Standard No. 51, Plastic Materials and Components Used in Food Equipment, May 1978;

(18) Standard No. 59, Food Carts, June 1986; and

(19) Criteria C-2, Special Equipment and/or Devices, November 1983.

D. Used equipment which has met or exceeded the requirements of the National Sanitation Foundation under earlier

Approved by Revisor _____

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

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

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

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

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

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

Approved by Revisor _____

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

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

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

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

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

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

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

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

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

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

Approved
by Revisor _____

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

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

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

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

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

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

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

(1) Sinks must be cleaned before use.

Approved by Revisor _____

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

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

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

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

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

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

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

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

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

Approved by Revisor _____

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

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

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

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

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

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

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

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

Approved by Revisor _____

properly installed and maintained.

B. Drainboards must be provided and be of adequate size for the proper handling of soiled utensils before washing and for cleaned utensils following sanitization, and must 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.

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

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

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

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

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

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

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

Approved
by Revisor _____

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

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

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

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

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

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

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

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

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

Approved
by Revisor _____

4625.3901 PHYSICAL FACILITIES AND SANITATION.

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

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

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

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

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

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

Approved
by Revisor _____

connected to the sewer.

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

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

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

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

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

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

Approved
by Revisor _____

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

4625.4001 GARBAGE AND REFUSE DISPOSAL.

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

Approved
by Revisor _____

nuisance.

4625.4101 INSECT, RODENT, AND ANIMAL CONTROL.

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

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

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

4625.4201 CONSTRUCTION AND MAINTENANCE OF PHYSICAL FACILITIES.

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

Approved by Revisor _____

storage freezers.

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

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

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

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

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

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

Approved by Revisor _____

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

4625.4301 LIGHTING.

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

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

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

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

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

Subp. 2. **Protective shielding.** Shielding or coating to protect against broken glass falling onto food must 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.

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

4625.4401 VENTILATION.

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

Approved by Revisor _____

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

4625.4501 DRESSING ROOMS AND LOCKER AREAS.

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

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

4625.4601 POISONOUS OR TOXIC MATERIALS.

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

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

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

A. insecticides and rodenticides; and

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

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

Approved by Revisor _____

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

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

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

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

4625.4701 PREMISES.

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

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

Approved by Revisor _____

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

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

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

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

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

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

REQUIREMENTS FOR ITINERANT FOOD SERVICE

4625.4901 ITINERANT FOOD SERVICE ESTABLISHMENTS.

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

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

Approved by Revisor _____

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

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

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

4625.5001 CONSTRUCTION.

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

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

A. solid concrete or asphalt; or

B. vinyl flooring or sealed wood.

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

4625.5101 EQUIPMENT.

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

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

Approved by Revisor _____

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

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

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

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

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

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

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

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

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

4625.5201 DISHWASHING FACILITIES, PROCEDURES, AND EQUIPMENT CLEANING.

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

Approved
by Revisor _____

used for food preparation and cooking.

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

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

A. wash in warm, soapy water;

B. rinse in clear water; and

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

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

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

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

4625.5301 FOOD, BEVERAGE, AND UTENSIL HANDLING AND STORAGE.

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

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

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

Approved
by Revisor _____

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

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

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

4625.5401 WATER SUPPLY.

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

4625.5501 WASTEWATER AND REFUSE DISPOSAL.

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

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

4625.5601 INSECT CONTROL.

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

Approved
by Revisor _____

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

4625.5701 EMPLOYEE PRACTICES.

Employees must comply with the following requirements:

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

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

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

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

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

4625.5801 SAFETY.

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

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

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

REQUIREMENTS FOR MOBILE FOOD SERVICES OR PUSHCARTS

4625.5901 MOBILE FOOD SERVICES OR PUSHCARTS.

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

Approved by Revisor _____

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

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

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

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

4625.6001 CONSTRUCTION.

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

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

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

4625.6101 EQUIPMENT.

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

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

Approved by Revisor _____

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

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

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

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

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

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

4625.6201 DISHWASHING FACILITIES, PROCEDURES, AND EQUIPMENT CLEANING.

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

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

Approved by Revisor _____

utensils. Towel drying is not permitted.

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

A. wash in warm, soapy water;

B. rinse in clean water;

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

D. allow to air dry.

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

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

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

4625.6301 FOOD, BEVERAGE, AND UTENSIL HANDLING AND STORAGE.

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

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

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

Approved
by Revisor _____

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

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

4625.6401 WATER SUPPLY.

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

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

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

4625.6501 WASTEWATER AND REFUSE DISPOSAL.

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

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

Approved by Revisor _____

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

4625.6601 INSECT CONTROL.

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

4625.6701 EMPLOYEE PRACTICES.

Employees must comply with the following requirements:

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

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

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

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

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

4625.6801 SAFETY.

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

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

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

Approved
by Revisor _____

REQUIREMENTS FOR SPECIAL EVENT FOOD STANDS

4625.6901 SPECIAL EVENT FOOD STAND.

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

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

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

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

4625.7001 CONSTRUCTION.

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

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

Approved
by Revisor _____

control dust.

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

4625.7101 EQUIPMENT.

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

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

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

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

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

Approved
by Revisor _____

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

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

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

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

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

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

4625.7201 DISHWASHING FACILITIES, PROCEDURES, AND EQUIPMENT CLEANING.

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

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

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

A. wash in warm, soapy water;

B. rinse in clean water;

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

Approved by Revisor _____

household bleach per two gallons of water; and

D. allow to air dry.

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

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

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

4625.7301 FOOD, BEVERAGE, AND UTENSIL HANDLING AND STORAGE.

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

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

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

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

Approved
by Revisor _____

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

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

4625.7401 WATER SUPPLY.

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

4625.7501 WASTEWATER AND REFUSE DISPOSAL.

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

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

4625.7601 INSECT CONTROL.

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

4625.7701 EMPLOYEE PRACTICES.

Approved
by Revisor _____

Employees must comply with the following requirements:

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

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

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

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

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

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

4625.7801 SAFETY.

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

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

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

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

Approved by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Food and Beverage Establishments

AGENCY: Department of Health

MINNESOTA RULES: Chapter 4625

INCORPORATION BY REFERENCE:

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

National Sanitation Foundation Standard published by the National Sanitation Foundation.

The attached rules are approved for publication in the State Register

Kathleen M. Traxler
Assistant Revisor

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Food and Beverage Establishments

AGENCY: Department of Health

MINNESOTA RULES: Chapter 4625

INCORPORATION BY REFERENCE:

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

National Sanitation Foundation Standard published by the National Sanitation Foundation.

The attached rules are approved for publication in the State Register

Kathleen M. Traxler
Assistant Revisor

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

DEPARTMENT OF HEALTH

In the Matter of the Proposed Adoption of the Permanent Rule of the Department of Health Relating to Food and Beverage Establishments

AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING, NOTICE OF INTENT TO ADOPT A RULE WITH A PUBLIC HEARING IF 25 OR MORE PERSONS REQUEST A HEARING, AND NOTICE OF INTENT TO CANCEL HEARING IF FEWER THAN 25 PERSONS REQUEST A HEARING

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

Yolanda Wescom, being sworn says:

That on the 21st day of September, 1988, at the City of Minneapolis, County of Hennepin, State of Minnesota, I mailed the attached Notice Of Intent To Adopt A Rule Without A Public Hearing, Notice Of Intent To Adopt A Rule With A Public Hearing If 25 Or More Persons Request A Hearing, And Notice Of Intent To Cancel Hearing If Fewer Than 25 Persons Request A Hearing by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, with postage prepaid, to all persons and associations on the certified mailing list.

Yolanda Wescom

Subscribed and sworn to before me
this 1st day of April, 1989.

Linda J Berg
Notary Public

LINDA J. BERG
NOTARY PUBLIC-MINNESOTA
DAKOTA COUNTY
MY COMMISSION EXPIRES OCTOBER 15, 1993

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

DEPARTMENT OF HEALTH

ALTERNATIVE NOTICES

In the Matter of the Proposed Adoption of the Permanent Rule of the Department of Health Relating to Food and Beverage Establishments

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING, NOTICE OF INTENT TO ADOPT A RULE WITH A PUBLIC HEARING IF 25 OR MORE PERSONS REQUEST A HEARING, AND NOTICE OF INTENT TO CANCEL HEARING IF FEWER THAN 25 PERSONS REQUEST A HEARING

I.

EXPLANATION OF ALTERNATIVE NOTICES

The Minnesota Department of Health (hereinafter "Department") is hereby giving notice of its intent to adopt a rule without a public hearing under the noncontroversial rulemaking procedure of Minn. Stat. §§ 14.22 to 14.28 (1986). However, in case 25 or more persons request a hearing, thus necessitating that one be held pursuant to Minn. Stat. § 14.25 (1986), and in order to expedite the rulemaking process should that occur, the Department is at the same time hereby giving notice of the hearing on the proposed rule pursuant to Minn. Stat. §§ 14.131 to 14.20 (1986). The hearing will, of course, be cancelled if 25 or more people do not request that one be held. With the comment period closing on October 26, 1988, there will be 12 days before the scheduled hearing date. This 12-day period will give interested persons ample time to contact the Department to find out whether the hearing will be cancelled and to plan accordingly.

II.

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Minnesota Department of Health (hereinafter "Department") proposes to adopt the above-captioned rule without a public hearing unless 25 or more persons submit written requests for a public hearing. The Department has determined that the proposed changes will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. §§ 14.22 to 14.28 (1986).

Interested persons shall have 30 days from the date this notice is published in the State Register to submit comments in support of or in opposition to the proposed rule. The 30 days will expire on October 26, 1988. Comment is encouraged. Each comment should identify the portion of the proposed rule being addressed, the reason for the comment, and any change proposed to the rule by the comment. The proposed rule may be modified if the modifications are supported by the data and views submitted to the Department and do not result in a substantial change in the proposed language.

In addition to submitting comments, interested persons may request in writing during the 30-day comment period that a hearing be held on the proposed rule. Any person requesting a hearing should state his or her name, address, and telephone number and is encouraged to identify the portion of the proposed rule addressed, the

reason for the request, and any changes they want made to the proposed rule. If a person desires that a hearing be held on only a portion of the proposed rule, it is requested that the Department be informed of the specific amendments on which a hearing is being requested at the time that the hearing request is made. This will enable the Department to limit the hearing, if one is held, to the specific issues of concern. A public hearing will be held only if 25 or more persons submit in writing requests for a hearing on the proposed rule or a portion thereof by October 26, 1988. If a hearing is required, it will be held in accordance with the provisions of Minn. Stat. §§ 14.131 to 14.20 (1986) and the hearing notice provided below.

Comments or written requests for a public hearing should be submitted to:
M. Frederick Mitchell, Section Chief
Community Environmental Services
717 Delaware Street Southeast
P.O. Box 9441
Minneapolis, Minnesota 55440
Telephone: (612) 623-5341

The statutory authority of the Department to adopt the proposed rule is contained in Minn. Stat. §§ 144.05 (b) and (c), 157.04, 157.08, 157.09 and 157.13 (1986).

If adopted, the proposed rule would replace the existing Department rules governing food and beverage establishments (Minn. Rules pts. 4625.2400-4625.5000) and update those rules to reflect the 1976 Food Service Sanitation Manual published by the U.S. Department of Public Health Service ("USPHS") in conjunction with the Food and Drug Administration (FDA), U.S. Department of Health, Education and Welfare, Public Health Service, Food and Drug Administration, DHEW Publication no. (FDA) 78-2081 (hereinafter "1976 FDA" Manual). The rules are intended to prevent the transmission of illness by food and beverage establishments and to reduce exposure to environmental health hazards in these establishments. The proposed rule will be published in the State Register issue of September 26, 1988, and a free copy of the rule may be obtained from the Department by writing or telephoning M. Frederick Mitchell at the address or telephone number listed above.

A statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed changes has been prepared and may be obtained from the Department by writing or telephoning M. Frederick Mitchell at the address or telephone number listed above.

Promulgation of the proposed rule is likely to result in the expenditure of public monies by local public bodies and further information as required under Minn. Stat § 14.11 (1986) is contained in the statement of need and reasonableness. There is no impact on agricultural lands from the proposed rule.

It is the position of the Department that the proposed rule is subject to Minn. Stat. § 14.115 (1986) regarding small business considerations in rulemaking. The Department's evaluation of the applicability of the methods contained in Minn. Stat. § 14.115, subd. 2 (1986), for reducing the impact of the proposed rule is addressed in the statement of need and reasonableness.

Upon completion of the proposed rule without a public hearing, the rule as proposed, this notice, the statement of need and reasonableness, all written comments received, the rule as adopted, and a statement explaining any differences between the rule as proposed and as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to

be advised of the submission of this material to the Attorney General or who wish to receive a copy of the amendments as adopted should submit a written request to M. Frederick Mitchell at the address listed above.

III.

NOTICE OF INTENT TO ADOPT A RULE WITH A PUBLIC HEARING IF 25 OR MORE PERSONS REQUEST A HEARING

PLEASE NOTE THAT IF 25 OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITH RESPECT TO THE ABOVE-CAPTIONED RULE WITHIN THE 30-DAY COMMENT PERIOD PURSUANT TO THE NOTICE GIVEN IN PART II ABOVE, A HEARING WILL BE HELD ON NOVEMBER 7, 1988, IN ACCORDANCE WITH THE FOLLOWING NOTICE OF PUBLIC HEARING.

NOTICE IS HEREBY GIVEN that a public hearing in the above-captioned matter will be held pursuant to Minn. Stat §§ 14.131 to 14.20 (1986), in Room 105, the Chesley Room, Minnesota Department of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440, on November 7, 1988, commencing at 9:00 AM.

All interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of hearing which is to be included in the hearing record may be mailed to Howard L. Kaibel, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 South Fourth Avenue, Minneapolis, Minnesota 55415, telephone (612) 341-7608. Unless a longer period not to exceed 20 calendar days is ordered by the administrative law judge at the hearing, the hearing record will remain open for the inclusion of written material for five working days after the hearing ends. Written material received during this period will be available for review at the Office of Administrative Hearings. The Department and interested persons may respond in writing within three business days after the submission period ends to any new information submitted. No additional evidence may be submitted during the three-day period. This rule hearing procedure is governed by Minn. Stat. §§ 14.131 to 14.20 (1986) and by Minn. Rules pts. 1400.0200 to 1400.1200 (1986). Questions about procedure may be directed to the administrative law judge.

If adopted, the rule would replace the existing Department rules governing food and beverage establishments (Minn. Rules pts. 4625.2400-4625.5000) and update those rules to reflect the 1976 Food Service Sanitation Manual published by the U.S. Department of Public Health Service ("USPHS") in conjunction with the Food and Drug Administration (FDA), U.S. Department of Health, Education and Welfare, Public Health Service, Food and Drug Administration, DHEW Publication no. FDA 78-2081 (hereinafter "1976 FDA" Manual). The rules are intended to prevent the transmission of illness by food and beverage establishments and to reduce exposure to environmental health hazards in these establishments. The proposed rule will be published in the State Register issue of September 26, 1988, and a free copy of the rule may be obtained from the Department by writing or telephoning M. Frederick Mitchell at the address and telephone number listed above in Part II of this notice.

The statutory authority of the Department to adopt the proposed rule is contained in Minn. Stat. §§ 144.05 (b) and (c), 157.04, 157.08, 157.09, and 157.13 (1986).

The proposed rule may be modified as a result of the rule hearing process. Those who are potentially affected in any manner by the substance of the proposed rule are therefore advised to participate in the process.

Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 as any individual:

> (a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or
>
> (b) Who spends more than $250, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101, telephone: (612) 296-5615.

Notice is hereby given that a statement of need and reasonableness is now available for review at the Department and at the Office of Administrative Hearings. This statement of need and reasonableness includes a summary of all the evidence which the Department anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule. Copies of the statement of need and reasonableness may be reviewed at the Department or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Please note that any person may request notification of the date on which the administrative law judge's report will be available, after which date the Department may not take any final action on the rule for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. Any person may request notification of the date on which the rule was adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rule is filed. If you want to be so notified, you may so indicate at the hearing or send a request in writing to the Department at any time prior to the filing of the rule with the Secretary of State.

Promulgation of this proposed rule is likely to result in the expenditure of public monies by local public bodies and further information as required under Minn. Stat. § 14.11 (1986) is contained in the statement of need and reasonableness. There is no impact on agricultural lands from the proposed rule.

It is the position of the Department that the proposed rule is subject to Minn. Stat. § 14.115 (1986) regarding small business considerations in rulemaking. The Department's evaluation of the applicability of the methods contained in Minn. Stat. § 14.115, subd. 2 (1986), for reducing the impact of the proposed rule are addressed in the statement of need and reasonableness.

IV.

NOTICE OF INTENT TO CANCEL HEARING IF FEWER THAN 25 PERSONS REQUEST A HEARING

PLEASE NOTE THAT THE HEARING, NOTICE OF WHICH IS GIVEN IN PART III ABOVE, WILL BE CANCELLED IF FEWER THAN 25 PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE GIVEN IN PART II ABOVE.

To be informed whether the hearing noticed in Part III above will be held, please call the Department before October 26, 1988, and leave your name, address, and telephone number. You will be notified after October 26, 1988, if the hearing has been cancelled. You may also call the Department after October 26, 1988, for oral confirmation regarding the scheduled hearing.

Dated: September 12, 1988.

s/Thomas M. Maloy
for SISTER MARY MADONNA ASHTON
Commissioner of Health

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

DEPARTMENT OF HEALTH

In the Matter of the
Proposed Adoption of the
Permanent Rule of the
Department of Health
Relating to Food and
Beverage Establishments

AFFIDAVIT OF MAILING
THE PROPOSED RULES

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

M. Frederick Mitchell, being sworn says:

That on the 21st day of September, 1988, at the City of Minneapolis, County of Hennepin, State of Minnesota, I mailed the attached copy of the Proposed Permanent Rules Relating to Food and Beverage Establishments by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, with postage prepaid, to the local environmental health departments on the attached mailing list.

M. Frederick Mitchell

Subscribed and sworn to before me
this 7th day of April, 1989.

Linda J Berg
Notary Public

LINDA J. BERG
NOTARY PUBLIC-MINNESOTA
DAKOTA COUNTY
MY COMMISSION EXPIRES OCTOBER 15, 1993

Department of Health

Proposed Permanent Rules Relating to Food and Beverage Establishments

Rules as Proposed (all new material)

REQUIREMENTS FOR FOOD AND BEVERAGE ESTABLISHMENTS

4625.2401 DEFINITIONS.

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

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

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

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

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

Approved by Revisor

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

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

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

Subp. 9. **Department.** "Department" means the Minnesota Department of Health.

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

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

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

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

Subp. 14. **Food.** "Food" means any 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

Approved by Revisor _____

consumption.

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

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

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

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

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

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

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

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

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

Approved by Revisor _____

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

Subp. 24. **National sanitation foundation standard.** "National sanitation foundation standard" means a standard issued and recommended by the National Sanitation Foundation for equipment used in food establishments. The standards are published by the National Sanitation Foundation, 3475 Plymouth Road, P.O. Box 1468, Ann Arbor, Michigan 48106. The standards listed in parts 4625.3701, subpart 2, item A, and 4625.3801, subpart 6, items D and F, are incorporated by reference and are available through the Minitex interlibrary loan system. The standards are not subject to frequent change.

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

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

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

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

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

Approved
by Revisor _____

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

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

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

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

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

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

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

Approved
by Revisor _____

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

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

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

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

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

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

4625.2501 SCOPE.

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

4625.2601 ADMINISTRATION.

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

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

Approved by Revisor _____

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

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

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

4625.2650 VARIANCES AND WAIVERS.

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

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

B. the reasons for the request;

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

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

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

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

Approved by Revisor _____

evaluation that:

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

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

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

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

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

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

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

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

Approved
by Revisor _____

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

4625.2701 PLAN REVIEW OF FUTURE CONSTRUCTION.

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

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

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

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

4625.2801 MISREPRESENTATION OF FOOD.

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

Approved
by Revisor _____

misrepresentation include:

A. the sale of adulterated food;

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

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

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

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

4625.2901 EMERGENCY FIRST AID FOR CHOKING.

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

4625.3001 MINNESOTA CLEAN INDOOR AIR ACT.

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

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

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

Approved
by Revisor _____

4625.3201 FOOD AND FOOD HANDLING.

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

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

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

Approved
by Revisor _____

gallon capacity into the drinking vessel.

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

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

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

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

Approved
by Revisor _____

and dry eggs and egg products may be used only for cooking, baking, manufacturing, and processing purposes.

Subp. 8. **Lubricants.** Only food grade lubricants of a safe material must be used on equipment designed to receive lubrication of bearings and gears on or within food-contact surfaces.

4625.3301 FOOD PROTECTION.

Subpart 1. **Protection generally.** Food must be protected from potential contamination including:

A. dusts, insects, rodents, and other vermin;

B. unclean equipment, work surfaces, utensils, and facilities;

C. unnecessary or improper handling;

D. coughs and sneezes;

E. flooding, drainage, and overhead leakage or drippage; and

F. utensils or equipment which have not been given bactericidal treatment.

Adequate and approved protection of all food must be provided after delivery and while being stored, prepared, displayed, served, or sold in food establishments or transported between establishments.

Subp. 2. **Emergency occurrences.** In the event of a fire, flood, power outage, or other event that might result in the contamination of food, or that might prevent potentially hazardous food from being held at required temperatures, the person in charge shall immediately contact the department. Upon receiving notice of this occurrence, the department may take action that is necessary to protect the public health.

4625.3401 TEMPERATURE MAINTENANCE.

Subpart 1. **Hazardous foods.** The internal temperature of all potentially hazardous foods must be maintained at 40 degrees Fahrenheit (four degrees centigrade) or below, or 150 degrees Fahrenheit (66 degrees centigrade) or above, except during preparation. Potentially hazardous foods requiring

Approved by Revisor _____

refrigeration after preparation must be rapidly cooled to an internal temperature of 40 degrees Fahrenheit (four degrees centigrade) or below within four hours after removal from the heating or hot holding device. Frozen food must be kept frozen and should be stored at an internal temperature of zero degrees Fahrenheit (minus 18 degrees centigrade) or below.

Subp. 2. **Storage facilities.** Adequate, properly designed, and conveniently located mechanical refrigeration or hot food storage facilities must be provided to ensure the maintenance of potentially hazardous food at required temperatures. Each storage facility must be provided with a numerically scaled temperature indicating device accurate to plus or minus three degrees Fahrenheit (plus or minus two degrees centigrade) located to measure the air temperature in the warmest part of the refrigeration facility or the coldest part of the hot holding facility. Temperature indicating devices must be securely fastened and located to be easily readable. Where it is impractical to install fixed temperature indicating devices on equipment such as cold table tops, steam tables, processing lines, kettles, heat lamps, or portable transport carriers, a product thermometer of metal stem type construction, numerically scaled, and accurate to plus or minus two degrees Fahrenheit (plus or minus one degree centigrade) must be provided and used to check internal food temperatures.

Subp. 3. **Poultry.** Poultry, poultry stuffings, stuffed meats, and stuffings containing meat must be cooked to heat all parts of the food to at least 165 degrees Fahrenheit (74 degrees centigrade) with no interruption of the cooking process.

Subp. 4. **Pork.** Pork and any food containing pork must be cooked to heat all parts of the food to at least 150 degrees Fahrenheit (66 degrees centigrade), or, if cooked in a microwave oven, to at least 170 degrees Fahrenheit (77 degrees centigrade).

Subp. 5. **Beef roasts.** Beef roasts must be cooked according to the following requirements:

A. When beef roasts under ten pounds (five kilograms) in weight are cooked in a still dry heat oven, the oven must be

Approved by Revisor _____

preheated to and held at an air temperature of at least 350 degrees Fahrenheit (177 degrees centigrade) throughout the process. If cooked in a convection oven, the oven must be preheated to and held at an air temperature of at least 325 degrees Fahrenheit (163 degrees centigrade) throughout the process.

B. When beef roasts of ten pounds (five kilograms) or over in weight are cooked in a dry heat oven, the oven must be preheated to and held at an air temperature of at least 250 degrees Fahrenheit (122 degrees centigrade) throughout the process.

C. In order to meet public health requirements for the processes in this item, the following table lists the minimum internal temperature of the beef roast for the minimum time the roast needs to be held at such temperature:

MINIMUM HOLDING TIMES FOR BEEF ROASTS
AT VARIOUS INTERNAL TEMPERATURES

Minimum internal temperature		Minimum holding time
Degrees Fahrenheit	Degrees Centigrade	Minutes
130	54.4	121
131	55.0	97
132	55.6	77
133	56.1	62
134	56.7	47
135	57.2	37
136	57.8	32
137	58.4	24
138	58.9	19
139	59.5	15
140	60.0	12
141	60.6	10
142	61.1	8

Approved by Revisor _____

143	61.7	6
144	62.2	5

D. If cooked in a microwave oven, beef roasts must be cooked to an internal temperature of at least 145 degrees Fahrenheit (63 degrees centigrade).

Subp. 6. **Reheating.** Potentially hazardous foods that have been cooked and then refrigerated, if reheated, must be heated rapidly to 165 degrees Fahrenheit (74 degrees centigrade) or higher throughout before being served or before being placed in a hot food storage facility. Steam tables, bainmaries, warmers, and similar hot food holding facilities are prohibited for the rapid reheating of potentially hazardous foods.

Subp. 7. **Thawing potentially hazardous foods.** Potentially hazardous foods must be thawed in one of the following ways:

A. in refrigerated units at a temperature not to exceed 40 degrees Fahrenheit (four degrees centigrade);

B. under potable running water of a temperature of 70 degrees Fahrenheit (21 degrees centigrade) or below, and allowing the water to waste directly to the drain;

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.

4625.3501 PREPARATION, DISPLAY, AND SERVICE.

Subpart 1. **Minimum manual contact.** Food must be prepared or processed with the least possible manual contact and in a manner that prevents cross-contamination of products. Only suitable utensils or equipment which have been cleaned, rinsed, and sanitized before use to prevent cross-contamination, must be used in food preparation.

Subp. 2. **Raw fruits and vegetables.** Raw fruits and vegetables must be thoroughly washed with potable water before being cooked or served.

Approved
by Revisor _____

Subp. 3. **Re-service.** Once food has been served to a consumer, it must not be served again, except that packaged food, other than potentially hazardous food, that is still packaged and is in sound condition may be re-served.

Subp. 4. **Shellfish.** Mollusks and crustacea, if served on the shell, must be served in the original shell. Reuse of shells for food service is prohibited.

Subp. 5. **Condiment dispensing.** Condiments, seasonings, and dressing for self-service use must be provided in individual packages, from dispensers, or from approved containers. Condiments provided for table or counter service must be individually portioned, except that catsup and other sauces may be served in the original container or pour-type dispenser. Sugar for consumer use must be provided in individual packages or in pour-type dispensers.

Subp. 6. **Dispensing utensils.** To avoid unnecessary manual contact with food, suitable dispensing utensils or equipment must be used by employees or provided to consumers who serve themselves. Between uses during service, dispensing utensils must be:

A. stored in the food with the dispensing utensil handle extended out of the food;

B. stored clean and dry; or

C. stored in a running water dipper well.

Subp. 7. **Display equipment.** Food on display must be protected from consumer contamination by the use of packaging or by the use of easily cleanable counter, serving line or salad bar food shields, display cases, or by other effective means. Adequate and sufficient hot or cold food facilities must be available to maintain the required temperature of potentially hazardous food on display.

Subp. 8. **Reuse of tableware.** Reuse of soiled tableware by self-service consumers returning to the service area for additional food must be prohibited. Beverage cups and glasses are exempt from this requirement.

Subp. 9. **Food transportation.** The requirements of

Approved
by Revisor _____

temperature, storage, display, and those imposed for the protection of food against contamination, as contained in parts 4625.2401 to 4625.7801, must also apply in the transporting of food from one food establishment or other location to another food establishment or other location for delivery, service, or catering operations.

Subp. 10. **Storage.** Food, whether raw or prepared, if removed from the container or package in which it was obtained, must be stored in a clean, covered container. The container need not be covered during necessary periods of preparation or service. Container covers must be impervious and nonabsorbent, except that clean linens or napkins may be used for lining or covering bread or roll serving containers. Solid cuts of meat must be protected by being covered in storage, except that sides, quarters, or primal cuts of meat may be hung uncovered on clean hooks if no food product is stored beneath the meat.

Subp. 11. **Containers.** Containers of food must be stored a minimum of six 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. Containers may be stored on dollies, racks, or pallets, provided the equipment is easily movable and constructed to allow for easy cleaning. Food and containers of food must not be stored under exposed or unprotected sewer lines or similar sources of potential contamination. The storage of food in toilet rooms or vestibules is prohibited.

Subp. 12. **Cross-contamination.** Food not subject to further washing or cooking before serving must be stored in a way that protects it against cross-contamination from food requiring washing or cooking.

Subp. 13. **Packaged food.** Packaged food must not be stored in contact with water or undrained ice. Wrapped sandwiches must not be stored in direct contact with ice. Ice intended for human consumption must not be used for cooling stored food, food containers, or food utensils, except that the ice may be used for cooling tubes conveying beverages or beverage ingredients to

Approved
by Revisor _____

a dispenser head.

Subp. 14. **Bulk.** Bulk foods such as cooking oil, legumes, tubers, grains, syrup, salt, sugar, or flour and related derivative products not stored in the product container or package in which it was obtained, must be stored in a container identifying the food by common name.

Subp. 15. **Ice dispensing.** All ice must be manufactured only from potable water. Ice must be handled and transported in single-service containers, or in utensils which have been subjected to bactericidal treatment. Buckets, scoops, and ice containers, unless they are single-service utensils, must be made of a smooth, impervious material and designed to facilitate cleaning. They must be clean at all times. Canvas containers must not be used. If ice-crushers are used, they must be easily cleanable. They must be maintained in a clean condition, must be subject to bactericidal treatment and must be covered when not in use. Ice for consumer use must be dispensed with scoops or tongs from a properly protected storage device, or other ice self-dispensing utensils, through automatic single-service ice dispensing equipment, or be prepacked and portion controlled. Ice dispensing utensils must be stored on a clean surface or in the ice with the dispensing utensil's handle extended out of the ice. Between uses, ice transfer receptacles must be stored in a way that protects them from contamination.

4625.3601 DISEASE PREVENTION AND CONTROL AND EMPLOYEE PRACTICES.

Subpart 1. **Prohibited persons.** No person shall work in a food establishment in any capacity in which there is a likelihood of the person contaminating food or food-contact surfaces with pathogenic organisms or transmitting disease to other persons while:

A. infected with a disease in a communicable form that can be transmitted by foods;

B. while being a carrier of organisms that cause such a disease; or

C. while afflicted with a boil, an infected wound, or

Approved
by Revisor _____

an acute respiratory infection.

Subp. 2. **Procedure when infection is suspected.** When the commissioner has reasonable cause to suspect the possibility of disease transmission from a food-service establishment employee, the commissioner shall secure an illness or morbidity history of the suspected employee or make such other investigation as may be indicated and take appropriate action. The commissioner may require any or all of the following measures:

A. the immediate exclusion of the employee from all food service establishments;

B. the immediate closure of the food service establishment concerned until, in the opinion of the commissioner, no further danger of disease outbreak exists;

C. restriction of the suspected employee's services to an area of the establishment where there would be no danger of transmitting disease; and

D. adequate medical and laboratory examinations of the suspected employee, or other employees, and any body discharges.

Subp. 3. **Clothing.** Employees shall wear clean outer garments. Hairnets, headbands, caps, or other hair restraints must be worn to prevent the contamination of food, utensils, and equipment. Hair spray is not an acceptable hair restraint.

Subp. 4. **Employee practices.** Employees shall comply with the following requirements:

A. All employees shall thoroughly wash their hands and the exposed portions of their arms with soap and warm water in an approved handwashing facility 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, and maintain a high degree of personal cleanliness and conform to hygienic practices during all periods of duty.

B. Employees must not use tobacco in any form while on duty to handle, prepare, or serve food, or clean utensils and equipment in a food establishment. Employees must use tobacco

Approved by Revisor _____

only in designated locations approved by the department.

C. All employees shall consume food only in designated dining areas. An employee dining area must not be designated if consuming food in that location could cause contamination of other food, equipment, utensils, or other items needing protection.

D. Employees shall handle soiled equipment or utensils in a manner that minimizes contamination of their hands.

4625.3701 EQUIPMENT AND FACILITIES PROVIDED.

Subpart 1. **General.** A food establishment must have equipment, applicable to the operation conducted, which is designed, constructed, installed, located, and maintained according to parts 4625.2401 to 4625.7801.

Subp. 2. **Sanitary design, construction, and installation of equipment and utensils.** New and replacement equipment and utensils must be appropriate to the operation conducted and comply with the following:

A. All new and replacement equipment and utensils must be of such material, workmanship, and design as to be smooth, easily cleanable, resistant to wear, denting, buckling, pitting, chipping, and crazing; and capable of withstanding scrubbing, scouring, repeated corrosive action of cleaning compounds, and other normal conditions and operations.

B. Food contact surfaces must be nontoxic. Food-contact surfaces and surfaces which come in contact with food debris must be readily accessible for cleaning and inspection.

C. All equipment installed or placed in service after the effective date of parts 4625.2401 to 4625.7801 must comply with the following standards of the National Sanitation Foundation when applicable:

(1) Standard No. 1, Soda Fountain and Luncheonette Equipment, June 1984;

(2) Standard No. 2, Food Service Equipment, November 1987;

Approved by Revisor _____

(3) Standard No. 3, Spray Type Dishwashing Machines, June 1982;

(4) Standard No. 4, Commercial Cooking and Hot Food Storage Equipment, June 1986;

(5) Standard No. 5, Commercial Hot Water Generating Equipment, November 1983;

(6) Standard No. 6, Dispensing Freezers, November 1982;

(7) Standard No. 7, Food Service Refrigerator and Storage Freezers, November 1985;

(8) Standard No. 8, Commercial Powered Food Preparation Equipment, November 1985;

(9) Standard No. 12, Automatic Ice Making Equipment, November 1984;

(10) Standard No. 13, Refuse Compactors and Compactor Systems, May 1985;

(11) Standard No. 18, Manual Food and Beverage Dispensing Equipment, November 1987;

(12) Standard No. 20, Commercial Bulk Milk Dispensing Equipment and Appurtenances, November 1985;

(13) Standard No. 25, Vending Machines for Food and Beverage, November 1987;

(14) Standard No. 26, Pot, Pan and Utensil Washers, December 1980;

(15) Standard No. 29, Detergent and Chemical Feeders for Commercial Spray Type Dishwashing Machines, June 1982;

(16) Standard No. 35, Laminated Plastics for Surfacing Food Service Equipment, May 1985;

(17) Standard No. 51, Plastic Materials and Components Used in Food Equipment, May 1978;

(18) Standard No. 59, Food Carts, June 1986; and

(19) Criteria C-2, Special Equipment and/or Devices, November 1983.

D. Used equipment which has met or exceeded the requirements of the National Sanitation Foundation under earlier

Approved by Revisor _____

standards may be installed when the equipment is in good repair and does not constitute a health hazard as determined by the commissioner. Equipment in use at the time of adoption of parts 4625.2401 to 4625.7801 which does not fully meet item C may be continued in use only if it is in good repair, capable of being maintained in a sanitary condition, has food-contact surfaces that are nontoxic, and is approved by the commissioner.

E. All equipment must be kept in good repair and installed and maintained to facilitate its cleaning and the cleaning of adjacent areas.

F. All equipment must be located and installed in such a manner as to ensure that preparation and service will minimize the potential for cross-contamination and improper handling of the food. Lavatories, chef sinks, utility sinks, refrigeration equipment, hot food handling equipment, and preparation and processing tables must be provided and maintained and shall be convenient and adequate as approved by the commissioner for the purpose for which they were designed.

G. Aisles and working spaces between units of equipment and walls must be unobstructed and of sufficient width to permit employees to perform their duties readily without contamination of food or food-contact surfaces by clothing or personal contact. All easily movable storage equipment such as pallets, racks, and dollies must be positioned to provide accessibility to working areas.

H. When the food service in a day care center is limited to serving ten or fewer individuals, or where the main meals of the day are not prepared in the center, the commissioner may waive specific equipment requirements of this part to permit the substitution of certain domestic type equipment for commercial type equipment which complies with the standards of the National Sanitation Foundation prescribed in item C.

I. When the food service in a boarding and lodging house is limited to serving ten or fewer residents, or where the main meals of the day are not prepared in the facility, the

Approved by Revisor _____

commissioner may waive specific equipment requirements of these rules as stated in item H.

4625.3801 CLEANING, SANITIZATION, AND STORAGE OF EQUIPMENT AND UTENSILS.

Subpart 1. **General.** All utensils and equipment must be thoroughly cleaned, and food-contact surfaces of utensils and equipment must be given sanitization treatment and must be stored in such a manner as to be protected from contamination.

Subp. 2. **Cleaning frequency.** The equipment and utensils must meet the following cleaning requirements:

A. Tableware must be washed, rinsed, and sanitized after each use.

B. To prevent cross-contamination, kitchenware and food-contact surfaces of equipment must be washed, rinsed, and sanitized after each use and following any interruption of operations during which time contamination may have occurred.

C. Where equipment and utensils are used for the preparation of foods on a continuous or production-line basis, utensils and food-contact surfaces of equipment must be washed, rinsed, and sanitized at intervals throughout the day and on a schedule based on food temperature, type of food, and amount of food particle accumulation.

D. The food-contact surfaces of kettles, grills, griddles, and similar cooking devices and the cavities and door seals of microwave ovens must be cleaned at least once a day, except that this shall not apply to hot oil cooking equipment and hot oil filtering systems. The food-contact surfaces of all cooking equipment must be kept free of encrusted grease deposits and other accumulated soil.

E. Nonfood-contact surfaces of equipment must be cleaned as often as is necessary to keep the equipment free of accumulation of dust, dirt, food particles, and other debris.

Subp. 3. **Oven utensils and equipment.** Utensils and equipment which routinely go into ovens for baking purposes and which are used for no other purpose must not be required to be

Approved
by Revisor _____

given bactericidal treatment; however, such utensils and equipment must be clean.

Subp. 4. **Wiping cloths.** Cloths used for wiping food spills on tableware, such as plates or bowls being served to the consumer, must be clean, dry, and used for no other purposes. Moist cloths used for wiping food spills on kitchenware and food-contact surfaces of equipment must be clean and rinsed frequently in an approved sanitizing solution. These cloths must be stored in sanitizing solution between uses. Moist cloths used for cleaning nonfood-contact surfaces of equipment such as counters, dining table tops, and shelves must be clean, rinsed, and used for no other purpose. These cloths must be stored in an approved sanitizing solution between uses.

Subp. 5. **Manual cleaning and sanitizing.** Manual cleaning and sanitizing must be done in the following manner:

A. For manual washing, rinsing, and sanitizing of utensils and equipment, a sink with not fewer than three compartments must be provided and used. Sink compartments must be large enough to permit the accommodation of the equipment and utensils, and each compartment of the sink must be supplied with hot and cold potable running water. Fixed equipment and utensils and equipment too large to be cleaned in sink compartments must be washed manually or cleaned through pressure spray methods.

B. Integral drain boards of adequate size must be provided at each end for proper handling of soiled utensils before washing and for cleaned utensils following sanitizing and must be located so as not to interfere with the proper use of the utensil washing facilities.

C. Equipment and utensils must be preflushed or prescraped and, when necessary, presoaked to remove gross food particles and soil.

D. Except for fixed equipment and utensils too large to be cleaned in sink compartments, manual washing, rinsing, and sanitizing must be conducted in the following manner.

(1) Sinks must be cleaned before use.

Approved by Revisor _____

(2) Equipment and utensils must be thoroughly washed in the first compartment with a hot detergent solution that is kept clean.

(3) Equipment and utensils must be rinsed free of detergent and abrasives with clean water in the second compartment.

(4) Equipment and utensils must be sanitized in the third compartment in an approved manner.

E. The food-contact surfaces of all equipment and utensils must be sanitized by:

(1) immersion for at least one-half minute in clean, hot water at a temperature of at least 170 degrees Fahrenheit (77 degrees centigrade);

(2) immersion for at least one minute in a clean solution containing at least 50 parts per million, but no more than 200 parts per million, of available chlorine as a hypochlorite and at a temperature of at least 75 degrees Fahrenheit (24 degrees centigrade);

(3) immersion for at least one minute in a clean solution containing at least 12.5 parts per million, but not more than 25 parts per million, of available iodine and having a pH range which the manufacturer has demonstrated to be effective and at a temperature of at least 75 degrees Fahrenheit (24 degrees centigrade);

(4) immersion in a clean solution containing any other chemical sanitizing agent allowed under Code of Federal Regulations, title 21, section 178.1010, that will provide at least the equivalent bactericidal effect of a solution containing 50 parts per million of available chlorine as a hypochlorite at a temperature of at least 75 degrees Fahrenheit (24 degrees centigrade) for one minute; or

(5) for equipment too large to sanitize by immersion, but in which steam can be confined, treatment with steam free from materials or additives other than those specified in Code of Federal Regulations, title 21, section 173.310.

Approved by Revisor _____

Equipment too large to sanitize by immersion, must be rinsed, sprayed, or swabbed with a sanitizing solution of at least twice the required strength for that particular sanitizing solution.

F. When hot water is used for sanitizing, the following facilities must be provided and used:

(1) an integral heating device or fixture installed in, on, or under the sanitizing compartment of the sink capable of maintaining the water at a temperature of at least 170 degrees Fahrenheit (77 degrees centigrade);

(2) a numerically scaled indicating thermometer, accurate to plus or minus three degrees Fahrenheit (plus or minus two degrees centigrade) convenient to the sink for frequent checks of water temperature; and

(3) dish baskets of such size and design to permit complete immersion of the tableware, kitchenware, and equipment in the hot water.

G. When chemicals are used for sanitization, they must not have concentrations higher than the maximum permitted under Code of Federal Regulations, title 21, section 178.1010, and a test kit or other device that accurately measures the parts per million concentration of the solution must be provided and used.

Subp. 6. **Mechanical cleaning and sanitizing.** Mechanical cleaning and sanitizing must be done in the following manner:

A. Cleaning and sanitizing may be done by spray-type or immersion utensil washing machines or by any other type of machine or device if it is demonstrated that it thoroughly cleans, sanitizes equipment and utensils, and meets the requirements in the National Sanitation Foundation Standard No. 3. These machines and devices must be properly installed, and maintained in good repair. Machines and devices must be operated in accordance with manufacturers' instructions, and utensils and equipment placed in the machine must be exposed to all washing cycles. Automatic detergent dispensers, wetting agent dispensers, and liquid sanitizer injectors must be

Approved by Revisor _____

properly installed and maintained.

B. Drainboards must be provided and be of adequate size for the proper handling of soiled utensils before washing and for cleaned utensils following sanitization, and must 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.

C. Equipment and utensils must be flushed or scraped and, when necessary, soaked to remove gross food particles and soil before being washed in a dishwashing machine unless a prewash cycle is a part of the dishwashing machine operation. Equipment and utensils must be placed in racks, trays, or baskets, or on conveyors, in a way that food-contact surfaces are exposed to the unobstructed application of detergent wash and clean rinse water and that permits free draining.

D. Machines (single-tank, stationary-rack, door-type machines, and spray-type glass washers) using chemicals for sanitization may be used, provided that:

(1) wash water temperatures, addition of chemicals, rinse water temperatures, and chemical sanitizers used are in conformance with Standards Nos. 3 and 29 of the National Sanitation Foundation;

(2) a test kit or other device that accurately measures the parts per million concentration of the sanitizing solution must be available and used while the chemical sanitizing machine is in use;

(3) containers for storing the sanitizing agent must be installed in such a manner as to ensure that operators maintain an adequate supply of sanitizing compound; and

(4) a visual or audible warning device must be provided for the operator to easily verify when the sanitizing agent is depleted.

F. Machines using hot water for sanitizing may be used provided that wash water and pumped rinse water must be

Approved by Revisor _____

kept clean and water must be maintained at not less than the temperature specified by the National Sanitation Foundation Standard No. 3, under which the machine is evaluated. A pressure gauge must be installed with a valve immediately adjacent to the supply side of the control valve in the final rinse line provided that this requirement must not pertain to a dishwashing machine with a pumped final rinse.

G. All utensil washing machines must be cleaned at least once per day or more frequently if required.

Subp. 7. **Equipment and utensil storage.** Cleaned and sanitized equipment and utensils must be handled in a way that protects them from contamination.

A. Spoons, knives, and forks must be touched only by their handles. Cups, glasses, bowls, plates, and similar items must be handled without contact with inside surfaces or surfaces that contact the user's mouth.

B. Utensils must be air dried before being stored or must be stored in a self-draining position.

C. Cleaned and sanitized utensils and equipment must be stored at least six inches above the floor in a clean, dry location in a way that protects them from contamination by splash, dust, and other means. The food-contact surfaces of fixed equipment must also be protected from contamination. Equipment and utensils must not be placed under exposed sewer lines.

D. Glasses and cups must be stored inverted. Other stored utensils must be covered or inverted, wherever practical. Facilities for the storage of knives, forks, and spoons must be designed and used to present the handle to the employee or consumer.

Subp. 8. **Single-service articles.** Single-service articles must have been manufactured, packaged, transported, stored, handled, and dispensed in a sanitary manner.

Subp. 9. **Prohibited storage area.** The storage of food equipment, utensils, or single-service articles in toilet rooms or vestibules is prohibited.

Approved
by Revisor _____

4625.3901 PHYSICAL FACILITIES AND SANITATION.

Subpart 1. **Water supply.** Every food and beverage establishment must be provided with a supply of water which is adequate for the needs of the establishment. The water must be obtained from a public water supply system, or a source of supply and system which is located, constructed, and operated in accordance with rules governing public water supplies, parts 4720.0100 to 4720.4600 and water wells, parts 4725.0100 to 4725.7600.

Subp. 2. **Sewage.** All sewage, including liquid waste, must be disposed of to a public sewage system or to an approved individual sewage disposal system. Nonwater-carried sewage disposal facilities must be prohibited, except as permitted by the commissioner because of special situations.

When there is no public sewage system available, an individual sewage disposal system must be designed, located, constructed, and operated in accordance with Minnesota Pollution Control Agency rules, parts 7080.0010 to 7080.0240.

Mobile food units may dispose of their liquid waste into receptacles carried on the vehicle for that purpose. This waste ultimately must be discharged into the public sewage system or otherwise disposed of in a manner which will not endanger any source of water supply, pollute any body of surface water, create a nuisance, or otherwise endanger the public health and safety.

Subp. 3. **Plumbing.** Plumbing must be sized, installed, and maintained to carry adequate quantities of water to required locations throughout the establishment, to prevent contamination of the water supply, and to convey sewage and liquid wastes adequately from the establishment to the sewage system so that it does not constitute a source of contamination of food, utensils, or equipment or create an unsanitary condition or nuisance.

Food service equipment such as refrigerators, ice makers, ice storage bins, and steam tables must not be directly

Approved
by Revisor _____

connected to the sewer.

All new plumbing and all plumbing reconstructed or replaced after the effective date of parts 4625.2401 to 4625.4701 must be designed, constructed, and installed in conformity with the Minnesota Plumbing Code, parts 4715.0100 to 4715.5600.

Subp. 4. **Janitorial facilities.** Janitorial facilities including a janitorial utility sink must be provided and located in an area other than a food preparation or storage area or toilet room.

If adequate separation, or other protection has been provided, the janitorial facility may be located in a packaged goods' storeroom or employee toilet room.

The use of lavatories, utensil washing or equipment washing, or food preparation sinks for this purpose is prohibited.

Janitorial equipment must be stored in an approved manner in the janitorial facility.

Subp. 5. **Handwashing facilities.** Every food establishment, other than limited food establishments and mobile food units handling only prepackaged food must be provided with adequate, conveniently located, and approved handwashing facilities which are continually maintained with hot and cold running water, hand-cleansing soap or detergent, fingernail brushes, and single-service towels or hand-drying devices providing heated air. Handwashing facilities must be accessible to persons at all times in all areas where food is prepared or served, where utensils and equipment are cleansed or sanitized, in or immediately adjacent to toilet rooms or other areas designated by the commissioner. Sinks used for food preparation or for washing equipment or utensils must not be used for handwashing. Each handwashing sink must be provided with hot and cold water tempered by means of a mixing valve or combination faucet. Any self-closing, slow-closing, or metering faucet must be designed to provide a flow of water for at least 15 seconds without the need to reactivate the faucet. Steam-mixing valves are prohibited.

Approved by Revisor _____

Subp. 6. **Toilet facilities.** Every food establishment, with the exception of itinerant, mobile, and special event food facilities, must be provided with conveniently located and approved toilet facilities for employees. These facilities must be kept clean and in good repair and free from flies, insects, and offensive odors. Toilet fixtures and seats must be of sanitary design and readily cleanable. The doors of all toilet rooms must be self-closing. Easily cleanable receptacles must be provided for waste materials. Toilet rooms used by women must have at least one covered waste receptacle. Separate toilet facilities must be provided for men and women according to the requirements for sanitation fixtures in section 705 of the Uniform Building Code, as amended in part 1305.1900, and the requirements for handicapped accessibility in chapter 1340. Where the use of nonwater-carried sewage disposal facilities have been approved by the commissioner, the facilities must be separate from the establishment and in accordance with the standards of the commissioner.

4625.4001 GARBAGE AND REFUSE DISPOSAL.

Before disposal, all garbage and refuse must be kept in tight, nonabsorbent, insect proof, rodent proof, and fireproof containers. Containers must be kept covered with tight-fitting lids when filled, in storage, or not in continuous use. Containers need not be covered when stored in a special insect and rodent-proofed room or enclosure. All other refuse must be stored in containers, rooms, or areas in an approved manner. The rooms, enclosures, areas, and containers used must be adequate for the storage of all garbage and refuse accumulating on the premises between collections. Adequate cleaning facilities must be provided, and each container, room, or area shall be thoroughly cleaned after the emptying or removal of garbage and refuse. Containers designed with drains must have drain plugs maintained in place at all times except during cleaning. All garbage and refuse must be disposed of with sufficient frequency and in such a manner as to prevent a

Approved
by Revisor _____

nuisance.

4625.4101 INSECT, RODENT, AND ANIMAL CONTROL.

Subpart 1. **General.** Effective measures must be taken to prevent the entrance, breeding, or presence of rodents, flies, cockroaches, and other vermin or insects on the premises. The premises must be kept in such condition as to prevent the harborage or feeding of insects or rodents.

Subp. 2. **Openings.** Outside openings must be effectively protected against the entrance of rodents. Outside openings must be protected against the entrance of insects by tight-fitting, self-closing doors, closed windows, screening, controlled air currents, or other means. Screen doors must be self-closing, and screens for windows, doors, skylights, transoms, intake and exhaust air ducts, and other openings to the outside must be tight-fitting and free of breaks. Screening materials must not be less than 16 mesh to the inch.

Subp. 3. **Animals.** Live animals, including birds and turtles, shall be excluded from within the food service operational premises and from adjacent areas under the control of the person in charge. This exclusion does not apply to edible fish, crustacea, mollusks, or to fish in aquariums. Patrol dogs accompanying security or police officers, or guide dogs accompanying sight-impaired persons or hearing-impaired persons shall be permitted in dining areas.

4625.4201 CONSTRUCTION AND MAINTENANCE OF PHYSICAL FACILITIES.

Subpart 1. **Floors.** The floor surfaces of all food and beverage preparation, food storage, equipment and utensil washing, food service areas, waitress stations, dressing rooms, locker rooms, toilet rooms and vestibules, janitorial areas, kitchens, and bars must be constructed of smooth, durable, nonabsorbent, easily cleanable materials which resist the wear and abuse to which they are subjected. Appropriate materials include commercial grade vinyl composition tile, sheet vinyl, ceramic tile, quarry tile, terrazzo, or equivalent. Vinyl floor coverings must not be used in walk-in refrigeration units and

Approved
by Revisor _____

storage freezers.

The junctures between walls and floors must be coved. Rugs and carpets may be used in dining rooms and hallways, provided that the floor coverings are kept clean. Abrasive strips also may be used wherever deemed necessary to prevent accidents.

Mats and duckboards must be of nonabsorbent, nonwood, grease resistant materials. The size, design, and construction of the materials must facilitate easy cleaning. Duckboards must not be used as storage racks.

All floors must be kept clean and in good repair, and the use of sawdust and similar material is not permitted. Floor drains must be provided in all rooms where floors are subject to flooding-type cleaning or where normal operations release or discharge water or other liquid wastes on the floor. The floors must be graded to drain.

Subp. 2. **Walls and ceilings.** The walls and ceilings of all rooms must be kept clean and in good repair. All walls of rooms or areas in which food is prepared, areas where utensils or hands are washed, toilet rooms, janitorial areas, laundry rooms, or garbage and refuse storage rooms must have easily cleanable, smooth, nonabsorbent, washable surfaces to the highest level of splash, spray, or abuse. Wall finishes must be resistant to the wear and abuse to which they are subject. Ceilings must be smooth and easily cleanable. The walls and ceilings must be finished in a light color. Concrete or pumice blocks used for interior wall construction in these locations must be finished and sealed to provide an easily cleanable surface.

Subp. 3. **Attachments.** Light fixtures, vent covers, wall-mounted fans, decorative materials, and similar equipment attached to walls and ceilings must be easily cleanable, and must be kept clean and in good repair.

Subp. 4. **Utility lines and pipes.** All utility lines and pipes such as electric, gas, water, sewage, and similar waste lines or services should be installed in the walls, under floors, or above ceilings to avoid unnecessary exposure to food

Approved
by Revisor _____

equipment, walls, floors, or ceilings. Exposed utility service lines or pipes must be installed so they do not obstruct or prevent the easy cleaning of food equipment, floors, walls, and ceiling surfaces.

4625.4301 LIGHTING.

Subpart 1. **Lighting source and amount.** Permanently fixed artificial light sources must be installed to provide at least 20 foot candles of light on all food preparation surfaces and at equipment or utensil washing work levels.

A. Permanently fixed artificial light sources must be installed to provide, at a distance of 30 inches from the floor:

(1) at least 20 foot candles of light in utensil and equipment storage areas and in lavatory and toilet areas; and

(2) at least ten foot candles of light in walk-in refrigerating units, dry food storage areas, and in all other areas.

B. Subdued lighting in dining rooms and public access areas is permissible, provided that lighting meeting the requirements in item A, subitem (2) must be available during all clean-up operations.

Subp. 2. **Protective shielding.** Shielding or coating to protect against broken glass falling onto food must 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.

Infra-red or other heat lamps must be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.

4625.4401 VENTILATION.

Rooms must have sufficient exhaust ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious or disagreeable odors, smoke, and fumes. All ventilation equipment and facilities, gas or oil fired room heaters, and water heaters must be designed, installed, and operated in

Approved by Revisor _____

accordance with the rules of the State Building Code Division and the Uniform Fire Code. Intake and exhaust air ducts must be maintained to prevent the entrance of dust, dirt, and other contaminating materials.

4625.4501 DRESSING ROOMS AND LOCKER AREAS.

Subpart 1. **Dressing rooms.** If employees routinely change clothes within the establishment, rooms or areas must be designated and used for that purpose. These designated rooms or areas must not be used for food preparation, storage, or service, or for utensil washing or storage.

Subp. 2. **Locker areas.** Adequate lockers or other suitable facilities must be provided and used for the orderly storage and security of employee clothing and other belongings. Lockers or other suitable facilities may be located only in the designated dressing rooms or areas containing only completely packaged food or packaged single-service articles.

4625.4601 POISONOUS OR TOXIC MATERIALS.

Subpart 1. **Materials permitted.** Food service establishments must have only those poisonous or toxic materials necessary for maintaining the establishment, cleaning and sanitizing equipment and utensils, and controlling insects and rodents.

Subp. 2. **Labeling of materials.** Containers of poisonous or toxic materials must be prominently and distinctly labeled, according to requirements in Code of Federal Regulations, title 7, section 162.10, and Minnesota Statutes, section 18B.14, for easy identification of contents.

Subp. 3. **Storage of materials.** Poisonous or toxic materials consist of the following categories:

A. insecticides and rodenticides; and

B. detergents, sanitizers, related cleaning or drying agents, caustics, acids, polishes, and other chemicals.

Materials in each of these two categories must be stored and physically located separate from each other. All poisonous or toxic materials must be stored in cabinets or in a similar

Approved by Revisor _____

physically separate place used for no other purpose. To preclude contamination, poisonous or toxic materials must not be stored above food, food equipment, utensils, or single-service articles, except that this requirement does not prohibit the convenient availability of detergents or sanitizers at utensil or dishwashing stations.

Subp. 4. **Use of materials.** Sanitizers, cleaning compounds, or other compounds intended for use on food-contact surfaces must not be used in a way that leaves a toxic residue on such surfaces or that constitutes a hazard to employees or other persons.

Poisonous or toxic materials must not be used in a way that contaminates food, equipment, or utensils, nor in a way other than in full compliance with the manufacturer's labeling.

Subp. 5. **Personal medications and first aid supplies.** Personal medications and first aid supplies must be stored to prevent them from contaminating food and food-contact surfaces.

4625.4701 PREMISES.

Subpart 1. **Housekeeping.** All parts of the food establishment and its premises must be kept neat, clean, and free of litter and refuse. Cleaning operations must be conducted in a manner as to minimize contamination of food and food-contact surfaces. Only articles necessary for the operation and maintenance of the food establishment must be stored on the premises. Traffic of unnecessary persons through the food preparation and utensil washing areas is prohibited. The walking and driving surfaces of all exterior areas where food is served must be kept clean, properly drained, and finished so as to facilitate maintenance and minimize dust. Pressurized tanks and compressed gas cylinders must be properly secured to prevent them from being accidentally knocked over.

Subp. 2. **Cleaning equipment storage.** Maintenance and cleaning tools such as brooms, mops, vacuum cleaners, and similar equipment must be maintained and stored in a way that does not contaminate food, utensils, equipment, or linens and

Approved
by Revisor _____

must be stored in an orderly manner for the cleaning of that storage location.

Subp. 3. **Living areas.** No operation of a food establishment must be conducted in any room used as living or sleeping quarters. Food service operations must be separated from any living or sleeping quarters by complete partitioning and solid, self-closing doors.

Subp. 4. **Laundry facilities.** Laundry facilities in a food establishment must be restricted to the washing and drying of linens, cloths, uniforms, and aprons necessary to the operation. If these items are laundered on the premises, an electric or gas dryer must be provided and used.

Separate rooms must be provided for laundry facilities except that such operations may be conducted in storage rooms containing only packaged foods or packaged single-service articles.

Subp. 5. **Linens and clothes storage.** Clean clothes and linens must be stored in a clean place and protected from contamination until used.

Soiled clothes and linens must be stored in nonabsorbent containers or washable laundry bags until removed for laundering.

REQUIREMENTS FOR ITINERANT FOOD SERVICE

4625.4901 ITINERANT FOOD SERVICE ESTABLISHMENTS.

Subpart 1. **General.** An itinerant food service establishment must comply with all provisions of parts 4625.2401 to 4625.4701 that are applicable to their operation and must comply with parts 4625.4901 to 4625.5801. The commissioner may impose additional requirements to protect against health hazards related to the conduct of their operation and prohibit the sale or giveaway of some or all potentially hazardous foods. When no health hazard is likely to result, the commissioner may grant a variance or modify specific requirements of parts 4625.4901 to 4625.5801.

Subp. 2. **Restricted operations.** This subpart applies to an itinerant food service establishment approved under subpart 1

Approved
by Revisor _____

to operate without complying with the requirements of parts 4625.4901 to 4625.5801.

A. The itinerant food service establishment must be located where it is protected from possible contamination; for example toilets, animal pens, garbage collection sites. It must be protected from dust and windblown particulates by location, treatment of ground surfaces, or by having the establishment enclosed.

B. The commissioner may restrict the type of food served or the method of food preparation based on equipment limitations or climatic conditions.

4625.5001 CONSTRUCTION.

Subpart 1. **Work space.** Work spaces must be sized to permit unobstructed work activity. Equipment must be located to permit easy cleaning.

Subp. 2. **Floors.** The interior floor must be equivalent to one of the following:

A. solid concrete or asphalt; or

B. vinyl flooring or sealed wood.

Subp. 3. **Walls or enclosures.** The establishment must be capable of being fully enclosed on the sides and roof to provide protection against adverse weather. Canvas may be used. Solid interior surfaces must be finished with smooth, durable, nonabsorbent, easily cleanable material that resists the wear and abuse to which the surfaces are subjected. High gloss paint is the minimum acceptable finish.

4625.5101 EQUIPMENT.

Subpart 1. **General.** Food service equipment must comply with the applicable standards of the National Sanitation Foundation.

Subp. 2. **Refrigeration.** Mechanical refrigeration, containing a thermometer, is required for potentially hazardous foods such as meat, fish, poultry, milk, milk products, and eggs. A metal stem product thermometer with a range from zero degrees Fahrenheit (minus 18 degrees centigrade) to 220 degrees

Approved by Revisor _____

Fahrenheit (110 degrees centigrade) is required for measuring temperature of this food. Electricity must be provided to refrigeration units 24 hours a day when the food stand has been set in place for service.

Subp. 3. **Grills.** Charcoal grills are acceptable for cooking food as long as they are equipped with a lid and safe food temperatures are maintained.

Subp. 4. **Utensils.** Commercial food grade utensils must be used. Galvanized or soft plastic containers, wooden spoons, enamelware, paintbrushes, and similar materials are not acceptable. Garbage bags and garbage containers must not be used for covering or storing food.

Subp. 5. **Customer safety.** To help provide customer safety and prevent possible contamination by customers, food preparation and cooking areas must be protected by means of an impervious shield or by separation distances.

Subp. 6. **Handwashing facilities.** Handwashing facilities must be provided within the establishment. They must consist of:

A. soap, paper towels, and a water faucet or spigot that discharges into a waste line or holding vessel;

B. paper towels and a spray bottle containing a germicidal solution of one teaspoon of household bleach to a gallon of water; or

C. moist towelettes when there is little or no food preparation.

Subp. 7. **Lighting.** All interior lights must be shielded or enclosed to prevent breakage. Lights used at night must not attract insects.

4625.5201 DISHWASHING FACILITIES, PROCEDURES, AND EQUIPMENT CLEANING.

Subpart 1. **General.** Single service, disposable eating and drinking utensils must be used unless approved permanent dishwashing facilities are available at the site. Approved dishwashing facilities consisting of at least three sufficiently sized basins must be provided for washing equipment and utensils

Approved
by Revisor _____

used for food preparation and cooking.

Subp. 2. **Drying.** Space must be provided for air drying utensils. Towel drying is not permitted.

Subp. 3. **Manual utensil washing.** The procedure for manual utensil washing is:

A. wash in warm, soapy water;

B. rinse in clear water; and

C. sanitize for at least one minute in a sanitizing solution of sufficient concentration using one tablespoon of household liquid bleach per two gallons of water, and allow to air dry.

Subp. 4. **Cleaning of equipment.** Food contact equipment that must be cleaned in place, like meat slicers or soft serve ice milk dispensers, must be sanitized using a solution equal to that listed in subpart 3, item C.

Subp. 5. **Wiping cloths.** Cloths used to wipe equipment and counters must be stored in a sanitizing solution between uses. The solution must equal that listed in subpart 3, item C.

Subp. 6. **Sanitizer test kits.** Test kits or strips for analyzing sanitizer strength must be available and used.

4625.5301 FOOD, BEVERAGE, AND UTENSIL HANDLING AND STORAGE.

Subpart 1. **Food source.** All ice and food supplies must come from an approved commercial source. No home prepared food or food storage at home is permitted. Ice must be obtained only in chipped, crushed, or cubed form and in single-use safe plastic or wet-strength paper bag, filled and sealed at the point of manufacture. The ice must be held in these bags until it is dispensed in a way that protects it from contamination.

Subp. 2. **Temperatures.** Potentially hazardous food must be maintained at 40 degrees Fahrenheit (four degrees centigrade) or below, or 150 degrees Fahrenheit (66 degrees centigrade) or above.

Subp. 3. **Previously cooked foods.** If previously cooked food is reheated it must reach an internal temperature of at least 165 degrees Fahrenheit (75 degrees centigrade) throughout

Approved by Revisor _____

before being served. Any heated food left over at the end of the day must be discarded.

Subp. 4. **Storage.** Food and single service disposable utensils such as paper plates and plastic eating utensils must be clean, dry, covered, and kept at least six inches off the floor. Storage of packaged food in contact with water or undrained ice is prohibited. Wrapped sandwiches must not be stored in direct contact with ice.

Subp. 5. **Single service items and condiment dispensing.** Single service utensils and self-service food including condiments such as catsup, mustard, coffee whitener, and sugar must be individually packaged or be dispensed from an enclosed dispenser.

4625.5401 WATER SUPPLY.

Potable water must be obtained from an approved public water supply system. Water may not come from a residential well. If water is not provided under pressure at the establishment, it may be transported and stored in approved, cleanable, covered containers such as five- or ten-gallon coffee urns or nongalvanized beverage coolers containing spigots.

4625.5501 WASTEWATER AND REFUSE DISPOSAL.

Subpart 1. **Wastewater.** Wastewater must be discharged into an approved sanitary sewer system or a holding tank. Ground surface discharge is not permitted.

Subp. 2. **Refuse and garbage disposal.** Refuse must be deposited and stored so that it does not create a nuisance. Garbage containing food waste, if stored overnight or for extended periods of time, must be stored in tightly covered nonabsorbent containers.

4625.5601 INSECT CONTROL.

Effective insect control must be achieved through sanitation. If insecticides are used, they must be an approved type such as pyrethrins as the active ingredient, and used according to the manufacturer's directions. They must not be

Approved
by Revisor _____

used when food or utensils are exposed. Intermittent spray dispensers and vapona strips must not be used.

4625.5701 EMPLOYEE PRACTICES.

Employees must comply with the following requirements:

A. Employees must maintain their hands in a clean and sanitary condition and wash hands immediately after going to the toilet, handling raw food, smoking, or otherwise soiling their hands.

B. Employees must not engage in food preparation or service activities if that person has a communicable disease, gastrointestinal illness, sore throat, or discharging wound.

C. Employees must not use tobacco in any form while on duty.

D. An employee's outer garments must be clean.

E. An employee must wear effective hair restraints such as hairnets, headbands, and caps while engaged in food preparation and service.

4625.5801 SAFETY.

Subpart 1. **Electrical.** Electrical service must comply with the Minnesota State Building Code Electrical Code, chapter 1315. Electrical lines must not be located in or near water.

Subp. 2. **Carbon dioxide.** Carbon dioxide and bottled gas cylinders must be secured by chains or other types of restraints.

Subp. 3. **Fire extinguisher.** A fire extinguisher with a minimum 2A 10 B-C rating must be present if required by the fire marshal.

REQUIREMENTS FOR MOBILE FOOD SERVICES OR PUSHCARTS

4625.5901 MOBILE FOOD SERVICES OR PUSHCARTS.

Subpart 1. **General.** Mobile food services or pushcarts must comply with all provisions of parts 4625.2401 to 4625.4701 which are applicable to their operation and must comply with parts 4625.5901 to 4625.6801. The commissioner may impose additional requirements to protect against health hazards related to the conduct of their operation and may prohibit the

Approved by Revisor _____

sale or giveaway of some or all potentially hazardous foods. When no health hazard is likely to result, the commissioner may grant a variance or modify specific requirements of parts 4625.5901 to 4625.6801 relating to physical facilities.

Subp. 2. **Restricted operations.** This subpart applies whenever a mobile food service or pushcart is approved under subpart 1 to operate without complying with all the requirements of parts 4625.5901 to 4625.6801.

A. The mobile food service or pushcart must be set in a location where it is not subject to flooding and is protected from possible contamination; for example toilets, animal pens, or garbage collection sites. It must be protected from dust and windblown particulates by location, treatment of ground surfaces, or by having the unit enclosed.

B. The commissioner may restrict the type of food served or the method of food preparation based on equipment limitations or commissary facilities.

4625.6001 CONSTRUCTION.

Subpart 1. **Work spaces.** Work spaces must be sized to permit unobstructed work activity. Equipment must be located to permit easy cleaning.

Subp. 2. **Floors.** The interior floor must be noncorrosive metal or be surfaced with vinyl flooring or equivalent.

Subp. 3. **Walls or enclosures.** The unit must be capable of being fully enclosed on the sides and roof to provide protection during adverse weather. Interior surfaces must be finished with smooth, durable, nonabsorbent, easily cleanable material that resists the wear and abuse to which the surfaces are subjected. High gloss paint is the minimum, acceptable finish.

4625.6101 EQUIPMENT.

Subpart 1. **General.** Food service equipment must comply with the applicable standards of the National Sanitation Foundation.

Subp. 2. **Refrigeration.** Mechanical refrigeration, containing a thermometer, is required for potentially hazardous

Approved by Revisor _____

foods such as meat, fish, poultry, milk, milk products, and eggs. A metal stem product thermometer with a range from zero degrees Fahrenheit (minus 18 degrees centigrade) to 220 degrees Fahrenheit (104 degrees centigrade) is required for measuring temperatures of this food. Electricity must be provided to refrigeration units 24 hours a day when the mobile food stand has been set in place for service.

Subp. 3. **Exhaust system.** When grease laden cooking vapor or condensation is generated in the cooking process, a mechanical exhaust system must be provided to prevent grease and condensation from collecting on walls and ceilings.

Subp. 4. **Utensils.** Commercial food grade utensils must be used. Galvanized or soft plastic containers, wooden spoons, enamelware, paintbrushes, and similar materials are not acceptable. Garbage bags and garbage receptacles must not be used for covering or storing food.

Subp. 5. **Customer safety.** To help provide customer safety and prevent possible contamination by customers, food preparation and cooking areas must be protected by means of an impervious shield or by separation distances.

Subp. 6. **Handwashing facilities.** A handwashing sink supplied with hot and cold running water, soap, and paper towels must be provided in all units where food is prepared.

Subp. 7. **Lighting.** All interior lights must be shielded or enclosed to prevent breakage. Lights used at night must not attract flying insects.

4625.6201 DISHWASHING FACILITIES, PROCEDURES, AND EQUIPMENT CLEANING.

Subpart 1. **General.** Single service, disposable eating and drinking utensils must be used unless approved permanent dishwashing facilities are available in the mobile unit. Dishwashing facilities must be available and consist of at least a three compartment sink, either free standing or installed in a counter.

Subp. 2. **Drying.** Space must be provided for air drying

Approved by Revisor _____

utensils. Towel drying is not permitted.

Subp. 3. **Manual utensil washing.** The procedure to be used for manual utensil washing is:

A. wash in warm, soapy water;

B. rinse in clean water;

C. sanitize for at least one minute in a sanitizing solution of sufficient concentration, using one tablespoon of household bleach per two gallons of water; and

D. allow to air dry.

Subp. 4. **Cleaning equipment.** Food contact equipment that must be cleaned in place, like meat slicers or soft serve ice milk dispensers, must be sanitized using a solution equal to that listed in subpart 3, item C.

Subp. 5. **Wiping cloths.** Cloths used to wipe equipment and counters must be stored in a sanitizing solution between uses. The solution must equal that listed in subpart 3, item C.

Subp. 6. **Sanitizer test kits.** Test kits or strips for analyzing sanitizer strength must be available and used.

4625.6301 FOOD, BEVERAGE, AND UTENSIL HANDLING AND STORAGE.

Subpart 1. **Food source.** All ice and food supplies must come from an approved commercial source. No home prepared food or food stored at home is allowed. Food may be kept in a licensed commissary, stock truck, or within the unit. Ice must be cubed or crushed and be sealed in a bag at the point of manufacture. The ice must be held in these bags until it is dispensed in a way that protects it from contamination.

Subp. 2. **Temperatures.** Potentially hazardous food must be maintained at 40 degrees Fahrenheit (four degrees centigrade) or below, and 150 degrees Fahrenheit (66 degrees centigrade) or above. This includes periods when it is being transported.

Subp. 3. **Previously cooked foods.** Previously cooked food that is reheated must reach an internal temperature of at least 165 degrees Fahrenheit (74 degrees centigrade) throughout before being served. Heated food that is left over at the end of the day must be discarded.

Approved by Revisor _____

Subp. 4. **Storage.** Food and single service disposable utensils such as paper plates and plastic eating utensils must be clean, dry, covered, and kept at least six inches off the floor. Storage of packaged food in contact with water of undrained ice is prohibited. Wrapped sandwiches must not be in direct contact with ice.

Subp. 5. **Single service items and condiment dispensing.** Single service utensils and self-service food, including condiments, like catsup, coffee whitener, or sugar, must be individually packaged or dispensed from an enclosed dispenser.

4625.6401 WATER SUPPLY.

Subpart 1. **General.** Potable water must be obtained from an approved public water supply system. Water must not come from a residential well.

Subp. 2. **Holding tanks.** Each mobile food service or pushcart must be equipped with a fresh water holding tank that can be drained and a hot water heater, both of which are sufficiently sized to meet water demand. The holding tank must be corrosion resistent, nontoxic, and free of seams. When in operation, a unit may be directly supplied with water from an external water system. The connecting hose must be capped and otherwise protected when it is disconnected so that it will not be contaminated by waste discharge, road dust, oil, or grease.

Subp. 3. **System sanitizing.** The total water system must be sanitized each year before the unit is put into service.

4625.6501 WASTEWATER AND REFUSE DISPOSAL.

Subpart 1. **Wastewater.** Wastewater must be discharged directly into an approved sanitary sewer system or to a holding tank which will subsequently be discharged into a sewer system. Discharge lines and connections must not be compatible with the water supply connections. The holding tank must be at least 15 percent larger than the fresh water storage tank. Ground surface discharge is not permitted.

Subp. 2. **Refuse and garbage disposal.** Refuse must be deposited and stored in a manner that will not tend to create a

Approved by Revisor _____

nuisance. Garbage containing food waste, if stored overnight or for extended periods of time, must be stored in tightly covered nonabsorbent containers.

4625.6601 INSECT CONTROL.

Effective insect control must be achieved through sanitation. If insecticides are to be used, they must be an approved type such as pyrethrins as the active ingredient, used according to the manufacturer's directions. They must not be used when food or utensils are exposed. Intermittent spray dispensers and vapona strips must not be used.

4625.6701 EMPLOYEE PRACTICES.

Employees must comply with the following requirements:

A. Employees must maintain their hands in a clean and sanitary condition and wash hands immediately after going to the toilet, handling raw food, smoking, or otherwise soiling their hands.

B. An employee must not engage in food preparation or service activities if that person has a communicable disease, gastrointestinal illness, sore throat, or discharging wound.

C. An employee must not use tobacco in any form while on duty.

D. An employee's outer garments must be clean.

E. An employee must wear effective hair restraints such as hairnets, headbands, and caps while engaged in food preparation and service.

4625.6801 SAFETY.

Subpart 1. **Electrical.** Electrical service must comply with the Minnesota State Building Code Electrical Code, chapter 1315. Electrical lines should not be located in or near water.

Subp. 2. **Carbon dioxide.** Carbon dioxide and bottled gas cylinders must be secured by chains or other types of restraints.

Subp. 3. **Fire extinguishers.** A fire extinguisher with a minimum 2A 10 B-C rating must be present if required by the fire marshal.

Approved by Revisor _____

REQUIREMENTS FOR SPECIAL EVENT FOOD STANDS

4625.6901 SPECIAL EVENT FOOD STAND.

Subpart 1. **General.** Special event food stands must comply with all provisions of parts 4625.2401 to 4625.4701 which are applicable to their operation and must comply with parts 4625.6901 to 4625.7801. The commissioner may impose additional requirements to protect against health hazards related to the conduct of their operation and may prohibit the sale or giveaway of some or all potentially hazardous foods. When no health hazard is likely to result, the commissioner may grant a variance or modify specific requirements of parts 4625.6901 to 4625.7801.

Subp. 2. **Restricted operations.** This subpart applies whenever a special event food stand is approved under subpart 1 to operate without complying with all the requirements of parts 4625.6901 to 4625.7801.

A. The special event food stand must be located where it is not subject to flooding and is protected from possible contamination; for example toilets, animal pens, or garbage collection sites. It must be protected from dust and windblown particulates by location, treatment of ground surfaces, or by having the food stand enclosed.

B. The commissioner may restrict the type of food served or the method of food preparation based on equipment limitations.

4625.7001 CONSTRUCTION.

Subpart 1. **Work spaces.** Work spaces must be sized to permit unobstructed work activity. Equipment must be located to permit easy cleaning.

Subp. 2. **Floors.** The interior floor must be constructed of concrete, asphalt, tight wood, or other similar cleanable material kept in good repair. Dirt or gravel, when graded to drain, may be used as subflooring when covered with clean, removable platforms or duckboards, or covered with wood chips, shavings, or other suitable materials effectively treated to

Approved
by Revisor _____

control dust.

Subp. 3. **Walls or enclosures.** The stand must provide protection during adverse weather by its construction or location. If it does not, then food activities must cease during periods of adverse weather. Interior surfaces must be finished with smooth, durable, nonabsorbent, easily cleanable material that resists the wear and abuse to which the surfaces are subjected. High gloss paint is the minimum, acceptable finish.

4625.7101 EQUIPMENT.

Subpart 1. **General.** Food service equipment must be appropriately designed and sized for its use.

Subp. 2. **Refrigeration.** Mechanical refrigeration is required for potentially hazardous foods such as meat, fish, poultry, milk and milk products, and eggs. A metal stem product thermometer with a range from zero degrees Fahrenheit (minus 18 degrees centigrade) to 220 degrees Fahrenheit (104 degrees centigrade) is required for measuring temperature of this food. Electricity must be provided to refrigeration units 24 hours a day when the special event food stand has been set in place for service. Insulated chests containing dry ice or frozen refrigerant packs may be used for items such as hot dogs and precooked sausages as long as required temperatures are maintained. A thermometer is required for each refrigerator and insulated chest.

Subp. 3. **Cooking equipment.** Electric skillets, roasters, propane stoves, and charcoal grills equipped with lids are acceptable for cooking food as long as safe food temperatures are maintained. Crock pots may not be used.

Subp. 4. **Utensils.** Commercial food grade utensils must be used. Galvanized or soft plastic containers, wooden spoons, enamelware, paintbrushes, and similar materials are not acceptable. Garbage bags and garbage receptacles must not be used for covering or storing food.

Subp. 5. **Customer safety.** To help provide customer safety

Approved by Revisor _____

and prevent possible contamination by customers, food preparation and cooking areas must be protected by an impervious shield or by separation distances.

Subp. 6. **Handwashing facilities.** Handwashing facilities shall be provided within the stand. They shall consist of:

A. soap, paper towels, and a water faucet or spigot that discharges into a waste line or holding vessel; or

B. paper towels and a spray bottle containing a germicidal solution, using one teaspoon of household bleach to a gallon of water; or

C. moist towelettes when there is little or no food preparation.

Subp. 7. **Lighting.** All interior lights must be shielded or enclosed to prevent breakage. Lights used at night must not attract flying insects.

4625.7201 DISHWASHING FACILITIES, PROCEDURES, AND EQUIPMENT CLEANING.

Subpart 1. **General.** Single service, disposable eating and drinking utensils must be used unless approved permanent dishwashing facilities are available. Utensils are to be washed and sanitized immediately before the special event and as often as necessary during the event. Utensils may be washed off the site if approval is granted. When this is done, the clean utensils must be suitably covered with plastic wrap or placed in a covered container when transported. When utensils are not washed at the site, enough utensils must be provided so that if one becomes soiled or contaminated, a clean one is available.

Subp. 2. **Drying.** Space must be provided for air drying utensils. Towel drying is not permitted.

Subp. 3. **Manual utensil washing.** The procedure for manual utensil washing is:

A. wash in warm, soapy water;

B. rinse in clean water;

C. sanitize for at least one minute in a sanitizing solution of sufficient concentration, using one tablespoon of

Approved by Revisor _____

household bleach per two gallons of water; and

D. allow to air dry.

Subp. 4. **Cleaning equipment.** Food contact equipment that must be cleaned in place, like meat slicers or soft serve ice milk dispensers, must be sanitized using a solution equal to that listed in subpart 3, item C.

Subp. 5. **Wiping cloths.** Cloths used to wipe equipment and counters must be stored in a sanitizing solution between uses. The solution must equal that listed in subpart 3, item C.

Subp. 6. **Sanitizer test kits.** Test kits or strips for analyzing sanitizer strength must be available and used.

4625.7301 FOOD, BEVERAGE, AND UTENSIL HANDLING AND STORAGE.

Subpart 1. **Food source.** All ice and food supplies must come from an approved commercial source. No home prepared food or food storage at home is permitted. Ice must be obtained only in chipped, crushed, or cubed form and in single-use safe plastic or wet-strength paper bags filled and sealed at the point of manufacture. The ice must be held in these bags until it is dispensed in a way that protects it from contamination. When preparation or hot and cold holding equipment are not adequate for the volume of food prepared, food preparation activities must take place in a facility which is in compliance with parts 4625.2401 to 4625.4701, such as a restaurant, school, fraternal organization kitchen, or church.

Subp. 2. **Temperature.** Potentially hazardous food must be maintained at 40 degrees Fahrenheit (four degrees centigrade) or below and 150 degrees Fahrenheit (66 degrees centigrade) or above, including periods when it is being transported.

Subp. 3. **Previously cooked foods.** Previously cooked food that is reheated must reach an internal temperature of at least 165 degrees Fahrenheit (74 degrees centigrade) throughout before being served. Any heated food that is left over at the end of the day must be discarded.

Subp. 4. **Storage.** Food and single service disposable utensils such as paper plates and plastic eating utensils must

Approved by Revisor _____

be clean, dry, covered, and kept at least six inches off the floor. Storage of packaged food in contact with water or undrained ice is prohibited. Wrapped sandwiches must not be stored in direct contact with ice. Canned, bottled, and other containerized beverages except milk may be chilled in ice.

Subp. 5. **Single service items and condiment dispensing.** Single service utensils and self-service food including condiments such as catsup, mustard, coffee whitener, and sugar must be individually packaged or be dispensed from an enclosed dispenser.

4625.7401 WATER SUPPLY.

Potable water must be obtained from an approved public water supply system. Water must not come from a residential well. If water is not provided under pressure at the establishment, it may be transported and stored in approved, cleanable, covered containers such as five- or ten-gallon coffee urns or nongalvanized beverage coolers containing spigots.

4625.7501 WASTEWATER AND REFUSE DISPOSAL.

Subpart 1. **Wastewater.** Wastewater must be discharged into an approved sanitary sewer system or a holding tank. Ground surface discharge is not permitted.

Subp. 2. **Refuse and garbage disposal.** Refuse and garbage must be deposited and stored in a manner that will not tend to create a nuisance. Garbage containing food waste if stored overnight or for extended periods of time must be stored in tightly covered nonabsorbent containers.

4625.7601 INSECT CONTROL.

Effective insect control is to be achieved through sanitation. If insecticides are to be used, they must be an approved type such as pyrethrins as the active ingredient, used according to the manufacturer's directions. They must not be used when food or utensils are exposed. Intermittent spray dispensers and vapona strips must not be used.

4625.7701 EMPLOYEE PRACTICES.

Approved
by Revisor _____

Employees must comply with the following requirements:

A. Employees must maintain their hands in a clean and sanitary condition and wash hands immediately after going to the toilet, handling raw food, smoking, or otherwise soiling their hands.

B. Employees must not engage in food preparation or service activities if that person has a communicable disease, gastrointestinal illness, sore throat, or discharging wound.

C. An employee must not use tobacco in any form while on duty.

D. An employee's outer garments must be clean.

E. An employee must wear effective hair restraints such as hairnets, headbands, and caps while engaged in food preparation and service.

F. An adult shall be responsible for the operation of the stand and shall supervise children working in the stand.

4625.7801 SAFETY.

Subpart 1. **Electrical.** Electrical service must comply with the Minnesota State Building Code Electrical Code, chapter 1315. Electrical lines should not be located in or near water.

Subp. 2. **Carbon dioxide.** Carbon dioxide and bottled gas cylinders must be secured by chains or other types of restraints.

Subp. 3. **Fire extinguishers.** A fire extinguisher with a minimum 2A 10 B-C rating must be present if required by the fire marshal.

REPEALER. Parts 4625.2400, 4625.2500, 4625.2600, 4625.2700, 4625.2800, 4625.2900, 4625.3000, 4625.3100, 4625.3200, 4625.3300, 4625.3400, 4625.3500, 4625.3600, 4625.3700, 4625.3800, 4625.3900, 4625.4000, 4625.4100, 4625.4200, 4625.4300, 4625.4400, 4625.4500, 4625.4600, 4625.4700, 4625.4800, and 4625.4900, are repealed.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Food and Beverage Establishments

AGENCY: Department of Health

MINNESOTA RULES: Chapter 4625

INCORPORATION BY REFERENCE:

Parts 4625.2401, subpart 24; 4625.3701, subpart 2, item C; and 4625.3801, subpart 6, items D and F.

National Sanitation Foundation Standard published by the National Sanitation Foundation.

The attached rules are approved for publication in the State Register

Kathleen M. Traxler
Assistant Revisor

MDH - DIVISION OF ENVIRONMENTAL HEALTH
LIST OF
LOCAL ENVIRONMENTAL HEALTH DEPARTMENTS

AITKIN COUNTY - 1/1/85*+
Mr. James Sayre
Aitkin County Public Health
209 2nd Street-Courthouse
Aitkin, MN 56431
(218) 927-2102 Ext. 34

ALBERT LEA, City of - 1/1/82*
Mr. Neal Lindeman, Sanitarian
City of Albert Lea
221 East Clark Street
Albert Lea, MN 56007
(507) 377-4311

ANOKA COUNTY - 1/1/72*
Mr. Robert Hutchison, Director
Environmental Services
Anoka County Health Department
County Courthouse
Anoka, MN 55303
(612) 422-7068
J. Schaefbauer 422-7063
K. Casale 422-7065

BELTRAMI COUNTY
William Patnaude
Beltrami County Planning
and Zoning Office
County Courthouse
Bemidji, MN 56601
(218) 751-7300

BIG STONE COUNTY *
See Chippewa-Lac Qui Parle-Swift
Yellow Medicine-Big Stone Counties

BLOOMINGTON, City of - 1/1/80*
Mr. Robert Mood, Director
Building & Environmental Services
City of Bloomington
2215 West Old Shakopee Road
Bloomington, MN 55431
(612) 887-9630
R. Holloway 887-9634

BLUE EARTH COUNTY
Mr. Herbert Wenkel, Sanitarian
Mankato-Blue Earth County
City-County Planners Office
City Hall
Mankato, MN 56001
(507) 625-3161 Ext. 268

BROOKLYN CENTER, BROOKLYN PARK AND
CRYSTAL, Cities of - 1/1/77*
Mr. Thomas Heenan, Sanitarian
4141 Douglas Drive
Crystal, MN 55422
(612) 537-8421

BROOKLYN PARK, City of *
See Brooklyn Center, Brooklyn
Park and Crystal

BROWN-NICOLLET COUNTIES - 1/1/79*
Sanitarian
Brown-Nicollet Environmental Health
100 Freeman Drive
St. Peter, MN 56082
(507) 931-7103
New Ulm Office (507) 359-9434

CASS COUNTY - 1/1/85*+
Mr. Craig Gilbertson
Cass County Public Health Service
Box 179, Community Health Center
Walker, MN 56484
(218) 547-3300 Ext. 231

CARVER COUNTY
Mr. Mike Lien, Environmentalist
Carver County Courthouse
600 East Fourth Street
Chaska, MN 55318
(612) 448-3435 Ext. 226

CHIPPEWA-LAC QUI PARLE-SWIFT-YELLOW
MEDICINE-BIG STONE COUNTIES-1/1/82*
Ms. Kellet Bernd
Countryside Public Health Service
Box 313, 1125 Kansas Street
Benson, MN 56215
(612) 843-4546

CLAY COUNTY - 1/1/85*+
Mr. Bruce Jaster
Clay County Environmental Health
807 North 11th Street
Moorhead, MN 56556
(218) 299-5041

COOK COUNTY - 1/1/83*
Mr. Jim Hulbert
Cook County Courthouse
Grand Marais, MN 55604
(218) 387-2282

CRYSTAL, City of *
See Brooklyn Center, Brooklyn Park and Crystal

DAKOTA COUNTY
Mr. Ron Spong, Environmental Hlth Spec.
Environmental Health Services
Suite 101
33 East Wentworth
West St. Paul, MN 55118
(612) 457-0790

EDINA, City of - 1/1/78*
Mr. David Velde, Sanitarian
City of Edina
4801 West 50th Street
Edina, MN 55424
(612) 927-8861

FARIBAULT-MARTIN-WATONWAN COUNTIES-1/1/79*
Mr. John Haag
Faribault-Martin-Watonwan Human Services Board
Fairmont, MN 56031
(507) 238-4757 Ext. 235

FREEBORN COUNTY
(Albert Lea Not Included)
Mr. Dick Hoffman
Freeborn County Courthouse
Albert Lea, MN 56007
(507) 373-5957

FRIDLEY, City of
Mr. John Flora
Environmental Officer
City of Fridley
6431 University Avenue NE
Fridey, MN 55432
(612) 571-3450

GOLDEN VALLEY, City of - 1/1/80*
Mr. Del Matasovsky**
City of Golden Valley
7800 Golden Valley Road
Golden Valley, MN 55427
(612) 593-8090

GOODHUE-WABASHA COUNTIES - 1/1/85*+
Mr. Harvey Hobbs
Goodhue-Wabasha CHS
426 West Avenue
Red Wing, MN 55066
(612) 388-8261

HENNEPIN COUNTY - 1/1/81*
Mr. Roger Carlson
Environmental Health Mgt Group
810 South First Street
Hopkins, MN 55343
(612) 935-1544

HOPKINS, City of - 1/1/80*
Mr. Immanuel Roesler**
Hopkins City Hall
1010 South First Street
Hopkins, MN 55343
(612) 935-8474

JACKSON COUNTY
Mr. Dennis Hanselman
Jackson Co Environmental Health
PO Box 67
Jackson, MN 56143
(507) 847-2240

KANDIYOHI COUNTY - 1/1/87*+
Ms. Sharon Smith
Kandiyohi County Community Health
905 West Litchfield Avenue
Willmar, MN 56201
(612) 235-4785

LAKE COUNTY - 1/1/79*
Ms. Clarine Northey
Lake County Sanitarian
601 Third Avenue-Courthouse
Two Harbors, MN 55616
(218) 834-5681

LAKE OF THE WOODS COUNTY
Mr. Gary Lockner
Lake of the Woods Planning and Zoning Officer
County Courthouse
Baudette, MN 56623
(218) 634-1945

LAC QUI PARLE COUNTY*
See Chippewa-Lac Qui Parle-Swift-Yellow Medicine-Big Stone

LE-SUEUR-WASECA COUNTIES - 1/1/79*+
Mr. Brian Smith, CHS Director
Le-Sueur-Waseca Counties
88 South Park Avenue
Le Center, MN 56507
(612) 357-2251 Ext. 203
Metro Line (612) 445-7543 Ext. 203
Waseca Co Office ~~507/835-5600~~
507/835-0651

LINCOLN-LYON-MURRAY-PIPESTONE COUNTIES
Mr. Fred Fuhrmann, Sanitarian
Lincoln-Lyon-Murray-Pipestone
Community Health Services
Lyon County Courthouse
Marshall, MN 56258
(507) 537-6711

LYON COUNTY
See Lincoln-Lyon-Murray-Pipestone

MAPLEWOOD, City of - 1/1/79*
Mr. Robert Wenger
1830 East County Road B
Maplewood, MN 55109
(612) 770-4567

MARTIN COUNTY
See Faribault-Martin-Watonwan

MINNEAPOLIS, City of - 1/1/79*
Mr. John Schnickel
Environmental Health
Public Health Center
250 South Fourth Street
Minneapolis, MN 55415
(612) 348-2170

MINNETONKA, City of - 1/1/81*
Ms. Gail Lee
City of Minnetonka
14600 Minnetonka Blvd
Minnetonka, MN. 55343
(612) 933-2511

MOORHEAD, City of - 1/1/80*
Mr. Don Lawrence, Director
Division of Environmental Health
Box 779
Moorhead, MN 56560
(218) 299-5328

MORRISON COUNTY - 1/1/84*+
Ms. Lucy Stack
Morrison Co Public Health Service
808 SE Third Street
Little Falls, MN 56345
(612) 632-6665

MOWER COUNTY
Mr. William Buckley, Sanitarian
Austin-Mower Environmental Hlth Dept
Mower County Courthouse
Austin, MN 55912
(507) 437-9529

MURRAY COUNTY
See Lincoln-Lyon-Murray-Pipestone

NEW BRIGHTON, City of-1/1/79* (F&B Only)
Mr. David Fridgen, Sanitarian
803 Fifth Avenue NW
New Brighton, MN 55112
(612) 631-8340

NEW HOPE, City of - 1/1/80*
Mr. Del Matasovsky**
City Sanitarian
New Hope City Hall
New Hope, MN 55428
(612) 533-1521

NICOLLET COUNTY*
See Brown-Nicollet

NOBLES-ROCK COUNTIES - 1/1/81*+
Mr. Spencer Pierce
Nobles-Rock County Health Services
PO Box 757
Worthington, MN 56187
(507) 372-7711 Ext. 256

OLMSTED COUNTY - 1/1/73*+
Mr. Rich Peter, Supv Sanitarian
Olmsted Co Health Department
1650 Fourth Street SE
Rochester, MN 55904
(507) 285-8342

OTTERTAIL COUNTY - 1/1/84*+
Mr. Jerry Winkelman
Ottertail Dept of Public Health
County Courthouse
Fergus Falls, MN 56537
(218) 739-2271 Ext. 290

PIPESTONE COUNTY
See Lincoln-Lyon-Murray-Pipestone

RAMSEY COUNTY - 4/23/82*
Mr. Dick Ragan
Environmental Health Specialist
Division of Environmental Health
Ramsey County CHS
1910 West County Road B-Suite 209
Roseville, MN 55113
(612) 633-0316

RICE COUNTY
Mr. Jon Kruger
Public Health Sanitarian
Rice County Highway Building
610 NW 20th Street
Faribault, MN 55021
(507) 334-2281

RICHFIELD, City of - 1/1/81*
Handled by City of Bloomington
Call: (612) 887-9630 or 887-9634
Mail to: City of Richfield
Environmental Health
6700 Portland Avenue South
Richfield, MN 55423

ROCK COUNTY*+
See Nobles-Rock

ROSEVILLE, City of - 1/1/81*
Mr. Walter Jopke**
City of Roseville
2660 Civic Center Drive
Roseville, MN 55113
(612) 484-3371

ST. CLOUD, City of - 1/1/79*
Roger Slanga, M.D.
St. Cloud Health Department
City Hall, 400 Second St S
St. Cloud, MN 56301
(612) 255-7200
D. Popken 255-7214

ST. LOUIS COUNTY - 1/1/73*+
Harold Leppink, M.D., Exec Officer
St. Louis Co Health Department
~~504 East Second Street~~ 1001 East 1st St 2nd Floor
Duluth, MN 55805
(218) 727-8661 Ext. 20
D. Schroeder (218) 741-8272 Ext. 56
Virginia Office (218) 741-8272

CHANGE

ST. LOUIS PARK, City of - 1/1/77*
Mr. Harvey McPhee
Director of Public Health
City of St. Louis Park
5005 Minnetonka Blvd
St. Louis Park, MN 55416
(612) 924-2588
S. Engleman 924-2593

ST. PAUL, City of - 1/1/78*
Mr. Frank Staffenson
Public Health Services
St. Paul Bureau of Public Health
555 Cedar Street
St. Paul, MN 55101
(612) 292-7741
W. Gunther 292-7717

SCOTT COUNTY
Mr. Allen Frechette
Environmental Health Specialist
Office of Planning and Zoning
Scott County Courthouse A-102
Shakopee, MN 55379
(612) 445-7750

STEARNS COUNTY - 1/1/85*+
Mr. James Bestick
Stearns County Environmental Health
Box 153, 510-14 25th Avenue North
St. Cloud, MN 56301
(612) 255-6155

STEELE COUNTY
Mr. Scott Goldberg
Environmental Hlth & Safety Coord
590 Dunnel Drive
Owatonna, MN 55060
(507) 451-8040

SWIFT COUNTY*
See Chippewa-Lac Qui Parle-Swift
Yellow Medicine-Big Stone

TODD COUNTY - 1/1/86*+
See Morrison County

UNIVERSITY HEALTH SERVICE
Mr. Kent Rees
Dept of Environmental Health
and Safety
University of Minnesota
410 Church Street SE
Minneapolis, MN 55455
(612) 626-3904

UNIVERSITY HEALTH SERVICE
U of M - Duluth
Environmental Health
241 Administration Building
Duluth, MN 55812
(218) 726-7139

WABASHA COUNTY*+
See Goodhue-Wabasha

WADENA COUNTY - 1/1/86*+
See Cass County

WASECA COUNTY*+
See Le-Sueur-Waseca

WASHINGTON COUNTY - 1/1/84*
Mr. Fred Anderson
Washington County CHS
Washington Co Government Center
Department of Public Health
14900 North 61st St, PO Box 6
Stillwater, MN 55082
(612) 779-5445
Lorna Girard, Licensing

WATONWAN COUNTY*
See Faribualt-Martin-Watonwan

WAYZATA, City of - 1/1/81*
Mr. Harvey McPhee**
Wayzata City Hall
600 Rice Street
Wayzata, MN 55391
(612) 473-0234

WINONA COUNTY - 1/1/82*
Ms. Jill Johnson, Sanitarian
Winona County Courthouse
Winona, MN 55987
(507) 454-2836
L. Theurer, Administrator

WRIGHT COUNTY
Mr. Charles Davis, Sanitarian
Zoning Office
Wright County Courthouse
Buffalo, MN 55313
(612) 682-3900

YELLOW MEDICINE COUNTY*
See Chippewa-Lac Qui Parle-Swift
Yellow Medicine-Big Stone

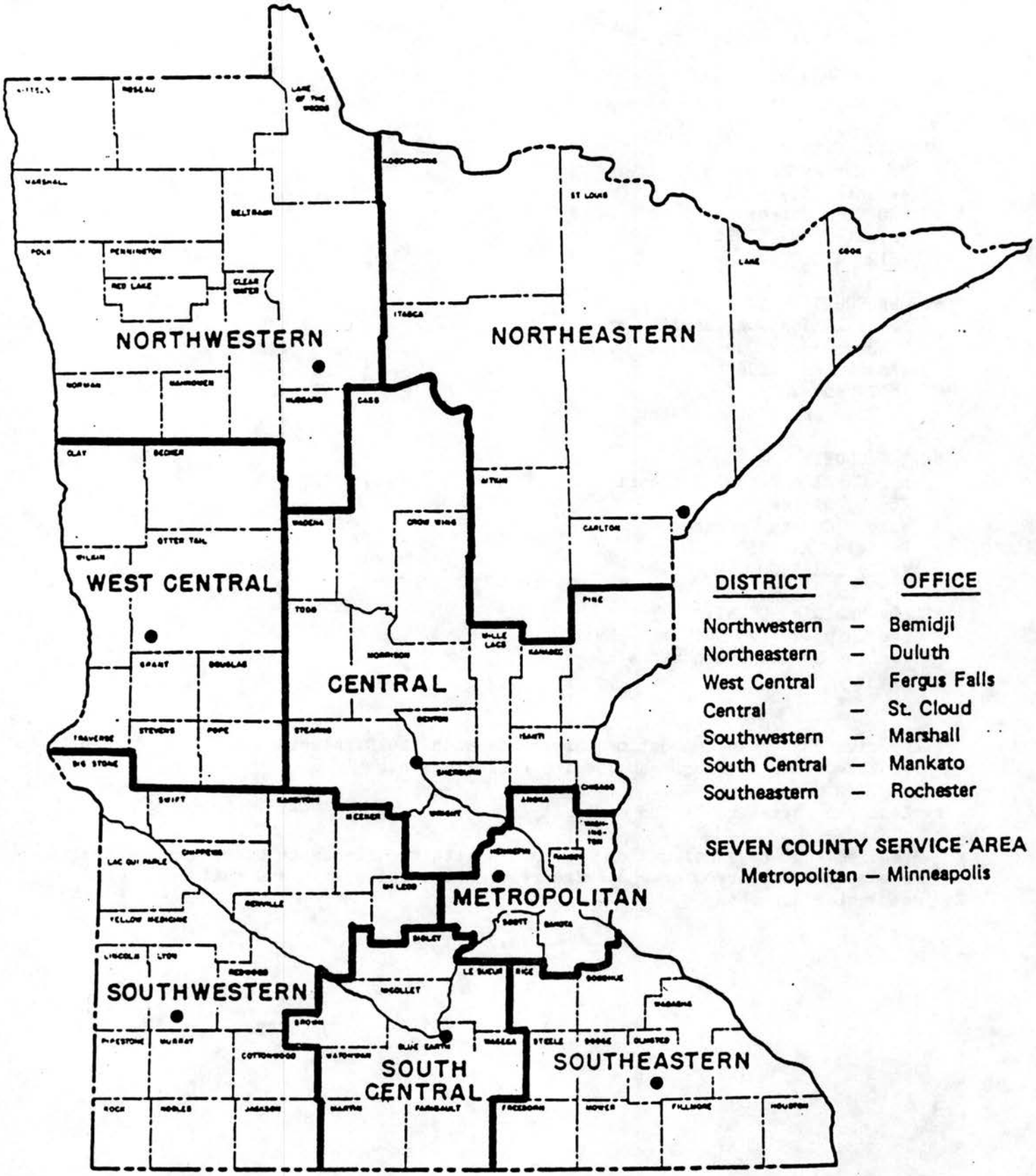
* Agencies that have delegation agreements with the Minnesota Department of Health to regulate food, beverage and lodging establishments

** Employed part-time by the community

+ Agencies that have delegation agreements with the Minnesota Department of Health to regulate manufactured home park/recreational camping area and children camp establishments

9/16/87

MINNESOTA DEPARTMENT OF HEALTH
Health Districts and Offices



DISTRICT	–	OFFICE
Northwestern	–	Bemidji
Northeastern	–	Duluth
West Central	–	Fergus Falls
Central	–	St. Cloud
Southwestern	–	Marshall
South Central	–	Mankato
Southeastern	–	Rochester

SEVEN COUNTY SERVICE AREA
Metropolitan – Minneapolis

MINNESOTA DEPARTMENT OF HEALTH
SECTION OF ENVIRONMENTAL FIELD SERVICES
DISTRICT OFFICES

CENTRAL DISTRICT 612/255-4216
215 North Benton Drive, Box 426
Sauk Rapids, Minnesota 56379
Jim Feddema, Supervisor
Ralph Carlson, Sanitarian
Wally From, Sanitarian
David Schultz, Engineer

NORTHEASTERN DISTRICT 218/723-4642
Government Service Center, Room 703
320 West Second Street
Duluth, Minnesota 55802
Eugene Jourdan, Supervisor
Mike Luhrsen, Engineer
Thomas Sobolik, Sanitarian

NORTHWESTERN DISTRICT 218/755-3820
1819 Bemidji Avenue
Bemidji, Minnesota 56601
Eugene Jourdan, Supervisor (located in NE District)
John Bastien, Sanitarian
Larry Cole, Engineer
John Schoenecker, Sanitarian
Gerald Wambach, Sanitarian

SOUTH CENTRAL DISTRICT 507/389-2501
Nichols Office Center
410 Jackson Street, Suite 150
Mankato, Minnesota 56001
Larry Mierau, Supervisor (located in SE District)
Greg Stevens, Sanitarian

SOUTHEASTERN DISTRICT 507/285-7289
2116 Campus Drive SE
Rochester, Minnesota 55904
Larry Mierau, Supervisor
William Adler, Sanitarian
Paul Halvorson, Engineer
John Hawk, Sanitarian

SOUTHWESTERN DISTRICT 507/537-7151
Southwest State University, Box A-50
Marshall, Minnesota 56258
Gary Otnes, Supervisor (located in WC District)
Robert Schmidt, Sanitarian

WEST CENTRAL DISTRICT 218/739-7585
Box 675, Building 4-C
Fergus Falls State Hospital Grounds
Fergus Falls, Minnesota 56537
Gary Otnes, Supervisor
Dick Astrup, Sanitarian
Art Barber, Sanitarian
Greg Boole, Sanitarian
Randy Deckert, Sanitarian
Steve Pederson, Engineer

METROPOLITAN DISTRICT 612/623-5335
717 SE Delaware Street
PO Box 9441
Minneapolis, Minnesota 55440
Charles Schneider, Supervisor, Section Chief
Steve Craig, Sanitarian
Mike Gianotti, Sanitarian
Dave Goff, Sanitarian
Robert Lashbrook, Sanitarian
James Witkowski, Sanitarian
Mike Piechowski, Engineer

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

COMMISSIONER OF HEALTH

IN THE MATTER OF THE PROPOSED

ADOPTION OF RULES RELATING TO

FOOD AND BEVERAGE

ESTABLISHMENTS

CERTIFICATION

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minnesota Statutes, section 14.14, subdivision 1a, that their names be placed on file with, and maintained, by the Minnesota Department of Health for the purpose of receiving notice of rule hearings, is accurate and complete as of

4 :00 p. m., this 21st day of September, 1988.

Lee D. Woodard

Virgil H. Lee, R.Ph.
St. Mary's Hospital Pharmacy
1216 Second St. Southwest
Rochester, MN 55902

Karen Lenander
Northern States Power Company
A. S. King Plant
210 North Tenth Avenue
Bayport, MN 55003

David Lurie, Commissioner of Health
City of Minneapolis
250 South Fourth Street
Minneapolis, MN 55415

The Residence, Inc.
2499 North Rice Street #220
Roseville, MN 55113

Karen Knepper
North Memorial Medical Center
3300 North Oakdale
Robbinsdale, MN 55422

POST Board
333 Sibley Street, Suite 495
St. Paul, MN 55101

Michael J. Duffy, Director
Community Health Services Board
325 Lake Avenue South/Suite 604
Duluth, MN 55802

Bob Kent
Lakeland Drilling
Rt. 1, Box 67-C
Wrenshall, MN 55797

Marjorie L. Ross
1145 Quentin Avenue South
Lakeland, MN 55043

Clark Gunin
Southwestern Mental Health Center
2 Round Wind Road
Luverne, MN 56156

Patsy A. Randell
Public Affairs Department
Honeywell
P.O. Box 524
Minneapolis, MN 55440

Minnesota Nurses Association
Governmental Affairs Department
1821 University Avenue
St. Paul, MN 55104

Bergerson-Caswell
5115 Industrial Street
Maple Plain, MN 55359

Larry Mosow
5620 Wycliffe Road
Edina, MN 55436

James Jack
Department of Recreation,
Parks and Leisure Services
Mankato State University
Mankato, MN 56001

Susan M. Voigt
Care Providers of Minnesota
2850 Metro Drive #200
Bloominton, MN 55425

Paul W. Abramowitz
Pharmacy Department
University of Minnesota Hospital
Box 611
Minneapolis, MN 55455

John E. Drawz
LeFevere, Lefler, et al.
2000 First Bank Place West
120 S. Sixth Street
Minneapolis, MN 55402

Mantyla Well Drilling, Inc.
P.O. Box 797
Lakeland, MN 55043

Terry Hoffman
Suite 840
386 North Wabasha
St. Paul, MN 55102

Walter A. Baldus
Woodvale
P.O. 1047
Austin, MN 55912

Mary Joe Dolan, Administrator
Northeast Residence, Inc.
4680 Bald Eagle Avenue
White Bear Lake, MN 55110

Joan M. Archer - MMHA
222 E. Little Canada Road
#222
St. Paul, MN 55434

Tobey Lapakko
Minnesota AFL-CIO
175 Aurora Avenue
St. Paul, MN 55103

Anoka County Health Department
Env. Serv.
Courthouse - Fourth Floor
Anoka, MN 55303

Roger Cooper
Box 485
Bird Island, MN 55310

Michael J. Steffl
8370 Highway 23 Northeast
Willmar, MN 56201

Martha Ballou
155 S. Wabasha
St. Paul, MN 55107

Dr. Frank Perendy
5415 W. Broadway
Crystal, MN 55428

Keith A. Horton, M.D.
3141 Dean Court
#C1101
Minneapolis, MN 55416

Iris Freeman
Minnesota Alliance for Health Care Consumers
3231 First Avenue South
Minneapolis, MN 55408

Bruce Kuritzky
2111 Hartford Avenue
St. Paul, MN 55116

Anne Lutterman
Director of Nursing
Shalom Home
1554 Midway Parkway
St. Paul, MN 55108

Kathryn Selseth-Kill
Presbyterian Family Foundation
901 Memorial Parkway
Willmar, MN 56201

Karen L. Nelson, Director
Wadena County Health Department
415 South Jefferson
Wadena, MN 56482

Scott Mayer
Minnesota Chiropractic Association
2353 Rice Street #125
St. Paul, MN 55113

Dorothy J. Opheim
Box 179
Cass County Public Health Services
Walker, MN 56484

Michael Maus
Box 1047
Austin, MN 55912

Mary Ann Blade
808 Southeast Third Street
Little Falls, MN 56345

Sue Kvendru
Metro Senior Federation
1885 University Avenue
St. Paul, MN 55105

Dominic J. Sposeto
2824 Irving Avenue South
Minneapolis, MN 55408

Shelly Stevens
Region 5 Development Commission
611 Iowa Avenue
Staples, MN 56479

Julie Krause
Todd County Public Health
119 Third Street
Long Prairie, MN 56347

Barbara W. Kaufman
Minnesota Association of Voluntary Social Services Agencies (MAVSSA)
306 N. Griggs-Midway Building
1821 University Avenue West
St. Paul, MN 55104

David Ray Kiely, CEO
c/o Association of Residential Resources/Minnesota
245 East Sixth Street
#705
St. Paul, MN 55101

Toni Nesheim
Region 9 Development Commission
P.O. Box 3367
Mankato, MN 56001

Sherri Viland, Executive Director
Dakota Mental Health Center
744 - 19th Avenue North
South St. Paul, MN 55075

Jean Searles
Resa, Inc.
38 Seventh Avenue North
Hopkins, MN 55343

Kent E. Eklund
Ebenezer Society
2500 Park Avenue
Minneapolis, MN 55404

Broeker, Geer, Fletcher and LaFond, Limited
8500 Normandale Lake Boulevard
Suite 1510
Bloomington, MN 55437

Alan W. Ingram
Executive Director
NASW Minnesota Chapter
614 Portland
St. Paul, MN 55102

Gail Trenholm
14600 Minnetonka Boulevard
Minnetonka, MN 55345

Mt. Olivet Rolling Acres
7200 Rolling Acres Road
Excelsior, MN 54431

Koep Group Homes, Inc.
P.O. Box 764
Fergus Falls, MN 56537

Les Block
Public Health Administration
School of Public Health - U of M
Box 197 Mayo
Minneapolis, MN 55455

Bob Fitzgerald, D.C.
133-W Lake South
Minneapolis, MN 55408

Kathleen Welte
Ramsey County Medical Society
215 Lowry Medical Arts Building
St. Paul, MN 55102

Ernest K. Lehmann and Associates, Inc.
Suite 790, Kickernick Building
430 First Avenue North
Minneapolis, MN 55401

Paul Martodam
1730 Seventh Avenue South
St. Cloud, MN 56301

D. Bill Olson
Habilitative Services, Inc.
P.O. Box 123
Windom, MN 56101

John Dorn
1021 Orchard Road
Mankato, MN 56001

Carol Fielders, R.N., M.P.H.
Public Health Nursing Director
St. Louis County Health Department
1001 East First Street
Duluth, MN 55805

Jim Koesling
Capitol Supply Company
600 Lafayette Road
St. Paul, MN 55101

Carol Lee
Director HMC
P.O. Box 302
Mankato, MN 56001

Association for Retarded Citizens
of Olmsted County
903 West Center
Rochester, MN 55902

Heartland Homes, Inc.
Box 214
Park Rapids, MN 56470

Mary Martin and Associates
1551 Livingston
Suite 102
West St. Paul, MN 55118

Mary Luth
Washington County Public Health
14900 North 61st Street
Stillwater, MN 55082

Mary Kay McJilton
People, Incorporated
379 University Avenue #204
St. Paul, MN 55103

City Manager
City of Roseville
2660 Civic Center Drive
Roseville, MN 55113

Torgerson Well Co., Inc.
6855 Dogwood Street
Rockford, MN 55373

David Velde
Edina Health Department
4801 West 50th Street
Edina, MN 55424

David Felske
Pine Ridge Homes, Inc.
915 - 18th St.
Cloquet, MN 55720

Vicki Kunerth
3337 - 38th Avenue South
Minneapolis, MN 55406

Josette C. Nordmark
Health Care Coordinator
Polk County Group Homes, Inc.
P.O. Box 707
Crookston, MN 56716

Goodhue-Wabasha CHS
426 West Avenue
Red Wing, MN 55066

Alfred Ross
6356 Ware Road
Lino Lakes, MN 55014

Phillip C. Newberg
Room 104
2700 University Avenue West
St. Paul, MN 55114

Philip D. Brick
Room 1703
1100 Superior Avenue
Cleveland, OH 44114

Sam Ruhle
Fifth Floor
Flour Exchange Building
310 Fourth Avenue South
Minneapolis, MN 55415

William E. Bond
MN State Pharmaceutical Association
2221 University Avenue Southeast
Minneapolis, MN 55414

South Center Manor
508 Park Island
Center City, MN 55012

Bill Conley
114 Mackubin
St. Paul, MN 55102

James Auron
Mental Health Association
328 East Hennepin
Minneapolis, MN 55414

Sharon Kannenberg
Home and Community Option
252 W. Wabasha Street
Winona, MN 55987

Becky A. Comstock
2200 First Bank Place East
Minneapolis, MN 55402

Robert A. Harder
Minnesota Dental Association
2236 Marshall Avenue
St. Paul, MN 55104

Minnesota Board of Nursing
2700 University Ave. W. #108
St. Paul, MN 55114

Hope Residence, Inc.
Box 63
Waterville, MN 56096

Harriet McPherson
2398 Stagecoach Trail N.
Stillwater, MN 55082

Herbert Anderson
418 Eighth St. S.
Virginia, MN 55792

Miller Friesen, C.E.O.
Range Mental Health Center
P.O. Box 1188
Virginia, MN 55792

Michael J. Ahern
Moss & Barnett
1200 Pillsbury Center
Minneapolis, MN 55402

Merlin A. Wilbur
100 Sibley Street
Hastings, MN 55033

Donald C. Willeke
Willeke & Daniels
Suite 330
1201 Marquette Avenue
Minneapolis, MN 55403-2455

Brian Huling
Community Health Department
Fourth Floor McGill Building
501 Park Avenue
Minneapolis, MN 55415

Jane Cavanaugh
Share Development Corporation
3600 West 80th Street
Bloomington, MN 55431

Pine River Group Home
Box 96
Pine River, MN 56474

David Ewald
Ewald Consulting Group
245 East Sixth Street
St. Paul, MN 55101

M. Timothy Burkett
Community Involvement Programs
2217 Nicollet Avenue South
Minneapolis, MN 55404

Jerry Gross
c/o Community Living, Inc.
Box 130
Victoria, MN 55386

Jan Cuccia
Local 113
3001 University Avenue Southeast
Minneapolis, MN 55414

Charles A. Kroeger
P.O. Box 838
Faribault, MN 55021

Kathleen Pine
400 West Marie Avenue
West St. Paul, MN 55118

H. A. Swift
5165 North St. Albans
St. Paul, MN 55126

Mark Wiger
801 Center Street
New Ulm, MN 56073

Colleen Wieck
State Planning Agency
300 Centennial Office Building
658 Cedar Street
St. Paul, MN 55155

Thomas L. Heenan
Supervising Sanitarian
Crystal, Brooklyn Center,
Brooklyn Park Health Department
4141 Douglas Drive
Crystal, MN 55422

Donna M. Anderson, Director
Dakota County Public Health
33 East Wentworth Ave. #345
West St. Paul, MN 55118

Gaynold Jensen, R.D.
111 West 107th St.
Minneapolis, MN 55420

Sharon Hoefs
Assisi Residences, Inc.
Box 353
Blue Earth, MN 56013

Brian Van Beusekom
Ingleside Engineering and
Construction, Inc.
4920 Highway 55
Rockford, MN 55373

Byron Laher
United Way
404 South Eighth Street
Minneapolis, MN 55404

Georgeanne Lowney
609 West First Street
Waconia, MN 55387

Jim Temple
Chrestomathy Center
310 East 38th Street
Minneapolis, MN 55409

Neil A. Rowland
901 South Main Street
Chatfield, MN 55923

Donald Olson
Olson Well Service
Halstad, MN 56548

Judith S. Douglas
The Phoenix Residence, Inc.
135 Colorado Street East
St. Paul, MN 55107

Charles B. Hoffman
Pickands, Mather and Company
Suite 811-200 West Superior St.
Duluth, MN 55802

James L. Glasoe
Homeward Bound Inc.
4741 Zealand Avenue North
New Hope, MN 55428

Stephen D. Lee
Box G
Fulda, MN 56131

Neil Boyum
Range Center, Inc.
1008 N.W. Eighth Avenue
Chisholm, MN 55719

Ginny Gadbois Green
2344 Nicollet Avenue South
#370
Minneapolis, MN 55415

September 8, 1988

'STATE OF MINNESOTA
COUNTY OF HENNEPIN

BEFORE THE MINNESOTA
COMMISSIONER OF HEALTH

In the matter of the adoption of
Rules Relating to the Requirements
for Food and Beverage Establishments

STATEMENT OF NEED
AND REASONABLENESS

Minnesota Rules, Parts 4625.2401 - 4625.7801 are being proposed by the Department of Health (MDH) as a revision to the existing rules for food and beverage establishments (Minn. Rules Parts 4625.2400 - 4625.5000, 1985)

LEGAL BASIS -

The authority of the Commissioner of Health to adopt the proposed rules derives from several sources. Minn. Stats., Section 144.05, (1986), imposes the following duties upon the Commissioner of Health:

"(b) Plan, facilitate, coordinate, provide, and support the organization of services for the prevention and control of illness and disease and the limitation of disabilities resulting therefrom;

(c) Establish and enforce health standards for the public's health such as quality of health services, reporting of disease, regulation of health facilities, environmental health hazards and manpower;...."

The proposed rules come under this authority, since they are intended to prevent the transmission of illness by food and beverage establishments and to reduce exposure to environmental health hazards in these establishments. Authority to adopt such rules can also be inferred from several provisions of state law which refer to such rules.

Minn. Stats. Section 157.04 (1986) referring to food, beverage and lodging establishments specifies that "...Each owner, proprietor or agent shall forthworth comply with the provisions of this chapter or the rules of the Commissioner...". Minn. Stats. Sec. 157.08 (1986) specifies "...Any person, firm, or corporation

who shall operate an hotel, motel, resort, restaurant, lodging house, boarding house, or place of refreshment in this state, or who shall let a building used for such business, without having first complied with the provisions of this chapter and rules of the the State Commissioner of Health, shall be guilty of a misdemeanor..." Minn. Stats. Sec. 157.09 (1986), provides in part that "It shall be the duty of the state hotel inspector to revoke a license, on the inspector's finding that a place of business is being operated in violation of the provisions of this chapter or rules of the State Commissioner of Health;....". Minn. Stats. Sec. 157.13 (1986) states in part that "...All other changes, alterations, improvements, structural or otherwise, to, on, and about any building ordered by the hotel inspector to meet the requirements of this chapter or applicable rules of the State Commissioner of Health shall be ordered installed and paid for by the owner of the building....." All of the above statutes clearly reference the need and authority of the State Commissioner of Health to develop rules regarding establisments licensed under Chapter 157. The adoption of rules by the Commissioner of Health plays an essential role in establishing standards to inspect, license and take enforcement action regarding food and beverage establishments as defined in Minn. Stat. Chapter 157.

MODEL FEDERAL STANDARDS:

The existing MDH rules for food and beverage establishments, Minn. Rule parts 4625.2400-4625.5000 were based on the 1962 Food Service Sanitation Manual of the U.S. Public Health Service (USPHS), publication number 934. There has been no significant revision of the rule provisions for food and beverage establishments since July 1968.

In 1976 the 1962 Food Service Sanitation Manual published by the USPHS in conjunc-

tion with the Food and Drug Administration (FDA) was significantly revised (DHEW Pub. No. (FDA) 78-2081). The numerous changes reflect increased knowledge about food service operations and hazards as well as equipment changes and an increased level of sophistication in the food and beverage service industry.

(MDH) currently has delegation agreements with thirty-seven counties and nineteen cities to provide for local licensing and inspection of food and beverage establishments. Since passage of the Community Health Services Act in 1976, thirty-two of the above counties and ten of the above cities have adopted food and beverage ordinances closely modeled after the 1976 FDA Manual. In addition, many of the local food and beverage programs developed prior to 1976 have revised their ordinances to follow the 1976 FDA Manual. The MDH has allowed this because Department staff intended to make comparable changes in the State rules. At present, local ordinances pertaining to licensing and inspection of food and beverage establishments affect establishments which serve over sixty-five percent of Minnesota's population. As a result, much of the food and beverage industry in Minnesota is currently regulated by ordinances based on the 1976 FDA Manual.

It is also important to note that the proposed rules are based on a national standard which has been adopted in thirty-seven states. Application of national standards promotes uniformity and simplifies industry compliance especially since many food and beverage establishments operate in more than one state. Uniform standards also provide economic benefits since it is generally more costly and confusing to comply with different standards at different locations.

NEED FOR MDH REVISIONS:

As cited above, MDH has the primary regulatory responsibilities for food and

beverage establishments through the setting of minimum standards applicable throughout the State. MDH provides technical assistance to all of the local agencies with food and beverage programs and evaluates each program periodically based on the 1976 FDA Manual. It is essential that the minimum State rules be based on the most recent technical data to provide better technical support to all local health agencies. It is also required that the food and beverage rules be updated to provide for equivalent enforcement for those establishments directly licensed and inspected by MDH when compared to local food and beverage programs currently operating under ordinances modeled after the 1976 FDA Manual. In addition, Minnesota imposes other requirements in food establishments such as the Clean Indoor Air rules and the need for posting emergency procedures for choking.

The proposed rules were developed with the assistance and comments of local health agencies, and key industry personnel. Input has been received from environmental health specialists having direct field experience, as well as environmental health program administrators.

In accordance with Minnesota Statutes, Section 14.10, a notice of intent to solicit outside opinion was published in the State Register at 12 S.R. 1010 on November 9, 1987. Responses and comments received after the announcement was published will be included in the rule making record.

COST OF IMPLEMENTATION TO LOCAL GOVERNMENT:

If the adoption of a rule by an agency will require the expenditure of public moneys by local public bodies, Minn. Stats. Sec. 14.11, Subd. 1, (1986) requires the agency to give a reasonable estimate of the total cost to all local public

bodies in the State to implement the rule for the two years immediately following adoption of the rule, if the estimated cost exceeds $100,000 in either of the two years. The following is the Department's estimate.

The only direct cost to local units of government resulting from the proposed revisions would result from adoption of these rules to update any existing local ordinance. All but five counties and nine cities presently operating under delegation agreements with MDH have already adopted standards similar or identical to those being proposed. Since local agencies are able to enforce State rules it would not be necessary that existing local ordinances be modified to be similar to the proposed rules. Costs would only be incurred for those local units electing to update their ordinance for food and beverage establishments to correspond with those adopted by the State. The cost of revising a local ordinance would involve staff costs in drafting and editing the revised ordinances, public hearing related costs and public notification expenses. The local agency expense for chosing to update an ordinance to be in conformity with the proposed rule is estimated at $700 per agency. This estimate is based on the actual costs incurred by local agencies recently adopting an ordinance equivalent to the proposed rule. The total estimated cost of all fourteen county and city agencies operating under existing rules for revising existing ordinances to conform to the new rules is estimated at $9800. For local agencies developing a food and beverage inspection and licensing program in the future, the adoption of a local ordinance containing the proposed standard would be no more costly than adoption of the existing rules.

SMALL BUSINESS CONSIDERATIONS:

Minnesota Stats., Section 14.115, (1986) requires that an agency consider five

factors for reducing the impact of proposed rules on small business. Since many of the food and beverage establishments are likely to fall within the statutory definition of small business, the Department has addressed each of the five factors as presented below.

1. The establishment of less stringent compliance or reporting requirements.

The compliance requirements in the proposed rules are minimally stringent, requiring all operators of a food and/or beverage establishment to meet minimum requirements. Certain equipment requirements as they apply to small boarding and lodging houses, small group day centers and temporary food services have been relaxed by allowing for variances to be granted to assure the maintenance of practical and effective standards for these small businesses. The proposed rule contains more detail relating to food handling and sanitation practices than the existing rule and as a result, industry will be better able to understand and comply with the requirements. The question of reporting is of minor concern since neither the existing nor the proposed rules require scheduled reports.

2. The establishment of less stringent schedules or deadlines for compliance or reporting requirements.

The proposed rules and the existing rules do not require routine reporting. There are no compliance deadlines in the proposed rules except for requirements that all new installations of equipment, plumbing and water systems and sewage disposal systems must comply with the proposed rules. This is not a new condition and is required in the existing rules. The construction requirements for new installations are not more restrictive than the existing rules.

3. The consolidation or simplification of compliance or reporting requirements.

There are no routine reporting requirements in the proposed rules.

4. The establishment of design standards for small businesses.

Some design standards have been modified for temporary food and beverage services

and for small boarding and lodging establishments to accommodate the unique aspects of these operations. Further modification of design standards would reduce uniformity of standards and could endanger the quality of food being served.

5. The exemption of small businesses from the rule.

There is no sound public policy rationale by which food and/or beverage establishments which are small businesses could be exempted from the proposed rules. All food and beverage establishments regardless of business size have the potential to transmit disease through the food or beverage served. The health of the consuming public must be protected. This can only be done through imposition of reasonable rules which necessarily must apply to both small and large businesses if we are to minimize the potential for transmission of illness to the consumer.

REPEAL:

Existing Minn. Rules Parts 4625.2400 through 4625.4900 are to be repealed and the rules being proposed are to be substituted therefor.

THE DISCUSSION BELOW ADDRESSES PROPOSED MINNESOTA RULES CHAPTER 4625

The 1976 FDA Food Service Manual contains extensive rationale and justification to support the standards recommended in it. Since most of the proposed rule requirements are equivalent to the 1976 FDA Manual, this Manual is referenced for justification contained in the "Reasons" pertaining to those sections. When the proposed rules deviate from this FDA manual, or when no reasoning is provided in the Manual, additional rationale is presented.

4625.2401 This rule contains the definitions for particular terms used throughout the rule. The definitions are necessary in order to assure con-

sistent interpretation by all readers. Similar language is contained in the existing rule part 4625.2400. In addition the following new terms are being defined; these are: "commissary", "commissioner", "department", "garbage", "hermetically sealed container", "itinerant food service", "kitchenware", "law", "mobile food service", "packaged", "person in charge", "potable water", "push cart", "reconstructed", "safe material", "smooth", "special event food stand", "variance", and "wholesome".

4625.2501 The scope of these rules is defined to clarify which of the facilities specified in Minnesota Statutes, Chapter 157 are governed by the rules. This part is similar to part 4625.2500 which is being repealed.

4625.2601 This provision allows for the collection of food samples to determine food quality or to provide valuable information during foodborne outbreak investigations. Equipment and utensils not in conformity with these rules may be embargoed or condemned to assure that substandard equipment which may be difficult to clean, or made from non durable or toxic materials can no longer be used. The ability to carry out these activites is necessary to the efficient and effective management of a food service regulatory program. These are enforcement techniques without which the food program cannot accomplish its statutory goals to assure the safety of food for the protection of the public's health. Similar language is contained in part 4625.4600 which is being repealed.

4625.2650 This provision is necessary for the Commissioner of Health to grant a variance to this rule since Minn. Stats. Section 14.05 Subd. 4 (1986) requires that before a variance can be granted, procedures and standards must be specified in the rules. The authority to grant a variance from specific provisions of the rules for food and beverage establishments parts 4025.2401 to 4625.7801 is necessary to allow for the application of less stringent requirements when compliance with the rule would impose an undue burden on the applicant, any alternate measures taken are equivalent to or superior to those prescribed in the rule and the variance will not adversely affect the environment.

4625.2701 The procedure for granting approval for new construction or remodeling and provisions for a pre-opening inspection are included in this rule. Plan submission and review is needed to determine if proposed equipment, layout, wall and floor surface, sewage disposal system, water well supply and plumbing are in compliance with these rules. Pre-construction plan approval prevents improper construction, installation of unapproved equipment, and other potental health hazards before construction begins, thus preventing costly changes after construction. An inspection by the Department is necessary to verify that construction, equipment and plumbing conform to the plans as approved. Similar language is contained in part 4625.4700 which is being repealed.

4625.2801 This rule is necessary to assure that food and beverages served are represented correctly and to assure that less expensive, inferior products are not represented as superior, more expensive products. The public needs to be assured that products which are served for consumption are the same as those which are advertised or represented on menus. This is similar to part 4625.2600 which is being repealed.

4625.2901 This provision is necessary to assure that food service employees have access to the correct instructions in clearing a restricted airway of a patron. Since emergency medical services may be several minutes away and serious injury or death can quickly occur as a result of a restricted airway, it is necessary that food service employees have access to these instructions. This part is the same as part 4625.4900 which is being repealed.

4625.3001 This rule is merely a statement of existing law. By informing licensees of this fact, it helps to assure non-smoking patrons a smoke free environment in food and beverage establishments, which fall within the "public place" definition of the Minn. Clean Indoor Air Act, and are regulated in Parts 4620.0100-4620.1500.

4625.3101 This rule is needed to address the unique situations of operation of temporary or limited food service establishments. Conditions of operation are varied and access to running water, sewer facilities, and amount of food service equipment is often less than for full service operations so additional restrictions may be needed for the sale of some or all potentially hazardous foods which cannot be prepared or stored under safe conditions or temperatures. This part is similar to part 4625.4500 which is being repealed.

4625.3201 See FDA Manual Reason for Sections 2-101 to 2-102, 2-401 to 2-405, and 4-201.

This part contains new language taken from the FDA Manual. The rationale for this part is the same as that provided in the Manual for the respective Sections.

4625.3301 See FDA Manual Reason for Section 2-201 to 2-202.

4625.3401 See FDA Manual Reason for Section 2-301 to 2-303.

Subpart A is virtually the same as portions of part 4625.2700 which is being repealed. The temperatures in MDH rules are more conserative than those in the FDA Manual. In the MDH staff's view, the FDA temperature limits are not sufficient. Recent foodborne disease outbreaks involving Listeria monocytogenes demonstrates this pathogenic organism is capable of growth at 45 degrees Fahrenheit. Therefore a lower temperature is necessary to reduce growth of this organism. The National Sanitation Foundation's criteria for cooling equipment also requires equipment capable of maintaining a refrigerator temperature of 40 degrees Fahrenheit. The proposed temperature requirements are identical to part 4625.2700 which is being repealed. Subpart 2 is a modified version from the FDA Manual Section 2-301 to 2-303.

4625.3501 See FDA Manual Reason for Sections 2-401 to 2-409, 2-301 to 2-303, 2-501 to 2-509, and 2-601.

4625.3601 See FDA Manual Reason for Sections 3-101, 3-301, 3-201, and 3-401.

In order to be able to arrest the spread of disease it is necessary for the Department of have the ability to obtain medical information on suspected employees and the ability to limit or exclude infected employees from food preparation area and activities to prevent contamination of food with pathogenic organisms. If food service employees are found to be likely to transmit illness by food, it is necessary that the Department have the authority to limit the infected employees involvement in food preparation or cause the facility to discontinue

operation until the risk of disease transmission to consumers has been eliminated. This part is similar to part 4625.4800 which is being repealed.

4625.3701 See FDA Manual Reason for Sections 4-101 to 4-106, 4-201 to 4-208, and 4-301 to 4-304.

The reference to National Sanitation Foundation (NSF) Standards eliminates the need to incorporate all of the food service equipment construction criteria listed in the 1976 FDA Manual. The NSF standards already incorporate similar construction standards in addition to the organization's own review criteria. The NSF standard for approval of food service equipment is a nationally recognized sign that equipment complies with public health requirements. Acceptance of this standard assures conformity in food service equipment requirements and eliminates the costly local review of each piece of equipment to determine its design and construction suitability. The requirement that new equipment be equal to NSF standards is similar to part 4625.3000 which is being repealed.

Food service in small group day care centers or boarding and lodging houses is generally limited in quantity which allows for the use of some domestic equipment, provided such equipment can maintain proper product temperature, can be easily cleaned, and does not pose any other health hazard.

The use of commercially filled milk containers of not more than one gallon capacity in small group day care centers does not increase the risk of transmitting disease and allows the family style setting for milk service when large dispensers or individual cartons are impractical.

4625.3801 See FDA Manual Reason for Sections 5-101 to 5-105 and 5-201 to 5-204. This part is similar to part 4625.3200 which is being repealed.

4625.3901 See FDA Manual Reason for Sections 6-101 to 6-105, 6-201, 6-301 to 6-306, 6-501 to 6-504 and 6-401 to 6-404 and 7-302. This part is similar to parts 4625.3300 to 4625.3700 which are being repealed.

4625.4001 See FDA Manual Reason for Section 6-601 to 6-603. This part is similar to part 4625.3800 which is being repealed.

4625.4101 See FDA Manual Reason for Section 6-701 to 6-702. The allowance for guide dogs accompanying hearing impaired persons in food or beverage service establishments has been added to accommodate the special needs of these individuals without sacrificing food service sanitation or the hearing impaired person's safety and desire to enter these facilities. This part is similar to parts 4625.3900 and 4625.4400 which are being repealed.

4625.4201 See FDA Manual Reason for Sections 7-101 to 7-107, and 7-201 to 7-206. This part is similar to part 4625.4000 which is being repealed.

4625.4301 See FDA Manual Reason for Section 7-401 to 7-402. This part is similar to part 4625.4100 which is being repealed.

4625.4401 See FDA Manual Reason for Section 7-501 to 7-501.

This part is similar to part 4625.4200 which is being repealed.

4625.4501 See FDA Manual Reason for Section 7-601 to 7-602.

This part is similar to part 4625.4300 which is being repealed.

4625.4601 See FDA Manual Reason for Section 7-701 to 7-706.

4625.4701 See FDA Manual Reason for Section 7-801 to 7-806.

4625.4901 to 4625.5801 See FDA Manual Reason for Sections 3-401, 5-101 to 5-105, 6-601 to 6-603, 7-401 to 7-402 and 9-101 to 9-111. Electrical services must comply with the Minnesota Electrical Code to reduce the risk to employees and consumers from electric shock resulting from improper electric service installation. This provision is necessary since the outside nature of itinerant food services with wet conditions often accompanying events can pose an increased risk of electric shock.

Carbon dioxide containers can become rocket like projectiles if the control valve is separated from the cylinder and leaking bottle gas cylinders pose a fire hazard. These containers must therefore be secured to prevent injury to employees or consumers resulting from containers being accidently knocked over.

Fire extinguishers are necessary when mandated by the Fire Marshall since an ample supply of running water is not generally available to extinguish fires in intinerant food services.

4625.5901 to 4625.6801 See FDA Manual Reason for Section 2-301 to 2-303, 2-501 to 2-509, 3-401, 4-201 to 4-208, 5-101 to 5-105, 6-601 to 6-603, 6-701 to 6-702, 7-101 to 7-107, 7-201 to 7-206, 7-501 to 7-502, 8-101 to 8-303.
For electrical, carbon dioxide and fire extinguisher rule provisions the same reasons apply as stated for parts 4925.4900 to 4625.5801.

4625.6901 to 4625.7801 See FDA Manual Reason for Sections 3-401, 5-101 to 5-105, 6-601 to 6-603, 7-401 to 7-402, and 9-101 to 9-111.
For electrical, carbon dioxide and fire extinguisher rule provisions the same reasons apply as stated for parts 4925.4900 to 4625.5801.
The special event food stand requirements are similar to the proposed itinerant food service rules but provide for a variance from certain equipment requirements because of the limited frequency of operation.

In summary these proposed rules are necessary to reflect changes made in the FDA Model Ordinance in 1976 and to maintain MDH's position as the State's standard setting agency providing technical assistance to local units of government. For those food and beverage facilities regulated directly by MDH, these rules are necessary to insure consistancy of requirements and interpretation as compared with facilities operating under local programs

which are already enforcing ordinances which incorporate the 1976 FDA Model Ordinance. The proposed rules are reasonable since they impose minimum requirements and are necessary to protect the health of the public patronizing these facilities. The detailed language in the proposed rules will also assist the industry in understanding the requirements and maintaining the affected facilities in a manner which will encourage cleanliness and food handling safety and reduce the risk of transmitting disease to the consumer.

Contact Person:

M. Frederick Mitchell, Section Chief

Community Environmental Services

717 S.E. Delaware Street

P.O. Box 9441

Minneapolis, Minnesota 55440

612/623-5341

AG Copy

Department of Health

Adopted Permanent Rules Relating to Food and Beverage Establishments

Rules as Adopted

REQUIREMENTS FOR FOOD AND BEVERAGE ESTABLISHMENTS

4625.2401 DEFINITIONS.

Subpart 1. **Scope.** For purposes of parts 4625.2401 to 4625.7801, the following terms have the meanings given them.

Subp. 2. **Adulterated.** "Adulterated" means the condition of a food if it bears or contains any poisonous or deleterious substance for which no safe tolerance has been established or in excess of such tolerance if one has been established; if it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for human consumption; if it has been processed, prepared, packed, or held under insanitary conditions, where it may have been rendered injurious to health; if it is in whole or in part the product of a diseased animal, or an animal which has died otherwise than by slaughter; or if its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health.

Subp. 3. **Approved.** "Approved" means acceptable to the commissioner according to applicable standards in parts 4625.2401 to 4625.7801 and ~~good public health practices~~. Jaque

Subp. 4. **Clean.** "Clean" means free from insects, vermin, and debris and free from physical, chemical, and microbial substances discernible by ordinary sight or touch, by ultraviolet light, by artificial light, and by the safranine-o dye test or by microscopic or microbiological examination.

Subp. 5. **Closed.** "Closed" means fitted snugly together leaving no openings large enough to permit the entrance of vermin.

Approved by Revisor

Subp. 6. **Commissary.** "Commissary" means a catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged, or stored.

Subp. 7. **Commissioner.** "Commissioner" means the commissioner of health or a designee.

Subp. 8. **Corrosion-resistant materials.** "Corrosion-resistant materials" means materials which maintain their original surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and bactericidal solution, and other conditions-of-use environment.

Subp. 9. **Department.** "Department" means the Minnesota Department of Health.

Subp. 10. **Easily cleanable.** "Easily cleanable" means surfaces which are readily accessible and made of such materials and finish and so fabricated that residue may be effectively removed by ordinary cleaning methods.

Subp. 11. **Embargo.** "Embargo" means the withholding of food, equipment, utensils, or clothing from sale or use in any establishment licensed as a restaurant, boarding house, or place of refreshment until approval is given by the commissioner for such sale or use.

Subp. 12. **Employee.** "Employee" means a person working in a food or beverage service establishment who transports food or food containers, who engages in food preparation or service, or who comes in contact with any food utensils or equipment.

Subp. 13. **Equipment.** "Equipment" means stoves, ovens, ranges, hoods, slicers, mixers, meatblocks, tables, counters, refrigerators, freezers, ice machines, sinks, dishwashing machines, steam tables, and similar items other than utensils used in the operation of a food or beverage service establishment.

Subp. 14. **Food.** "Food" means any 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

Approved
by Revisor _____

consumption.

Subp. 15. **Food and beverage service establishments.** "Food and beverage service establishments" means establishments defined in Minnesota Statutes, chapter 157, and includes drive-ins, bars, taverns, drive-in cafes, clubs, lodges, eating facilities at resorts, schools, day care facilities, children's camps, fairs, circuses, carnivals, churches, and public buildings, except as exempted by Minnesota Statutes, section 157.14, and all other businesses and establishments where meals, lunches, or drinks are served.

Subp. 16. **Food-contact surface.** "Food-contact surface" means surfaces of equipment and utensils with which food normally comes in contact, and surfaces from which food may drain, drip, or splash back onto surfaces normally in contact with food.

Subp. 17. **Garbage.** "Garbage" means discarded material resulting from the handling, processing, storage, preparation, serving, and consumption of food.

Subp. 18. **Hermetically sealed container.** "Hermetically sealed container" means a container designed and intended to be secure against the entry of micro-organisms and to maintain the commercial sterility of its content after processing.

Subp. 19. **Itinerant food service.** "Itinerant food service" means a food service establishment that is disassembled and moved from location to location, remaining no more than 14 consecutive days at any one place.

Subp. 20. **Kitchenware.** "Kitchenware" means all multi-use utensils other than tableware.

Subp. 21. **Law.** "Law" includes federal regulations, state statutes and rules, and local ordinances.

Subp. 22. **Limited food service establishment.** "Limited food service establishment" means a food establishment serving only prepackaged food for example, frozen pizza and sandwiches which receive no more than heat treatment.

Subp. 23. **Mobile food service.** "Mobile food service" means a food service establishment that is a vehicle mounted

Approved
by Revisor _____

unit, either motorized or trailered, and readily movable without disassembling, for transport to another location and remaining for no more than 14 consecutive days at any one place.

Subp. 24. **National sanitation foundation standard.** "National sanitation foundation standard" means a standard issued and recommended by the National Sanitation Foundation for equipment used in food establishments. The standards are published by the National Sanitation Foundation, 3475 Plymouth Road, P.O. Box 1468, Ann Arbor, Michigan 48106. The standards listed in parts 4625.3701, subpart 2, item A, and 4625.3801, subpart 6, items D and F, are incorporated by reference and are available through the Minitex interlibrary loan system. The standards are not subject to frequent change.

Subp. 25. **Packaged.** "Packaged" means bottled, canned, cartoned, or securely wrapped.

Subp. 26. **Perishable food.** "Perishable food" means a food of the type or in the condition that may spoil.

Subp. 27. **Person in charge.** "Person in charge" means the individual present in a food service establishment who is the apparent supervisor of the food service establishment at the time of inspection. If no individual is the apparent supervisor, then ~~an~~ any employee present is the person in charge.

Subp. 28. **Potable water.** "Potable water" means water of a quality and from a source of supply and system operated, located, and constructed in accordance with the department rules relating to public water supplies, water wells, and plumbing installations.

Subp. 29. **Potentially hazardous food.** "Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, mollusk, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic micro-organisms. The term does not include clean, whole, uncracked, odor-free, shell eggs or foods which have a pH level of 4.6 or below or a water activity (aW) value of 0.85 or less.

Approved
by Revisor _____

Subp. 30. **Push cart.** "Push cart" means a nonself-propelled vehicle limited to serving nonpotentially hazardous foods or commissary-wrapped food maintained at proper temperatures, or limited to the preparation and serving of frankfurters and other precooked ready-to-eat link sausages.

Subp. 31. **Reconstituted.** "Reconstituted" means dehydrated food products recombined with water or other liquids.

Subp. 32. **Safe material.** "Safe material" means articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in becoming a component or otherwise affecting the characteristics of any food. If materials used are food additives or color additives as defined in the Federal Food, Drug and Cosmetic Act, United States Code, title 21, section 321, they are safe only if they are used in conformity with regulations established pursuant to the act, as provided by United States Code, title 21, section 348 or 376. Other materials are safe only if, as used, they are not food additives or color additives as defined in United States Code, title 21, section 321, and are used in conformity with all applicable regulations of the United States Food and Drug Administration.

Subp. 33. **Safe temperatures.** "Safe temperatures" as applied to potentially hazardous food, means temperatures of 40 degrees Fahrenheit (four degrees centigrade) or below, and 150 degrees Fahrenheit (66 degrees centigrade) or above.

Subp. 34. **Sanitization.** "Sanitization" means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on utensils and equipment.

Subp. 35. **Sealed.** "Sealed" means free of cracks or other openings that permit the entry or passage of moisture.

Subp. 36. **Single-service articles.** "Single-service articles" means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, placemats, napkins, doilies, wrapping materials, toothpicks, and similar

Approved by Revisor _____

articles intended for one-time, one-person use and then discarded.

Subp. 37. **Smooth.** "Smooth" means having an even surface, free of cracks, chips, open seams, rust, corrosion, breaks, pits, checks, and ridges.

Subp. 38. **Special event food stand.** "Special event food stand" means a food service used in conjunction with celebrations or special events, used not more than twice annually, and remaining no more than 14 consecutive days at any one location.

Subp. 39. **Tableware.** "Tableware" means ~~multi-use~~ eating and drinking utensils, including flatware.

Subp. 40. **Utensils.** "Utensils" means any kitchenware, tableware, dishes, glassware, cutlery, pots, pans, and containers used in the storage, preparation, transportation, or service of food.

Subp. 41. **Wholesome.** "Wholesome" means ~~sound, healthful~~, clean, unadulterated, and in all ways fit for human consumption.

4625.2501 SCOPE.

Parts 4625.2401 to 4625.7801 apply to all food and beverage service establishments, such as restaurants, boarding houses, and places of refreshment, as defined in Minnesota Statutes, chapter 157, and in parts 4625.2401 to 4625.7801, whether or not a license is required under Minnesota Statutes, section 157.03.

4625.2601 ADMINISTRATION.

Subpart 1. **Food samples.** Samples of food may be collected without cost and examined by the commissioner ~~as often as may be necessary for the enforcement of parts 4625.2401 to 4625.7801.~~ ~~The commissioner may condemn and forbid the sale of, or cause to be removed or destroyed, any food that is unwholesome or adulterated, prepared, processed, handled, packaged, transported, or stored in an unwholesome manner, unfit for human consumption, or otherwise prohibited by law.~~

Subp. 2. **Embargo.** The commissioner may embargo and forbid the sale of, or cause to be removed or destroyed, any food that

Approved by Revisor _____

is unwholesome or adulterated; prepared, processed, handled, packaged, transported, or stored in an unwholesome manner; unfit for human consumption; or otherwise prohibited by law. Equipment and utensils, which do not meet the requirements of parts 4625.2401 to 4625.7801, may be embargoed. Equipment and utensils must be released from the embargo upon notification of the commissioner by the person in charge of modification of the equipment or utensils to meet the requirements of parts 4625.2401 to 4625.7801 and after inspection of the utensils and equipment by the commissioner.

consistent w/ above

Subp. 3. **Condemnation.** The commissioner may condemn and cause to be removed any food, equipment, clothing, or utensils found in a food establishment, the use of which would not comply with parts 4625.2401 to 4625.7801, or which is being used in violation of parts 4625.2401 to 4625.7801 and also may condemn and cause to be removed any equipment, clothing, or utensils which by reasons of dirt, filth, extraneous matter, insects, corrosion, open seams, or chipped or cracked surfaces is unfit for use.

Subst. change

Subp. 4. **Tag.** The commissioner may place a tag to indicate the embargo or the condemnation upon food, equipment, utensils, or clothing. No person shall remove the tag except under the direction of the commissioner.

Substantive Change ?

4625.2650 VARIANCES AND WAIVERS.

Subpart 1. **Procedures to request a variance or waiver.** A licensee may request that the commissioner grant a variance or waiver from the provisions in parts 4625.2401 to 4625.7801. All requests for a variance or waiver must be submitted to the department in writing. Each request shall contain:

A. the specific language in the rule from which the variance or waiver is requested;

B. the reasons for the request;

C. the alternative measures that will be taken if a variance or waiver is granted;

D. the length of time for which the variance or

Approved by Revisor _____

waiver is requested; and

E. other relevant information necessary to properly evaluate the request for the variance or waiver.

broad

Subp. 2. **Criteria for decision.** The decision to grant or deny a variance or waiver shall be based on the commissioner's evaluation that:

A. the variance or waiver will not adversely affect the environment;

B. the alternative measures to be taken, if any, are equivalent to or superior to those prescribed in the rule; and

C. compliance with the rule would impose an undue burden on the applicant.

Subp. 3. **Notification of variance.** The commissioner shall notify the applicant in writing of the decision to grant or deny a variance or waiver. If a variance or waiver is granted, the notification shall specify the period of time for which the variance or waiver will be effective and the alternative measures or conditions, if any, the applicant must meet.

Subp. 4. **Effect of alternative measures or conditions.** All alternative measures or conditions attached to a variance or waiver have the force and effect of the applicable rule and are subject to the issuance of correction orders and penalties as provided by law.

?

Subp. 5. **Renewal.** A request for the renewal of a variance or waiver must be submitted in writing before its expiration date. Renewal requests shall contain the information in subpart 1. The commissioner shall renew a variance or waiver if the applicant continues to satisfy the criteria in subpart 1, and demonstrates compliance with the alternative measures or conditions imposed when the original variance or waiver was granted.

Subp. 6. **Denial, revocation, or refusal to renew.** The commissioner shall deny, revoke, or refuse to renew a variance or waiver if the commissioner determines that the criteria in ~~subpart~~ subparts 1 and 2 are not met. The commissioner shall notify the applicant in writing of the decision to deny, revoke,

Approved
by Revisor _____

or refuse to renew the variance or waiver. The notice must describe the reasons for the denial, revocation, or refusal to renew, and inform the applicant of the right to appeal the decision.

Subp. 7. **Appeal procedure.** An applicant may contest the denial, revocation, or refusal to renew a variance or waiver by requesting a contested case hearing under the Administrative Procedure Act, Minnesota Statutes, chapter 14. The applicant shall submit, within 15 days after receiving the commissioner's decision, a written request for a hearing. The request for a hearing shall state, in detail, the reasons why the decision of the commissioner should be reversed or modified. At the hearing, the applicant bears the burden of proving that the applicant has satisfied the criteria specified in subpart 1.

4625.2701 PLAN REVIEW OF FUTURE CONSTRUCTION.

Whenever a food or beverage service establishment is constructed or extensively remodeled and whenever an existing structure is converted to use as a food or beverage service establishment under Minnesota Statutes, section 157.03, properly prepared plans and specifications for the construction, remodeling, or conversion must be submitted to the commissioner for review and approval before construction, remodeling, or conversion is begun. The plans and specifications must indicate the proposed layout, arrangement, plumbing specifications, construction materials of work areas, and the type and model number of proposed fixed equipment and facilities. The plans and specifications, submitted in duplicate and drawn to scale, must be legible and complete in all details.

The commissioner shall approve the plans and specifications if they meet the requirements of parts 4625.2401 to 4625.7801 and report the findings within 30 days of the date that plans are received.

The facility must be constructed and finished in conformance with the approved plans.

The department shall inspect the food or beverage service

Approved
by Revisor _____

establishment before the start of operation to determine compliance with the approved plans and specifications.

4625.2801 MISREPRESENTATION OF FOOD.

The person in charge of any food or beverage service establishment shall not in any way misrepresent food or beverages offered to the public. Practices which constitute misrepresentation include:

A. the sale of adulterated food;

B. the substitution of food items of lesser quality, or food different from items as advertised;

C. making statements giving incorrect or deceptive points of origin;

D. making misleading statements of size, number, weight, or price; and

E. not meeting standards of identity prescribed by law for certain foods.

4625.2901 EMERGENCY FIRST AID FOR CHOKING.

A food service establishment which is not an itinerant, mobile, special event, or limited food service establishment must post a chart illustrating the use of an emergency first aid procedure approved by the commissioner, to relieve a patron with a restricted airway. The illustration must be posted in the food preparation area where all employees may easily see it.

4625.3001 MINNESOTA CLEAN INDOOR AIR ACT.

The person in charge of a food and beverage establishment shall make adequate provisions to meet the requirements of the Minnesota Clean Indoor Air Act, Minnesota Statutes, sections 144.411 to 144.417, and chapter 4620.

4625.3101 ITINERANT, MOBILE FOOD SERVICES OR PUSHCARTS, AND SPECIAL EVENT FOOD STANDS.

Itinerant, mobile food services or pushcarts, and special event food stands must comply with all provisions of parts 4625.2401 to 4625.7801 which are applicable to their operation. The establishments and units must be operated in an approved

Approved by Revisor _____

manner. [The commissioner may impose additional requirements to protect against health hazards related to the conduct of their operation and may prohibit the sale or giveaway of some or all potentially hazardous foods.] When no health hazard is likely to result, the commissioner may modify specific requirements for physical facilities.

4625.3201 FOOD AND FOOD HANDLING.

Subpart 1. **Food sources and supplies.** Food must be in a sound condition, free from spoilage, filth, or other contamination and must be safe for human consumption. Food must be obtained from sources that comply with laws relating to food and food labeling and approved by the commissioner of health or agriculture. The use, storage, or serving of food in hermetically sealed containers not prepared in a food processing plant licensed by the United States Department of Agriculture, Food and Drug Administration, or Minnesota Department of Agriculture, and other food not prepared in a licensed food establishment is prohibited.

Subp. 2. **Special requirements.** Fluid milk and fluid milk products used or served must be pasteurized and must meet the Grade A quality standards in Minnesota Statutes, chapter 32. Fluid milk and fluid milk products must be served to the consumer in individual, unopened, commercially filled original containers not exceeding one pint in capacity, or drawn from a commercially filled container stored in a mechanically refrigerated bulk milk dispenser. Where a bulk dispenser for milk and milk products is not available and portions of less than one-half pint are required for mixed drinks, cereal, or dessert service, milk and milk products may be poured from a commercially filled container of not more than one-half gallon capacity. Nondairy creaming or whitening agents must be provided in an individual service container or drawn from a refrigerated dispenser designed for such service. Dry milk, dry milk products, and nondairy product substitutes may be used in instant dessert and whipped products or for cooking, baking,

Approved
by Revisor _____

manufacturing, and processing purposes only.

Subp. 3. **Variance for certain establishments.** A variance covering dispensing of milk or milk products to the consumer in food services such as day care centers, boarding and lodging houses, and children's camps may be granted to permit milk to be poured from a commercially filled container of not more than one gallon capacity into the drinking vessel.

Subp. 4. **Frozen foods.** All frozen dairy foods such as ice cream, frozen custards, ice milk, milk sherbet, fruit or ice sherbet, yogurt, and frozen malted milk must meet requirements in Minnesota Statutes, chapter 32.

Subp. 5. **Shellfish.** Fresh and frozen shucked shellfish, like oysters, clams, or mussels, must be packed in nonreturnable packages identified with the name and address of the original shell stock processor, shucker-packer, or repacker, and the interstate certification number issued according to United States Code, title 42, section 243, and Code of Federal Regulations, title 21, section 1240.60. Shell stock and shucked shellfish must be kept in the container in which they were received until they are used. Each container of unshucked shell stock, like oysters, clams, or mussels, must be identified by an attached tab that states the name and address of the original shell stock processor, the kind and quality of shell stock, and an interstate certification number issued by the state or foreign shellfish control agency.

Subp. 6. **Meat.** All meat and meat products received, kept, or used in any manner in a food establishment must be officially identified as having been inspected by the United States Department of Agriculture in accordance with the Federal Meat Inspection Act, United States Code, title 21, sections 601 to 691. Products upon which any official identification is lost by reason of processing must be identified by the name and location of the processor.

Subp. 7. **Poultry.** All poultry and poultry meat products must be clean, wholesome, free from spoilage and adulteration, and must be processed in a food establishment meeting the

Approved
by Revisor _____

requirements established in the Poultry Products Inspection Act, United States Code, title 21, sections 451 to 469. Only clean whole eggs, with shell intact and without cracks or checks, or pasteurized liquid, frozen, or dry eggs or pasteurized dry egg products must be used, except that hard-boiled, peeled eggs, commercially prepared and packaged may be used. Liquid, frozen, and dry eggs and egg products may be used only for cooking, baking, manufacturing, and processing purposes.

Subp. 8. **Lubricants.** Only food grade lubricants of a safe material must be used on equipment designed to receive lubrication of bearings and gears on or within food-contact surfaces.

4625.3301 FOOD PROTECTION.

Subpart 1. **Protection generally.** Food must be protected from potential contamination including:

A. dusts, insects, rodents, and other vermin;

B. unclean equipment, work surfaces, utensils, and facilities;

C. unnecessary or improper handling;

D. coughs and sneezes;

E. flooding, drainage, and overhead leakage or drippage; and

F. utensils or equipment which have not been given bactericidal treatment.

Adequate and approved protection of all food must be provided after delivery and while being stored, prepared, displayed, served, or sold in food establishments or transported between establishments.

Subp. 2. **Emergency occurrences.** In the event of a fire, flood, power outage, or other event that might result in the contamination of food, or that might prevent potentially hazardous food from being held at required temperatures, the person in charge shall immediately contact the department. Upon receiving notice of this occurrence, the department ~~may~~ must take action that is necessary to protect the public health.

Subst. change but necessary - Agencies should have discretionary

Approved by Revisor _____

4625.3401 TEMPERATURE MAINTENANCE.

Subpart 1. **Potentially hazardous foods.** The internal temperature of all potentially hazardous foods must be maintained at 40 degrees Fahrenheit (four degrees centigrade) or below, or 150 degrees Fahrenheit (66 degrees centigrade) or above, except during preparation. Potentially hazardous foods requiring refrigeration after preparation must be rapidly cooled to an internal temperature of 40 degrees Fahrenheit (four degrees centigrade) or below within four hours after removal from the heating or hot holding device. Frozen food must be kept frozen and should be stored at an internal temperature of zero degrees Fahrenheit (minus 18 degrees centigrade) or below.

Subp. 2. **Storage facilities.** Adequate, properly designed, and conveniently located mechanical refrigeration or hot food storage facilities must be provided to ensure the maintenance of potentially hazardous food at required temperatures. Each storage facility must be provided with a numerically scaled temperature indicating device accurate to plus or minus three degrees Fahrenheit (plus or minus two degrees centigrade) located to measure the air temperature in the warmest part of the refrigeration facility or the coldest part of the hot holding facility. Temperature indicating devices must be securely fastened and located to be easily readable. Where it is impractical to install fixed temperature indicating devices on equipment such as cold table tops, steam tables, processing lines, kettles, heat lamps, or portable transport carriers, a product thermometer of metal stem type construction, numerically scaled, and accurate to plus or minus two degrees Fahrenheit (plus or minus one degree centigrade) must be provided and used to check internal food temperatures.

Subp. 3. **Poultry.** Poultry, poultry stuffings, stuffed meats, and stuffings containing meat must be cooked to heat all parts of the food to at least 165 degrees Fahrenheit (74 degrees centigrade) with no interruption of the cooking process.

Subp. 4. **Pork.** Pork and any food containing pork must be

Approved
by Revisor _____

cooked to heat all parts of the food to at least 150 degrees Fahrenheit (66 degrees centigrade), or, if cooked in a microwave oven, to at least 170 degrees Fahrenheit (77 degrees centigrade).

Subp. 5. **Beef roasts.** Beef roasts must be cooked according to the following requirements:

A. When beef roasts under ten pounds (five kilograms) in weight are cooked in a still dry heat oven, the oven must be preheated to and held at an air temperature of at least 350 degrees Fahrenheit (177 degrees centigrade) throughout the process. If cooked in a convection oven, the oven must be preheated to and held at an air temperature of at least 325 degrees Fahrenheit (163 degrees centigrade) throughout the process.

B. When beef roasts of ten pounds (five kilograms) or over in weight are cooked in a dry heat oven, the oven must be preheated to and held at an air temperature of at least 250 degrees Fahrenheit (122 degrees centigrade) throughout the process.

C. In order to meet public health requirements for the processes in ~~this item~~ items A and B, the following table lists the minimum internal temperature of the beef roast for the minimum time the roast needs to be held at such temperature:

MINIMUM HOLDING TIMES FOR BEEF ROASTS
AT VARIOUS INTERNAL TEMPERATURES

Minimum internal temperature		Minimum holding time
Degrees Fahrenheit	Degrees Centigrade	Minutes
130	54.4	121
131	55.0	97
132	55.6	77
133	56.1	62
134	56.7	47
135	57.2	37

Approved by Revisor _____

136	57.8	32
137	58.4	24
138	58.9	19
139	59.5	15
140	60.0	12
141	60.6	10
142	61.1	8
143	61.7	6
144	62.2	5

D. If cooked in a microwave oven, beef roasts must be cooked to an internal temperature of at least 145 degrees Fahrenheit (63 degrees centigrade).

Subp. 6. **Reheating.** Potentially hazardous foods that have been cooked and then refrigerated, if reheated, must be heated rapidly to 165 degrees Fahrenheit (74 degrees centigrade) or higher throughout before being served or before being placed in a hot food storage facility. Steam tables, bainmaries, warmers, and similar hot food holding facilities are prohibited for the rapid reheating of potentially hazardous foods.

Subp. 7. **Thawing potentially hazardous foods.** Potentially hazardous foods must be thawed in one of the following ways:

A. in refrigerated units at a temperature not to exceed 40 degrees Fahrenheit (four degrees centigrade);

B. under potable running water of a temperature of 70 degrees Fahrenheit (21 degrees centigrade) or below, and allowing the water to **waste** discharge directly to the drain;

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.

4625.3501 PREPARATION, DISPLAY, AND SERVICE.

Subpart 1. **Minimum manual contact.** Food must be prepared or processed with the least possible manual contact and in a

Approved by Revisor _____

manner that prevents cross-contamination of products. Only suitable utensils or equipment which have been cleaned, rinsed, and sanitized before use to prevent cross-contamination, must be used in food preparation.

Subp. 2. **Raw fruits and vegetables.** Raw fruits and vegetables must be thoroughly washed with potable water before being cooked or served.

Subp. 3. **Re-service.** Once food has been served to a consumer, it must not be served again, except that packaged food, other than potentially hazardous food, that is still packaged and is in sound condition may be re-served.

Subp. 4. **Shellfish.** Mollusks and crustacea, if served on the shell, must be served in the original shell. Reuse of shells for food service is prohibited.

Subp. 5. **Condiment dispensing.** Condiments, seasonings, and dressing for self-service use must be provided in individual packages, from dispensers, or from approved containers. Condiments provided for table or counter service must be individually portioned, except that catsup and other sauces may be served in the original container or pour-type dispenser. Sugar for consumer use must be provided in individual packages or in pour-type dispensers.

Subp. 6. **Dispensing utensils.** To avoid unnecessary manual contact with food, suitable dispensing utensils or equipment must be used by employees or provided to consumers who serve themselves. Between uses during service, dispensing utensils must be:

A. stored in the food with the dispensing utensil handle extended out of the food; or

B. stored clean and dry; or

C. stored in a running water ~~dipper well~~; or

D. stored either in a running water dipper well, or stored clean and dry in the case of dispensing utensils and malt collars used in preparing frozen desserts.

Subp. 7. **Display equipment.** Food on display must be protected from consumer contamination by the use of packaging or

Approved by Revisor _____

by the use of easily cleanable counter, serving line or salad bar food shields, display cases, or by other effective means. Adequate and sufficient hot or cold food facilities must be available to maintain the required temperature of potentially hazardous food on display.

Subp. 8. **Reuse of tableware.** Reuse of soiled tableware and single-service articles by self-service consumers returning to the service area for additional food must be prohibited. Beverage cups and glasses are exempt from this requirement.

Subp. 9. **Food transportation.** The requirements of temperature, storage, display, and those imposed for the protection of food against contamination, as contained in parts 4625.2401 to 4625.7801, must also apply in the transporting of food from one food establishment or other location to another food establishment or other location for delivery, service, or catering operations.

Subp. 10. **Storage.** Food, whether raw or prepared, if removed from the container or package in which it was obtained, must be stored in a clean, covered container. The container need not be covered during necessary periods of preparation or service. Container covers must be impervious and nonabsorbent, except that clean linens or napkins may be used for lining or covering bread or roll serving containers. Solid cuts of meat must be protected by being covered in storage, except that sides, quarters, or primal cuts of meat may be hung uncovered on clean hooks if no food product is stored beneath the meat.

Subp. 11. **Containers.** Containers of food must be stored a minimum of six 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. Containers may be stored on dollies, racks, or pallets, provided the equipment is easily movable and constructed to allow for easy cleaning. Food and containers of food must not be stored under exposed or unprotected sewer lines or similar sources of potential contamination. The storage of food in toilet rooms or vestibules is prohibited.

Approved by Revisor _____

Subp. 12. **Cross-contamination.** Food not subject to further washing or cooking before serving must be stored in a way that protects it against cross-contamination from food requiring washing or cooking.

Subp. 13. **Packaged food.** Packaged food must not be stored in contact with water or undrained ice. Wrapped sandwiches must not be stored in direct contact with ice. Ice intended for human consumption must not be used for cooling stored food, food containers, or food utensils~~, except that the ice may be used for cooling tubes conveying beverages or beverage ingredients to a dispenser head~~.

Subp. 14. **Bulk.** Bulk foods such as cooking oil, legumes, tubers, grains, syrup, salt, sugar, or flour and related derivative products not stored in the product container or package in which it was obtained, must be stored in a container identifying the food by common name.

Subp. 15. **Ice dispensing.** All ice must be manufactured only from potable water. Ice must be handled and transported in single-service containers, or in utensils which have been subjected to bactericidal treatment. Buckets, scoops, and ice containers, unless they are single-service utensils, must be made of a smooth, impervious material and designed to facilitate cleaning. They must be clean at all times. Canvas containers must not be used. If ice-crushers are used, they must be easily cleanable. They must be maintained in a clean condition, must be subject to bactericidal treatment and must be covered when not in use. Ice for consumer use must be dispensed with scoops or tongs from a properly protected storage device, or other ice self-dispensing utensils, through automatic single-service ice dispensing equipment, or be prepacked and portion controlled. Ice dispensing utensils must be stored on a clean surface or in the ice with the dispensing utensil's handle extended out of the ice. Between uses, ice transfer receptacles must be stored in a way that protects them from contamination.

4625.3601 DISEASE PREVENTION AND CONTROL AND EMPLOYEE PRACTICES.

Approved
by Revisor _____

Subpart 1. **Prohibited persons.** No person shall work in a food establishment in any capacity in which there is a likelihood of the person contaminating food or food-contact surfaces with pathogenic organisms or transmitting disease to other persons while:

A. infected with a disease in a communicable form that can be transmitted by foods;

B. while being a carrier of organisms that cause such a disease; or

C. while afflicted with a boil, an infected wound, or an acute respiratory infection.

Subp. 2. **Procedure when infection is suspected.** When the commissioner has reasonable cause to suspect the possibility of disease transmission from a food-service establishment employee, the commissioner shall secure an illness or morbidity history of the suspected employee or make such other investigation as may be indicated and take appropriate action. The commissioner may require any or all of the following measures:

what does this mean?

A. the immediate exclusion of the employee from all food service establishments;

B. the immediate closure of the food service establishment concerned until, in the opinion of the commissioner, no further danger of disease outbreak exists;

C. restriction of the suspected employee's services to an area of the establishment where there would be no danger of transmitting disease; and

D. adequate medical and laboratory examinations of the suspected employee, or other employees, and any body discharges.

Subp. 3. **Clothing.** Employees shall wear clean outer garments. Hairnets, headbands, caps, or other hair restraints must be worn to prevent the contamination of food, utensils, and equipment. Hair spray is not an acceptable hair restraint.

Subp. 4. **Employee practices.** Employees shall comply with the following requirements:

A. All employees shall thoroughly wash their hands

Approved by Revisor _____

and the exposed portions of their arms with soap and warm water in an approved handwashing facility 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, and maintain a high degree of personal cleanliness and conform to hygienic practices during all periods of duty.

B. Employees must not use tobacco in any form while on duty to handle, prepare, or serve food, or clean utensils and equipment in a food establishment. Employees must use tobacco only in designated locations approved by the department.

C. All employees shall consume food only in designated dining areas. An employee dining area must not be designated if consuming food in that location could cause contamination of other food, equipment, utensils, or other items needing protection.

D. Employees shall handle soiled equipment or utensils in a manner that minimizes contamination of their hands.

4625.3701 EQUIPMENT AND FACILITIES PROVIDED.

Subpart 1. **General.** A food establishment must have equipment, applicable to the operation conducted, which is designed, constructed, installed, located, and maintained according to parts 4625.2401 to 4625.7801.

Subp. 2. **Sanitary design, construction, and installation of equipment and utensils.** New and replacement equipment and utensils must be appropriate to the operation conducted and comply with the following:

A. All new and replacement equipment and utensils must be of such material, workmanship, and design as to be smooth, easily cleanable, resistant to wear, denting, buckling, pitting, chipping, and crazing; and capable of withstanding scrubbing, scouring, repeated corrosive action of cleaning compounds, and other normal conditions and operations.

B. Food contact surfaces must be nontoxic. Food-contact surfaces and surfaces which come in contact with

Approved by Revisor _____

food debris must be readily accessible for cleaning and inspection.

C. All equipment installed or placed in service after the effective date of parts 4625.2401 to 4625.7801 must comply with the following standards of the National Sanitation Foundation when applicable:

(1) Standard No. 1, Soda Fountain and Luncheonette Equipment, June 1984;

(2) Standard No. 2, Food Service Equipment, November 1987;

(3) Standard No. 3, Spray Type Dishwashing Machines, June 1982;

(4) Standard No. 4, Commercial Cooking and Hot Food Storage Equipment, June 1986;

(5) Standard No. 5, Commercial Hot Water Generating Equipment, November 1983;

(6) Standard No. 6, Dispensing Freezers, November 1982;

(7) Standard No. 7, Food Service Refrigerator and Storage Freezers, November 1985;

(8) Standard No. 8, Commercial Powered Food Preparation Equipment, November 1985;

(9) Standard No. 12, Automatic Ice Making Equipment, November 1984;

(10) Standard No. 13, Refuse Compactors and Compactor Systems, May 1985;

(11) Standard No. 18, Manual Food and Beverage Dispensing Equipment, November 1987;

(12) Standard No. 20, Commercial Bulk Milk Dispensing Equipment and Appurtenances, November 1985;

(13) Standard No. 25, Vending Machines for Food and Beverage, November 1987;

(14) Standard No. 26, Pot, Pan and Utensil Washers, December 1980;

(15) Standard No. 29, Detergent and Chemical Feeders for Commercial Spray Type Dishwashing Machines, June

Approved
by Revisor _____

1982;

(16) Standard No. 35, Laminated Plastics for Surfacing Food Service Equipment, May 1985;

(17) Standard No. 51, Plastic Materials and Components Used in Food Equipment, May 1978;

(18) Standard No. 59, Food Carts, June 1986; and

(19) Criteria C-2, Special Equipment and/or Devices, November 1983.

D. Used equipment which has met or exceeded the requirements of the National Sanitation Foundation under earlier standards may be installed when the equipment is in good repair and does not constitute a health hazard as determined by the commissioner. Equipment in use at the time of adoption of parts 4625.2401 to 4625.7801 which does not fully meet item C may be continued in use only if it is in good repair, capable of being maintained in a sanitary condition, has food-contact surfaces that are nontoxic, and is approved by the commissioner.

E. All equipment must be kept in good repair and installed and maintained to facilitate its cleaning and the cleaning of adjacent areas.

F. All equipment must be located and installed in such a manner as to ensure that preparation and service will minimize the potential for cross-contamination and improper handling of the food. Lavatories, chef sinks, utility sinks, refrigeration equipment, hot food handling equipment, and preparation and processing tables must be provided and maintained and shall be convenient and adequate as approved by the commissioner for the purpose for which they were designed.

G. Aisles and working spaces between units of equipment and walls must be unobstructed and of sufficient width to permit employees to perform their duties readily without contamination of food or food-contact surfaces by clothing or personal contact. All easily movable storage equipment such as pallets, racks, and dollies must be positioned to provide accessibility to working areas.

H. When the food service in a day care center is

Approved by Revisor _____

limited to serving ten or fewer individuals, or where the main meals of the day are not prepared in the center, the commissioner may waive specific equipment requirements of this part to permit the substitution of certain domestic type equipment for commercial type equipment which complies with the standards of the National Sanitation Foundation prescribed in item C.

I. When the food service in a boarding and lodging house is limited to serving ten or fewer residents, or where the main meals of the day are not prepared in the facility, the commissioner may waive specific equipment requirements of these rules as stated in item H.

4625.3801 CLEANING, SANITIZATION, AND STORAGE OF EQUIPMENT AND UTENSILS.

Subpart 1. **General.** All utensils and equipment must be thoroughly cleaned, and food-contact surfaces of utensils and equipment must be given sanitization treatment and must be stored in such a manner as to be protected from contamination.

Subp. 2. **Cleaning frequency.** The equipment and utensils must meet the following cleaning requirements:

A. Tableware must be washed, rinsed, and sanitized after each use.

B. To prevent cross-contamination, kitchenware and food-contact surfaces of equipment must be washed, rinsed, and sanitized after each use and following any interruption of operations during which time contamination may have occurred.

C. Where equipment and utensils are used for the preparation of foods on a continuous or production-line basis, utensils and food-contact surfaces of equipment must be washed, rinsed, and sanitized at intervals throughout the day and on a schedule based on food temperature, type of food, and amount of food particle accumulation.

D. The food-contact surfaces of kettles, grills, griddles, and similar cooking devices and the cavities and door seals of microwave ovens must be cleaned at least once a day,

Approved by Revisor _____

except that this shall not apply to hot oil cooking equipment and hot oil filtering systems. The food-contact surfaces of all cooking equipment must be kept free of encrusted grease deposits and other accumulated soil.

E. Nonfood-contact surfaces of equipment must be cleaned as often as is necessary to keep the equipment free of accumulation of dust, dirt, food particles, and other debris.

Subp. 3. **Oven utensils and equipment.** Utensils and equipment which routinely go into ovens for baking purposes and which are used for no other purpose ~~must~~ are not ~~be~~ required to be given bactericidal treatment; however, such utensils and equipment must be clean.

Subp. 4. **Wiping cloths.** Cloths used for wiping food spills on tableware, such as plates or bowls being served to the consumer, must be clean, dry, and used for no other purposes. Moist cloths used for wiping food spills on kitchenware and food-contact surfaces of equipment must be clean and rinsed frequently in an approved sanitizing solution. These cloths must be stored in sanitizing solution between uses. Moist cloths used for cleaning nonfood-contact surfaces of equipment such as counters, dining table tops, and shelves must be clean, rinsed, and used for no other purpose. These cloths must be stored in an approved sanitizing solution between uses.

Subp. 5. **Manual cleaning and sanitizing.** Manual cleaning and sanitizing must be done in the following manner:

A. For manual washing, rinsing, and sanitizing of utensils and equipment, a sink with not fewer than three compartments must be provided and used. Sink compartments must be large enough to permit the accommodation of the equipment and utensils, and each compartment of the sink must be supplied with hot and cold potable running water. Fixed equipment and utensils and equipment too large to be cleaned in sink compartments must be washed manually or cleaned through pressure spray methods.

B. Integral drain boards of adequate size must be provided at each end for proper handling of soiled utensils

Approved
by Revisor _____

before washing and for cleaned utensils following sanitizing and must be located so as not to interfere with the proper use of the utensil washing facilities.

C. Equipment and utensils must be preflushed or prescraped and, when necessary, presoaked to remove gross food particles and soil.

D. Except for fixed equipment and utensils too large to be cleaned in sink compartments, manual washing, rinsing, and sanitizing must be conducted in the following manner.

(1) Sinks must be cleaned before use.

(2) Equipment and utensils must be thoroughly washed in the first compartment with a hot detergent solution that is kept clean.

(3) Equipment and utensils must be rinsed free of detergent and abrasives with clean water in the second compartment.

(4) Equipment and utensils must be sanitized in the third compartment in an approved manner.

E. The food-contact surfaces of all equipment and utensils must be sanitized by:

(1) immersion for at least one-half minute in clean, hot water at a temperature of at least 170 degrees Fahrenheit (77 degrees centigrade);

(2) immersion for at least one minute in a clean solution containing at least 50 parts per million, but no more than 200 parts per million, of available chlorine as a hypochlorite and at a temperature of at least 75 degrees Fahrenheit (24 degrees centigrade);

(3) immersion for at least one minute in a clean solution containing at least 12.5 parts per million, but not more than 25 parts per million, of available iodine and having a pH range which the manufacturer has demonstrated to be effective and at a temperature of at least 75 degrees Fahrenheit (24 degrees centigrade);

(4) immersion in a clean solution containing any other chemical sanitizing agent allowed under Code of Federal

Approved
by Revisor _____

Regulations, title 21, section 178.1010, that will provide at least the equivalent bactericidal effect of a solution containing 50 parts per million of available chlorine as a hypochlorite at a temperature of at least 75 degrees Fahrenheit (24 degrees centigrade) for one minute; or

(5) for equipment too large to sanitize by immersion, but in which steam can be confined, treatment with steam free from materials or additives other than those specified in Code of Federal Regulations, title 21, section 173.310.

Equipment too large to sanitize by immersion, must be rinsed, sprayed, or swabbed with a sanitizing solution of at least twice the required strength for that particular sanitizing solution.

F. When hot water is used for sanitizing, the following facilities must be provided and used:

(1) an integral heating device or fixture installed in, on, or under the sanitizing compartment of the sink capable of maintaining the water at a temperature of at least 170 degrees Fahrenheit (77 degrees centigrade);

(2) a numerically scaled indicating thermometer, accurate to plus or minus three degrees Fahrenheit (plus or minus two degrees centigrade) convenient to the sink for frequent checks of water temperature; and

(3) dish baskets of such size and design to permit complete immersion of the tableware, kitchenware, and equipment in the hot water.

G. When chemicals are used for sanitization, they must not have concentrations higher than the maximum permitted under Code of Federal Regulations, title 21, section 178.1010, and a test kit or other device that accurately measures the parts per million concentration of the solution must be provided and used.

Subp. 6. **Mechanical cleaning and sanitizing.** Mechanical cleaning and sanitizing must be done in the following manner:

A. Cleaning and sanitizing may be done by spray-type

Approved by Revisor _____

or immersion utensil washing machines or by any other type of machine or device if it is demonstrated that it thoroughly cleans, sanitizes equipment and utensils, and meets the requirements in the National Sanitation Foundation Standard No. 3. These machines and devices must be properly installed, and maintained in good repair. Machines and devices must be operated in accordance with manufacturers' instructions, and utensils and equipment placed in the machine must be exposed to all washing cycles. Automatic detergent dispensers, wetting agent dispensers, and liquid sanitizer injectors must be properly installed and maintained.

B. Drainboards must be provided and be of adequate size for the proper handling of soiled utensils before washing and for cleaned utensils following sanitization, and must 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.

C. Equipment and utensils must be flushed or scraped and, when necessary, soaked to remove gross food particles and soil before being washed in a dishwashing machine unless a prewash cycle is a part of the dishwashing machine operation. Equipment and utensils must be placed in racks, trays, or baskets, or on conveyors, in a way that food-contact surfaces are exposed to the unobstructed application of detergent wash and clean rinse water and that permits free draining.

D. Machines (single-tank, stationary-rack, door-type machines, and spray-type glass washers) using chemicals for sanitization may be used, provided that:

(1) wash water temperatures, addition of chemicals, rinse water temperatures, and chemical sanitizers used are in conformance with Standards Nos. 3 and 29 of the National Sanitation Foundation;

(2) a test kit or other device that accurately measures the parts per million concentration of the sanitizing

Approved
by Revisor _____

solution must be available and used ~~while the chemical sanitizing machine is in use~~;

(3) containers for storing the sanitizing agent must be installed in such a manner as to ensure that operators maintain an adequate supply of sanitizing compound; and

(4) a visual or audible warning device must be provided for the operator to easily verify when the sanitizing agent is depleted.

~~F~~ E. Machines using hot water for sanitizing may be used provided that wash water and pumped rinse water must be kept clean and water must be maintained at not less than the temperature specified by the National Sanitation Foundation Standard No. 3, under which the machine is evaluated. A pressure gauge must be installed with a valve immediately adjacent to the supply side of the control valve in the final rinse line provided that this requirement must not pertain to a dishwashing machine with a pumped final rinse.

~~G~~ F. All utensil washing machines must be cleaned at least once per day ~~or more frequently if required~~.

Subp. 7. **Equipment and utensil storage.** Cleaned and sanitized equipment and utensils must be handled in a way that protects them from contamination.

A. Spoons, knives, and forks must be touched only by their handles. Cups, glasses, bowls, plates, and similar items must be handled without contact with inside surfaces or surfaces that contact the user's mouth.

B. Utensils must be air dried before being stored or must be stored in a self-draining position.

C. Cleaned and sanitized utensils and equipment must be stored at least six inches above the floor in a clean, dry location in a way that protects them from contamination by splash, dust, and other means. The food-contact surfaces of fixed equipment must also be protected from contamination. Equipment and utensils must not be placed under exposed sewer lines.

D. Glasses and cups must be stored inverted. Other

Approved by Revisor _____

stored utensils must be covered or inverted, wherever practical. Facilities for the storage of knives, forks, and spoons must be designed and used to present the handle to the employee or consumer.

Subp. 8. **Single-service articles.** Single-service articles must have been manufactured, packaged, transported, stored, handled, and dispensed in a sanitary manner.

Subp. 9. **Prohibited storage area.** The storage of food equipment, utensils, or single-service articles in toilet rooms or vestibules is prohibited.

4625.3901 PHYSICAL FACILITIES AND SANITATION.

Subpart 1. **Water supply.** Every food and beverage establishment must be provided with a supply of water which is adequate for the needs of the establishment. The water must be obtained from a public water supply system, or a source of supply and system which is located, constructed, and operated in accordance with rules governing public water supplies, parts 4720.0100 to 4720.4600 and water wells, parts 4725.0100 to 4725.7600.

Subp. 2. **Sewage.** All sewage, including liquid waste, must be disposed of to a public sewage system or to an approved individual sewage disposal system. Nonwater-carried sewage disposal facilities must be prohibited, ~~except as permitted by~~ the commissioner in remote areas or because of special ~~situations~~.

When there is no public sewage system available, an individual sewage disposal system must be designed, located, constructed, and operated in accordance with Minnesota Pollution Control Agency rules, parts 7080.0010 to 7080.0240.

Itinerant, mobile ~~food units~~, and special event food facilities may dispose of their liquid waste into receptacles ~~carried on the vehicle~~ for that purpose. This waste ultimately must be discharged into the public sewage system or otherwise disposed of in a manner which will not endanger any source of water supply, pollute any body of surface water,

Approved by Revisor _____

create a nuisance, or otherwise endanger the public health and safety.

Subp. 3. **Plumbing.** Plumbing must be sized, installed, and maintained to carry adequate quantities of water to required locations throughout the establishment, to prevent contamination of the water supply, and to convey sewage and liquid wastes adequately from the establishment to the sewage system so that it does not constitute a source of contamination of food, utensils, or equipment or create an unsanitary condition or nuisance.

Food service equipment such as refrigerators, ice makers, ice storage bins, and steam tables must not be directly connected to the sewer.

All new plumbing and all plumbing reconstructed or replaced after the effective date of parts 4625.2401 to 4625.4701 must be designed, constructed, and installed in conformity with the Minnesota Plumbing Code, parts 4715.0100 to 4715.5600.

Subp. 4. **Janitorial facilities.** Janitorial facilities including a janitorial utility sink or curbed cleaning facility must be provided ~~and~~. The facilities must not be located in ~~an area other than a~~ food preparation ~~or~~, storage ~~area~~, or toilet ~~room. If~~ rooms unless adequate separation~~,~~ or other protection has been provided~~,~~. The janitorial facility may be located in a packaged goods' storeroom or employee toilet room.

OK
Requirements have changed substantially

The use of lavatories, utensil washing or equipment washing, or food preparation sinks for ~~this purpose~~ janitorial purposes is prohibited.

Janitorial equipment must be stored in an approved manner in the janitorial facility.

Subp. 5. **Handwashing facilities.** Every food establishment, other than limited food establishments and mobile food units handling only prepackaged food must be provided with adequate, conveniently located, and approved handwashing facilities which are continually maintained with hot and cold running water, hand-cleansing soap or detergent, fingernail brushes, and single-service towels or hand-drying devices

Approved
by Revisor _____

providing heated air. Handwashing facilities must be accessible to persons at all times in all areas where food is prepared or served, where utensils and equipment are cleansed or sanitized, in or immediately adjacent to toilet rooms or other areas designated by the commissioner. Sinks used for food preparation or for washing equipment or utensils must not be used for handwashing. Each handwashing sink must be provided with hot and cold water tempered by means of a mixing valve or combination faucet. Any self-closing, slow-closing, or metering faucet must be designed to provide a flow of water for at least 15 seconds without the need to reactivate the faucet. Steam-mixing valves are prohibited.

Subp. 6. **Toilet facilities.** Every food establishment~~, with the exception of itinerant, mobile, and special event food facilities,~~ must be provided with conveniently located and approved toilet facilities for employees. These facilities must be kept clean and in good repair and free from flies, insects, and offensive odors. Toilet fixtures and seats must be of sanitary design and readily cleanable. The doors of all toilet rooms must be self-closing. Easily cleanable receptacles must be provided for waste materials. Toilet rooms used by women must have at least one covered waste receptacle. ~~Separate toilet facilities must be provided for men and women according to~~ The number of toilet facilities must be determined by part 4715.1215 of the State Plumbing Code, and meet the requirements for sanitation fixtures in section 705 of the Uniform Building Code, as amended in part 1305.1900, and the requirements for handicapped accessibility in chapter 1340. Where the use of nonwater-carried sewage disposal facilities have been approved by the commissioner, the facilities must be separate from the establishment and in accordance with the standards of the commissioner.

4625.4001 GARBAGE AND REFUSE DISPOSAL.

Before disposal, all garbage and refuse must be kept in tight, nonabsorbent, insect proof, rodent proof, and fireproof

Approved
by Revisor _____

containers. Containers must be kept covered with tight-fitting lids when filled, in storage, or not in continuous use. Containers need not be covered when stored in a special insect and rodent-proofed room or enclosure. All other refuse must be stored in containers, rooms, or areas in an approved manner. The rooms, enclosures, areas, and containers used must be adequate for the storage of all garbage and refuse accumulating on the premises between collections. ~~Adequate~~ cleaning facilities must be provided, and each container, room, or area shall be thoroughly cleaned after the emptying or removal of garbage and refuse. Containers designed with drains must have drain plugs maintained in place at all times except during cleaning. All garbage and refuse must be disposed of with sufficient frequency and in such a manner as to prevent a ~~nuisance~~.

4625.4101 INSECT, RODENT, AND ANIMAL CONTROL.

Subpart 1. **General.** Effective measures must be taken to prevent the entrance, breeding, or presence of rodents, flies, cockroaches, and other vermin or insects on the premises. The premises must be kept in such condition as to prevent the harborage or feeding of insects or rodents.

Subp. 2. **Openings.** Outside openings must be effectively protected against the entrance of rodents. Outside openings must be protected against the entrance of insects by tight-fitting, self-closing doors, closed windows, screening, controlled air currents, or other means. Screen doors must be self-closing, and screens for windows, doors, skylights, transoms, intake and exhaust air ducts, and other openings to the outside must be tight-fitting and free of breaks. Screening materials must not be less than 16 mesh to the inch.

Subp. 3. **Animals.** Live animals, including birds and turtles, shall be excluded from within the food service operational premises and from adjacent areas under the control of the person in charge. This exclusion does not apply to edible fish, crustacea, mollusks, or to fish in aquariums.

Approved
by Revisor _____

Patrol dogs accompanying security or police officers, or guide dogs accompanying sight-impaired persons or hearing-impaired persons shall be permitted in dining areas.

4625.4201 CONSTRUCTION AND MAINTENANCE OF PHYSICAL FACILITIES.

Subpart 1. **Floors.** The floor surfaces of all food and beverage preparation, food storage, equipment and utensil washing, food service areas, waitress stations, dressing rooms, locker rooms, toilet rooms and vestibules, janitorial areas, kitchens, and bars must be constructed of smooth, durable, nonabsorbent, easily cleanable materials which resist the wear and abuse to which they are subjected. Appropriate materials include commercial grade vinyl composition tile, sheet vinyl, ceramic tile, quarry tile, terrazzo, or equivalent. Vinyl floor coverings must not be used in walk-in refrigeration units and storage freezers.

The junctures between walls and floors must be coved. Rugs and carpets may be used in dining rooms and hallways, provided that the floor coverings are kept clean. Abrasive strips also may be used wherever deemed necessary to prevent accidents.

Mats and duckboards must be of nonabsorbent, nonwood, grease resistant materials. The size, design, and construction of the materials must facilitate easy cleaning. Duckboards must not be used as storage racks.

All floors must be kept clean and in good repair, and the use of sawdust and similar material is not permitted. Floor drains must be provided in all rooms where floors are subject to flooding-type cleaning or where normal operations release or discharge water or other liquid wastes on the floor. The floors must be graded to drain.

Subp. 2. **Walls and ceilings.** The walls and ceilings of all rooms must be kept clean and in good repair. All walls of rooms or areas in which food is prepared, areas where utensils or hands are washed, toilet rooms, janitorial areas, laundry rooms, or garbage and refuse storage rooms must have easily cleanable, smooth, nonabsorbent, washable surfaces to the

Approved
by Revisor _____

highest level of splash, spray, or abuse. Wall finishes must be resistant to the wear and abuse to which they are subject. Ceilings must be smooth and easily cleanable. The walls and ceilings must be finished in a light color. Concrete or pumice blocks used for interior wall construction in these locations must be finished and sealed to provide an easily cleanable surface.

Subp. 3. **Attachments.** Light fixtures, vent covers, wall-mounted fans, decorative materials, and similar equipment attached to walls and ceilings must be easily cleanable, and must be kept clean and in good repair.

Subp. 4. **Utility lines and pipes.** All utility lines and pipes such as electric, gas, water, sewage, and similar waste lines or services ~~should~~ must be installed in the walls, under floors, or above ceilings to avoid unnecessary exposure to food equipment, walls, floors, or ceilings. Exposed utility service lines or pipes must be installed so they do not obstruct or prevent the easy cleaning of food equipment, floors, walls, and ceiling surfaces.

4625.4301 LIGHTING.

Subpart 1. **Lighting source and amount.** Permanently fixed artificial light sources must be installed to provide at least 20 foot candles of light on all food preparation surfaces and at equipment or utensil washing work levels.

A. Permanently fixed artificial light sources must be installed to provide, at a distance of 30 inches from the floor:

(1) at least 20 foot candles of light in utensil and equipment storage areas and in lavatory and toilet areas; and

(2) at least ten foot candles of light in walk-in refrigerating units, dry food storage areas, and in all other areas.

B. Subdued lighting in dining rooms and public access areas is permissible, provided that lighting meeting the requirements in item A, subitem (2) must be available during all

Approved
by Revisor _____

clean-up operations.

Subp. 2. **Protective shielding.** Shielding or coating to protect against broken glass falling onto food must 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.

Infra-red or other heat lamps must be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.

4625.4401 VENTILATION.

Rooms must have sufficient exhaust ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious or disagreeable odors, smoke, and fumes. All ventilation equipment and facilities, gas or oil fired room heaters, and water heaters must be designed, installed, and operated in accordance with the rules of the State Building Code Division and the Uniform Fire Code. Intake and exhaust air ducts must be maintained to prevent the entrance of dust, dirt, and other contaminating materials.

4625.4501 DRESSING ROOMS AND LOCKER AREAS.

Subpart 1. **Dressing rooms.** If employees routinely change clothes within the establishment, rooms or areas must be designated and used for that purpose. These designated rooms or areas must not be used for food preparation, storage, or service, or for utensil washing or storage.

Subp. 2. **Locker areas.** Adequate lockers or other suitable facilities must be provided and used for the orderly storage and security of employee clothing and other belongings. Lockers or other suitable facilities may be located only in the designated dressing rooms or areas containing only completely packaged food or packaged single-service articles.

4625.4601 POISONOUS OR TOXIC MATERIALS.

Subpart 1. **Materials permitted.** Food service establishments must have only those poisonous or toxic materials

Approved
by Revisor _____

necessary for maintaining the establishment, cleaning and sanitizing equipment and utensils, and controlling insects and rodents.

Subp. 2. **Labeling of materials.** Containers of poisonous or toxic materials must be prominently and distinctly labeled, according to requirements in Code of Federal Regulations, title 7, section 162.10, and Minnesota Statutes, section 18B.14, for easy identification of contents.

Subp. 3. **Storage of materials.** Poisonous or toxic materials consist of the following categories:

A. insecticides and rodenticides; and

B. detergents, sanitizers, related cleaning or drying agents, caustics, acids, polishes, and other chemicals.

Materials in each of these two categories must be stored and physically located separate from each other. All poisonous or toxic materials must be stored in cabinets or in a similar physically separate place used for no other purpose. To preclude contamination, poisonous or toxic materials must not be stored above food, food equipment, utensils, or single-service articles, except that this requirement does not prohibit the convenient availability of detergents or sanitizers at utensil or dishwashing stations.

Subp. 4. **Use of materials.** Sanitizers, cleaning compounds, or other compounds intended for use on food-contact surfaces must not be used in a way that leaves a toxic residue on such surfaces or that constitutes a hazard to employees or other persons.

Poisonous or toxic materials must not be used in a way that contaminates food, equipment, or utensils, nor in a way other than in full compliance with the manufacturer's labeling.

Subp. 5. **Personal medications and first aid supplies.** Personal medications and first aid supplies must be stored to prevent them from contaminating food and food-contact surfaces.

4625.4701 PREMISES.

Subpart 1. **Housekeeping.** All parts of the food

Approved
by Revisor _____

establishment and its premises must be kept neat, clean, and free of litter and refuse. Cleaning operations must be conducted in a manner as to minimize contamination of food and food-contact surfaces. Only articles necessary for the operation and maintenance of the food establishment must be stored on the premises. Traffic of unnecessary persons through the food preparation and utensil washing areas is prohibited. The walking and driving surfaces of all exterior areas where food is served must be kept clean, properly drained, and finished so as to facilitate maintenance and minimize dust. Pressurized tanks and compressed gas cylinders must be properly secured to prevent them from being accidentally knocked over.

Subp. 2. **Cleaning equipment storage.** Maintenance and cleaning tools such as brooms, mops, vacuum cleaners, and similar equipment must be maintained and stored in a way that does not contaminate food, utensils, equipment, or linens and must be stored in an orderly manner for the cleaning of that storage location.

Subp. 3. **Living areas.** No operation of a food establishment ~~must~~ shall be conducted in any room used as living or sleeping quarters. Food service operations must be separated from any living or sleeping quarters by complete partitioning and solid, self-closing doors.

Subp. 4. **Laundry facilities.** Laundry facilities in a food establishment must be restricted to the washing and drying of linens, cloths, uniforms, and aprons necessary to the operation. If these items are laundered on the premises, an electric or gas dryer must be provided and used.

Separate rooms must be provided for laundry facilities except that such operations may be conducted in storage rooms containing only packaged foods or packaged single-service articles.

Subp. 5. **Linens and clothes storage.** Clean clothes and linens must be stored in a clean place and protected from contamination until used.

Soiled clothes and linens must be stored in nonabsorbent

Approved
by Revisor _____

containers or washable laundry bags until removed for laundering.

REQUIREMENTS FOR ITINERANT FOOD SERVICE

4625.4901 ITINERANT FOOD SERVICE ESTABLISHMENTS.

Subpart 1. **General.** An itinerant food service establishment must comply with all provisions of parts 4625.2401 to 4625.4701 that are applicable to their operation and must comply with parts 4625.4901 to 4625.5801. The commissioner may impose additional requirements to protect against health hazards related to the conduct of their operation and prohibit the sale or giveaway of some or all potentially hazardous foods. When no health hazard is likely to result, the commissioner may grant a variance or modify specific requirements of parts 4625.4901 to 4625.5801.

Subp. 2. **Restricted operations.** This subpart applies to an itinerant food service establishment approved under subpart 1 to operate without complying with the requirements of parts 4625.4901 to 4625.5801.

A. The itinerant food service establishment must be located where it is protected from possible contamination; for example toilets, animal pens, garbage collection sites. It must be protected from dust and windblown particulates by location, treatment of ground surfaces, or by having the establishment enclosed.

B. The commissioner may restrict the type of food served or the method of food preparation based on equipment limitations, commissary facilities, or climatic conditions.

4625.5001 CONSTRUCTION.

Subpart 1. **Work space.** Work spaces must be sized to permit unobstructed work activity. Equipment must be located to permit easy cleaning.

Subp. 2. **Floors.** The interior floor must be equivalent to one of the following:

A. solid concrete or asphalt; or

B. vinyl flooring or sealed wood.

Subp. 3. **Walls or enclosures.** The establishment must be

Approved by Revisor _____

capable of being fully enclosed on the sides and roof to provide protection against adverse weather. Canvas may be used. Solid interior surfaces must be finished with smooth, durable, nonabsorbent, easily cleanable material that resists the wear and abuse to which the surfaces are subjected. High gloss paint is the minimum acceptable finish.

4625.5101 EQUIPMENT.

Subpart 1. **General.** Food service equipment must comply with the applicable standards of the National Sanitation Foundation.

Subp. 2. **Refrigeration.** Mechanical refrigeration, containing a thermometer, is required for potentially hazardous foods such as meat, fish, poultry, milk, milk products, and eggs. A metal stem product thermometer with a range from zero degrees Fahrenheit (minus 18 degrees centigrade) to 220 degrees Fahrenheit (110 degrees centigrade) is required for measuring temperature of this food. Electricity must be provided to refrigeration units 24 hours a day when the food stand has been set in place for service.

Subp. 3. **Grills.** Charcoal grills are acceptable for cooking food as long as they are equipped with a lid and safe food temperatures are maintained.

Subp. 4. **Utensils.** Commercial food grade utensils must be used. Galvanized or soft plastic containers, wooden spoons, enamelware, paintbrushes, and similar materials are not acceptable. Garbage bags and garbage containers must not be used for covering or storing food.

Subp. 5. **Customer safety.** To help provide customer safety and prevent possible contamination by customers, food preparation and cooking areas must be protected by means of an impervious shield or by separation distances.

Subp. 6. **Handwashing facilities.** Handwashing facilities must be provided within the establishment. They must consist of:

A. soap, paper towels, and a water faucet or spigot that discharges into a waste line or holding vessel;

Approved
by Revisor _____

B. paper towels and a spray bottle containing a ~~germicidal~~ sanitizing solution of one teaspoon of household bleach to a gallon of water; or

C. moist towelettes when there is little or no food preparation.

Subp. 7. **Lighting.** All interior lights must be shielded or enclosed to prevent breakage. Lights used at night must not attract insects.

4625.5201 DISHWASHING FACILITIES, PROCEDURES, AND EQUIPMENT CLEANING.

Subpart 1. **General.** Single service, disposable eating and drinking utensils must be used unless approved permanent dishwashing facilities are available at the site. Approved dishwashing facilities consisting of at least three sufficiently sized basins must be provided for washing equipment and utensils used for food preparation and cooking.

Subp. 2. **Drying.** Space must be provided for air drying utensils. Towel drying is not permitted.

Subp. 3. **Manual utensil washing.** The procedure for manual utensil washing is:

A. wash in warm, soapy water;

B. rinse in clear water; and

C. sanitize for at least one minute in a sanitizing solution of sufficient concentration using one tablespoon of household liquid bleach per two gallons of water, and allow to air dry.

Subp. 4. **Cleaning of equipment.** Food contact equipment that must be cleaned in place, like meat slicers or soft serve ice milk dispensers, must be sanitized using a solution equal to that listed in subpart 3, item C.

Subp. 5. **Wiping cloths.** Cloths used to wipe equipment and counters must be stored in a sanitizing solution between uses. The solution must equal that listed in subpart 3, item C.

Subp. 6. **Sanitizer test kits.** Test kits or strips for analyzing sanitizer strength must be available and used.

Approved
by Revisor _____

4625.5301 FOOD, BEVERAGE, AND UTENSIL HANDLING AND STORAGE.

Subpart 1. **Food source.** All ice and food supplies must come from an ~~approved~~ commercial source. No home prepared food or food storage at home is permitted. Ice must be obtained only in chipped, crushed, or cubed form and in single-use safe plastic or wet-strength paper bag, filled and sealed at the point of manufacture. The ice must be held in these bags until it is dispensed in a way that protects it from contamination.

Subp. 2. **Temperatures.** Potentially hazardous food must be maintained at 40 degrees Fahrenheit (four degrees centigrade) or below, or 150 degrees Fahrenheit (66 degrees centigrade) or above.

Subp. 3. **Previously cooked foods.** If previously cooked food is reheated it must reach an internal temperature of at least 165 degrees Fahrenheit (75 degrees centigrade) throughout before being served. Any heated food left over at the end of the day must be discarded.

Subp. 4. **Storage.** Food and single service disposable utensils such as paper plates and plastic eating utensils must be clean, dry, covered, and kept at least six inches off the floor. Storage of packaged food in contact with water or undrained ice is prohibited. Wrapped sandwiches must not be stored in direct contact with ice.

Subp. 5. **Single service items and condiment dispensing.** Single service utensils and self-service food including condiments such as catsup, mustard, coffee whitener, and sugar must be individually packaged or be dispensed from an ~~enclosed~~ approved dispenser.

4625.5401 WATER SUPPLY.

Potable water must be obtained from an approved public water supply system. Water may not come from a residential well. If water is not provided under pressure at the establishment, it may be transported and stored in approved, cleanable, covered containers such as five- or ten-gallon coffee urns or nongalvanized beverage coolers containing spigots.

Approved
by Revisor _____

4625.5501 WASTEWATER AND REFUSE DISPOSAL.

Subpart 1. **Wastewater.** Wastewater must be discharged into an approved sanitary sewer system or a holding tank. Ground surface discharge is not permitted.

Subp. 2. **Refuse and garbage disposal.** Refuse must be deposited and stored so that it does not create a nuisance. Garbage containing food waste, if stored overnight or for extended periods of time, must be stored in tightly covered nonabsorbent containers.

4625.5601 INSECT CONTROL.

Effective insect control must be achieved through sanitation. If insecticides are used, they must be an approved type such as pyrethrins as the active ingredient, and used according to the manufacturer's directions. They must not be used when food or utensils are exposed. Intermittent spray dispensers and vapona strips must not be used.

4625.5701 EMPLOYEE PRACTICES.

Employees must comply with the following requirements:

A. Employees must maintain their hands in a clean and sanitary condition and wash hands immediately after going to the toilet, handling raw food, smoking, or otherwise soiling their hands.

B. Employees must not engage in food preparation or service activities if that person has a communicable disease, gastrointestinal illness, sore throat, or discharging wound.

C. Employees must not use tobacco in any form while on duty.

D. An employee's outer garments must be clean.

E. An employee must wear effective hair restraints such as hairnets, headbands, and caps while engaged in food preparation and service.

4625.5801 SAFETY.

Subpart 1. **Electrical.** Electrical service must comply with the Minnesota State Building Code Electrical Code, chapter

Approved
by Revisor _____

1315. Electrical lines must not be located in or near water.

Subp. 2. **Carbon dioxide.** Carbon dioxide and bottled gas cylinders must be secured by chains or other types of restraints.

Subp. 3. **Fire extinguisher.** A fire extinguisher with a minimum 2A 10 B-C rating must be present if required by the fire marshal.

REQUIREMENTS FOR MOBILE FOOD SERVICES OR PUSHCARTS

4625.5901 MOBILE FOOD SERVICES OR PUSHCARTS.

Subpart 1. **General.** Mobile food services or pushcarts must comply with all provisions of parts 4625.2401 to 4625.4701 which are applicable to their operation and must comply with parts 4625.5901 to 4625.6801. The commissioner may impose additional requirements to protect against health hazards related to the conduct of their operation and may prohibit the sale or giveaway of some or all potentially hazardous foods. When no health hazard is likely to result, the commissioner may grant a variance or modify specific requirements of parts 4625.5901 to 4625.6801 relating to physical facilities.

Subp. 2. **Restricted operations.** This subpart applies whenever a mobile food service or pushcart is approved under subpart 1 to operate without complying with all the requirements of parts 4625.5901 to 4625.6801.

A. The mobile food service or pushcart must be set in a location where it is not subject to flooding and is protected from possible contamination; for example toilets, animal pens, or garbage collection sites. It must be protected from dust and windblown particulates by location, treatment of ground surfaces, or by having the unit enclosed.

B. The commissioner may restrict the type of food served or the method of food preparation based on equipment limitations ~~or~~, commissary facilities, or climatic conditions.

4625.6001 CONSTRUCTION.

Subpart 1. **Work spaces.** Work spaces must be sized to permit unobstructed work activity. Equipment must be located to permit easy cleaning.

Approved by Revisor _____

Subp. 2. **Floors.** The interior floor must be noncorrosive metal or be surfaced with vinyl flooring or equivalent.

Subp. 3. **Walls or enclosures.** The unit must be capable of being fully enclosed on the sides and roof to provide protection during adverse weather. Interior surfaces must be finished with smooth, durable, nonabsorbent, easily cleanable material that resists the wear and abuse to which the surfaces are subjected. High gloss paint is the minimum, acceptable finish.

4625.6101 EQUIPMENT.

Subpart 1. **General.** Food service equipment must comply with the applicable standards of the National Sanitation Foundation.

Subp. 2. **Refrigeration.** Mechanical refrigeration, containing a thermometer, is required for potentially hazardous foods such as meat, fish, poultry, milk, milk products, and eggs. A metal stem product thermometer with a range from zero degrees Fahrenheit (minus 18 degrees centigrade) to 220 degrees Fahrenheit (104 degrees centigrade) is required for measuring temperatures of this food. Electricity must be provided to refrigeration units 24 hours a day when the mobile food stand has been set in place for service.

Subp. 3. **Exhaust system.** When grease laden cooking vapor or condensation is generated in the cooking process, a mechanical exhaust system must be provided to prevent grease and condensation from collecting on walls and ceilings.

Subp. 4. **Utensils.** Commercial food grade utensils must be used. Galvanized or soft plastic containers, wooden spoons, enamelware, paintbrushes, and similar materials are not acceptable. Garbage bags and garbage receptacles must not be used for covering or storing food.

Subp. 5. **Customer safety.** To help provide customer safety and prevent possible contamination by customers, food preparation and cooking areas must be protected by means of an impervious shield or by separation distances.

Subp. 6. **Handwashing facilities.** A handwashing sink

Approved
by Revisor _____

supplied with hot and cold running water, soap, and paper towels must be provided in all units where food is prepared.

Subp. 7. **Lighting.** All interior lights must be shielded or enclosed to prevent breakage. Lights used at night must not attract flying insects.

4625.6201 DISHWASHING FACILITIES, PROCEDURES, AND EQUIPMENT CLEANING.

Subpart 1. **General.** Single service, disposable eating and drinking utensils must be used unless approved permanent dishwashing facilities are available in the mobile unit. Dishwashing facilities must be available and consist of at least a three compartment sink, either free standing or installed in a counter.

Subp. 2. **Drying.** Space must be provided for air drying utensils. Towel drying is not permitted.

Subp. 3. **Manual utensil washing.** The procedure to be used for manual utensil washing is:

A. wash in warm, soapy water;

B. rinse in clean water;

C. sanitize for at least one minute in a sanitizing solution of sufficient concentration, using one tablespoon of household bleach per two gallons of water; and

D. allow to air dry.

Subp. 4. **Cleaning equipment.** Food contact equipment that must be cleaned in place, like meat slicers or soft serve ice milk dispensers, must be sanitized using a solution equal to that listed in subpart 3, item C.

Subp. 5. **Wiping cloths.** Cloths used to wipe equipment and counters must be stored in a sanitizing solution between uses. The solution must equal that listed in subpart 3, item C.

Subp. 6. **Sanitizer test kits.** Test kits or strips for analyzing sanitizer strength must be available and used.

4625.6301 FOOD, BEVERAGE, AND UTENSIL HANDLING AND STORAGE.

Subpart 1. **Food source.** All ice and food supplies must come from an approved commercial source. No home prepared food

Approved
by Revisor _____

or food stored at home is allowed. Food ~~may~~ must be kept in a licensed commissary, stock truck, or within the unit. Ice must be cubed or crushed and be sealed in a bag at the point of manufacture. The ice must be held in these bags until it is dispensed in a way that protects it from contamination.

Subp. 2. **Temperatures.** Potentially hazardous food must be maintained at 40 degrees Fahrenheit (four degrees centigrade) or below, and 150 degrees Fahrenheit (66 degrees centigrade) or above. This includes periods when it is being transported.

Subp. 3. **Previously cooked foods.** Previously cooked food that is reheated must reach an internal temperature of at least 165 degrees Fahrenheit (74 degrees centigrade) throughout before being served. Heated food that is left over at the end of the day must be discarded.

Subp. 4. **Storage.** Food and single service disposable utensils such as paper plates and plastic eating utensils must be clean, dry, covered, and kept at least six inches off the floor. Storage of packaged food in contact with water of undrained ice is prohibited. Wrapped sandwiches must not be in direct contact with ice.

Subp. 5. **Single service items and condiment dispensing.** Single service utensils and self-service food, including condiments, like catsup, coffee whitener, or sugar, must be individually packaged or dispensed from an ~~enclosed~~ approved dispenser.

4625.6401 WATER SUPPLY.

Subpart 1. **General.** Potable water must be obtained from an approved public water supply system. Water must not come from a residential well.

Subp. 2. **Holding tanks.** Each mobile food service ~~or pushcart~~ requiring a water system must be equipped with a fresh water holding tank that can be drained and a hot water heater, both of which are sufficiently sized to meet water demand. The holding tank must be corrosion resistent, nontoxic, and free of seams. When in operation, a unit may be directly supplied with

Approved by Revisor _____

water from an external water system. The connecting hose must be capped and otherwise protected when it is disconnected so that it will not be contaminated by waste discharge, road dust, oil, or grease.

Subp. 3. **System sanitizing.** The total water system must be sanitized each year before the unit is put into service.

4625.6501 WASTEWATER AND REFUSE DISPOSAL.

Subpart 1. **Wastewater.** Wastewater must be discharged directly into an approved sanitary sewer system or to a holding tank which will subsequently be discharged into a sewer system. Discharge lines and connections must not be compatible with the water supply connections. The holding tank must be at least 15 percent larger than the fresh water storage tank. Ground surface discharge is not permitted.

Subp. 2. **Refuse and garbage disposal.** Refuse must be deposited and stored in a manner that will not tend to create a nuisance. Garbage containing food waste, if stored overnight or for extended periods of time, must be stored in tightly covered nonabsorbent containers.

4625.6601 INSECT CONTROL.

Effective insect control must be achieved through sanitation. If insecticides are to be used, they must be an approved type such as pyrethrins as the active ingredient, used according to the manufacturer's directions. They must not be used when food or utensils are exposed. Intermittent spray dispensers and vapona strips must not be used.

4625.6701 EMPLOYEE PRACTICES.

Employees must comply with the following requirements:

A. Employees must maintain their hands in a clean and sanitary condition and wash hands immediately after going to the toilet, handling raw food, smoking, or otherwise soiling their hands.

B. An employee must not engage in food preparation or service activities if that person has a communicable disease,

Approved
by Revisor _____

gastrointestinal illness, sore throat, or discharging wound.

C. An employee must not use tobacco in any form while on duty.

D. An employee's outer garments must be clean.

E. An employee must wear effective hair restraints such as hairnets, headbands, and caps while engaged in food preparation and service.

4625.6801 SAFETY.

Subpart 1. **Electrical.** Electrical service must comply with the Minnesota State Building Code Electrical Code, chapter 1315. Electrical lines should not be located in or near water.

Subp. 2. **Carbon dioxide.** Carbon dioxide and bottled gas cylinders must be secured by chains or other types of restraints.

Subp. 3. **Fire extinguishers.** A fire extinguisher with a minimum 2A 10 B-C rating must be present if required by the fire marshal.

REQUIREMENTS FOR SPECIAL EVENT FOOD STANDS

4625.6901 SPECIAL EVENT FOOD STAND.

Subpart 1. **General.** Special event food stands must comply with all provisions of parts 4625.2401 to 4625.4701 which are applicable to their operation and must comply with parts 4625.6901 to 4625.7801. The commissioner may impose additional requirements to protect against health hazards related to the conduct of their operation and may prohibit the sale or giveaway of some or all potentially hazardous foods. When no health hazard is likely to result, the commissioner may grant a variance or modify specific requirements of parts 4625.6901 to 4625.7801.

Subp. 2. **Restricted operations.** This subpart applies whenever a special event food stand is approved under subpart 1 to operate without complying with all the requirements of parts 4625.6901 to 4625.7801.

A. The special event food stand must be located where it is not subject to flooding and is protected from possible contamination; for example toilets, animal pens, or garbage

Approved by Revisor _____

collection sites. It must be protected from dust and windblown particulates by location, treatment of ground surfaces, or by having the food stand enclosed.

B. The commissioner may restrict the type of food served or the method of food preparation based on equipment limitations, commissary facilities, or climatic conditions.

4625.7001 CONSTRUCTION.

Subpart 1. **Work spaces.** Work spaces must be sized to permit unobstructed work activity. Equipment must be located to permit easy cleaning.

Subp. 2. **Floors.** The interior floor must be constructed of concrete, asphalt, tight wood, or other similar cleanable material kept in good repair. Dirt or gravel, when graded to drain, may be used as subflooring when covered with clean, removable platforms or duckboards, or covered with wood chips, shavings, or other suitable materials effectively treated to control dust.

Subp. 3. **Walls or enclosures.** The stand must provide protection during adverse weather by its construction or location. If it does not, then food activities must cease during periods of adverse weather. Interior surfaces must be finished with smooth, durable, nonabsorbent, easily cleanable material that resists the wear and abuse to which the surfaces are subjected. High gloss paint is the minimum, acceptable finish.

4625.7101 EQUIPMENT.

Subpart 1. **General.** Food service equipment must be appropriately designed and sized for its use.

Subp. 2. **Refrigeration.** Mechanical refrigeration is required for potentially hazardous foods such as meat, fish, poultry, milk and milk products, and eggs. A metal stem product thermometer with a range from zero degrees Fahrenheit (minus 18 degrees centigrade) to 220 degrees Fahrenheit (104 degrees centigrade) is required for measuring temperature of this food. Electricity must be provided to refrigeration units 24 hours a

Approved by Revisor _____

day when the special event food stand has been set in place for service. Insulated chests containing dry ice or frozen refrigerant packs may be used for items such as ~~hot-dogs~~ wieners and precooked sausages as long as required temperatures are maintained. A thermometer is required for each refrigerator and insulated chest.

Subp. 3. **Cooking equipment.** Electric skillets, roasters, propane stoves, and charcoal grills equipped with lids are acceptable for cooking food as long as safe food temperatures are maintained. Crock pots may not be used.

Subp. 4. **Utensils.** Commercial food grade utensils must be used. Galvanized or soft plastic containers, wooden spoons, enamelware, paintbrushes, and similar materials are not acceptable. Garbage bags and garbage receptacles must not be used for covering or storing food.

Subp. 5. **Customer safety.** To help provide customer safety and prevent possible contamination by customers, food preparation and cooking areas must be protected by an impervious shield or by separation distances.

Subp. 6. **Handwashing facilities.** Handwashing facilities shall be provided within the stand. They shall consist of:

A. soap, paper towels, and a water faucet or spigot that discharges into a waste line or holding vessel; or

B. paper towels and a spray bottle containing a germicidal solution, using one teaspoon of household bleach to a gallon of water; or

C. moist towelettes when there is little or no food preparation.

Subp. 7. **Lighting.** All interior lights must be shielded or enclosed to prevent breakage. Lights used at night must not attract flying insects.

4625.7201 DISHWASHING FACILITIES, PROCEDURES, AND EQUIPMENT CLEANING.

Subpart 1. **General.** Single service, disposable eating and drinking utensils must be used unless approved permanent

Approved
by Revisor _____

dishwashing facilities are available. Utensils are to be washed and sanitized immediately before the special event and as often as necessary during the event. Utensils may be washed off the site if approval is granted. When this is done, the clean utensils must be suitably covered with plastic wrap or placed in a covered container when transported. When utensils are not washed at the site, enough utensils must be provided so that if one becomes soiled or contaminated, a clean one is available.

Subp. 2. **Drying.** Space must be provided for air drying utensils. Towel drying is not permitted.

Subp. 3. **Manual utensil washing.** The procedure for manual utensil washing is:

A. wash in warm, soapy water;

B. rinse in clean water;

C. sanitize for at least one minute in a sanitizing solution of sufficient concentration, using one tablespoon of household bleach per two gallons of water; and

D. allow to air dry.

Subp. 4. **Cleaning equipment.** Food contact equipment that must be cleaned in place, like meat slicers or soft serve ice milk dispensers, must be sanitized using a solution equal to that listed in subpart 3, item C.

Subp. 5. **Wiping cloths.** Cloths used to wipe equipment and counters must be stored in a sanitizing solution between uses. The solution must equal that listed in subpart 3, item C.

Subp. 6. **Sanitizer test kits.** Test kits or strips for analyzing sanitizer strength must be available and used.

4625.7301 FOOD, BEVERAGE, AND UTENSIL HANDLING AND STORAGE.

Subpart 1. **Food source.** All ice and food supplies must come from an approved commercial source. No home prepared food or food storage at home is permitted. Ice must be obtained only in chipped, crushed, or cubed form and in single-use safe plastic or wet-strength paper bags filled and sealed at the point of manufacture. The ice must be held in these bags until it is dispensed in a way that protects it from contamination.

Approved
by Revisor _____

When preparation or hot and cold holding equipment are not adequate for the volume of food prepared, food preparation activities must take place in a facility which is in compliance with parts 4625.2401 to 4625.4701, such as a restaurant, school, fraternal organization kitchen, or church.

Subp. 2. **Temperature.** Potentially hazardous food must be maintained at 40 degrees Fahrenheit (four degrees centigrade) or below and 150 degrees Fahrenheit (66 degrees centigrade) or above, including periods when it is being transported.

Subp. 3. **Previously cooked foods.** Previously cooked food that is reheated must reach an internal temperature of at least 165 degrees Fahrenheit (74 degrees centigrade) throughout before being served. Any heated food that is left over at the end of the day must be discarded.

Subp. 4. **Storage.** Food and single service disposable utensils such as paper plates and plastic eating utensils must be clean, dry, covered, and kept at least six inches off the floor. Storage of packaged food in contact with water or undrained ice is prohibited. Wrapped sandwiches must not be stored in direct contact with ice. Canned, bottled, and other containerized beverages except milk may be chilled in ice.

Subp. 5. **Single service items and condiment dispensing.** Single service utensils and self-service food including condiments such as catsup, mustard, coffee whitener, and sugar must be individually packaged or be dispensed from an ~~enclosed~~ approved dispenser.

4625.7401 WATER SUPPLY.

Potable water must be obtained from an approved public water supply system. Water must not come from a residential well. If water is not provided under pressure at the establishment, it may be transported and stored in approved, cleanable, covered containers such as five- or ten-gallon coffee urns or nongalvanized beverage coolers containing spigots.

4625.7501 WASTEWATER AND REFUSE DISPOSAL.

Subpart 1. **Wastewater.** Wastewater must be discharged into

Approved
by Revisor _____

an approved sanitary sewer system or a holding tank. Ground surface discharge is not permitted.

Subp. 2. **Refuse and garbage disposal.** Refuse and garbage must be deposited and stored in a manner that will not tend to create a nuisance. Garbage containing food waste if stored overnight or for extended periods of time must be stored in tightly covered nonabsorbent containers.

4625.7601 INSECT CONTROL.

Effective insect control is to be achieved through sanitation. If insecticides are to be used, they must be an approved type such as pyrethrins as the active ingredient, used according to the manufacturer's directions. They must not be used when food or utensils are exposed. Intermittent spray dispensers and vapona strips must not be used.

4625.7701 EMPLOYEE PRACTICES.

Employees must comply with the following requirements:

A. Employees must maintain their hands in a clean and sanitary condition and wash hands immediately after going to the toilet, handling raw food, smoking, or otherwise soiling their hands.

B. Employees must not engage in food preparation or service activities if that person has a communicable disease, gastrointestinal illness, sore throat, or discharging wound.

C. An employee must not use tobacco in any form while on duty.

D. An employee's outer garments must be clean.

E. An employee must wear effective hair restraints such as hairnets, headbands, and caps while engaged in food preparation and service.

F. An adult shall be responsible for the operation of the stand and shall supervise children working in the stand.

4625.7801 SAFETY.

Subpart 1. **Electrical.** Electrical service must comply with the Minnesota State Building Code Electrical Code, chapter

Approved
by Revisor _____

1315. Electrical lines should not be located in or near water.

Subp. 2. **Carbon dioxide.** Carbon dioxide and bottled gas cylinders must be secured by chains or other types of restraints.

Subp. 3. **Fire extinguishers.** A fire extinguisher with a minimum 2A 10 B-C rating must be present if required by the fire marshal.

REPEALER. Parts 4625.2400, 4625.2500, 4625.2600, 4625.2700, 4625.2800, 4625.2900, 4625.3000, 4625.3100, 4625.3200, 4625.3300, 4625.3400, 4625.3500, 4625.3600, 4625.3700, 4625.3800, 4625.3900, 4625.4000, 4625.4100, 4625.4200, 4625.4300, 4625.4400, 4625.4500, 4625.4600, 4625.4700, 4625.4800, and 4625.4900, are repealed.

Approved
by Revisor _____

Department of Health

Adopted Permanent Rules Relating to Food and Beverage Establishments

Rules as Adopted

REQUIREMENTS FOR FOOD AND BEVERAGE ESTABLISHMENTS

4625.2401 DEFINITIONS.

Subpart 1. **Scope.** For purposes of parts 4625.2401 to 4625.7801, the following terms have the meanings given them.

Subp. 2. **Adulterated.** "Adulterated" means the condition of a food if it bears or contains any poisonous or deleterious substance for which no safe tolerance has been established or in excess of such tolerance if one has been established; if it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for human consumption; if it has been processed, prepared, packed, or held under insanitary conditions, where it may have been rendered injurious to health; if it is in whole or in part the product of a diseased animal, or an animal which has died otherwise than by slaughter; or if its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health.

Subp. 3. **Approved.** "Approved" means acceptable to the commissioner according to applicable standards in parts 4625.2401 to 4625.7801 and good public health practices.

Subp. 4. **Clean.** "Clean" means free from insects, vermin, and debris and free from physical, chemical, and microbial substances discernible by ordinary sight or touch, by ultraviolet light, by artificial light, and by the safranine-o dye test or by microscopic or microbiological examination.

Subp. 5. **Closed.** "Closed" means fitted snugly together leaving no openings large enough to permit the entrance of vermin.

Approved by Revisor

Subp. 6. **Commissary.** "Commissary" means a catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged, or stored.

Subp. 7. **Commissioner.** "Commissioner" means the commissioner of health or a designee.

Subp. 8. **Corrosion-resistant materials.** "Corrosion-resistant materials" means materials which maintain their original surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and bactericidal solution, and other conditions-of-use environment.

Subp. 9. **Department.** "Department" means the Minnesota Department of Health.

Subp. 10. **Easily cleanable.** "Easily cleanable" means surfaces which are readily accessible and made of such materials and finish and so fabricated that residue may be effectively removed by ordinary cleaning methods.

Subp. 11. **Embargo.** "Embargo" means the withholding of food, equipment, utensils, or clothing from sale or use in any establishment licensed as a restaurant, boarding house, or place of refreshment until approval is given by the commissioner for such sale or use.

Subp. 12. **Employee.** "Employee" means a person working in a food or beverage service establishment who transports food or food containers, who engages in food preparation or service, or who comes in contact with any food utensils or equipment.

Subp. 13. **Equipment.** "Equipment" means stoves, ovens, ranges, hoods, slicers, mixers, meatblocks, tables, counters, refrigerators, freezers, ice machines, sinks, dishwashing machines, steam tables, and similar items other than utensils used in the operation of a food or beverage service establishment.

Subp. 14. **Food.** "Food" means any 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

Approved
by Revisor _____

consumption.

Subp. 15. **Food and beverage service establishments.** "Food and beverage service establishments" means establishments defined in Minnesota Statutes, chapter 157, and includes drive-ins, bars, taverns, drive-in cafes, clubs, lodges, eating facilities at resorts, schools, day care facilities, children's camps, fairs, circuses, carnivals, churches, and public buildings, except as exempted by Minnesota Statutes, section 157.14, and all other businesses and establishments where meals, lunches, or drinks are served.

Subp. 16. **Food-contact surface.** "Food-contact surface" means surfaces of equipment and utensils with which food normally comes in contact, and surfaces from which food may drain, drip, or splash back onto surfaces normally in contact with food.

Subp. 17. **Garbage.** "Garbage" means discarded material resulting from the handling, processing, storage, preparation, serving, and consumption of food.

Subp. 18. **Hermetically sealed container.** "Hermetically sealed container" means a container designed and intended to be secure against the entry of micro-organisms and to maintain the commercial sterility of its content after processing.

Subp. 19. **Itinerant food service.** "Itinerant food service" means a food service establishment that is disassembled and moved from location to location, remaining no more than 14 consecutive days at any one place.

Subp. 20. **Kitchenware.** "Kitchenware" means all multi-use utensils other than tableware.

Subp. 21. **Law.** "Law" includes federal regulations, state statutes and rules, and local ordinances.

Subp. 22. **Limited food service establishment.** "Limited food service establishment" means a food establishment serving only prepackaged food for example, frozen pizza and sandwiches which receive no more than heat treatment.

Subp. 23. **Mobile food service.** "Mobile food service" means a food service establishment that is a vehicle mounted

Approved
by Revisor _____

unit, either motorized or trailered, and readily movable without disassembling, for transport to another location and remaining for no more than 14 consecutive days at any one place.

Subp. 24. **National sanitation foundation standard.** "National sanitation foundation standard" means a standard issued and recommended by the National Sanitation Foundation for equipment used in food establishments. The standards are published by the National Sanitation Foundation, 3475 Plymouth Road, P.O. Box 1468, Ann Arbor, Michigan 48106. The standards listed in parts 4625.3701, subpart 2, item A, and 4625.3801, subpart 6, items D and F, are incorporated by reference and are available through the Minitex interlibrary loan system. The standards are not subject to frequent change.

Subp. 25. **Packaged.** "Packaged" means bottled, canned, cartoned, or securely wrapped.

Subp. 26. **Perishable food.** "Perishable food" means a food of the type or in the condition that may spoil.

Subp. 27. **Person in charge.** "Person in charge" means the individual present in a food service establishment who is the apparent supervisor of the food service establishment at the time of inspection. If no individual is the apparent supervisor, then ~~an~~ any employee present is the person in charge.

Subp. 28. **Potable water.** "Potable water" means water of a quality and from a source of supply and system operated, located, and constructed in accordance with the department rules relating to public water supplies, water wells, and plumbing installations.

Subp. 29. **Potentially hazardous food.** "Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, mollusk, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic micro-organisms. The term does not include clean, whole, uncracked, odor-free, shell eggs or foods which have a pH level of 4.6 or below or a water activity (aW) value of 0.85 or less.

Approved
by Revisor _____

Subp. 30. **Push cart.** "Push cart" means a nonself-propelled vehicle limited to serving nonpotentially hazardous foods or commissary-wrapped food maintained at proper temperatures, or limited to the preparation and serving of frankfurters and other precooked ready-to-eat link sausages.

Subp. 31. **Reconstituted.** "Reconstituted" means dehydrated food products recombined with water or other liquids.

Subp. 32. **Safe material.** "Safe material" means articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in becoming a component or otherwise affecting the characteristics of any food. If materials used are food additives or color additives as defined in the Federal Food, Drug and Cosmetic Act, United States Code, title 21, section 321, they are safe only if they are used in conformity with regulations established pursuant to the act, as provided by United States Code, title 21, section 348 or 376. Other materials are safe only if, as used, they are not food additives or color additives as defined in United States Code, title 21, section 321, and are used in conformity with all applicable regulations of the United States Food and Drug Administration.

Subp. 33. **Safe temperatures.** "Safe temperatures" as applied to potentially hazardous food, means temperatures of 40 degrees Fahrenheit (four degrees centigrade) or below, and 150 degrees Fahrenheit (66 degrees centigrade) or above.

Subp. 34. **Sanitization.** "Sanitization" means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on utensils and equipment.

Subp. 35. **Sealed.** "Sealed" means free of cracks or other openings that permit the entry or passage of moisture.

Subp. 36. **Single-service articles.** "Single-service articles" means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, placemats, napkins, doilies, wrapping materials, toothpicks, and similar

Approved
by Revisor _____

articles intended for one-time, one-person use and then discarded.

Subp. 37. **Smooth.** "Smooth" means having an even surface, free of cracks, chips, open seams, rust, corrosion, breaks, pits, checks, and ridges.

Subp. 38. **Special event food stand.** "Special event food stand" means a food service used in conjunction with celebrations or special events, used not more than twice annually, and remaining no more than 14 consecutive days at any one location.

Subp. 39. **Tableware.** "Tableware" means multi-use eating and drinking utensils, including flatware.

Subp. 40. **Utensils.** "Utensils" means any kitchenware, tableware, dishes, glassware, cutlery, pots, pans, and containers used in the storage, preparation, transportation, or service of food.

Subp. 41. **Wholesome.** "Wholesome" means sound, healthful, clean, unadulterated, and in all ways fit for human consumption.

4625.2501 SCOPE.

Parts 4625.2401 to 4625.7801 apply to all food and beverage service establishments, such as restaurants, boarding houses, and places of refreshment, as defined in Minnesota Statutes, chapter 157, and in parts 4625.2401 to 4625.7801, whether or not a license is required under Minnesota Statutes, section 157.03.

4625.2601 ADMINISTRATION.

Subpart 1. **Food samples.** Samples of food may be collected without cost and examined by the commissioner as often as may be necessary for the enforcement of parts 4625.2401 to 4625.7801. ~~The commissioner may condemn and forbid the sale of, or cause to be removed or destroyed, any food that is unwholesome or adulterated, prepared, processed, handled, packaged, transported, or stored in an unwholesome manner, unfit for human consumption, or otherwise prohibited by law.~~

Subp. 2. **Embargo.** The commissioner may embargo and forbid the sale of, or cause to be removed or destroyed, any food that

Approved by Revisor _____

is unwholesome or adulterated; prepared, processed, handled, packaged, transported, or stored in an unwholesome manner; unfit for human consumption; or otherwise prohibited by law. Equipment and utensils, which do not meet the requirements of parts 4625.2401 to 4625.7801, may be embargoed. Equipment and utensils must be released from the embargo upon notification of the commissioner by the person in charge of modification of the equipment or utensils to meet the requirements of parts 4625.2401 to 4625.7801 and after inspection of the utensils and equipment by the commissioner.

Subp. 3. **Condemnation.** The commissioner may condemn and cause to be removed any food, equipment, clothing, or utensils found in a food establishment, the use of which would not comply with parts 4625.2401 to 4625.7801, or which is being used in violation of parts 4625.2401 to 4625.7801 and also may condemn and cause to be removed any equipment, clothing, or utensils which by reasons of dirt, filth, extraneous matter, insects, corrosion, open seams, or chipped or cracked surfaces is unfit for use.

Subp. 4. **Tag.** The commissioner may place a tag to indicate the embargo or the condemnation upon food, equipment, utensils, or clothing. No person shall remove the tag except under the direction of the commissioner.

4625.2650 VARIANCES AND WAIVERS.

Subpart 1. **Procedures to request a variance or waiver.** A licensee may request that the commissioner grant a variance or waiver from the provisions in parts 4625.2401 to 4625.7801. All requests for a variance or waiver must be submitted to the department in writing. Each request shall contain:

A. the specific language in the rule from which the variance or waiver is requested;

B. the reasons for the request;

C. the alternative measures that will be taken if a variance or waiver is granted;

D. the length of time for which the variance or

Approved
by Revisor _____

waiver is requested; and

E. other relevant information necessary to properly evaluate the request for the variance or waiver.

Subp. 2. **Criteria for decision.** The decision to grant or deny a variance or waiver shall be based on the commissioner's evaluation that:

A. the variance or waiver will not adversely affect the environment;

B. the alternative measures to be taken, if any, are equivalent to or superior to those prescribed in the rule; and

C. compliance with the rule would impose an undue burden on the applicant.

Subp. 3. **Notification of variance.** The commissioner shall notify the applicant in writing of the decision to grant or deny a variance or waiver. If a variance or waiver is granted, the notification shall specify the period of time for which the variance or waiver will be effective and the alternative measures or conditions, if any, the applicant must meet.

Subp. 4. **Effect of alternative measures or conditions.** All alternative measures or conditions attached to a variance or waiver have the force and effect of the applicable rule and are subject to the issuance of correction orders and penalties as provided by law.

Subp. 5. **Renewal.** A request for the renewal of a variance or waiver must be submitted in writing before its expiration date. Renewal requests shall contain the information in subpart 1. The commissioner shall renew a variance or waiver if the applicant continues to satisfy the criteria in subpart 1, and demonstrates compliance with the alternative measures or conditions imposed when the original variance or waiver was granted.

Subp. 6. **Denial, revocation, or refusal to renew.** The commissioner shall deny, revoke, or refuse to renew a variance or waiver if the commissioner determines that the criteria in ~~subpart~~ subparts 1 and 2 are not met. The commissioner shall notify the applicant in writing of the decision to deny, revoke,

Approved
by Revisor _____

or refuse to renew the variance or waiver. The notice must describe the reasons for the denial, revocation, or refusal to renew, and inform the applicant of the right to appeal the decision.

Subp. 7. **Appeal procedure.** An applicant may contest the denial, revocation, or refusal to renew a variance or waiver by requesting a contested case hearing under the Administrative Procedure Act, Minnesota Statutes, chapter 14. The applicant shall submit, within 15 days after receiving the commissioner's decision, a written request for a hearing. The request for a hearing shall state, in detail, the reasons why the decision of the commissioner should be reversed or modified. At the hearing, the applicant bears the burden of proving that the applicant has satisfied the criteria specified in subpart 1.

4625.2701 PLAN REVIEW OF FUTURE CONSTRUCTION.

Whenever a food or beverage service establishment is constructed or extensively remodeled and whenever an existing structure is converted to use as a food or beverage service establishment under Minnesota Statutes, section 157.03, properly prepared plans and specifications for the construction, remodeling, or conversion must be submitted to the commissioner for review and approval before construction, remodeling, or conversion is begun. The plans and specifications must indicate the proposed layout, arrangement, plumbing specifications, construction materials of work areas, and the type and model number of proposed fixed equipment and facilities. The plans and specifications, submitted in duplicate and drawn to scale, must be legible and complete in all details.

The commissioner shall approve the plans and specifications if they meet the requirements of parts 4625.2401 to 4625.7801 and report the findings within 30 days of the date that plans are received.

The facility must be constructed and finished in conformance with the approved plans.

The department shall inspect the food or beverage service

Approved
by Revisor _____

establishment before the start of operation to determine compliance with the approved plans and specifications.

4625.2801 MISREPRESENTATION OF FOOD.

The person in charge of any food or beverage service establishment shall not in any way misrepresent food or beverages offered to the public. Practices which constitute misrepresentation include:

A. the sale of adulterated food;

B. the substitution of food items of lesser quality, or food different from items as advertised;

C. making statements giving incorrect or deceptive points of origin;

D. making misleading statements of size, number, weight, or price; and

E. not meeting standards of identity prescribed by law for certain foods.

4625.2901 EMERGENCY FIRST AID FOR CHOKING.

A food service establishment which is not an itinerant, mobile, special event, or limited food service establishment must post a chart illustrating the use of an emergency first aid procedure approved by the commissioner, to relieve a patron with a restricted airway. The illustration must be posted in the food preparation area where all employees may easily see it.

4625.3001 MINNESOTA CLEAN INDOOR AIR ACT.

The person in charge of a food and beverage establishment shall make adequate provisions to meet the requirements of the Minnesota Clean Indoor Air Act, Minnesota Statutes, sections 144.411 to 144.417, and chapter 4620.

4625.3101 ITINERANT, MOBILE FOOD SERVICES OR PUSHCARTS, AND SPECIAL EVENT FOOD STANDS.

Itinerant, mobile food services or pushcarts, and special event food stands must comply with all provisions of parts 4625.2401 to 4625.7801 which are applicable to their operation. The establishments and units must be operated in an approved

Approved
by Revisor _____

manner. The commissioner may impose additional requirements to protect against health hazards related to the conduct of their operation and may prohibit the sale or giveaway of some or all potentially hazardous foods. When no health hazard is likely to result, the commissioner may modify specific requirements for physical facilities.

4625.3201 FOOD AND FOOD HANDLING.

Subpart 1. **Food sources and supplies.** Food must be in a sound condition, free from spoilage, filth, or other contamination and must be safe for human consumption. Food must be obtained from sources that comply with laws relating to food and food labeling and approved by the commissioner of health or agriculture. The use, storage, or serving of food in hermetically sealed containers not prepared in a food processing plant licensed by the United States Department of Agriculture, Food and Drug Administration, or Minnesota Department of Agriculture, and other food not prepared in a licensed food establishment is prohibited.

Subp. 2. **Special requirements.** Fluid milk and fluid milk products used or served must be pasteurized and must meet the Grade A quality standards in Minnesota Statutes, chapter 32. Fluid milk and fluid milk products must be served to the consumer in individual, unopened, commercially filled original containers not exceeding one pint in capacity, or drawn from a commercially filled container stored in a mechanically refrigerated bulk milk dispenser. Where a bulk dispenser for milk and milk products is not available and portions of less than one-half pint are required for mixed drinks, cereal, or dessert service, milk and milk products may be poured from a commercially filled container of not more than one-half gallon capacity. Nondairy creaming or whitening agents must be provided in an individual service container or drawn from a refrigerated dispenser designed for such service. Dry milk, dry milk products, and nondairy product substitutes may be used in instant dessert and whipped products or for cooking, baking,

Approved
by Revisor _____

manufacturing, and processing purposes only.

Subp. 3. **Variance for certain establishments.** A variance covering dispensing of milk or milk products to the consumer in food services such as day care centers, boarding and lodging houses, and children's camps may be granted to permit milk to be poured from a commercially filled container of not more than one gallon capacity into the drinking vessel.

Subp. 4. **Frozen foods.** All frozen dairy foods such as ice cream, frozen custards, ice milk, milk sherbet, fruit or ice sherbet, yogurt, and frozen malted milk must meet requirements in Minnesota Statutes, chapter 32.

Subp. 5. **Shellfish.** Fresh and frozen shucked shellfish, like oysters, clams, or mussels, must be packed in nonreturnable packages identified with the name and address of the original shell stock processor, shucker-packer, or repacker, and the interstate certification number issued according to United States Code, title 42, section 243, and Code of Federal Regulations, title 21, section 1240.60. Shell stock and shucked shellfish must be kept in the container in which they were received until they are used. Each container of unshucked shell stock, like oysters, clams, or mussels, must be identified by an attached tab that states the name and address of the original shell stock processor, the kind and quality of shell stock, and an interstate certification number issued by the state or foreign shellfish control agency.

Subp. 6. **Meat.** All meat and meat products received, kept, or used in any manner in a food establishment must be officially identified as having been inspected by the United States Department of Agriculture in accordance with the Federal Meat Inspection Act, United States Code, title 21, sections 601 to 691. Products upon which any official identification is lost by reason of processing must be identified by the name and location of the processor.

Subp. 7. **Poultry.** All poultry and poultry meat products must be clean, wholesome, free from spoilage and adulteration, and must be processed in a food establishment meeting the

Approved
by Revisor _____

requirements established in the Poultry Products Inspection Act, United States Code, title 21, sections 451 to 469. Only clean whole eggs, with shell intact and without cracks or checks, or pasteurized liquid, frozen, or dry eggs or pasteurized dry egg products must be used, except that hard-boiled, peeled eggs, commercially prepared and packaged may be used. Liquid, frozen, and dry eggs and egg products may be used only for cooking, baking, manufacturing, and processing purposes.

Subp. 8. **Lubricants.** Only food grade lubricants of a safe material must be used on equipment designed to receive lubrication of bearings and gears on or within food-contact surfaces.

4625.3301 FOOD PROTECTION.

Subpart 1. **Protection generally.** Food must be protected from potential contamination including:

A. dusts, insects, rodents, and other vermin;

B. unclean equipment, work surfaces, utensils, and facilities;

C. unnecessary or improper handling;

D. coughs and sneezes;

E. flooding, drainage, and overhead leakage or drippage; and

F. utensils or equipment which have not been given bactericidal treatment.

Adequate and approved protection of all food must be provided after delivery and while being stored, prepared, displayed, served, or sold in food establishments or transported between establishments.

Subp. 2. **Emergency occurrences.** In the event of a fire, flood, power outage, or other event that might result in the contamination of food, or that might prevent potentially hazardous food from being held at required temperatures, the person in charge shall immediately contact the department. Upon receiving notice of this occurrence, the department ~~may~~ must take action that is necessary to protect the public health.

Approved
by Revisor _____

4625.3401 TEMPERATURE MAINTENANCE.

Subpart 1. Potentially hazardous foods. The internal temperature of all potentially hazardous foods must be maintained at 40 degrees Fahrenheit (four degrees centigrade) or below, or 150 degrees Fahrenheit (66 degrees centigrade) or above, except during preparation. Potentially hazardous foods requiring refrigeration after preparation must be rapidly cooled to an internal temperature of 40 degrees Fahrenheit (four degrees centigrade) or below within four hours after removal from the heating or hot holding device. Frozen food must be kept frozen and should be stored at an internal temperature of zero degrees Fahrenheit (minus 18 degrees centigrade) or below.

Subp. 2. Storage facilities. Adequate, properly designed, and conveniently located mechanical refrigeration or hot food storage facilities must be provided to ensure the maintenance of potentially hazardous food at required temperatures. Each storage facility must be provided with a numerically scaled temperature indicating device accurate to plus or minus three degrees Fahrenheit (plus or minus two degrees centigrade) located to measure the air temperature in the warmest part of the refrigeration facility or the coldest part of the hot holding facility. Temperature indicating devices must be securely fastened and located to be easily readable. Where it is impractical to install fixed temperature indicating devices on equipment such as cold table tops, steam tables, processing lines, kettles, heat lamps, or portable transport carriers, a product thermometer of metal stem type construction, numerically scaled, and accurate to plus or minus two degrees Fahrenheit (plus or minus one degree centigrade) must be provided and used to check internal food temperatures.

Subp. 3. Poultry. Poultry, poultry stuffings, stuffed meats, and stuffings containing meat must be cooked to heat all parts of the food to at least 165 degrees Fahrenheit (74 degrees centigrade) with no interruption of the cooking process.

Subp. 4. Pork. Pork and any food containing pork must be

Approved
by Revisor _____

cooked to heat all parts of the food to at least 150 degrees Fahrenheit (66 degrees centigrade), or, if cooked in a microwave oven, to at least 170 degrees Fahrenheit (77 degrees centigrade).

Subp. 5. **Beef roasts.** Beef roasts must be cooked according to the following requirements:

A. When beef roasts under ten pounds (five kilograms) in weight are cooked in a still dry heat oven, the oven must be preheated to and held at an air temperature of at least 350 degrees Fahrenheit (177 degrees centigrade) throughout the process. If cooked in a convection oven, the oven must be preheated to and held at an air temperature of at least 325 degrees Fahrenheit (163 degrees centigrade) throughout the process.

B. When beef roasts of ten pounds (five kilograms) or over in weight are cooked in a dry heat oven, the oven must be preheated to and held at an air temperature of at least 250 degrees Fahrenheit (122 degrees centigrade) throughout the process.

C. In order to meet public health requirements for the processes in ~~this item~~ items A and B, the following table lists the minimum internal temperature of the beef roast for the minimum time the roast needs to be held at such temperature:

MINIMUM HOLDING TIMES FOR BEEF ROASTS
AT VARIOUS INTERNAL TEMPERATURES

Minimum internal temperature		Minimum holding time
Degrees Fahrenheit	Degrees Centigrade	Minutes
130	54.4	121
131	55.0	97
132	55.6	77
133	56.1	62
134	56.7	47
135	57.2	37

Approved by Revisor _____

136	57.8	32
137	58.4	24
138	58.9	19
139	59.5	15
140	60.0	12
141	60.6	10
142	61.1	8
143	61.7	6
144	62.2	5

D. If cooked in a microwave oven, beef roasts must be cooked to an internal temperature of at least 145 degrees Fahrenheit (63 degrees centigrade).

Subp. 6. **Reheating.** Potentially hazardous foods that have been cooked and then refrigerated, if reheated, must be heated rapidly to 165 degrees Fahrenheit (74 degrees centigrade) or higher throughout before being served or before being placed in a hot food storage facility. Steam tables, bainmaries, warmers, and similar hot food holding facilities are prohibited for the rapid reheating of potentially hazardous foods.

Subp. 7. **Thawing potentially hazardous foods.** Potentially hazardous foods must be thawed in one of the following ways:

A. in refrigerated units at a temperature not to exceed 40 degrees Fahrenheit (four degrees centigrade);

B. under potable running water of a temperature of 70 degrees Fahrenheit (21 degrees centigrade) or below, and allowing the water to ~~waste~~ <u>discharge</u> directly to the drain;

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.

4625.3501 PREPARATION, DISPLAY, AND SERVICE.

Subpart 1. **Minimum manual contact.** Food must be prepared or processed with the least possible manual contact and in a

Approved
by Revisor _____

manner that prevents cross-contamination of products. Only suitable utensils or equipment which have been cleaned, rinsed, and sanitized before use to prevent cross-contamination, must be used in food preparation.

Subp. 2. **Raw fruits and vegetables.** Raw fruits and vegetables must be thoroughly washed with potable water before being cooked or served.

Subp. 3. **Re-service.** Once food has been served to a consumer, it must not be served again, except that packaged food, other than potentially hazardous food, that is still packaged and is in sound condition may be re-served.

Subp. 4. **Shellfish.** Mollusks and crustacea, if served on the shell, must be served in the original shell. Reuse of shells for food service is prohibited.

Subp. 5. **Condiment dispensing.** Condiments, seasonings, and dressing for self-service use must be provided in individual packages, from dispensers, or from approved containers. Condiments provided for table or counter service must be individually portioned, except that catsup and other sauces may be served in the original container or pour-type dispenser. Sugar for consumer use must be provided in individual packages or in pour-type dispensers.

Subp. 6. **Dispensing utensils.** To avoid unnecessary manual contact with food, suitable dispensing utensils or equipment must be used by employees or provided to consumers who serve themselves. Between uses during service, dispensing utensils must be:

A. stored in the food with the dispensing utensil handle extended out of the food; or

B. stored clean and dry; or

C. stored in a running water ~~dipper-well~~; or

D. stored either in a running water dipper well, or stored clean and dry in the case of dispensing utensils and malt collars used in preparing frozen desserts.

Subp. 7. **Display equipment.** Food on display must be protected from consumer contamination by the use of packaging or

Approved
by Revisor _____

by the use of easily cleanable counter, serving line or salad bar food shields, display cases, or by other effective means. Adequate and sufficient hot or cold food facilities must be available to maintain the required temperature of potentially hazardous food on display.

Subp. 8. **Reuse of tableware.** Reuse of soiled tableware and single-service articles by self-service consumers returning to the service area for additional food must be prohibited. Beverage cups and glasses are exempt from this requirement.

Subp. 9. **Food transportation.** The requirements of temperature, storage, display, and those imposed for the protection of food against contamination, as contained in parts 4625.2401 to 4625.7801, must also apply in the transporting of food from one food establishment or other location to another food establishment or other location for delivery, service, or catering operations.

Subp. 10. **Storage.** Food, whether raw or prepared, if removed from the container or package in which it was obtained, must be stored in a clean, covered container. The container need not be covered during necessary periods of preparation or service. Container covers must be impervious and nonabsorbent, except that clean linens or napkins may be used for lining or covering bread or roll serving containers. Solid cuts of meat must be protected by being covered in storage, except that sides, quarters, or primal cuts of meat may be hung uncovered on clean hooks if no food product is stored beneath the meat.

Subp. 11. **Containers.** Containers of food must be stored a minimum of six 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. Containers may be stored on dollies, racks, or pallets, provided the equipment is easily movable and constructed to allow for easy cleaning. Food and containers of food must not be stored under exposed or unprotected sewer lines or similar sources of potential contamination. The storage of food in toilet rooms or vestibules is prohibited.

Approved
by Revisor _____

Subp. 12. **Cross-contamination.** Food not subject to further washing or cooking before serving must be stored in a way that protects it against cross-contamination from food requiring washing or cooking.

Subp. 13. **Packaged food.** Packaged food must not be stored in contact with water or undrained ice. Wrapped sandwiches must not be stored in direct contact with ice. Ice intended for human consumption must not be used for cooling stored food, food containers, or food utensils~~, except that the ice may be used for cooling tubes conveying beverages or beverage ingredients to a dispenser head~~.

Subp. 14. **Bulk.** Bulk foods such as cooking oil, legumes, tubers, grains, syrup, salt, sugar, or flour and related derivative products not stored in the product container or package in which it was obtained, must be stored in a container identifying the food by common name.

Subp. 15. **Ice dispensing.** All ice must be manufactured only from potable water. Ice must be handled and transported in single-service containers, or in utensils which have been subjected to bactericidal treatment. Buckets, scoops, and ice containers, unless they are single-service utensils, must be made of a smooth, impervious material and designed to facilitate cleaning. They must be clean at all times. Canvas containers must not be used. If ice-crushers are used, they must be easily cleanable. They must be maintained in a clean condition, must be subject to bactericidal treatment and must be covered when not in use. Ice for consumer use must be dispensed with scoops or tongs from a properly protected storage device, or other ice self-dispensing utensils, through automatic single-service ice dispensing equipment, or be prepacked and portion controlled. Ice dispensing utensils must be stored on a clean surface or in the ice with the dispensing utensil's handle extended out of the ice. Between uses, ice transfer receptacles must be stored in a way that protects them from contamination.

4625.3601 DISEASE PREVENTION AND CONTROL AND EMPLOYEE PRACTICES.

Approved
by Revisor _____

Subpart 1. **Prohibited persons.** No person shall work in a food establishment in any capacity in which there is a likelihood of the person contaminating food or food-contact surfaces with pathogenic organisms or transmitting disease to other persons while:

A. infected with a disease in a communicable form that can be transmitted by foods;

B. while being a carrier of organisms that cause such a disease; or

C. while afflicted with a boil, an infected wound, or an acute respiratory infection.

Subp. 2. **Procedure when infection is suspected.** When the commissioner has reasonable cause to suspect the possibility of disease transmission from a food-service establishment employee, the commissioner shall secure an illness or morbidity history of the suspected employee or make such other investigation as may be indicated and take appropriate action. The commissioner may require any or all of the following measures:

A. the immediate exclusion of the employee from all food service establishments;

B. the immediate closure of the food service establishment concerned until, in the opinion of the commissioner, no further danger of disease outbreak exists;

C. restriction of the suspected employee's services to an area of the establishment where there would be no danger of transmitting disease; and

D. adequate medical and laboratory examinations of the suspected employee, or other employees, and any body discharges.

Subp. 3. **Clothing.** Employees shall wear clean outer garments. Hairnets, headbands, caps, or other hair restraints must be worn to prevent the contamination of food, utensils, and equipment. Hair spray is not an acceptable hair restraint.

Subp. 4. **Employee practices.** Employees shall comply with the following requirements:

A. All employees shall thoroughly wash their hands

Approved
by Revisor _____

and the exposed portions of their arms with soap and warm water in an approved handwashing facility 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, and maintain a high degree of personal cleanliness and conform to hygienic practices during all periods of duty.

B. Employees must not use tobacco in any form while on duty to handle, prepare, or serve food, or clean utensils and equipment in a food establishment. Employees must use tobacco only in designated locations approved by the department.

C. All employees shall consume food only in designated dining areas. An employee dining area must not be designated if consuming food in that location could cause contamination of other food, equipment, utensils, or other items needing protection.

D. Employees shall handle soiled equipment or utensils in a manner that minimizes contamination of their hands.

4625.3701 EQUIPMENT AND FACILITIES PROVIDED.

Subpart 1. **General.** A food establishment must have equipment, applicable to the operation conducted, which is designed, constructed, installed, located, and maintained according to parts 4625.2401 to 4625.7801.

Subp. 2. **Sanitary design, construction, and installation of equipment and utensils.** New and replacement equipment and utensils must be appropriate to the operation conducted and comply with the following:

A. All new and replacement equipment and utensils must be of such material, workmanship, and design as to be smooth, easily cleanable, resistant to wear, denting, buckling, pitting, chipping, and crazing; and capable of withstanding scrubbing, scouring, repeated corrosive action of cleaning compounds, and other normal conditions and operations.

B. Food contact surfaces must be nontoxic. Food-contact surfaces and surfaces which come in contact with

Approved
by Revisor _____

food debris must be readily accessible for cleaning and inspection.

C. All equipment installed or placed in service after the effective date of parts 4625.2401 to 4625.7801 must comply with the following standards of the National Sanitation Foundation when applicable:

(1) Standard No. 1, Soda Fountain and Luncheonette Equipment, June 1984;

(2) Standard No. 2, Food Service Equipment, November 1987;

(3) Standard No. 3, Spray Type Dishwashing Machines, June 1982;

(4) Standard No. 4, Commercial Cooking and Hot Food Storage Equipment, June 1986;

(5) Standard No. 5, Commercial Hot Water Generating Equipment, November 1983;

(6) Standard No. 6, Dispensing Freezers, November 1982;

(7) Standard No. 7, Food Service Refrigerator and Storage Freezers, November 1985;

(8) Standard No. 8, Commercial Powered Food Preparation Equipment, November 1985;

(9) Standard No. 12, Automatic Ice Making Equipment, November 1984;

(10) Standard No. 13, Refuse Compactors and Compactor Systems, May 1985;

(11) Standard No. 18, Manual Food and Beverage Dispensing Equipment, November 1987;

(12) Standard No. 20, Commercial Bulk Milk Dispensing Equipment and Appurtenances, November 1985;

(13) Standard No. 25, Vending Machines for Food and Beverage, November 1987;

(14) Standard No. 26, Pot, Pan and Utensil Washers, December 1980;

(15) Standard No. 29, Detergent and Chemical Feeders for Commercial Spray Type Dishwashing Machines, June

Approved by Revisor _____

1982;

(16) Standard No. 35, Laminated Plastics for Surfacing Food Service Equipment, May 1985;

(17) Standard No. 51, Plastic Materials and Components Used in Food Equipment, May 1978;

(18) Standard No. 59, Food Carts, June 1986; and

(19) Criteria C-2, Special Equipment and/or Devices, November 1983.

D. Used equipment which has met or exceeded the requirements of the National Sanitation Foundation under earlier standards may be installed when the equipment is in good repair and does not constitute a health hazard as determined by the commissioner. Equipment in use at the time of adoption of parts 4625.2401 to 4625.7801 which does not fully meet item C may be continued in use only if it is in good repair, capable of being maintained in a sanitary condition, has food-contact surfaces that are nontoxic, and is approved by the commissioner.

E. All equipment must be kept in good repair and installed and maintained to facilitate its cleaning and the cleaning of adjacent areas.

F. All equipment must be located and installed in such a manner as to ensure that preparation and service will minimize the potential for cross-contamination and improper handling of the food. Lavatories, chef sinks, utility sinks, refrigeration equipment, hot food handling equipment, and preparation and processing tables must be provided and maintained and shall be convenient and adequate as approved by the commissioner for the purpose for which they were designed.

G. Aisles and working spaces between units of equipment and walls must be unobstructed and of sufficient width to permit employees to perform their duties readily without contamination of food or food-contact surfaces by clothing or personal contact. All easily movable storage equipment such as pallets, racks, and dollies must be positioned to provide accessibility to working areas.

H. When the food service in a day care center is

Approved by Revisor _____

limited to serving ten or fewer individuals, or where the main meals of the day are not prepared in the center, the commissioner may waive specific equipment requirements of this part to permit the substitution of certain domestic type equipment for commercial type equipment which complies with the standards of the National Sanitation Foundation prescribed in item C.

I. When the food service in a boarding and lodging house is limited to serving ten or fewer residents, or where the main meals of the day are not prepared in the facility, the commissioner may waive specific equipment requirements of these rules as stated in item H.

4625.3801 CLEANING, SANITIZATION, AND STORAGE OF EQUIPMENT AND UTENSILS.

Subpart 1. **General.** All utensils and equipment must be thoroughly cleaned, and food-contact surfaces of utensils and equipment must be given sanitization treatment and must be stored in such a manner as to be protected from contamination.

Subp. 2. **Cleaning frequency.** The equipment and utensils must meet the following cleaning requirements:

A. Tableware must be washed, rinsed, and sanitized after each use.

B. To prevent cross-contamination, kitchenware and food-contact surfaces of equipment must be washed, rinsed, and sanitized after each use and following any interruption of operations during which time contamination may have occurred.

C. Where equipment and utensils are used for the preparation of foods on a continuous or production-line basis, utensils and food-contact surfaces of equipment must be washed, rinsed, and sanitized at intervals throughout the day and on a schedule based on food temperature, type of food, and amount of food particle accumulation.

D. The food-contact surfaces of kettles, grills, griddles, and similar cooking devices and the cavities and door seals of microwave ovens must be cleaned at least once a day,

Approved
by Revisor _____

except that this shall not apply to hot oil cooking equipment and hot oil filtering systems. The food-contact surfaces of all cooking equipment must be kept free of encrusted grease deposits and other accumulated soil.

E. Nonfood-contact surfaces of equipment must be cleaned as often as is necessary to keep the equipment free of accumulation of dust, dirt, food particles, and other debris.

Subp. 3. **Oven utensils and equipment.** Utensils and equipment which routinely go into ovens for baking purposes and which are used for no other purpose ~~must~~ are not ~~be~~ required to be given bactericidal treatment; however, such utensils and equipment must be clean.

Subp. 4. **Wiping cloths.** Cloths used for wiping food spills on tableware, such as plates or bowls being served to the consumer, must be clean, dry, and used for no other purposes. Moist cloths used for wiping food spills on kitchenware and food-contact surfaces of equipment must be clean and rinsed frequently in an approved sanitizing solution. These cloths must be stored in sanitizing solution between uses. Moist cloths used for cleaning nonfood-contact surfaces of equipment such as counters, dining table tops, and shelves must be clean, rinsed, and used for no other purpose. These cloths must be stored in an approved sanitizing solution between uses.

Subp. 5. **Manual cleaning and sanitizing.** Manual cleaning and sanitizing must be done in the following manner:

A. For manual washing, rinsing, and sanitizing of utensils and equipment, a sink with not fewer than three compartments must be provided and used. Sink compartments must be large enough to permit the accommodation of the equipment and utensils, and each compartment of the sink must be supplied with hot and cold potable running water. Fixed equipment and utensils and equipment too large to be cleaned in sink compartments must be washed manually or cleaned through pressure spray methods.

B. Integral drain boards of adequate size must be provided at each end for proper handling of soiled utensils

Approved
by Revisor _____

before washing and for cleaned utensils following sanitizing and must be located so as not to interfere with the proper use of the utensil washing facilities.

C. Equipment and utensils must be preflushed or prescraped and, when necessary, presoaked to remove gross food particles and soil.

D. Except for fixed equipment and utensils too large to be cleaned in sink compartments, manual washing, rinsing, and sanitizing must be conducted in the following manner.

(1) Sinks must be cleaned before use.

(2) Equipment and utensils must be thoroughly washed in the first compartment with a hot detergent solution that is kept clean.

(3) Equipment and utensils must be rinsed free of detergent and abrasives with clean water in the second compartment.

(4) Equipment and utensils must be sanitized in the third compartment in an approved manner.

E. The food-contact surfaces of all equipment and utensils must be sanitized by:

(1) immersion for at least one-half minute in clean, hot water at a temperature of at least 170 degrees Fahrenheit (77 degrees centigrade);

(2) immersion for at least one minute in a clean solution containing at least 50 parts per million, but no more than 200 parts per million, of available chlorine as a hypochlorite and at a temperature of at least 75 degrees Fahrenheit (24 degrees centigrade);

(3) immersion for at least one minute in a clean solution containing at least 12.5 parts per million, but not more than 25 parts per million, of available iodine and having a pH range which the manufacturer has demonstrated to be effective and at a temperature of at least 75 degrees Fahrenheit (24 degrees centigrade);

(4) immersion in a clean solution containing any other chemical sanitizing agent allowed under Code of Federal

Approved
by Revisor _____

Regulations, title 21, section 178.1010, that will provide at least the equivalent bactericidal effect of a solution containing 50 parts per million of available chlorine as a hypochlorite at a temperature of at least 75 degrees Fahrenheit (24 degrees centigrade) for one minute; or

(5) for equipment too large to sanitize by immersion, but in which steam can be confined, treatment with steam free from materials or additives other than those specified in Code of Federal Regulations, title 21, section 173.310.

Equipment too large to sanitize by immersion, must be rinsed, sprayed, or swabbed with a sanitizing solution of at least twice the required strength for that particular sanitizing solution.

F. When hot water is used for sanitizing, the following facilities must be provided and used:

(1) an integral heating device or fixture installed in, on, or under the sanitizing compartment of the sink capable of maintaining the water at a temperature of at least 170 degrees Fahrenheit (77 degrees centigrade);

(2) a numerically scaled indicating thermometer, accurate to plus or minus three degrees Fahrenheit (plus or minus two degrees centigrade) convenient to the sink for frequent checks of water temperature; and

(3) dish baskets of such size and design to permit complete immersion of the tableware, kitchenware, and equipment in the hot water.

G. When chemicals are used for sanitization, they must not have concentrations higher than the maximum permitted under Code of Federal Regulations, title 21, section 178.1010, and a test kit or other device that accurately measures the parts per million concentration of the solution must be provided and used.

Subp. 6. **Mechanical cleaning and sanitizing.** Mechanical cleaning and sanitizing must be done in the following manner:

A. Cleaning and sanitizing may be done by spray-type

Approved
by Revisor _____

or immersion utensil washing machines or by any other type of machine or device if it is demonstrated that it thoroughly cleans, sanitizes equipment and utensils, and meets the requirements in the National Sanitation Foundation Standard No. 3. These machines and devices must be properly installed, and maintained in good repair. Machines and devices must be operated in accordance with manufacturers' instructions, and utensils and equipment placed in the machine must be exposed to all washing cycles. Automatic detergent dispensers, wetting agent dispensers, and liquid sanitizer injectors must be properly installed and maintained.

B. Drainboards must be provided and be of adequate size for the proper handling of soiled utensils before washing and for cleaned utensils following sanitization, and must 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.

C. Equipment and utensils must be flushed or scraped and, when necessary, soaked to remove gross food particles and soil before being washed in a dishwashing machine unless a prewash cycle is a part of the dishwashing machine operation. Equipment and utensils must be placed in racks, trays, or baskets, or on conveyors, in a way that food-contact surfaces are exposed to the unobstructed application of detergent wash and clean rinse water and that permits free draining.

D. Machines (single-tank, stationary-rack, door-type machines, and spray-type glass washers) using chemicals for sanitization may be used, provided that:

(1) wash water temperatures, addition of chemicals, rinse water temperatures, and chemical sanitizers used are in conformance with Standards Nos. 3 and 29 of the National Sanitation Foundation;

(2) a test kit or other device that accurately measures the parts per million concentration of the sanitizing

Approved
by Revisor _____

solution must be available and used ~~while the chemical sanitizing machine is in use~~;

(3) containers for storing the sanitizing agent must be installed in such a manner as to ensure that operators maintain an adequate supply of sanitizing compound; and

(4) a visual or audible warning device must be provided for the operator to easily verify when the sanitizing agent is depleted.

~~F~~ E. Machines using hot water for sanitizing may be used provided that wash water and pumped rinse water must be kept clean and water must be maintained at not less than the temperature specified by the National Sanitation Foundation Standard No. 3, under which the machine is evaluated. A pressure gauge must be installed with a valve immediately adjacent to the supply side of the control valve in the final rinse line provided that this requirement must not pertain to a dishwashing machine with a pumped final rinse.

~~G~~ F. All utensil washing machines must be cleaned at least once per day or more frequently if required.

Subp. 7. **Equipment and utensil storage.** Cleaned and sanitized equipment and utensils must be handled in a way that protects them from contamination.

A. Spoons, knives, and forks must be touched only by their handles. Cups, glasses, bowls, plates, and similar items must be handled without contact with inside surfaces or surfaces that contact the user's mouth.

B. Utensils must be air dried before being stored or must be stored in a self-draining position.

C. Cleaned and sanitized utensils and equipment must be stored at least six inches above the floor in a clean, dry location in a way that protects them from contamination by splash, dust, and other means. The food-contact surfaces of fixed equipment must also be protected from contamination. Equipment and utensils must not be placed under exposed sewer lines.

D. Glasses and cups must be stored inverted. Other

Approved by Revisor _____

stored utensils must be covered or inverted, wherever practical. Facilities for the storage of knives, forks, and spoons must be designed and used to present the handle to the employee or consumer.

Subp. 8. **Single-service articles.** Single-service articles must have been manufactured, packaged, transported, stored, handled, and dispensed in a sanitary manner.

Subp. 9. **Prohibited storage area.** The storage of food equipment, utensils, or single-service articles in toilet rooms or vestibules is prohibited.

4625.3901 PHYSICAL FACILITIES AND SANITATION.

Subpart 1. **Water supply.** Every food and beverage establishment must be provided with a supply of water which is adequate for the needs of the establishment. The water must be obtained from a public water supply system, or a source of supply and system which is located, constructed, and operated in accordance with rules governing public water supplies, parts 4720.0100 to 4720.4600 and water wells, parts 4725.0100 to 4725.7600.

Subp. 2. **Sewage.** All sewage, including liquid waste, must be disposed of to a public sewage system or to an approved individual sewage disposal system. Nonwater-carried sewage disposal facilities must be prohibited, except as permitted by the commissioner in remote areas or because of special situations.

When there is no public sewage system available, an individual sewage disposal system must be designed, located, constructed, and operated in accordance with Minnesota Pollution Control Agency rules, parts 7080.0010 to 7080.0240.

Itinerant, mobile ~~food units~~, and special event food facilities may dispose of their liquid waste into receptacles ~~carried on the vehicle~~ for that purpose. This waste ultimately must be discharged into the public sewage system or otherwise disposed of in a manner which will not endanger any source of water supply, pollute any body of surface water,

Approved
by Revisor _____

create a nuisance, or otherwise endanger the public health and safety.

Subp. 3. **Plumbing.** Plumbing must be sized, installed, and maintained to carry adequate quantities of water to required locations throughout the establishment, to prevent contamination of the water supply, and to convey sewage and liquid wastes adequately from the establishment to the sewage system so that it does not constitute a source of contamination of food, utensils, or equipment or create an unsanitary condition or nuisance.

Food service equipment such as refrigerators, ice makers, ice storage bins, and steam tables must not be directly connected to the sewer.

All new plumbing and all plumbing reconstructed or replaced after the effective date of parts 4625.2401 to 4625.4701 must be designed, constructed, and installed in conformity with the Minnesota Plumbing Code, parts 4715.0100 to 4715.5600.

Subp. 4. **Janitorial facilities.** Janitorial facilities including a janitorial utility sink or curbed cleaning facility must be provided ~~and~~. The facilities must not be located in ~~an area other than a~~ food preparation ~~or~~, storage ~~area~~, or toilet ~~room. If~~ rooms unless adequate separation, or other protection has been provided. The janitorial facility may be located in a packaged goods' storeroom or employee toilet room.

The use of lavatories, utensil washing or equipment washing, or food preparation sinks for ~~this purpose~~ janitorial purposes is prohibited.

Janitorial equipment must be stored in an approved manner in the janitorial facility.

Subp. 5. **Handwashing facilities.** Every food establishment, other than limited food establishments and mobile food units handling only prepackaged food must be provided with adequate, conveniently located, and approved handwashing facilities which are continually maintained with hot and cold running water, hand-cleansing soap or detergent, fingernail brushes, and single-service towels or hand-drying devices

Approved by Revisor _____

providing heated air. Handwashing facilities must be accessible to persons at all times in all areas where food is prepared or served, where utensils and equipment are cleansed or sanitized, in or immediately adjacent to toilet rooms or other areas designated by the commissioner. Sinks used for food preparation or for washing equipment or utensils must not be used for handwashing. Each handwashing sink must be provided with hot and cold water tempered by means of a mixing valve or combination faucet. Any self-closing, slow-closing, or metering faucet must be designed to provide a flow of water for at least 15 seconds without the need to reactivate the faucet. Steam-mixing valves are prohibited.

Subp. 6. **Toilet facilities.** Every food establishment~~,~~ ~~with-the-exception-of-itinerant,-mobile,-and-special-event-food facilities,~~ must be provided with conveniently located and approved toilet facilities for employees. These facilities must be kept clean and in good repair and free from flies, insects, and offensive odors. Toilet fixtures and seats must be of sanitary design and readily cleanable. The doors of all toilet rooms must be self-closing. Easily cleanable receptacles must be provided for waste materials. Toilet rooms used by women must have at least one covered waste receptacle. **Separate** ~~toilet-facilities-must-be-provided-for-men-and-women-according~~ ~~to~~ The number of toilet facilities must be determined by part 4715.1215 of the State Plumbing Code, and meet the requirements for sanitation fixtures in section 705 of the Uniform Building Code, as amended in part 1305.1900, and the requirements for handicapped accessibility in chapter 1340. Where the use of nonwater-carried sewage disposal facilities have been approved by the commissioner, the facilities must be separate from the establishment and in accordance with the standards of the commissioner.

4625.4001 GARBAGE AND REFUSE DISPOSAL.

Before disposal, all garbage and refuse must be kept in tight, nonabsorbent, insect proof, rodent proof, and fireproof

Approved by Revisor _____

containers. Containers must be kept covered with tight-fitting lids when filled, in storage, or not in continuous use. Containers need not be covered when stored in a special insect and rodent-proofed room or enclosure. All other refuse must be stored in containers, rooms, or areas in an approved manner. The rooms, enclosures, areas, and containers used must be adequate for the storage of all garbage and refuse accumulating on the premises between collections. Adequate cleaning facilities must be provided, and each container, room, or area shall be thoroughly cleaned after the emptying or removal of garbage and refuse. Containers designed with drains must have drain plugs maintained in place at all times except during cleaning. All garbage and refuse must be disposed of with sufficient frequency and in such a manner as to prevent a nuisance.

4625.4101 INSECT, RODENT, AND ANIMAL CONTROL.

Subpart 1. **General.** Effective measures must be taken to prevent the entrance, breeding, or presence of rodents, flies, cockroaches, and other vermin or insects on the premises. The premises must be kept in such condition as to prevent the harborage or feeding of insects or rodents.

Subp. 2. **Openings.** Outside openings must be effectively protected against the entrance of rodents. Outside openings must be protected against the entrance of insects by tight-fitting, self-closing doors, closed windows, screening, controlled air currents, or other means. Screen doors must be self-closing, and screens for windows, doors, skylights, transoms, intake and exhaust air ducts, and other openings to the outside must be tight-fitting and free of breaks. Screening materials must not be less than 16 mesh to the inch.

Subp. 3. **Animals.** Live animals, including birds and turtles, shall be excluded from within the food service operational premises and from adjacent areas under the control of the person in charge. This exclusion does not apply to edible fish, crustacea, mollusks, or to fish in aquariums.

Approved
by Revisor _____

Patrol dogs accompanying security or police officers, or guide dogs accompanying sight-impaired persons or hearing-impaired persons shall be permitted in dining areas.

4625.4201 CONSTRUCTION AND MAINTENANCE OF PHYSICAL FACILITIES.

Subpart 1. **Floors.** The floor surfaces of all food and beverage preparation, food storage, equipment and utensil washing, food service areas, waitress stations, dressing rooms, locker rooms, toilet rooms and vestibules, janitorial areas, kitchens, and bars must be constructed of smooth, durable, nonabsorbent, easily cleanable materials which resist the wear and abuse to which they are subjected. Appropriate materials include commercial grade vinyl composition tile, sheet vinyl, ceramic tile, quarry tile, terrazzo, or equivalent. Vinyl floor coverings must not be used in walk-in refrigeration units and storage freezers.

The junctures between walls and floors must be coved. Rugs and carpets may be used in dining rooms and hallways, provided that the floor coverings are kept clean. Abrasive strips also may be used wherever deemed necessary to prevent accidents.

Mats and duckboards must be of nonabsorbent, nonwood, grease resistant materials. The size, design, and construction of the materials must facilitate easy cleaning. Duckboards must not be used as storage racks.

All floors must be kept clean and in good repair, and the use of sawdust and similar material is not permitted. Floor drains must be provided in all rooms where floors are subject to flooding-type cleaning or where normal operations release or discharge water or other liquid wastes on the floor. The floors must be graded to drain.

Subp. 2. **Walls and ceilings.** The walls and ceilings of all rooms must be kept clean and in good repair. All walls of rooms or areas in which food is prepared, areas where utensils or hands are washed, toilet rooms, janitorial areas, laundry rooms, or garbage and refuse storage rooms must have easily cleanable, smooth, nonabsorbent, washable surfaces to the

Approved
by Revisor _____

highest level of splash, spray, or abuse. Wall finishes must be resistant to the wear and abuse to which they are subject. Ceilings must be smooth and easily cleanable. The walls and ceilings must be finished in a light color. Concrete or pumice blocks used for interior wall construction in these locations must be finished and sealed to provide an easily cleanable surface.

Subp. 3. **Attachments.** Light fixtures, vent covers, wall-mounted fans, decorative materials, and similar equipment attached to walls and ceilings must be easily cleanable, and must be kept clean and in good repair.

Subp. 4. **Utility lines and pipes.** All utility lines and pipes such as electric, gas, water, sewage, and similar waste lines or services ~~should~~ must be installed in the walls, under floors, or above ceilings to avoid unnecessary exposure to food equipment, walls, floors, or ceilings. Exposed utility service lines or pipes must be installed so they do not obstruct or prevent the easy cleaning of food equipment, floors, walls, and ceiling surfaces.

4625.4301 LIGHTING.

Subpart 1. **Lighting source and amount.** Permanently fixed artificial light sources must be installed to provide at least 20 foot candles of light on all food preparation surfaces and at equipment or utensil washing work levels.

A. Permanently fixed artificial light sources must be installed to provide, at a distance of 30 inches from the floor:

(1) at least 20 foot candles of light in utensil and equipment storage areas and in lavatory and toilet areas; and

(2) at least ten foot candles of light in walk-in refrigerating units, dry food storage areas, and in all other areas.

B. Subdued lighting in dining rooms and public access areas is permissible, provided that lighting meeting the requirements in item A, subitem (2) must be available during all

Approved
by Revisor _____

clean-up operations.

Subp. 2. **Protective shielding.** Shielding or coating to protect against broken glass falling onto food must 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.

Infra-red or other heat lamps must be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.

4625.4401 VENTILATION.

Rooms must have sufficient exhaust ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious or disagreeable odors, smoke, and fumes, All ventilation equipment and facilities, gas or oil fired room heaters, and water heaters must be designed, installed, and operated in accordance with the rules of the State Building Code Division and the Uniform Fire Code. Intake and exhaust air ducts must be maintained to prevent the entrance of dust, dirt, and other contaminating materials.

4625.4501 DRESSING ROOMS AND LOCKER AREAS.

Subpart 1. **Dressing rooms.** If employees routinely change clothes within the establishment, rooms or areas must be designated and used for that purpose. These designated rooms or areas must not be used for food preparation, storage, or service, or for utensil washing or storage.

Subp. 2. **Locker areas.** Adequate lockers or other suitable facilities must be provided and used for the orderly storage and security of employee clothing and other belongings. Lockers or other suitable facilities may be located only in the designated dressing rooms or areas containing only completely packaged food or packaged single-service articles.

4625.4601 POISONOUS OR TOXIC MATERIALS.

Subpart 1. **Materials permitted.** Food service establishments must have only those poisonous or toxic materials

Approved
by Revisor _____

necessary for maintaining the establishment, cleaning and sanitizing equipment and utensils, and controlling insects and rodents.

Subp. 2. **Labeling of materials.** Containers of poisonous or toxic materials must be prominently and distinctly labeled, according to requirements in Code of Federal Regulations, title 7, section 162.10, and Minnesota Statutes, section 18B.14, for easy identification of contents.

Subp. 3. **Storage of materials.** Poisonous or toxic materials consist of the following categories:

A. insecticides and rodenticides; and

B. detergents, sanitizers, related cleaning or drying agents, caustics, acids, polishes, and other chemicals.

Materials in each of these two categories must be stored and physically located separate from each other. All poisonous or toxic materials must be stored in cabinets or in a similar physically separate place used for no other purpose. To preclude contamination, poisonous or toxic materials must not be stored above food, food equipment, utensils, or single-service articles, except that this requirement does not prohibit the convenient availability of detergents or sanitizers at utensil or dishwashing stations.

Subp. 4. **Use of materials.** Sanitizers, cleaning compounds, or other compounds intended for use on food-contact surfaces must not be used in a way that leaves a toxic residue on such surfaces or that constitutes a hazard to employees or other persons.

Poisonous or toxic materials must not be used in a way that contaminates food, equipment, or utensils, nor in a way other than in full compliance with the manufacturer's labeling.

Subp. 5. **Personal medications and first aid supplies.** Personal medications and first aid supplies must be stored to prevent them from contaminating food and food-contact surfaces.

4625.4701 PREMISES.

Subpart 1. **Housekeeping.** All parts of the food

Approved
by Revisor _____

establishment and its premises must be kept neat, clean, and free of litter and refuse. Cleaning operations must be conducted in a manner as to minimize contamination of food and food-contact surfaces. Only articles necessary for the operation and maintenance of the food establishment must be stored on the premises. Traffic of unnecessary persons through the food preparation and utensil washing areas is prohibited. The walking and driving surfaces of all exterior areas where food is served must be kept clean, properly drained, and finished so as to facilitate maintenance and minimize dust. Pressurized tanks and compressed gas cylinders must be properly secured to prevent them from being accidentally knocked over.

Subp. 2. **Cleaning equipment storage.** Maintenance and cleaning tools such as brooms, mops, vacuum cleaners, and similar equipment must be maintained and stored in a way that does not contaminate food, utensils, equipment, or linens and must be stored in an orderly manner for the cleaning of that storage location.

Subp. 3. **Living areas.** No operation of a food establishment ~~must~~ shall be conducted in any room used as living or sleeping quarters. Food service operations must be separated from any living or sleeping quarters by complete partitioning and solid, self-closing doors.

Subp. 4. **Laundry facilities.** Laundry facilities in a food establishment must be restricted to the washing and drying of linens, cloths, uniforms, and aprons necessary to the operation. If these items are laundered on the premises, an electric or gas dryer must be provided and used.

Separate rooms must be provided for laundry facilities except that such operations may be conducted in storage rooms containing only packaged foods or packaged single-service articles.

Subp. 5. **Linens and clothes storage.** Clean clothes and linens must be stored in a clean place and protected from contamination until used.

Soiled clothes and linens must be stored in nonabsorbent

Approved
by Revisor _____

containers or washable laundry bags until removed for laundering.

REQUIREMENTS FOR ITINERANT FOOD SERVICE

4625.4901 ITINERANT FOOD SERVICE ESTABLISHMENTS.

Subpart 1. **General.** An itinerant food service establishment must comply with all provisions of parts 4625.2401 to 4625.4701 that are applicable to their operation and must comply with parts 4625.4901 to 4625.5801. The commissioner may impose additional requirements to protect against health hazards related to the conduct of their operation and prohibit the sale or giveaway of some or all potentially hazardous foods. When no health hazard is likely to result, the commissioner may grant a variance or modify specific requirements of parts 4625.4901 to 4625.5801.

Subp. 2. **Restricted operations.** This subpart applies to an itinerant food service establishment approved under subpart 1 to operate without complying with the requirements of parts 4625.4901 to 4625.5801.

A. The itinerant food service establishment must be located where it is protected from possible contamination; for example toilets, animal pens, garbage collection sites. It must be protected from dust and windblown particulates by location, treatment of ground surfaces, or by having the establishment enclosed.

B. The commissioner may restrict the type of food served or the method of food preparation based on equipment limitations, commissary facilities, or climatic conditions.

4625.5001 CONSTRUCTION.

Subpart 1. **Work space.** Work spaces must be sized to permit unobstructed work activity. Equipment must be located to permit easy cleaning.

Subp. 2. **Floors.** The interior floor must be equivalent to one of the following:

A. solid concrete or asphalt; or

B. vinyl flooring or sealed wood.

Subp. 3. **Walls or enclosures.** The establishment must be

Approved
by Revisor _____

capable of being fully enclosed on the sides and roof to provide protection against adverse weather. Canvas may be used. Solid interior surfaces must be finished with smooth, durable, nonabsorbent, easily cleanable material that resists the wear and abuse to which the surfaces are subjected. High gloss paint is the minimum acceptable finish.

4625.5101 EQUIPMENT.

Subpart 1. **General.** Food service equipment must comply with the applicable standards of the National Sanitation Foundation.

Subp. 2. **Refrigeration.** Mechanical refrigeration, containing a thermometer, is required for potentially hazardous foods such as meat, fish, poultry, milk, milk products, and eggs. A metal stem product thermometer with a range from zero degrees Fahrenheit (minus 18 degrees centigrade) to 220 degrees Fahrenheit (110 degrees centigrade) is required for measuring temperature of this food. Electricity must be provided to refrigeration units 24 hours a day when the food stand has been set in place for service.

Subp. 3. **Grills.** Charcoal grills are acceptable for cooking food as long as they are equipped with a lid and safe food temperatures are maintained.

Subp. 4. **Utensils.** Commercial food grade utensils must be used. Galvanized or soft plastic containers, wooden spoons, enamelware, paintbrushes, and similar materials are not acceptable. Garbage bags and garbage containers must not be used for covering or storing food.

Subp. 5. **Customer safety.** To help provide customer safety and prevent possible contamination by customers, food preparation and cooking areas must be protected by means of an impervious shield or by separation distances.

Subp. 6. **Handwashing facilities.** Handwashing facilities must be provided within the establishment. They must consist of:

A. soap, paper towels, and a water faucet or spigot that discharges into a waste line or holding vessel;

Approved
by Revisor _____

B. paper towels and a spray bottle containing a ~~germicidal~~ sanitizing solution of one teaspoon of household bleach to a gallon of water; or

C. moist towelettes when there is little or no food preparation.

Subp. 7. **Lighting.** All interior lights must be shielded or enclosed to prevent breakage. Lights used at night must not attract insects.

4625.5201 DISHWASHING FACILITIES, PROCEDURES, AND EQUIPMENT CLEANING.

Subpart 1. **General.** Single service, disposable eating and drinking utensils must be used unless approved permanent dishwashing facilities are available at the site. Approved dishwashing facilities consisting of at least three sufficiently sized basins must be provided for washing equipment and utensils used for food preparation and cooking.

Subp. 2. **Drying.** Space must be provided for air drying utensils. Towel drying is not permitted.

Subp. 3. **Manual utensil washing.** The procedure for manual utensil washing is:

A. wash in warm, soapy water;

B. rinse in clear water; and

C. sanitize for at least one minute in a sanitizing solution of sufficient concentration using one tablespoon of household liquid bleach per two gallons of water, and allow to air dry.

Subp. 4. **Cleaning of equipment.** Food contact equipment that must be cleaned in place, like meat slicers or soft serve ice milk dispensers, must be sanitized using a solution equal to that listed in subpart 3, item C.

Subp. 5. **Wiping cloths.** Cloths used to wipe equipment and counters must be stored in a sanitizing solution between uses. The solution must equal that listed in subpart 3, item C.

Subp. 6. **Sanitizer test kits.** Test kits or strips for analyzing sanitizer strength must be available and used.

Approved
by Revisor _____

4625.5301 FOOD, BEVERAGE, AND UTENSIL HANDLING AND STORAGE.

Subpart 1. **Food source.** All ice and food supplies must come from an approved commercial source. No home prepared food or food storage at home is permitted. Ice must be obtained only in chipped, crushed, or cubed form and in single-use safe plastic or wet-strength paper bag, filled and sealed at the point of manufacture. The ice must be held in these bags until it is dispensed in a way that protects it from contamination.

Subp. 2. **Temperatures.** Potentially hazardous food must be maintained at 40 degrees Fahrenheit (four degrees centigrade) or below, or 150 degrees Fahrenheit (66 degrees centigrade) or above.

Subp. 3. **Previously cooked foods.** If previously cooked food is reheated it must reach an internal temperature of at least 165 degrees Fahrenheit (75 degrees centigrade) throughout before being served. Any heated food left over at the end of the day must be discarded.

Subp. 4. **Storage.** Food and single service disposable utensils such as paper plates and plastic eating utensils must be clean, dry, covered, and kept at least six inches off the floor. Storage of packaged food in contact with water or undrained ice is prohibited. Wrapped sandwiches must not be stored in direct contact with ice.

Subp. 5. **Single service items and condiment dispensing.** Single service utensils and self-service food including condiments such as catsup, mustard, coffee whitener, and sugar must be individually packaged or be dispensed from an ~~enclosed~~ approved dispenser.

4625.5401 WATER SUPPLY.

Potable water must be obtained from an approved public water supply system. Water may not come from a residential well. If water is not provided under pressure at the establishment, it may be transported and stored in approved, cleanable, covered containers such as five- or ten-gallon coffee urns or nongalvanized beverage coolers containing spigots.

Approved
by Revisor _____

4625.5501 WASTEWATER AND REFUSE DISPOSAL.

Subpart 1. **Wastewater.** Wastewater must be discharged into an approved sanitary sewer system or a holding tank. Ground surface discharge is not permitted.

Subp. 2. **Refuse and garbage disposal.** Refuse must be deposited and stored so that it does not create a nuisance. Garbage containing food waste, if stored overnight or for extended periods of time, must be stored in tightly covered nonabsorbent containers.

4625.5601 INSECT CONTROL.

Effective insect control must be achieved through sanitation. If insecticides are used, they must be an approved type such as pyrethrins as the active ingredient, and used according to the manufacturer's directions. They must not be used when food or utensils are exposed. Intermittent spray dispensers and vapona strips must not be used.

4625.5701 EMPLOYEE PRACTICES.

Employees must comply with the following requirements:

A. Employees must maintain their hands in a clean and sanitary condition and wash hands immediately after going to the toilet, handling raw food, smoking, or otherwise soiling their hands.

B. Employees must not engage in food preparation or service activities if that person has a communicable disease, gastrointestinal illness, sore throat, or discharging wound.

C. Employees must not use tobacco in any form while on duty.

D. An employee's outer garments must be clean.

E. An employee must wear effective hair restraints such as hairnets, headbands, and caps while engaged in food preparation and service.

4625.5801 SAFETY.

Subpart 1. **Electrical.** Electrical service must comply with the Minnesota State Building Code Electrical Code, chapter

Approved
by Revisor _____

1315. Electrical lines must not be located in or near water.

Subp. 2. **Carbon dioxide.** Carbon dioxide and bottled gas cylinders must be secured by chains or other types of restraints.

Subp. 3. **Fire extinguisher.** A fire extinguisher with a minimum 2A 10 B-C rating must be present if required by the fire marshal.

REQUIREMENTS FOR MOBILE FOOD SERVICES OR PUSHCARTS

4625.5901 MOBILE FOOD SERVICES OR PUSHCARTS.

Subpart 1. **General.** Mobile food services or pushcarts must comply with all provisions of parts 4625.2401 to 4625.4701 which are applicable to their operation and must comply with parts 4625.5901 to 4625.6801. The commissioner may impose additional requirements to protect against health hazards related to the conduct of their operation and may prohibit the sale or giveaway of some or all potentially hazardous foods. When no health hazard is likely to result, the commissioner may grant a variance or modify specific requirements of parts 4625.5901 to 4625.6801 relating to physical facilities.

Subp. 2. **Restricted operations.** This subpart applies whenever a mobile food service or pushcart is approved under subpart 1 to operate without complying with all the requirements of parts 4625.5901 to 4625.6801.

A. The mobile food service or pushcart must be set in a location where it is not subject to flooding and is protected from possible contamination; for example toilets, animal pens, or garbage collection sites. It must be protected from dust and windblown particulates by location, treatment of ground surfaces, or by having the unit enclosed.

B. The commissioner may restrict the type of food served or the method of food preparation based on equipment limitations ~~or~~, commissary facilities, or climatic conditions.

4625.6001 CONSTRUCTION.

Subpart 1. **Work spaces.** Work spaces must be sized to permit unobstructed work activity. Equipment must be located to permit easy cleaning.

Approved
by Revisor _____

Subp. 2. **Floors.** The interior floor must be noncorrosive metal or be surfaced with vinyl flooring or equivalent.

Subp. 3. **Walls or enclosures.** The unit must be capable of being fully enclosed on the sides and roof to provide protection during adverse weather. Interior surfaces must be finished with smooth, durable, nonabsorbent, easily cleanable material that resists the wear and abuse to which the surfaces are subjected. High gloss paint is the minimum, acceptable finish.

4625.6101 EQUIPMENT.

Subpart 1. **General.** Food service equipment must comply with the applicable standards of the National Sanitation Foundation.

Subp. 2. **Refrigeration.** Mechanical refrigeration, containing a thermometer, is required for potentially hazardous foods such as meat, fish, poultry, milk, milk products, and eggs. A metal stem product thermometer with a range from zero degrees Fahrenheit (minus 18 degrees centigrade) to 220 degrees Fahrenheit (104 degrees centigrade) is required for measuring temperatures of this food. Electricity must be provided to refrigeration units 24 hours a day when the mobile food stand has been set in place for service.

Subp. 3. **Exhaust system.** When grease laden cooking vapor or condensation is generated in the cooking process, a mechanical exhaust system must be provided to prevent grease and condensation from collecting on walls and ceilings.

Subp. 4. **Utensils.** Commercial food grade utensils must be used. Galvanized or soft plastic containers, wooden spoons, enamelware, paintbrushes, and similar materials are not acceptable. Garbage bags and garbage receptacles must not be used for covering or storing food.

Subp. 5. **Customer safety.** To help provide customer safety and prevent possible contamination by customers, food preparation and cooking areas must be protected by means of an impervious shield or by separation distances.

Subp. 6. **Handwashing facilities.** A handwashing sink

Approved
by Revisor _____

supplied with hot and cold running water, soap, and paper towels must be provided in all units where food is prepared.

Subp. 7. **Lighting.** All interior lights must be shielded or enclosed to prevent breakage. Lights used at night must not attract flying insects.

4625.6201 DISHWASHING FACILITIES, PROCEDURES, AND EQUIPMENT CLEANING.

Subpart 1. **General.** Single service, disposable eating and drinking utensils must be used unless approved permanent dishwashing facilities are available in the mobile unit. Dishwashing facilities must be available and consist of at least a three compartment sink, either free standing or installed in a counter.

Subp. 2. **Drying.** Space must be provided for air drying utensils. Towel drying is not permitted.

Subp. 3. **Manual utensil washing.** The procedure to be used for manual utensil washing is:

A. wash in warm, soapy water;

B. rinse in clean water;

C. sanitize for at least one minute in a sanitizing solution of sufficient concentration, using one tablespoon of household bleach per two gallons of water; and

D. allow to air dry.

Subp. 4. **Cleaning equipment.** Food contact equipment that must be cleaned in place, like meat slicers or soft serve ice milk dispensers, must be sanitized using a solution equal to that listed in subpart 3, item C.

Subp. 5. **Wiping cloths.** Cloths used to wipe equipment and counters must be stored in a sanitizing solution between uses. The solution must equal that listed in subpart 3, item C.

Subp. 6. **Sanitizer test kits.** Test kits or strips for analyzing sanitizer strength must be available and used.

4625.6301 FOOD, BEVERAGE, AND UTENSIL HANDLING AND STORAGE.

Subpart 1. **Food source.** All ice and food supplies must come from an approved commercial source. No home prepared food

Approved
by Revisor _____

or food stored at home is allowed. Food ~~may~~ must be kept in a licensed commissary, stock truck, or within the unit. Ice must be cubed or crushed and be sealed in a bag at the point of manufacture. The ice must be held in these bags until it is dispensed in a way that protects it from contamination.

Subp. 2. **Temperatures.** Potentially hazardous food must be maintained at 40 degrees Fahrenheit (four degrees centigrade) or below, and 150 degrees Fahrenheit (66 degrees centigrade) or above. This includes periods when it is being transported.

Subp. 3. **Previously cooked foods.** Previously cooked food that is reheated must reach an internal temperature of at least 165 degrees Fahrenheit (74 degrees centigrade) throughout before being served. Heated food that is left over at the end of the day must be discarded.

Subp. 4. **Storage.** Food and single service disposable utensils such as paper plates and plastic eating utensils must be clean, dry, covered, and kept at least six inches off the floor. Storage of packaged food in contact with water of undrained ice is prohibited. Wrapped sandwiches must not be in direct contact with ice.

Subp. 5. **Single service items and condiment dispensing.** Single service utensils and self-service food, including condiments, like catsup, coffee whitener, or sugar, must be individually packaged or dispensed from an ~~enclosed~~ approved dispenser.

4625.6401 WATER SUPPLY.

Subpart 1. **General.** Potable water must be obtained from an approved public water supply system. Water must not come from a residential well.

Subp. 2. **Holding tanks.** Each mobile food service ~~or pushcart~~ requiring a water system must be equipped with a fresh water holding tank that can be drained and a hot water heater, both of which are sufficiently sized to meet water demand. The holding tank must be corrosion resistent, nontoxic, and free of seams. When in operation, a unit may be directly supplied with

Approved
by Revisor _____

water from an external water system. The connecting hose must be capped and otherwise protected when it is disconnected so that it will not be contaminated by waste discharge, road dust, oil, or grease.

Subp. 3. **System sanitizing.** The total water system must be sanitized each year before the unit is put into service.

4625.6501 WASTEWATER AND REFUSE DISPOSAL.

Subpart 1. **Wastewater.** Wastewater must be discharged directly into an approved sanitary sewer system or to a holding tank which will subsequently be discharged into a sewer system. Discharge lines and connections must not be compatible with the water supply connections. The holding tank must be at least 15 percent larger than the fresh water storage tank. Ground surface discharge is not permitted.

Subp. 2. **Refuse and garbage disposal.** Refuse must be deposited and stored in a manner that will not tend to create a nuisance. Garbage containing food waste, if stored overnight or for extended periods of time, must be stored in tightly covered nonabsorbent containers.

4625.6601 INSECT CONTROL.

Effective insect control must be achieved through sanitation. If insecticides are to be used, they must be an approved type such as pyrethrins as the active ingredient, used according to the manufacturer's directions. They must not be used when food or utensils are exposed. Intermittent spray dispensers and vapona strips must not be used.

4625.6701 EMPLOYEE PRACTICES.

Employees must comply with the following requirements:

A. Employees must maintain their hands in a clean and sanitary condition and wash hands immediately after going to the toilet, handling raw food, smoking, or otherwise soiling their hands.

B. An employee must not engage in food preparation or service activities if that person has a communicable disease,

Approved
by Revisor _____

gastrointestinal illness, sore throat, or discharging wound.

C. An employee must not use tobacco in any form while on duty.

D. An employee's outer garments must be clean.

E. An employee must wear effective hair restraints such as hairnets, headbands, and caps while engaged in food preparation and service.

4625.6801 SAFETY.

Subpart 1. **Electrical.** Electrical service must comply with the Minnesota State Building Code Electrical Code, chapter 1315. Electrical lines should not be located in or near water.

Subp. 2. **Carbon dioxide.** Carbon dioxide and bottled gas cylinders must be secured by chains or other types of restraints.

Subp. 3. **Fire extinguishers.** A fire extinguisher with a minimum 2A 10 B-C rating must be present if required by the fire marshal.

REQUIREMENTS FOR SPECIAL EVENT FOOD STANDS

4625.6901 SPECIAL EVENT FOOD STAND.

Subpart 1. **General.** Special event food stands must comply with all provisions of parts 4625.2401 to 4625.4701 which are applicable to their operation and must comply with parts 4625.6901 to 4625.7801. The commissioner may impose additional requirements to protect against health hazards related to the conduct of their operation and may prohibit the sale or giveaway of some or all potentially hazardous foods. When no health hazard is likely to result, the commissioner may grant a variance or modify specific requirements of parts 4625.6901 to 4625.7801.

Subp. 2. **Restricted operations.** This subpart applies whenever a special event food stand is approved under subpart 1 to operate without complying with all the requirements of parts 4625.6901 to 4625.7801.

A. The special event food stand must be located where it is not subject to flooding and is protected from possible contamination; for example toilets, animal pens, or garbage

Approved
by Revisor _____

collection sites. It must be protected from dust and windblown particulates by location, treatment of ground surfaces, or by having the food stand enclosed.

B. The commissioner may restrict the type of food served or the method of food preparation based on equipment limitations, commissary facilities, or climatic conditions.

4625.7001 CONSTRUCTION.

Subpart 1. **Work spaces.** Work spaces must be sized to permit unobstructed work activity. Equipment must be located to permit easy cleaning.

Subp. 2. **Floors.** The interior floor must be constructed of concrete, asphalt, tight wood, or other similar cleanable material kept in good repair. Dirt or gravel, when graded to drain, may be used as subflooring when covered with clean, removable platforms or duckboards, or covered with wood chips, shavings, or other suitable materials effectively treated to control dust.

Subp. 3. **Walls or enclosures.** The stand must provide protection during adverse weather by its construction or location. If it does not, then food activities must cease during periods of adverse weather. Interior surfaces must be finished with smooth, durable, nonabsorbent, easily cleanable material that resists the wear and abuse to which the surfaces are subjected. High gloss paint is the minimum, acceptable finish.

4625.7101 EQUIPMENT.

Subpart 1. **General.** Food service equipment must be appropriately designed and sized for its use.

Subp. 2. **Refrigeration.** Mechanical refrigeration is required for potentially hazardous foods such as meat, fish, poultry, milk and milk products, and eggs. A metal stem product thermometer with a range from zero degrees Fahrenheit (minus 18 degrees centigrade) to 220 degrees Fahrenheit (104 degrees centigrade) is required for measuring temperature of this food. Electricity must be provided to refrigeration units 24 hours a

Approved
by Revisor _____

day when the special event food stand has been set in place for service. Insulated chests containing dry ice or frozen refrigerant packs may be used for items such as ~~hot-dogs~~ wieners and precooked sausages as long as required temperatures are maintained. A thermometer is required for each refrigerator and insulated chest.

Subp. 3. **Cooking equipment.** Electric skillets, roasters, propane stoves, and charcoal grills equipped with lids are acceptable for cooking food as long as safe food temperatures are maintained. Crock pots may not be used.

Subp. 4. **Utensils.** Commercial food grade utensils must be used. Galvanized or soft plastic containers, wooden spoons, enamelware, paintbrushes, and similar materials are not acceptable. Garbage bags and garbage receptacles must not be used for covering or storing food.

Subp. 5. **Customer safety.** To help provide customer safety and prevent possible contamination by customers, food preparation and cooking areas must be protected by an impervious shield or by separation distances.

Subp. 6. **Handwashing facilities.** Handwashing facilities shall be provided within the stand. They shall consist of:

A. soap, paper towels, and a water faucet or spigot that discharges into a waste line or holding vessel; or

B. paper towels and a spray bottle containing a germicidal solution, using one teaspoon of household bleach to a gallon of water; or

C. moist towelettes when there is little or no food preparation.

Subp. 7. **Lighting.** All interior lights must be shielded or enclosed to prevent breakage. Lights used at night must not attract flying insects.

4625.7201 DISHWASHING FACILITIES, PROCEDURES, AND EQUIPMENT CLEANING.

Subpart 1. **General.** Single service, disposable eating and drinking utensils must be used unless approved permanent

Approved
by Revisor _____

dishwashing facilities are available. Utensils are to be washed and sanitized immediately before the special event and as often as necessary during the event. Utensils may be washed off the site if approval is granted. When this is done, the clean utensils must be suitably covered with plastic wrap or placed in a covered container when transported. When utensils are not washed at the site, enough utensils must be provided so that if one becomes soiled or contaminated, a clean one is available.

Subp. 2. **Drying.** Space must be provided for air drying utensils. Towel drying is not permitted.

Subp. 3. **Manual utensil washing.** The procedure for manual utensil washing is:

A. wash in warm, soapy water;

B. rinse in clean water;

C. sanitize for at least one minute in a sanitizing solution of sufficient concentration, using one tablespoon of household bleach per two gallons of water; and

D. allow to air dry.

Subp. 4. **Cleaning equipment.** Food contact equipment that must be cleaned in place, like meat slicers or soft serve ice milk dispensers, must be sanitized using a solution equal to that listed in subpart 3, item C.

Subp. 5. **Wiping cloths.** Cloths used to wipe equipment and counters must be stored in a sanitizing solution between uses. The solution must equal that listed in subpart 3, item C.

Subp. 6. **Sanitizer test kits.** Test kits or strips for analyzing sanitizer strength must be available and used.

4625.7301 FOOD, BEVERAGE, AND UTENSIL HANDLING AND STORAGE.

Subpart 1. **Food source.** All ice and food supplies must come from an approved commercial source. No home prepared food or food storage at home is permitted. Ice must be obtained only in chipped, crushed, or cubed form and in single-use safe plastic or wet-strength paper bags filled and sealed at the point of manufacture. The ice must be held in these bags until it is dispensed in a way that protects it from contamination.

Approved
by Revisor _____

When preparation or hot and cold holding equipment are not adequate for the volume of food prepared, food preparation activities must take place in a facility which is in compliance with parts 4625.2401 to 4625.4701, such as a restaurant, school, fraternal organization kitchen, or church.

Subp. 2. **Temperature.** Potentially hazardous food must be maintained at 40 degrees Fahrenheit (four degrees centigrade) or below and 150 degrees Fahrenheit (66 degrees centigrade) or above, including periods when it is being transported.

Subp. 3. **Previously cooked foods.** Previously cooked food that is reheated must reach an internal temperature of at least 165 degrees Fahrenheit (74 degrees centigrade) throughout before being served. Any heated food that is left over at the end of the day must be discarded.

Subp. 4. **Storage.** Food and single service disposable utensils such as paper plates and plastic eating utensils must be clean, dry, covered, and kept at least six inches off the floor. Storage of packaged food in contact with water or undrained ice is prohibited. Wrapped sandwiches must not be stored in direct contact with ice. Canned, bottled, and other containerized beverages except milk may be chilled in ice.

Subp. 5. **Single service items and condiment dispensing.** Single service utensils and self-service food including condiments such as catsup, mustard, coffee whitener, and sugar must be individually packaged or be dispensed from an ~~enclosed~~ approved dispenser.

4625.7401 WATER SUPPLY.

Potable water must be obtained from an approved public water supply system. Water must not come from a residential well. If water is not provided under pressure at the establishment, it may be transported and stored in approved, cleanable, covered containers such as five- or ten-gallon coffee urns or nongalvanized beverage coolers containing spigots.

4625.7501 WASTEWATER AND REFUSE DISPOSAL.

Subpart 1. **Wastewater.** Wastewater must be discharged into

Approved
by Revisor _____

an approved sanitary sewer system or a holding tank. Ground surface discharge is not permitted.

Subp. 2. **Refuse and garbage disposal.** Refuse and garbage must be deposited and stored in a manner that will not tend to create a nuisance. Garbage containing food waste if stored overnight or for extended periods of time must be stored in tightly covered nonabsorbent containers.

4625.7601 INSECT CONTROL.

Effective insect control is to be achieved through sanitation. If insecticides are to be used, they must be an approved type such as pyrethrins as the active ingredient, used according to the manufacturer's directions. They must not be used when food or utensils are exposed., Intermittent spray dispensers and vapona strips must not be used.

4625.7701 EMPLOYEE PRACTICES.

Employees must comply with the following requirements:

A. Employees must maintain their hands in a clean and sanitary condition and wash hands immediately after going to the toilet, handling raw food, smoking, or otherwise soiling their hands.

B. Employees must not engage in food preparation or service activities if that person has a communicable disease, gastrointestinal illness, sore throat, or discharging wound.

C. An employee must not use tobacco in any form while on duty.

D. An employee's outer garments must be clean.

E. An employee must wear effective hair restraints such as hairnets, headbands, and caps while engaged in food preparation and service.

F. An adult shall be responsible for the operation of the stand and shall supervise children working in the stand.

4625.7801 SAFETY.

Subpart 1. **Electrical.** Electrical service must comply with the Minnesota State Building Code Electrical Code, chapter

Approved
by Revisor _____

1315. Electrical lines should not be located in or near water.

Subp. 2. **Carbon dioxide.** Carbon dioxide and bottled gas cylinders must be secured by chains or other types of restraints.

Subp. 3. **Fire extinguishers.** A fire extinguisher with a minimum 2A 10 B-C rating must be present if required by the fire marshal.

REPEALER. Parts 4625.2400, 4625.2500, 4625.2600, 4625.2700, 4625.2800, 4625.2900, 4625.3000, 4625.3100, 4625.3200, 4625.3300, 4625.3400, 4625.3500, 4625.3600, 4625.3700, 4625.3800, 4625.3900, 4625.4000, 4625.4100, 4625.4200, 4625.4300, 4625.4400, 4625.4500, 4625.4600, 4625.4700, 4625.4800, and 4625.4900, are repealed.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Adopted Permanent Rules Relating to Food and Beverage Establishments

AGENCY: Department of Health

MINNESOTA RULES: Chapter 4625

INCORPORATION BY REFERENCE:
Parts 4625.2401, subpart 24; 4625.3701, subpart 2, item C; and 4625.3801, subpart 6, items D and F.

National Sanitation Foundation Standard published by the National Sanitation Foundation.

The attached rules are approved for filing with the Secretary of State

Kathleen M. Traxler
Assistant Revisor

Office of the Revisor of Statutes
Administrative Rules

Kathleen M. Traxler
Assistant Revisor
296-0956

700 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1297

April 27, 1989

MAY 1989
RECEIVED
ATTORNEY GENERAL
HEALTH

Mr. Fred Mitchell
Department of Health
717 S.E. Delaware St.
P.O. Box 9441
St. Paul, MN 55440

RE: File No. 1347

Dear Mr. Mitchell:

I have approved your rules adopted without a public hearing, and am enclosing a copy of these rules for your records.

I have also delivered two copies of these rules to the Attorney General for approval. If they are approved, the Attorney General will file two copies of the approved rules with the Secretary of State. The Secretary of State will then notify me of that fact.

After I am notified that the rules are filed with the Secretary of State, I will prepare three copies of a notice of adoption for you.

If you have any questions, please call me.

Very truly yours,

Kathleen M. Traxler

Kathleen M. Traxler

Department of Health

Adopted Permanent Rules Relating to Food and Beverage Establishments

Rules as Adopted

REQUIREMENTS FOR FOOD AND BEVERAGE ESTABLISHMENTS

4625.2401 DEFINITIONS.

Subpart 1. **Scope.** For purposes of parts 4625.2401 to 4625.7801, the following terms have the meanings given them.

Subp. 2. **Adulterated.** "Adulterated" means the condition of a food if it bears or contains any poisonous or deleterious substance for which no safe tolerance has been established or in excess of such tolerance if one has been established; if it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for human consumption; if it has been processed, prepared, packed, or held under insanitary conditions, where it may have been rendered injurious to health; if it is in whole or in part the product of a diseased animal, or an animal which has died otherwise than by slaughter; or if its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health.

Subp. 3. **Approved.** "Approved" means acceptable to the commissioner according to applicable standards in parts 4625.2401 to 4625.7801 and good public health practices.

Subp. 4. **Clean.** "Clean" means free from insects, vermin, and debris and free from physical, chemical, and microbial substances discernible by ordinary sight or touch, by ultraviolet light, by artificial light, and by the safranine-o dye test or by microscopic or microbiological examination.

Subp. 5. **Closed.** "Closed" means fitted snugly together leaving no openings large enough to permit the entrance of vermin.

Approved by Revisor

Subp. 6. **Commissary.** "Commissary" means a catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged, or stored.

Subp. 7. **Commissioner.** "Commissioner" means the commissioner of health or a designee.

Subp. 8. **Corrosion-resistant materials.** "Corrosion-resistant materials" means materials which maintain their original surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and bactericidal solution, and other conditions-of-use environment.

Subp. 9. **Department.** "Department" means the Minnesota Department of Health.

Subp. 10. **Easily cleanable.** "Easily cleanable" means surfaces which are readily accessible and made of such materials and finish and so fabricated that residue may be effectively removed by ordinary cleaning methods.

Subp. 11. **Embargo.** "Embargo" means the withholding of food, equipment, utensils, or clothing from sale or use in any establishment licensed as a restaurant, boarding house, or place of refreshment until approval is given by the commissioner for such sale or use.

Subp. 12. **Employee.** "Employee" means a person working in a food or beverage service establishment who transports food or food containers, who engages in food preparation or service, or who comes in contact with any food utensils or equipment.

Subp. 13. **Equipment.** "Equipment" means stoves, ovens, ranges, hoods, slicers, mixers, meatblocks, tables, counters, refrigerators, freezers, ice machines, sinks, dishwashing machines, steam tables, and similar items other than utensils used in the operation of a food or beverage service establishment.

Subp. 14. **Food.** "Food" means any 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

Approved
by Revisor _____

consumption.

Subp. 15. **Food and beverage service establishments.** "Food and beverage service establishments" means establishments defined in Minnesota Statutes, chapter 157, and includes drive-ins, bars, taverns, drive-in cafes, clubs, lodges, eating facilities at resorts, schools, day care facilities, children's camps, fairs, circuses, carnivals, churches, and public buildings, except as exempted by Minnesota Statutes, section 157.14, and all other businesses and establishments where meals, lunches, or drinks are served.

Subp. 16. **Food-contact surface.** "Food-contact surface" means surfaces of equipment and utensils with which food normally comes in contact, and surfaces from which food may drain, drip, or splash back onto surfaces normally in contact with food.

Subp. 17. **Garbage.** "Garbage" means discarded material resulting from the handling, processing, storage, preparation, serving, and consumption of food.

Subp. 18. **Hermetically sealed container.** "Hermetically sealed container" means a container designed and intended to be secure against the entry of micro-organisms and to maintain the commercial sterility of its content after processing.

Subp. 19. **Itinerant food service.** "Itinerant food service" means a food service establishment that is disassembled and moved from location to location, remaining no more than 14 consecutive days at any one place.

Subp. 20. **Kitchenware.** "Kitchenware" means all multi-use utensils other than tableware.

Subp. 21. **Law.** "Law" includes federal regulations, state statutes and rules, and local ordinances.

Subp. 22. **Limited food service establishment.** "Limited food service establishment" means a food establishment serving only prepackaged food for example, frozen pizza and sandwiches which receive no more than heat treatment.

Subp. 23. **Mobile food service.** "Mobile food service" means a food service establishment that is a vehicle mounted

Approved
by Revisor _____

unit, either motorized or trailered, and readily movable without disassembling, for transport to another location and remaining for no more than 14 consecutive days at any one place.

Subp. 24. **National sanitation foundation standard.** "National sanitation foundation standard" means a standard issued and recommended by the National Sanitation Foundation for equipment used in food establishments. The standards are published by the National Sanitation Foundation, 3475 Plymouth Road, P.O. Box 1468, Ann Arbor, Michigan 48106. The standards listed in parts 4625.3701, subpart 2, item A, and 4625.3801, subpart 6, items D and F, are incorporated by reference and are available through the Minitex interlibrary loan system. The standards are not subject to frequent change.

Subp. 25. **Packaged.** "Packaged" means bottled, canned, cartoned, or securely wrapped.

Subp. 26. **Perishable food.** "Perishable food" means a food of the type or in the condition that may spoil.

Subp. 27. **Person in charge.** "Person in charge" means the individual present in a food service establishment who is the apparent supervisor of the food service establishment at the time of inspection. If no individual is the apparent supervisor, then ~~an~~ any employee present is the person in charge.

Subp. 28. **Potable water.** "Potable water" means water of a quality and from a source of supply and system operated, located, and constructed in accordance with the department rules relating to public water supplies, water wells, and plumbing installations.

Subp. 29. **Potentially hazardous food.** "Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, mollusk, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic micro-organisms. The term does not include clean, whole, uncracked, odor-free, shell eggs or foods which have a pH level of 4.6 or below or a water activity (aW) value of 0.85 or less.

Approved
by Revisor _____

Subp. 30. **Push cart.** "Push cart" means a nonself-propelled vehicle limited to serving nonpotentially hazardous foods or commissary-wrapped food maintained at proper temperatures, or limited to the preparation and serving of frankfurters and other precooked ready-to-eat link sausages.

Subp. 31. **Reconstituted.** "Reconstituted" means dehydrated food products recombined with water or other liquids.

Subp. 32. **Safe material.** "Safe material" means articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in becoming a component or otherwise affecting the characteristics of any food. If materials used are food additives or color additives as defined in the Federal Food, Drug and Cosmetic Act, United States Code, title 21, section 321, they are safe only if they are used in conformity with regulations established pursuant to the act, as provided by United States Code, title 21, section 348 or 376. Other materials are safe only if, as used, they are not food additives or color additives as defined in United States Code, title 21, section 321, and are used in conformity with all applicable regulations of the United States Food and Drug Administration.

Subp. 33. **Safe temperatures.** "Safe temperatures" as applied to potentially hazardous food, means temperatures of 40 degrees Fahrenheit (four degrees centigrade) or below, and 150 degrees Fahrenheit (66 degrees centigrade) or above.

Subp. 34. **Sanitization.** "Sanitization" means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on utensils and equipment.

Subp. 35. **Sealed.** "Sealed" means free of cracks or other openings that permit the entry or passage of moisture.

Subp. 36. **Single-service articles.** "Single-service articles" means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, placemats, napkins, doilies, wrapping materials, toothpicks, and similar

Approved
by Revisor _____

articles intended for one-time, one-person use and then discarded.

Subp. 37. **Smooth.** "Smooth" means having an even surface, free of cracks, chips, open seams, rust, corrosion, breaks, pits, checks, and ridges.

Subp. 38. **Special event food stand.** "Special event food stand" means a food service used in conjunction with celebrations or special events, used not more than twice annually, and remaining no more than 14 consecutive days at any one location.

Subp. 39. **Tableware.** "Tableware" means multi-use eating and drinking utensils, including flatware.

Subp. 40. **Utensils.** "Utensils" means any kitchenware, tableware, dishes, glassware, cutlery, pots, pans, and containers used in the storage, preparation, transportation, or service of food.

Subp. 41. **Wholesome.** "Wholesome" means sound, healthful, clean, unadulterated, and in all ways fit for human consumption.

4625.2501 SCOPE.

Parts 4625.2401 to 4625.7801 apply to all food and beverage service establishments, such as restaurants, boarding houses, and places of refreshment, as defined in Minnesota Statutes, chapter 157, and in parts 4625.2401 to 4625.7801, whether or not a license is required under Minnesota Statutes, section 157.03.

4625.2601 ADMINISTRATION.

Subpart 1. **Food samples.** Samples of food may be collected without cost and examined by the commissioner as often as may be necessary for the enforcement of parts 4625.2401 to 4625.7801. ~~The commissioner may condemn and forbid the sale of, or cause to be removed or destroyed, any food that is unwholesome or adulterated, prepared, processed, handled, packaged, transported, or stored in an unwholesome manner, unfit for human consumption, or otherwise prohibited by law.~~

Subp. 2. **Embargo.** The commissioner may embargo and forbid the sale of, or cause to be removed or destroyed, any food that

Approved by Revisor _____

is unwholesome or adulterated; prepared, processed, handled, packaged, transported, or stored in an unwholesome manner; unfit for human consumption; or otherwise prohibited by law. Equipment and utensils, which do not meet the requirements of parts 4625.2401 to 4625.7801, may be embargoed. Equipment and utensils must be released from the embargo upon notification of the commissioner by the person in charge of modification of the equipment or utensils to meet the requirements of parts 4625.2401 to 4625.7801 and after inspection of the utensils and equipment by the commissioner.

Subp. 3. **Condemnation.** The commissioner may condemn and cause to be removed any food, equipment, clothing, or utensils found in a food establishment, the use of which would not comply with parts 4625.2401 to 4625.7801, or which is being used in violation of parts 4625.2401 to 4625.7801 and also may condemn and cause to be removed any equipment, clothing, or utensils which by reasons of dirt, filth, extraneous matter, insects, corrosion, open seams, or chipped or cracked surfaces is unfit for use.

Subp. 4. **Tag.** The commissioner may place a tag to indicate the embargo or the condemnation upon food, equipment, utensils, or clothing. No person shall remove the tag except under the direction of the commissioner.

4625.2650 VARIANCES AND WAIVERS.

Subpart 1. **Procedures to request a variance or waiver.** A licensee may request that the commissioner grant a variance or waiver from the provisions in parts 4625.2401 to 4625.7801. All requests for a variance or waiver must be submitted to the department in writing. Each request shall contain:

A. the specific language in the rule from which the variance or waiver is requested;

B. the reasons for the request;

C. the alternative measures that will be taken if a variance or waiver is granted;

D. the length of time for which the variance or

Approved by Revisor _____

waiver is requested; and

E. other relevant information necessary to properly evaluate the request for the variance or waiver.

Subp. 2. **Criteria for decision.** The decision to grant or deny a variance or waiver shall be based on the commissioner's evaluation that:

A. the variance or waiver will not adversely affect the environment;

B. the alternative measures to be taken, if any, are equivalent to or superior to those prescribed in the rule; and

C. compliance with the rule would impose an undue burden on the applicant.

Subp. 3. **Notification of variance.** The commissioner shall notify the applicant in writing of the decision to grant or deny a variance or waiver. If a variance or waiver is granted, the notification shall specify the period of time for which the variance or waiver will be effective and the alternative measures or conditions, if any, the applicant must meet.

Subp. 4. **Effect of alternative measures or conditions.** All alternative measures or conditions attached to a variance or waiver have the force and effect of the applicable rule and are subject to the issuance of correction orders and penalties as provided by law.

Subp. 5. **Renewal.** A request for the renewal of a variance or waiver must be submitted in writing before its expiration date. Renewal requests shall contain the information in subpart 1. The commissioner shall renew a variance or waiver if the applicant continues to satisfy the criteria in subpart 1, and demonstrates compliance with the alternative measures or conditions imposed when the original variance or waiver was granted.

Subp. 6. **Denial, revocation, or refusal to renew.** The commissioner shall deny, revoke, or refuse to renew a variance or waiver if the commissioner determines that the criteria in ~~subpart~~ subparts 1 and 2 are not met. The commissioner shall notify the applicant in writing of the decision to deny, revoke,

Approved
by Revisor _____

or refuse to renew the variance or waiver. The notice must describe the reasons for the denial, revocation, or refusal to renew, and inform the applicant of the right to appeal the decision.

Subp. 7. **Appeal procedure.** An applicant may contest the denial, revocation, or refusal to renew a variance or waiver by requesting a contested case hearing under the Administrative Procedure Act, Minnesota Statutes, chapter 14. The applicant shall submit, within 15 days after receiving the commissioner's decision, a written request for a hearing. The request for a hearing shall state, in detail, the reasons why the decision of the commissioner should be reversed or modified. At the hearing, the applicant bears the burden of proving that the applicant has satisfied the criteria specified in subpart 1.

4625.2701 PLAN REVIEW OF FUTURE CONSTRUCTION.

Whenever a food or beverage service establishment is constructed or extensively remodeled and whenever an existing structure is converted to use as a food or beverage service establishment under Minnesota Statutes, section 157.03, properly prepared plans and specifications for the construction, remodeling, or conversion must be submitted to the commissioner for review and approval before construction, remodeling, or conversion is begun. The plans and specifications must indicate the proposed layout, arrangement, plumbing specifications, construction materials of work areas, and the type and model number of proposed fixed equipment and facilities. The plans and specifications, submitted in duplicate and drawn to scale, must be legible and complete in all details.

The commissioner shall approve the plans and specifications if they meet the requirements of parts 4625.2401 to 4625.7801 and report the findings within 30 days of the date that plans are received.

The facility must be constructed and finished in conformance with the approved plans.

The department shall inspect the food or beverage service

Approved
by Revisor _____

establishment before the start of operation to determine compliance with the approved plans and specifications.

4625.2801 MISREPRESENTATION OF FOOD.

The person in charge of any food or beverage service establishment shall not in any way misrepresent food or beverages offered to the public. Practices which constitute misrepresentation include:

A. the sale of adulterated food;

B. the substitution of food items of lesser quality, or food different from items as advertised;

C. making statements giving incorrect or deceptive points of origin;

D. making misleading statements of size, number, weight, or price; and

E. not meeting standards of identity prescribed by law for certain foods.

4625.2901 EMERGENCY FIRST AID FOR CHOKING.

A food service establishment which is not an itinerant, mobile, special event, or limited food service establishment must post a chart illustrating the use of an emergency first aid procedure approved by the commissioner, to relieve a patron with a restricted airway. The illustration must be posted in the food preparation area where all employees may easily see it.

4625.3001 MINNESOTA CLEAN INDOOR AIR ACT.

The person in charge of a food and beverage establishment shall make adequate provisions to meet the requirements of the Minnesota Clean Indoor Air Act, Minnesota Statutes, sections 144.411 to 144.417, and chapter 4620.

4625.3101 ITINERANT, MOBILE FOOD SERVICES OR PUSHCARTS, AND SPECIAL EVENT FOOD STANDS.

Itinerant, mobile food services or pushcarts, and special event food stands must comply with all provisions of parts 4625.2401 to 4625.7801 which are applicable to their operation. The establishments and units must be operated in an approved

Approved
by Revisor _____

manner. If necessary to protect the public health, the commissioner ~~may~~ shall impose additional requirements to protect against health hazards related to the conduct of their operation and ~~may~~ shall prohibit the sale or giveaway of some or all potentially hazardous foods. When no health hazard is likely to result, the commissioner may modify specific requirements for physical facilities.

4625.3201 FOOD AND FOOD HANDLING.

Subpart 1. **Food sources and supplies.** Food must be in a sound condition, free from spoilage, filth, or other contamination and must be safe for human consumption. Food must be obtained from sources that comply with laws relating to food and food labeling and approved by the commissioner of health or agriculture. The use, storage, or serving of food in hermetically sealed containers not prepared in a food processing plant licensed by the United States Department of Agriculture, Food and Drug Administration, or Minnesota Department of Agriculture, and other food not prepared in a licensed food establishment is prohibited.

Subp. 2. **Special requirements.** Fluid milk and fluid milk products used or served must be pasteurized and must meet the Grade A quality standards in Minnesota Statutes, chapter 32. Fluid milk and fluid milk products must be served to the consumer in individual, unopened, commercially filled original containers not exceeding one pint in capacity, or drawn from a commercially filled container stored in a mechanically refrigerated bulk milk dispenser. Where a bulk dispenser for milk and milk products is not available and portions of less than one-half pint are required for mixed drinks, cereal, or dessert service, milk and milk products may be poured from a commercially filled container of not more than one-half gallon capacity. Nondairy creaming or whitening agents must be provided in an individual service container or drawn from a refrigerated dispenser designed for such service. Dry milk, dry milk products, and nondairy product substitutes may be used in

Approved
by Revisor _____

instant dessert and whipped products or for cooking, baking, manufacturing, and processing purposes only.

Subp. 3. **Variance for certain establishments.** A variance covering dispensing of milk or milk products to the consumer in food services such as day care centers, boarding and lodging houses, and children's camps may be granted to permit milk to be poured from a commercially filled container of not more than one gallon capacity into the drinking vessel.

Subp. 4. **Frozen foods.** All frozen dairy foods such as ice cream, frozen custards, ice milk, milk sherbet, fruit or ice sherbet, yogurt, and frozen malted milk must meet requirements in Minnesota Statutes, chapter 32.

Subp. 5. **Shellfish.** Fresh and frozen shucked shellfish, like oysters, clams, or mussels, must be packed in nonreturnable packages identified with the name and address of the original shell stock processor, shucker-packer, or repacker, and the interstate certification number issued according to United States Code, title 42, section 243, and Code of Federal Regulations, title 21, section 1240.60. Shell stock and shucked shellfish must be kept in the container in which they were received until they are used. Each container of unshucked shell stock, like oysters, clams, or mussels, must be identified by an attached tab that states the name and address of the original shell stock processor, the kind and quality of shell stock, and an interstate certification number issued by the state or foreign shellfish control agency.

Subp. 6. **Meat.** All meat and meat products received, kept, or used in any manner in a food establishment must be officially identified as having been inspected by the United States Department of Agriculture in accordance with the Federal Meat Inspection Act, United States Code, title 21, sections 601 to 691. Products upon which any official identification is lost by reason of processing must be identified by the name and location of the processor.

Subp. 7. **Poultry.** All poultry and poultry meat products must be clean, wholesome, free from spoilage and adulteration,

Approved
by Revisor _____

and must be processed in a food establishment meeting the requirements established in the Poultry Products Inspection Act, United States Code, title 21, sections 451 to 469. Only clean whole eggs, with shell intact and without cracks or checks, or pasteurized liquid, frozen, or dry eggs or pasteurized dry egg products must be used, except that hard-boiled, peeled eggs, commercially prepared and packaged may be used. Liquid, frozen, and dry eggs and egg products may be used only for cooking, baking, manufacturing, and processing purposes.

Subp. 8. **Lubricants.** Only food grade lubricants of a safe material must be used on equipment designed to receive lubrication of bearings and gears on or within food-contact surfaces.

4625.3301 FOOD PROTECTION.

Subpart 1. **Protection generally.** Food must be protected from potential contamination including:

A. dusts, insects, rodents, and other vermin;

B. unclean equipment, work surfaces, utensils, and facilities;

C. unnecessary or improper handling;

D. coughs and sneezes;

E. flooding, drainage, and overhead leakage or drippage; and

F. utensils or equipment which have not been given bactericidal treatment.

Adequate and approved protection of all food must be provided after delivery and while being stored, prepared, displayed, served, or sold in food establishments or transported between establishments.

Subp. 2. **Emergency occurrences.** In the event of a fire, flood, power outage, or other event that might result in the contamination of food, or that might prevent potentially hazardous food from being held at required temperatures, the person in charge shall immediately contact the department. Upon receiving notice of this occurrence, the department ~~may~~ must

Approved
by Revisor _____

take action that is necessary to protect the public health.

4625.3401 TEMPERATURE MAINTENANCE.

Subpart 1. Potentially hazardous foods. The internal temperature of all potentially hazardous foods must be maintained at 40 degrees Fahrenheit (four degrees centigrade) or below, or 150 degrees Fahrenheit (66 degrees centigrade) or above, except during preparation. Potentially hazardous foods requiring refrigeration after preparation must be rapidly cooled to an internal temperature of 40 degrees Fahrenheit (four degrees centigrade) or below within four hours after removal from the heating or hot holding device. Frozen food must be kept frozen and should be stored at an internal temperature of zero degrees Fahrenheit (minus 18 degrees centigrade) or below.

Subp. 2. Storage facilities. Adequate, properly designed, and conveniently located mechanical refrigeration or hot food storage facilities must be provided to ensure the maintenance of potentially hazardous food at required temperatures. Each storage facility must be provided with a numerically scaled temperature indicating device accurate to plus or minus three degrees Fahrenheit (plus or minus two degrees centigrade) located to measure the air temperature in the warmest part of the refrigeration facility or the coldest part of the hot holding facility. Temperature indicating devices must be securely fastened and located to be easily readable. Where it is impractical to install fixed temperature indicating devices on equipment such as cold table tops, steam tables, processing lines, kettles, heat lamps, or portable transport carriers, a product thermometer of metal stem type construction, numerically scaled, and accurate to plus or minus two degrees Fahrenheit (plus or minus one degree centigrade) must be provided and used to check internal food temperatures.

Subp. 3. Poultry. Poultry, poultry stuffings, stuffed meats, and stuffings containing meat must be cooked to heat all parts of the food to at least 165 degrees Fahrenheit (74 degrees centigrade) with no interruption of the cooking process.

Approved
by Revisor _____

Subp. 4. **Pork.** Pork and any food containing pork must be cooked to heat all parts of the food to at least 150 degrees Fahrenheit (66 degrees centigrade), or, if cooked in a microwave oven, to at least 170 degrees Fahrenheit (77 degrees centigrade).

Subp. 5. **Beef roasts.** Beef roasts must be cooked according to the following requirements:

A. When beef roasts under ten pounds (five kilograms) in weight are cooked in a still dry heat oven, the oven must be preheated to and held at an air temperature of at least 350 degrees Fahrenheit (177 degrees centigrade) throughout the process. If cooked in a convection oven, the oven must be preheated to and held at an air temperature of at least 325 degrees Fahrenheit (163 degrees centigrade) throughout the process.

B. When beef roasts of ten pounds (five kilograms) or over in weight are cooked in a dry heat oven, the oven must be preheated to and held at an air temperature of at least 250 degrees Fahrenheit (122 degrees centigrade) throughout the process.

C. In order to meet public health requirements for the processes in ~~this item~~ items A and B, the following table lists the minimum internal temperature of the beef roast for the minimum time the roast needs to be held at such temperature:

MINIMUM HOLDING TIMES FOR BEEF ROASTS
AT VARIOUS INTERNAL TEMPERATURES

Minimum internal temperature		Minimum holding time
Degrees Fahrenheit	Degrees Centigrade	Minutes
130	54.4	121
131	55.0	97
132	55.6	77
133	56.1	62
134	56.7	47

Approved by Revisor _____

135	57.2	37
136	57.8	32
137	58.4	24
138	58.9	19
139	59.5	15
140	60.0	12
141	60.6	10
142	61.1	8
143	61.7	6
144	62.2	5

D. If cooked in a microwave oven, beef roasts must be cooked to an internal temperature of at least 145 degrees Fahrenheit (63 degrees centigrade).

Subp. 6. **Reheating.** Potentially hazardous foods that have been cooked and then refrigerated, if reheated, must be heated rapidly to 165 degrees Fahrenheit (74 degrees centigrade) or higher throughout before being served or before being placed in a hot food storage facility. Steam tables, bainmaries, warmers, and similar hot food holding facilities are prohibited for the rapid reheating of potentially hazardous foods.

Subp. 7. **Thawing potentially hazardous foods.** Potentially hazardous foods must be thawed in one of the following ways:

A. in refrigerated units at a temperature not to exceed 40 degrees Fahrenheit (four degrees centigrade);

B. under potable running water of a temperature of 70 degrees Fahrenheit (21 degrees centigrade) or below, and allowing the water to ~~waste~~ <u>discharge</u> directly to the drain;

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.

4625.3501 PREPARATION, DISPLAY, AND SERVICE.

Subpart 1. **Minimum manual contact.** Food must be prepared

Approved
by Revisor _____

or processed with the least possible manual contact and in a manner that prevents cross-contamination of products. Only suitable utensils or equipment which have been cleaned, rinsed, and sanitized before use to prevent cross-contamination, must be used in food preparation.

Subp. 2. **Raw fruits and vegetables.** Raw fruits and vegetables must be thoroughly washed with potable water before being cooked or served.

Subp. 3. **Re-service.** Once food has been served to a consumer, it must not be served again, except that packaged food, other than potentially hazardous food, that is still packaged and is in sound condition may be re-served.

Subp. 4. **Shellfish.** Mollusks and crustacea, if served on the shell, must be served in the original shell. Reuse of shells for food service is prohibited.

Subp. 5. **Condiment dispensing.** Condiments, seasonings, and dressing for self-service use must be provided in individual packages, from dispensers, or from approved containers. Condiments provided for table or counter service must be individually portioned, except that catsup and other sauces may be served in the original container or pour-type dispenser. Sugar for consumer use must be provided in individual packages or in pour-type dispensers.

Subp. 6. **Dispensing utensils.** To avoid unnecessary manual contact with food, suitable dispensing utensils or equipment must be used by employees or provided to consumers who serve themselves. Between uses during service, dispensing utensils must be:

A. stored in the food with the dispensing utensil handle extended out of the food; or

B. stored clean and dry; or

C. stored in a running water ~~dipper-well~~; or

D. stored either in a running water dipper well, or stored clean and dry in the case of dispensing utensils and malt collars used in preparing frozen desserts.

Subp. 7. **Display equipment.** Food on display must be

Approved by Revisor _____

protected from consumer contamination by the use of packaging or by the use of easily cleanable counter, serving line or salad bar food shields, display cases, or by other effective means. Adequate and sufficient hot or cold food facilities must be available to maintain the required temperature of potentially hazardous food on display.

Subp. 8. **Reuse of tableware.** Reuse of soiled tableware and single-service articles by self-service consumers returning to the service area for additional food must be prohibited. Beverage cups and glasses are exempt from this requirement.

Subp. 9. **Food transportation.** The requirements of temperature, storage, display, and those imposed for the protection of food against contamination, as contained in parts 4625.2401 to 4625.7801, must also apply in the transporting of food from one food establishment or other location to another food establishment or other location for delivery, service, or catering operations.

Subp. 10. **Storage.** Food, whether raw or prepared, if removed from the container or package in which it was obtained, must be stored in a clean, covered container. The container need not be covered during necessary periods of preparation or service. Container covers must be impervious and nonabsorbent, except that clean linens or napkins may be used for lining or covering bread or roll serving containers. Solid cuts of meat must be protected by being covered in storage, except that sides, quarters, or primal cuts of meat may be hung uncovered on clean hooks if no food product is stored beneath the meat.

Subp. 11. **Containers.** Containers of food must be stored a minimum of six 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. Containers may be stored on dollies, racks, or pallets, provided the equipment is easily movable and constructed to allow for easy cleaning. Food and containers of food must not be stored under exposed or unprotected sewer lines or similar sources of potential contamination. The storage of food in toilet rooms or

Approved
by Revisor _____

vestibules is prohibited.

Subp. 12. **Cross-contamination.** Food not subject to further washing or cooking before serving must be stored in a way that protects it against cross-contamination from food requiring washing or cooking.

Subp. 13. **Packaged food.** Packaged food must not be stored in contact with water or undrained ice. Wrapped sandwiches must not be stored in direct contact with ice. Ice intended for human consumption must not be used for cooling stored food, food containers, or food utensils~~, except that the ice may be used for cooling tubes conveying beverages or beverage ingredients to a dispenser head~~.

Subp. 14. **Bulk.** Bulk foods such as cooking oil, legumes, tubers, grains, syrup, salt, sugar, or flour and related derivative products not stored in the product container or package in which it was obtained, must be stored in a container identifying the food by common name.

Subp. 15. **Ice dispensing.** All ice must be manufactured only from potable water. Ice must be handled and transported in single-service containers, or in utensils which have been subjected to bactericidal treatment. Buckets, scoops, and ice containers, unless they are single-service utensils, must be made of a smooth, impervious material and designed to facilitate cleaning. They must be clean at all times. Canvas containers must not be used. If ice-crushers are used, they must be easily cleanable. They must be maintained in a clean condition, must be subject to bactericidal treatment and must be covered when not in use. Ice for consumer use must be dispensed with scoops or tongs from a properly protected storage device, or other ice self-dispensing utensils, through automatic single-service ice dispensing equipment, or be prepacked and portion controlled. Ice dispensing utensils must be stored on a clean surface or in the ice with the dispensing utensil's handle extended out of the ice. Between uses, ice transfer receptacles must be stored in a way that protects them from contamination.

Approved
by Revisor _____

4625.3601 DISEASE PREVENTION AND CONTROL AND EMPLOYEE PRACTICES.

Subpart 1. **Prohibited persons.** No person shall work in a food establishment in any capacity in which there is a likelihood of the person contaminating food or food-contact surfaces with pathogenic organisms or transmitting disease to other persons while:

A. infected with a disease in a communicable form that can be transmitted by foods;

B. while being a carrier of organisms that cause such a disease; or

C. while afflicted with a boil, an infected wound, or an acute respiratory infection.

Subp. 2. **Procedure when infection is suspected.** When the commissioner has reasonable cause to suspect the possibility of disease transmission from a food-service establishment employee, the commissioner shall secure an illness or morbidity history of the suspected employee or make such other investigation as may be indicated and take appropriate action. The commissioner may require any or all of the following measures:

A. the immediate exclusion of the employee from all food service establishments;

B. the immediate closure of the food service establishment concerned until, in the opinion of the commissioner, no further danger of disease outbreak exists;

C. restriction of the suspected employee's services to an area of the establishment where there would be no danger of transmitting disease; and

D. adequate medical and laboratory examinations of the suspected employee, or other employees, and any body discharges.

Subp. 3. **Clothing.** Employees shall wear clean outer garments. Hairnets, headbands, caps, or other hair restraints must be worn to prevent the contamination of food, utensils, and equipment. Hair spray is not an acceptable hair restraint.

Subp. 4. **Employee practices.** Employees shall comply with the following requirements:

Approved
by Revisor _____

A. All employees shall thoroughly wash their hands and the exposed portions of their arms with soap and warm water in an approved handwashing facility 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, and maintain a high degree of personal cleanliness and conform to hygienic practices during all periods of duty.

B. Employees must not use tobacco in any form while on duty to handle, prepare, or serve food, or clean utensils and equipment in a food establishment. Employees must use tobacco only in designated locations approved by the department.

C. All employees shall consume food only in designated dining areas. An employee dining area must not be designated if consuming food in that location could cause contamination of other food, equipment, utensils, or other items needing protection.

D. Employees shall handle soiled equipment or utensils in a manner that minimizes contamination of their hands.

4625.3701 EQUIPMENT AND FACILITIES PROVIDED.

Subpart 1. **General.** A food establishment must have equipment, applicable to the operation conducted, which is designed, constructed, installed, located, and maintained according to parts 4625.2401 to 4625.7801.

Subp. 2. **Sanitary design, construction, and installation of equipment and utensils.** New and replacement equipment and utensils must be appropriate to the operation conducted and comply with the following:

A. All new and replacement equipment and utensils must be of such material, workmanship, and design as to be smooth, easily cleanable, resistant to wear, denting, buckling, pitting, chipping, and crazing; and capable of withstanding scrubbing, scouring, repeated corrosive action of cleaning compounds, and other normal conditions and operations.

B. Food contact surfaces must be nontoxic.

Approved
by Revisor _____

Food-contact surfaces and surfaces which come in contact with food debris must be readily accessible for cleaning and inspection.

C. All equipment installed or placed in service after the effective date of parts 4625.2401 to 4625.7801 must comply with the following standards of the National Sanitation Foundation when applicable:

(1) Standard No. 1, Soda Fountain and Luncheonette Equipment, June 1984;

(2) Standard No. 2, Food Service Equipment, November 1987;

(3) Standard No. 3, Spray Type Dishwashing Machines, June 1982;

(4) Standard No. 4, Commercial Cooking and Hot Food Storage Equipment, June 1986;

(5) Standard No. 5, Commercial Hot Water Generating Equipment, November 1983;

(6) Standard No. 6, Dispensing Freezers, November 1982;

(7) Standard No. 7, Food Service Refrigerator and Storage Freezers, November 1985;

(8) Standard No. 8, Commercial Powered Food Preparation Equipment, November 1985;

(9) Standard No. 12, Automatic Ice Making Equipment, November 1984;

(10) Standard No. 13, Refuse Compactors and Compactor Systems, May 1985;

(11) Standard No. 18, Manual Food and Beverage Dispensing Equipment, November 1987;

(12) Standard No. 20, Commercial Bulk Milk Dispensing Equipment and Appurtenances, November 1985;

(13) Standard No. 25, Vending Machines for Food and Beverage, November 1987;

(14) Standard No. 26, Pot, Pan and Utensil Washers, December 1980;

(15) Standard No. 29, Detergent and Chemical

Approved by Revisor _____

Feeders for Commercial Spray Type Dishwashing Machines, June 1982;

(16) Standard No. 35, Laminated Plastics for Surfacing Food Service Equipment, May 1985;

(17) Standard No. 51, Plastic Materials and Components Used in Food Equipment, May 1978;

(18) Standard No. 59, Food Carts, June 1986; and

(19) Criteria C-2, Special Equipment and/or Devices, November 1983.

D. Used equipment which has met or exceeded the requirements of the National Sanitation Foundation under earlier standards may be installed when the equipment is in good repair and does not constitute a health hazard as determined by the commissioner. Equipment in use at the time of adoption of parts 4625.2401 to 4625.7801 which does not fully meet item C may be continued in use only if it is in good repair, capable of being maintained in a sanitary condition, has food-contact surfaces that are nontoxic, and is approved by the commissioner.

E. All equipment must be kept in good repair and installed and maintained to facilitate its cleaning and the cleaning of adjacent areas.

F. All equipment must be located and installed in such a manner as to ensure that preparation and service will minimize the potential for cross-contamination and improper handling of the food. Lavatories, chef sinks, utility sinks, refrigeration equipment, hot food handling equipment, and preparation and processing tables must be provided and maintained and shall be convenient and adequate as approved by the commissioner for the purpose for which they were designed.

G. Aisles and working spaces between units of equipment and walls must be unobstructed and of sufficient width to permit employees to perform their duties readily without contamination of food or food-contact surfaces by clothing or personal contact. All easily movable storage equipment such as pallets, racks, and dollies must be positioned to provide accessibility to working areas.

Approved
by Revisor _____

H. When the food service in a day care center is limited to serving ten or fewer individuals, or where the main meals of the day are not prepared in the center, the commissioner may waive specific equipment requirements of this part to permit the substitution of certain domestic type equipment for commercial type equipment which complies with the standards of the National Sanitation Foundation prescribed in item C.

I. When the food service in a boarding and lodging house is limited to serving ten or fewer residents, or where the main meals of the day are not prepared in the facility, the commissioner may waive specific equipment requirements of these rules as stated in item H.

4625.3801 CLEANING, SANITIZATION, AND STORAGE OF EQUIPMENT AND UTENSILS.

Subpart 1. **General.** All utensils and equipment must be thoroughly cleaned, and food-contact surfaces of utensils and equipment must be given sanitization treatment and must be stored in such a manner as to be protected from contamination.

Subp. 2. **Cleaning frequency.** The equipment and utensils must meet the following cleaning requirements:

A. Tableware must be washed, rinsed, and sanitized after each use.

B. To prevent cross-contamination, kitchenware and food-contact surfaces of equipment must be washed, rinsed, and sanitized after each use and following any interruption of operations during which time contamination may have occurred.

C. Where equipment and utensils are used for the preparation of foods on a continuous or production-line basis, utensils and food-contact surfaces of equipment must be washed, rinsed, and sanitized at intervals throughout the day and on a schedule based on food temperature, type of food, and amount of food particle accumulation.

D. The food-contact surfaces of kettles, grills, griddles, and similar cooking devices and the cavities and door

Approved
by Revisor _____

seals of microwave ovens must be cleaned at least once a day, except that this shall not apply to hot oil cooking equipment and hot oil filtering systems. The food-contact surfaces of all cooking equipment must be kept free of encrusted grease deposits and other accumulated soil.

E. Nonfood-contact surfaces of equipment must be cleaned as often as is necessary to keep the equipment free of accumulation of dust, dirt, food particles, and other debris.

Subp. 3. **Oven utensils and equipment.** Utensils and equipment which routinely go into ovens for baking purposes and which are used for no other purpose ~~must~~ are not ~~be~~ required to be given bactericidal treatment; however, such utensils and equipment must be clean.

Subp. 4. **Wiping cloths.** Cloths used for wiping food spills on tableware, such as plates or bowls being served to the consumer, must be clean, dry, and used for no other purposes. Moist cloths used for wiping food spills on kitchenware and food-contact surfaces of equipment must be clean and rinsed frequently in an approved sanitizing solution. These cloths must be stored in sanitizing solution between uses. Moist cloths used for cleaning nonfood-contact surfaces of equipment such as counters, dining table tops, and shelves must be clean, rinsed, and used for no other purpose. These cloths must be stored in an approved sanitizing solution between uses.

Subp. 5. **Manual cleaning and sanitizing.** Manual cleaning and sanitizing must be done in the following manner:

A. For manual washing, rinsing, and sanitizing of utensils and equipment, a sink with not fewer than three compartments must be provided and used. Sink compartments must be large enough to permit the accommodation of the equipment and utensils, and each compartment of the sink must be supplied with hot and cold potable running water. Fixed equipment and utensils and equipment too large to be cleaned in sink compartments must be washed manually or cleaned through pressure spray methods.

B. Integral drain boards of adequate size must be

Approved
by Revisor _____

provided at each end for proper handling of soiled utensils before washing and for cleaned utensils following sanitizing and must be located so as not to interfere with the proper use of the utensil washing facilities.

C. Equipment and utensils must be preflushed or prescraped and, when necessary, presoaked to remove gross food particles and soil.

D. Except for fixed equipment and utensils too large to be cleaned in sink compartments, manual washing, rinsing, and sanitizing must be conducted in the following manner.

(1) Sinks must be cleaned before use.

(2) Equipment and utensils must be thoroughly washed in the first compartment with a hot detergent solution that is kept clean.

(3) Equipment and utensils must be rinsed free of detergent and abrasives with clean water in the second compartment.

(4) Equipment and utensils must be sanitized in the third compartment in an approved manner.

E. The food-contact surfaces of all equipment and utensils must be sanitized by:

(1) immersion for at least one-half minute in clean, hot water at a temperature of at least 170 degrees Fahrenheit (77 degrees centigrade);

(2) immersion for at least one minute in a clean solution containing at least 50 parts per million, but no more than 200 parts per million, of available chlorine as a hypochlorite and at a temperature of at least 75 degrees Fahrenheit (24 degrees centigrade);

(3) immersion for at least one minute in a clean solution containing at least 12.5 parts per million, but not more than 25 parts per million, of available iodine and having a pH range which the manufacturer has demonstrated to be effective and at a temperature of at least 75 degrees Fahrenheit (24 degrees centigrade);

(4) immersion in a clean solution containing any

Approved by Revisor _____

other chemical sanitizing agent allowed under Code of Federal Regulations, title 21, section 178.1010, that will provide at least the equivalent bactericidal effect of a solution containing 50 parts per million of available chlorine as a hypochlorite at a temperature of at least 75 degrees Fahrenheit (24 degrees centigrade) for one minute; or

(5) for equipment too large to sanitize by immersion, but in which steam can be confined, treatment with steam free from materials or additives other than those specified in Code of Federal Regulations, title 21, section 173.310.

Equipment too large to sanitize by immersion, must be rinsed, sprayed, or swabbed with a sanitizing solution of at least twice the required strength for that particular sanitizing solution.

F. When hot water is used for sanitizing, the following facilities must be provided and used:

(1) an integral heating device or fixture installed in, on, or under the sanitizing compartment of the sink capable of maintaining the water at a temperature of at least 170 degrees Fahrenheit (77 degrees centigrade);

(2) a numerically scaled indicating thermometer, accurate to plus or minus three degrees Fahrenheit (plus or minus two degrees centigrade) convenient to the sink for frequent checks of water temperature; and

(3) dish baskets of such size and design to permit complete immersion of the tableware, kitchenware, and equipment in the hot water.

G. When chemicals are used for sanitization, they must not have concentrations higher than the maximum permitted under Code of Federal Regulations, title 21, section 178.1010, and a test kit or other device that accurately measures the parts per million concentration of the solution must be provided and used.

Subp. 6. **Mechanical cleaning and sanitizing.** Mechanical cleaning and sanitizing must be done in the following manner:

Approved
by Revisor

A. Cleaning and sanitizing may be done by spray-type or immersion utensil washing machines or by any other type of machine or device if it is demonstrated that it thoroughly cleans, sanitizes equipment and utensils, and meets the requirements in the National Sanitation Foundation Standard No. 3. These machines and devices must be properly installed, and maintained in good repair. Machines and devices must be operated in accordance with manufacturers' instructions, and utensils and equipment placed in the machine must be exposed to all washing cycles. Automatic detergent dispensers, wetting agent dispensers, and liquid sanitizer injectors must be properly installed and maintained.

B. Drainboards must be provided and be of adequate size for the proper handling of soiled utensils before washing and for cleaned utensils following sanitization, and must 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.

C. Equipment and utensils must be flushed or scraped and, when necessary, soaked to remove gross food particles and soil before being washed in a dishwashing machine unless a prewash cycle is a part of the dishwashing machine operation. Equipment and utensils must be placed in racks, trays, or baskets, or on conveyors, in a way that food-contact surfaces are exposed to the unobstructed application of detergent wash and clean rinse water and that permits free draining.

D. Machines (single-tank, stationary-rack, door-type machines, and spray-type glass washers) using chemicals for sanitization may be used, provided that:

(1) wash water temperatures, addition of chemicals, rinse water temperatures, and chemical sanitizers used are in conformance with Standards Nos. 3 and 29 of the National Sanitation Foundation;

(2) a test kit or other device that accurately

Approved by Revisor _____

measures the parts per million concentration of the sanitizing solution must be available and used ~~while the chemical sanitizing machine is in use~~;

(3) containers for storing the sanitizing agent must be installed in such a manner as to ensure that operators maintain an adequate supply of sanitizing compound; and

(4) a visual or audible warning device must be provided for the operator to easily verify when the sanitizing agent is depleted.

~~F~~ E. Machines using hot water for sanitizing may be used provided that wash water and pumped rinse water must be kept clean and water must be maintained at not less than the temperature specified by the National Sanitation Foundation Standard No. 3, under which the machine is evaluated. A pressure gauge must be installed with a valve immediately adjacent to the supply side of the control valve in the final rinse line provided that this requirement must not pertain to a dishwashing machine with a pumped final rinse.

~~G~~ F. All utensil washing machines must be cleaned at least once per day or more frequently if required.

Subp. 7. **Equipment and utensil storage.** Cleaned and sanitized equipment and utensils must be handled in a way that protects them from contamination.

A. Spoons, knives, and forks must be touched only by their handles. Cups, glasses, bowls, plates, and similar items must be handled without contact with inside surfaces or surfaces that contact the user's mouth.

B. Utensils must be air dried before being stored or must be stored in a self-draining position.

C. Cleaned and sanitized utensils and equipment must be stored at least six inches above the floor in a clean, dry location in a way that protects them from contamination by splash, dust, and other means. The food-contact surfaces of fixed equipment must also be protected from contamination. Equipment and utensils must not be placed under exposed sewer lines.

Approved by Revisor _____

D. Glasses and cups must be stored inverted. Other stored utensils must be covered or inverted, wherever practical. Facilities for the storage of knives, forks, and spoons must be designed and used to present the handle to the employee or consumer.

Subp. 8. **Single-service articles.** Single-service articles must have been manufactured, packaged, transported, stored, handled, and dispensed in a sanitary manner.

Subp. 9. **Prohibited storage area.** The storage of food equipment, utensils, or single-service articles in toilet rooms or vestibules is prohibited.

4625.3901 PHYSICAL FACILITIES AND SANITATION.

Subpart 1. **Water supply.** Every food and beverage establishment must be provided with a supply of water which is adequate for the needs of the establishment. The water must be obtained from a public water supply system, or a source of supply and system which is located, constructed, and operated in accordance with rules governing public water supplies, parts 4720.0100 to 4720.4600 and water wells, parts 4725.0100 to 4725.7600.

Subp. 2. **Sewage.** All sewage, including liquid waste, must be disposed of to a public sewage system or to an approved individual sewage disposal system. Nonwater-carried sewage disposal facilities must be prohibited, except as permitted by the commissioner in remote areas or because of special situations.

When there is no public sewage system available, an individual sewage disposal system must be designed, located, constructed, and operated in accordance with Minnesota Pollution Control Agency rules, parts 7080.0010 to 7080.0240.

Itinerant, mobile ~~food units~~, and special event food facilities may dispose of their liquid waste into receptacles ~~carried on the vehicle~~ for that purpose. This waste ultimately must be discharged into the public sewage system or otherwise disposed of in a manner which will not endanger any

Approved by Revisor _____

source of water supply, pollute any body of surface water, create a nuisance, or otherwise endanger the public health and safety.

Subp. 3. **Plumbing.** Plumbing must be sized, installed, and maintained to carry adequate quantities of water to required locations throughout the establishment, to prevent contamination of the water supply, and to convey sewage and liquid wastes adequately from the establishment to the sewage system so that it does not constitute a source of contamination of food, utensils, or equipment or create an unsanitary condition or nuisance.

Food service equipment such as refrigerators, ice makers, ice storage bins, and steam tables must not be directly connected to the sewer.

All new plumbing and all plumbing reconstructed or replaced after the effective date of parts 4625.2401 to 4625.4701 must be designed, constructed, and installed in conformity with the Minnesota Plumbing Code, parts 4715.0100 to 4715.5600.

Subp. 4. **Janitorial facilities.** Janitorial facilities including a janitorial utility sink or curbed cleaning facility must be provided ~~and~~. The facilities must not be located in ~~an area other than a~~ food preparation ~~or~~, storage ~~area~~, or toilet ~~room. If~~ rooms unless adequate separation, or other protection has been provided. The janitorial facility may be located in a packaged goods' storeroom or employee toilet room.

The use of lavatories, utensil washing or equipment washing, or food preparation sinks for ~~this purpose~~ janitorial purposes is prohibited.

Janitorial equipment must be stored in an approved manner in the janitorial facility.

Subp. 5. **Handwashing facilities.** Every food establishment, other than limited food establishments and mobile food units handling only prepackaged food must be provided with adequate, conveniently located, and approved handwashing facilities which are continually maintained with hot and cold running water, hand-cleansing soap or detergent, fingernail

Approved by Revisor _____

brushes, and single-service towels or hand-drying devices providing heated air. Handwashing facilities must be accessible to persons at all times in all areas where food is prepared or served, where utensils and equipment are cleansed or sanitized, in or immediately adjacent to toilet rooms or other areas designated by the commissioner. Sinks used for food preparation or for washing equipment or utensils must not be used for handwashing. Each handwashing sink must be provided with hot and cold water tempered by means of a mixing valve or combination faucet. Any self-closing, slow-closing, or metering faucet must be designed to provide a flow of water for at least 15 seconds without the need to reactivate the faucet. Steam-mixing valves are prohibited.

Subp. 6. **Toilet facilities.** Every food establishment, with the exception of itinerant, mobile, and special event food facilities, must be provided with conveniently located and approved toilet facilities for employees. These facilities must be kept clean and in good repair and free from flies, insects, and offensive odors. Toilet fixtures and seats must be of sanitary design and readily cleanable. The doors of all toilet rooms must be self-closing. Easily cleanable receptacles must be provided for waste materials. Toilet rooms used by women must have at least one covered waste receptacle. ~~Separate toilet facilities must be provided for men and women according to~~ The number of toilet facilities must be determined by part 4715.1215 of the State Plumbing Code, and meet the requirements for sanitation fixtures in section 705 of the Uniform Building Code, as amended in part 1305.1900, and the requirements for handicapped accessibility in chapter 1340. Where the use of nonwater-carried sewage disposal facilities have been approved by the commissioner, the facilities must be separate from the establishment and in accordance with the standards of the commissioner.

4625.4001 GARBAGE AND REFUSE DISPOSAL.

Before disposal, all garbage and refuse must be kept in

Approved
by Revisor _____

tight, nonabsorbent, insect proof, rodent proof, and fireproof containers. Containers must be kept covered with tight-fitting lids when filled, in storage, or not in continuous use. Containers need not be covered when stored in a special insect and rodent-proofed room or enclosure. All other refuse must be stored in containers, rooms, or areas in an approved manner. The rooms, enclosures, areas, and containers used must be adequate for the storage of all garbage and refuse accumulating on the premises between collections. Adequate cleaning facilities must be provided, and each container, room, or area shall be thoroughly cleaned after the emptying or removal of garbage and refuse. Containers designed with drains must have drain plugs maintained in place at all times except during cleaning. All garbage and refuse must be disposed of with sufficient frequency and in such a manner as to prevent a nuisance.

4625.4101 INSECT, RODENT, AND ANIMAL CONTROL.

Subpart 1. **General.** Effective measures must be taken to prevent the entrance, breeding, or presence of rodents, flies, cockroaches, and other vermin or insects on the premises. The premises must be kept in such condition as to prevent the harborage or feeding of insects or rodents.

Subp. 2. **Openings.** Outside openings must be effectively protected against the entrance of rodents. Outside openings must be protected against the entrance of insects by tight-fitting, self-closing doors, closed windows, screening, controlled air currents, or other means. Screen doors must be self-closing, and screens for windows, doors, skylights, transoms, intake and exhaust air ducts, and other openings to the outside must be tight-fitting and free of breaks. Screening materials must not be less than 16 mesh to the inch.

Subp. 3. **Animals.** Live animals, including birds and turtles, shall be excluded from within the food service operational premises and from adjacent areas under the control of the person in charge. This exclusion does not apply to

Approved
by Revisor _____

edible fish, crustacea, mollusks, or to fish in aquariums. Patrol dogs accompanying security or police officers, or guide dogs accompanying sight-impaired persons or hearing-impaired persons shall be permitted in dining areas.

4625.4201 CONSTRUCTION AND MAINTENANCE OF PHYSICAL FACILITIES.

Subpart 1. **Floors.** The floor surfaces of all food and beverage preparation, food storage, equipment and utensil washing, food service areas, waitress stations, dressing rooms, locker rooms, toilet rooms and vestibules, janitorial areas, kitchens, and bars must be constructed of smooth, durable, nonabsorbent, easily cleanable materials which resist the wear and abuse to which they are subjected. Appropriate materials include commercial grade vinyl composition tile, sheet vinyl, ceramic tile, quarry tile, terrazzo, or equivalent. Vinyl floor coverings must not be used in walk-in refrigeration units and storage freezers.

The junctures between walls and floors must be coved. Rugs and carpets may be used in dining rooms and hallways, provided that the floor coverings are kept clean. Abrasive strips also may be used wherever deemed necessary to prevent accidents.

Mats and duckboards must be of nonabsorbent, nonwood, grease resistant materials. The size, design, and construction of the materials must facilitate easy cleaning. Duckboards must not be used as storage racks.

All floors must be kept clean and in good repair, and the use of sawdust and similar material is not permitted. Floor drains must be provided in all rooms where floors are subject to flooding-type cleaning or where normal operations release or discharge water or other liquid wastes on the floor. The floors must be graded to drain.

Subp. 2. **Walls and ceilings.** The walls and ceilings of all rooms must be kept clean and in good repair. All walls of rooms or areas in which food is prepared, areas where utensils or hands are washed, toilet rooms, janitorial areas, laundry rooms, or garbage and refuse storage rooms must have easily

Approved
by Revisor _____

cleanable, smooth, nonabsorbent, washable surfaces to the highest level of splash, spray, or abuse. Wall finishes must be resistant to the wear and abuse to which they are subject. Ceilings must be smooth and easily cleanable. The walls and ceilings must be finished in a light color. Concrete or pumice blocks used for interior wall construction in these locations must be finished and sealed to provide an easily cleanable surface.

Subp. 3. **Attachments.** Light fixtures, vent covers, wall-mounted fans, decorative materials, and similar equipment attached to walls and ceilings must be easily cleanable, and must be kept clean and in good repair.

Subp. 4. **Utility lines and pipes.** All utility lines and pipes such as electric, gas, water, sewage, and similar waste lines or services ~~should~~ must be installed in the walls, under floors, or above ceilings to avoid unnecessary exposure to food equipment, walls, floors, or ceilings. Exposed utility service lines or pipes must be installed so they do not obstruct or prevent the easy cleaning of food equipment, floors, walls, and ceiling surfaces.

4625.4301 LIGHTING.

Subpart 1. **Lighting source and amount.** Permanently fixed artificial light sources must be installed to provide at least 20 foot candles of light on all food preparation surfaces and at equipment or utensil washing work levels.

A. Permanently fixed artificial light sources must be installed to provide, at a distance of 30 inches from the floor:

(1) at least 20 foot candles of light in utensil and equipment storage areas and in lavatory and toilet areas; and

(2) at least ten foot candles of light in walk-in refrigerating units, dry food storage areas, and in all other areas.

B. Subdued lighting in dining rooms and public access areas is permissible, provided that lighting meeting the

Approved
by Revisor _____

requirements in item A, subitem (2) must be available during all clean-up operations.

Subp. 2. **Protective shielding.** Shielding or coating to protect against broken glass falling onto food must 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.

Infra-red or other heat lamps must be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.

4625.4401 VENTILATION.

Rooms must have sufficient exhaust ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious or disagreeable odors, smoke, and fumes. All ventilation equipment and facilities, gas or oil fired room heaters, and water heaters must be designed, installed, and operated in accordance with the rules of the State Building Code Division and the Uniform Fire Code. Intake and exhaust air ducts must be maintained to prevent the entrance of dust, dirt, and other contaminating materials.

4625.4501 DRESSING ROOMS AND LOCKER AREAS.

Subpart 1. **Dressing rooms.** If employees routinely change clothes within the establishment, rooms or areas must be designated and used for that purpose. These designated rooms or areas must not be used for food preparation, storage, or service, or for utensil washing or storage.

Subp. 2. **Locker areas.** Adequate lockers or other suitable facilities must be provided and used for the orderly storage and security of employee clothing and other belongings. Lockers or other suitable facilities may be located only in the designated dressing rooms or areas containing only completely packaged food or packaged single-service articles.

4625.4601 POISONOUS OR TOXIC MATERIALS.

Subpart 1. **Materials permitted.** Food service

Approved
by Revisor _____

establishments must have only those poisonous or toxic materials necessary for maintaining the establishment, cleaning and sanitizing equipment and utensils, and controlling insects and rodents.

Subp. 2. **Labeling of materials.** Containers of poisonous or toxic materials must be prominently and distinctly labeled, according to requirements in Code of Federal Regulations, title 7, section 162.10, and Minnesota Statutes, section 18B.14, for easy identification of contents.

Subp. 3. **Storage of materials.** Poisonous or toxic materials consist of the following categories:

A. insecticides and rodenticides; and

B. detergents, sanitizers, related cleaning or drying agents, caustics, acids, polishes, and other chemicals.

Materials in each of these two categories must be stored and physically located separate from each other. All poisonous or toxic materials must be stored in cabinets or in a similar physically separate place used for no other purpose. To preclude contamination, poisonous or toxic materials must not be stored above food, food equipment, utensils, or single-service articles, except that this requirement does not prohibit the convenient availability of detergents or sanitizers at utensil or dishwashing stations.

Subp. 4. **Use of materials.** Sanitizers, cleaning compounds, or other compounds intended for use on food-contact surfaces must not be used in a way that leaves a toxic residue on such surfaces or that constitutes a hazard to employees or other persons.

Poisonous or toxic materials must not be used in a way that contaminates food, equipment, or utensils, nor in a way other than in full compliance with the manufacturer's labeling.

Subp. 5. **Personal medications and first aid supplies.** Personal medications and first aid supplies must be stored to prevent them from contaminating food and food-contact surfaces.

4625.4701 PREMISES.

Approved
by Revisor _____

Subpart 1. **Housekeeping.** All parts of the food establishment and its premises must be kept neat, clean, and free of litter and refuse. Cleaning operations must be conducted in a manner as to minimize contamination of food and food-contact surfaces. Only articles necessary for the operation and maintenance of the food establishment must be stored on the premises. Traffic of unnecessary persons through the food preparation and utensil washing areas is prohibited. The walking and driving surfaces of all exterior areas where food is served must be kept clean, properly drained, and finished so as to facilitate maintenance and minimize dust. Pressurized tanks and compressed gas cylinders must be properly secured to prevent them from being accidentally knocked over.

Subp. 2. **Cleaning equipment storage.** Maintenance and cleaning tools such as brooms, mops, vacuum cleaners, and similar equipment must be maintained and stored in a way that does not contaminate food, utensils, equipment, or linens and must be stored in an orderly manner for the cleaning of that storage location.

Subp. 3. **Living areas.** No operation of a food establishment ~~must~~ shall be conducted in any room used as living or sleeping quarters. Food service operations must be separated from any living or sleeping quarters by complete partitioning and solid, self-closing doors.

Subp. 4. **Laundry facilities.** Laundry facilities in a food establishment must be restricted to the washing and drying of linens, cloths, uniforms, and aprons necessary to the operation. If these items are laundered on the premises, an electric or gas dryer must be provided and used.

Separate rooms must be provided for laundry facilities except that such operations may be conducted in storage rooms containing only packaged foods or packaged single-service articles.

Subp. 5. **Linens and clothes storage.** Clean clothes and linens must be stored in a clean place and protected from contamination until used.

Approved
by Revisor _____

Soiled clothes and linens must be stored in nonabsorbent containers or washable laundry bags until removed for laundering.

REQUIREMENTS FOR ITINERANT FOOD SERVICE

4625.4901 ITINERANT FOOD SERVICE ESTABLISHMENTS.

Subpart 1. **General.** An itinerant food service establishment must comply with all provisions of parts 4625.2401 to 4625.4701 that are applicable to their operation and must comply with parts 4625.4901 to 4625.5801. If necessary to protect the public health, the commissioner ~~may~~ shall impose additional requirements to protect against health hazards related to the conduct of their operation and prohibit the sale or giveaway of some or all potentially hazardous foods. When no health hazard is likely to result, the commissioner may grant a variance or modify specific requirements of parts 4625.4901 to 4625.5801.

Subp. 2. **Restricted operations.** This subpart applies to an itinerant food service establishment approved under subpart 1 to operate without complying with the requirements of parts 4625.4901 to 4625.5801.

A. The itinerant food service establishment must be located where it is protected from possible contamination; for example toilets, animal pens, garbage collection sites. It must be protected from dust and windblown particulates by location, treatment of ground surfaces, or by having the establishment enclosed.

B. The commissioner may restrict the type of food served or the method of food preparation based on equipment limitations, commissary facilities, or climatic conditions.

4625.5001 CONSTRUCTION.

Subpart 1. **Work space.** Work spaces must be sized to permit unobstructed work activity. Equipment must be located to permit easy cleaning.

Subp. 2. **Floors.** The interior floor must be equivalent to one of the following:

A. solid concrete or asphalt; or

Approved by Revisor _____

B. vinyl flooring or sealed wood.

Subp. 3. **Walls or enclosures.** The establishment must be capable of being fully enclosed on the sides and roof to provide protection against adverse weather. Canvas may be used. Solid interior surfaces must be finished with smooth, durable, nonabsorbent, easily cleanable material that resists the wear and abuse to which the surfaces are subjected. High gloss paint is the minimum acceptable finish.

4625.5101 EQUIPMENT.

Subpart 1. **General.** Food service equipment must comply with the applicable standards of the National Sanitation Foundation.

Subp. 2. **Refrigeration.** Mechanical refrigeration, containing a thermometer, is required for potentially hazardous foods such as meat, fish, poultry, milk, milk products, and eggs. A metal stem product thermometer with a range from zero degrees Fahrenheit (minus 18 degrees centigrade) to 220 degrees Fahrenheit (110 degrees centigrade) is required for measuring temperature of this food. Electricity must be provided to refrigeration units 24 hours a day when the food stand has been set in place for service.

Subp. 3. **Grills.** Charcoal grills are acceptable for cooking food as long as they are equipped with a lid and safe food temperatures are maintained.

Subp. 4. **Utensils.** Commercial food grade utensils must be used. Galvanized or soft plastic containers, wooden spoons, enamelware, paintbrushes, and similar materials are not acceptable. Garbage bags and garbage containers must not be used for covering or storing food.

Subp. 5. **Customer safety.** To help provide customer safety and prevent possible contamination by customers, food preparation and cooking areas must be protected by means of an impervious shield or by separation distances.

Subp. 6. **Handwashing facilities.** Handwashing facilities must be provided within the establishment. They must consist of:

Approved
by Revisor _____

A. soap, paper towels, and a water faucet or spigot that discharges into a waste line or holding vessel;

B. paper towels and a spray bottle containing a ~~germicidal~~ sanitizing solution of one teaspoon of household bleach to a gallon of water; or

C. moist towelettes when there is little or no food preparation.

Subp. 7. **Lighting.** All interior lights must be shielded or enclosed to prevent breakage. Lights used at night must not attract insects.

4625.5201 DISHWASHING FACILITIES, PROCEDURES, AND EQUIPMENT CLEANING.

Subpart 1. **General.** Single service, disposable eating and drinking utensils must be used unless approved permanent dishwashing facilities are available at the site. Approved dishwashing facilities consisting of at least three sufficiently sized basins must be provided for washing equipment and utensils used for food preparation and cooking.

Subp. 2. **Drying.** Space must be provided for air drying utensils. Towel drying is not permitted.

Subp. 3. **Manual utensil washing.** The procedure for manual utensil washing is:

A. wash in warm, soapy water;

B. rinse in clear water; and

C. sanitize for at least one minute in a sanitizing solution of sufficient concentration using one tablespoon of household liquid bleach per two gallons of water, and allow to air dry.

Subp. 4. **Cleaning of equipment.** Food contact equipment that must be cleaned in place, like meat slicers or soft serve ice milk dispensers, must be sanitized using a solution equal to that listed in subpart 3, item C.

Subp. 5. **Wiping cloths.** Cloths used to wipe equipment and counters must be stored in a sanitizing solution between uses. The solution must equal that listed in subpart 3, item C.

Approved by Revisor _____

Subp. 6. **Sanitizer test kits.** Test kits or strips for analyzing sanitizer strength must be available and used.

4625.5301 FOOD, BEVERAGE, AND UTENSIL HANDLING AND STORAGE.

Subpart 1. **Food source.** All ice and food supplies must come from an approved commercial source. No home prepared food or food storage at home is permitted. Ice must be obtained only in chipped, crushed, or cubed form and in single-use safe plastic or wet-strength paper bag, filled and sealed at the point of manufacture. The ice must be held in these bags until it is dispensed in a way that protects it from contamination.

Subp. 2. **Temperatures.** Potentially hazardous food must be maintained at 40 degrees Fahrenheit (four degrees centigrade) or below, or 150 degrees Fahrenheit (66 degrees centigrade) or above.

Subp. 3. **Previously cooked foods.** If previously cooked food is reheated it must reach an internal temperature of at least 165 degrees Fahrenheit (75 degrees centigrade) throughout before being served. Any heated food left over at the end of the day must be discarded.

Subp. 4. **Storage.** Food and single service disposable utensils such as paper plates and plastic eating utensils must be clean, dry, covered, and kept at least six inches off the floor. Storage of packaged food in contact with water or undrained ice is prohibited. Wrapped sandwiches must not be stored in direct contact with ice.

Subp. 5. **Single service items and condiment dispensing.** Single service utensils and self-service food including condiments such as catsup, mustard, coffee whitener, and sugar must be individually packaged or be dispensed from an ~~enclosed~~ approved dispenser.

4625.5401 WATER SUPPLY.

Potable water must be obtained from an approved public water supply system. Water may not come from a residential well. If water is not provided under pressure at the establishment, it may be transported and stored in approved,

Approved
by Revisor _____

cleanable, covered containers such as five- or ten-gallon coffee urns or nongalvanized beverage coolers containing spigots.

4625.5501 WASTEWATER AND REFUSE DISPOSAL.

Subpart 1. **Wastewater.** Wastewater must be discharged into an approved sanitary sewer system or a holding tank. Ground surface discharge is not permitted.

Subp. 2. **Refuse and garbage disposal.** Refuse must be deposited and stored so that it does not create a nuisance. Garbage containing food waste, if stored overnight or for extended periods of time, must be stored in tightly covered nonabsorbent containers.

4625.5601 INSECT CONTROL.

Effective insect control must be achieved through sanitation. If insecticides are used, they must be an approved type such as pyrethrins as the active ingredient, and used according to the manufacturer's directions. They must not be used when food or utensils are exposed. Intermittent spray dispensers and vapona strips must not be used.

4625.5701 EMPLOYEE PRACTICES.

Employees must comply with the following requirements:

A. Employees must maintain their hands in a clean and sanitary condition and wash hands immediately after going to the toilet, handling raw food, smoking, or otherwise soiling their hands.

B. Employees must not engage in food preparation or service activities if that person has a communicable disease, gastrointestinal illness, sore throat, or discharging wound.

C. Employees must not use tobacco in any form while on duty.

D. An employee's outer garments must be clean.

E. An employee must wear effective hair restraints such as hairnets, headbands, and caps while engaged in food preparation and service.

4625.5801 SAFETY.

Approved
by Revisor _____

Subpart 1. **Electrical.** Electrical service must comply with the Minnesota State Building Code Electrical Code, chapter 1315. Electrical lines must not be located in or near water.

Subp. 2. **Carbon dioxide.** Carbon dioxide and bottled gas cylinders must be secured by chains or other types of restraints.

Subp. 3. **Fire extinguisher.** A fire extinguisher with a minimum 2A 10 B-C rating must be present if required by the fire marshal.

REQUIREMENTS FOR MOBILE FOOD SERVICES OR PUSHCARTS

4625.5901 MOBILE FOOD SERVICES OR PUSHCARTS.

Subpart 1. **General.** Mobile food services or pushcarts must comply with all provisions of parts 4625.2401 to 4625.4701 which are applicable to their operation and must comply with parts 4625.5901 to 4625.6801. The commissioner may impose additional requirements to protect against health hazards related to the conduct of their operation and may prohibit the sale or giveaway of some or all potentially hazardous foods. When no health hazard is likely to result, the commissioner may grant a variance or modify specific requirements of parts 4625.5901 to 4625.6801 relating to physical facilities.

Subp. 2. **Restricted operations.** This subpart applies whenever a mobile food service or pushcart is approved under subpart 1 to operate without complying with all the requirements of parts 4625.5901 to 4625.6801.

A. The mobile food service or pushcart must be set in a location where it is not subject to flooding and is protected from possible contamination; for example toilets, animal pens, or garbage collection sites. It must be protected from dust and windblown particulates by location, treatment of ground surfaces, or by having the unit enclosed.

B. The commissioner may restrict the type of food served or the method of food preparation based on equipment limitations ~~or~~, commissary facilities, or climatic conditions.

4625.6001 CONSTRUCTION.

Subpart 1. **Work spaces.** Work spaces must be sized to

Approved
by Revisor _____

permit unobstructed work activity. Equipment must be located to permit easy cleaning.

Subp. 2. **Floors.** The interior floor must be noncorrosive metal or be surfaced with vinyl flooring or equivalent.

Subp. 3. **Walls or enclosures.** The unit must be capable of being fully enclosed on the sides and roof to provide protection during adverse weather. Interior surfaces must be finished with smooth, durable, nonabsorbent, easily cleanable material that resists the wear and abuse to which the surfaces are subjected. High gloss paint is the minimum, acceptable finish.

4625.6101 EQUIPMENT.

Subpart 1. **General.** Food service equipment must comply with the applicable standards of the National Sanitation Foundation.

Subp. 2. **Refrigeration.** Mechanical refrigeration, containing a thermometer, is required for potentially hazardous foods such as meat, fish, poultry, milk, milk products, and eggs. A metal stem product thermometer with a range from zero degrees Fahrenheit (minus 18 degrees centigrade) to 220 degrees Fahrenheit (104 degrees centigrade) is required for measuring temperatures of this food. Electricity must be provided to refrigeration units 24 hours a day when the mobile food stand has been set in place for service.

Subp. 3. **Exhaust system.** When grease laden cooking vapor or condensation is generated in the cooking process, a mechanical exhaust system must be provided to prevent grease and condensation from collecting on walls and ceilings.

Subp. 4. **Utensils.** Commercial food grade utensils must be used. Galvanized or soft plastic containers, wooden spoons, enamelware, paintbrushes, and similar materials are not acceptable. Garbage bags and garbage receptacles must not be used for covering or storing food.

Subp. 5. **Customer safety.** To help provide customer safety and prevent possible contamination by customers, food preparation and cooking areas must be protected by means of an

Approved
by Revisor _____

impervious shield or by separation distances.

Subp. 6. **Handwashing facilities.** A handwashing sink supplied with hot and cold running water, soap, and paper towels must be provided in all units where food is prepared.

Subp. 7. **Lighting.** All interior lights must be shielded or enclosed to prevent breakage. Lights used at night must not attract flying insects.

4625.6201 DISHWASHING FACILITIES, PROCEDURES, AND EQUIPMENT CLEANING.

Subpart 1. **General.** Single service, disposable eating and drinking utensils must be used unless approved permanent dishwashing facilities are available in the mobile unit. Dishwashing facilities must be available and consist of at least a three compartment sink, either free standing or installed in a counter.

Subp. 2. **Drying.** Space must be provided for air drying utensils. Towel drying is not permitted.

Subp. 3. **Manual utensil washing.** The procedure to be used for manual utensil washing is:

A. wash in warm, soapy water;

B. rinse in clean water;

C. sanitize for at least one minute in a sanitizing solution of sufficient concentration, using one tablespoon of household bleach per two gallons of water; and

D. allow to air dry.

Subp. 4. **Cleaning equipment.** Food contact equipment that must be cleaned in place, like meat slicers or soft serve ice milk dispensers, must be sanitized using a solution equal to that listed in subpart 3, item C.

Subp. 5. **Wiping cloths.** Cloths used to wipe equipment and counters must be stored in a sanitizing solution between uses. The solution must equal that listed in subpart 3, item C.

Subp. 6. **Sanitizer test kits.** Test kits or strips for analyzing sanitizer strength must be available and used.

4625.6301 FOOD, BEVERAGE, AND UTENSIL HANDLING AND STORAGE.

Approved
by Revisor _____

Subpart 1. **Food source.** All ice and food supplies must come from an approved commercial source. No home prepared food or food stored at home is allowed. Food ~~may~~ must be kept in a licensed commissary, stock truck, or within the unit. Ice must be cubed or crushed and be sealed in a bag at the point of manufacture. The ice must be held in these bags until it is dispensed in a way that protects it from contamination.

Subp. 2. **Temperatures.** Potentially hazardous food must be maintained at 40 degrees Fahrenheit (four degrees centigrade) or below, and 150 degrees Fahrenheit (66 degrees centigrade) or above. This includes periods when it is being transported.

Subp. 3. **Previously cooked foods.** Previously cooked food that is reheated must reach an internal temperature of at least 165 degrees Fahrenheit (74 degrees centigrade) throughout before being served. Heated food that is left over at the end of the day must be discarded.

Subp. 4. **Storage.** Food and single service disposable utensils such as paper plates and plastic eating utensils must be clean, dry, covered, and kept at least six inches off the floor. Storage of packaged food in contact with water of undrained ice is prohibited. Wrapped sandwiches must not be in direct contact with ice.

Subp. 5. **Single service items and condiment dispensing.** Single service utensils and self-service food, including condiments, like catsup, coffee whitener, or sugar, must be individually packaged or dispensed from an ~~enclosed~~ approved dispenser.

4625.6401 WATER SUPPLY.

Subpart 1. **General.** Potable water must be obtained from an approved public water supply system. Water must not come from a residential well.

Subp. 2. **Holding tanks.** Each mobile food service ~~or pushcart~~ requiring a water system must be equipped with a fresh water holding tank that can be drained and a hot water heater, both of which are sufficiently sized to meet water demand. The

Approved
by Revisor _____

holding tank must be corrosion resistent, nontoxic, and free of seams. When in operation, a unit may be directly supplied with water from an external water system. The connecting hose must be capped and otherwise protected when it is disconnected so that it will not be contaminated by waste discharge, road dust, oil, or grease.

Subp. 3. **System sanitizing.** The total water system must be sanitized each year before the unit is put into service.

4625.6501 WASTEWATER AND REFUSE DISPOSAL.

Subpart 1. **Wastewater.** Wastewater must be discharged directly into an approved sanitary sewer system or to a holding tank which will subsequently be discharged into a sewer system. Discharge lines and connections must not be compatible with the water supply connections. The holding tank must be at least 15 percent larger than the fresh water storage tank. Ground surface discharge is not permitted.

Subp. 2. **Refuse and garbage disposal.** Refuse must be deposited and stored in a manner that will not tend to create a nuisance. Garbage containing food waste, if stored overnight or for extended periods of time, must be stored in tightly covered nonabsorbent containers.

4625.6601 INSECT CONTROL.

Effective insect control must be achieved through sanitation. If insecticides are to be used, they must be an approved type such as pyrethrins as the active ingredient, used according to the manufacturer's directions. They must not be used when food or utensils are exposed. Intermittent spray dispensers and vapona strips must not be used.

4625.6701 EMPLOYEE PRACTICES.

Employees must comply with the following requirements:

A. Employees must maintain their hands in a clean and sanitary condition and wash hands immediately after going to the toilet, handling raw food, smoking, or otherwise soiling their hands.

Approved
by Revisor _____

B. An employee must not engage in food preparation or service activities if that person has a communicable disease, gastrointestinal illness, sore throat, or discharging wound.

C. An employee must not use tobacco in any form while on duty.

D. An employee's outer garments must be clean.

E. An employee must wear effective hair restraints such as hairnets, headbands, and caps while engaged in food preparation and service.

4625.6801 SAFETY.

Subpart 1. **Electrical.** Electrical service must comply with the Minnesota State Building Code Electrical Code, chapter 1315. Electrical lines should not be located in or near water.

Subp. 2. **Carbon dioxide.** Carbon dioxide and bottled gas cylinders must be secured by chains or other types of restraints.

Subp. 3. **Fire extinguishers.** A fire extinguisher with a minimum 2A 10 B-C rating must be present if required by the fire marshal.

REQUIREMENTS FOR SPECIAL EVENT FOOD STANDS

4625.6901 SPECIAL EVENT FOOD STAND.

Subpart 1. **General.** Special event food stands must comply with all provisions of parts 4625.2401 to 4625.4701 which are applicable to their operation and must comply with parts 4625.6901 to 4625.7801. If necessary to protect the public health, the commissioner ~~may~~ shall impose additional requirements to protect against health hazards related to the conduct of their operation and ~~may~~ shall prohibit the sale or giveaway of some or all potentially hazardous foods. When no health hazard is likely to result, the commissioner may grant a variance or modify specific requirements of parts 4625.6901 to 4625.7801.

Subp. 2. **Restricted operations.** This subpart applies whenever a special event food stand is approved under subpart 1 to operate without complying with all the requirements of parts 4625.6901 to 4625.7801.

Approved by Revisor _____

A. The special event food stand must be located where it is not subject to flooding and is protected from possible contamination; for example toilets, animal pens, or garbage collection sites. It must be protected from dust and windblown particulates by location, treatment of ground surfaces, or by having the food stand enclosed.

B. The commissioner may restrict the type of food served or the method of food preparation based on equipment limitations, commissary facilities, or climatic conditions.

4625.7001 CONSTRUCTION.

Subpart 1. **Work spaces.** Work spaces must be sized to permit unobstructed work activity. Equipment must be located to permit easy cleaning.

Subp. 2. **Floors.** The interior floor must be constructed of concrete, asphalt, tight wood, or other similar cleanable material kept in good repair. Dirt or gravel, when graded to drain, may be used as subflooring when covered with clean, removable platforms or duckboards, or covered with wood chips, shavings, or other suitable materials effectively treated to control dust.

Subp. 3. **Walls or enclosures.** The stand must provide protection during adverse weather by its construction or location. If it does not, then food activities must cease during periods of adverse weather. Interior surfaces must be finished with smooth, durable, nonabsorbent, easily cleanable material that resists the wear and abuse to which the surfaces are subjected. High gloss paint is the minimum, acceptable finish.

4625.7101 EQUIPMENT.

Subpart 1. **General.** Food service equipment must be appropriately designed and sized for its use.

Subp. 2. **Refrigeration.** Mechanical refrigeration is required for potentially hazardous foods such as meat, fish, poultry, milk and milk products, and eggs. A metal stem product thermometer with a range from zero degrees Fahrenheit (minus 18

Approved
by Revisor _____

degrees centigrade) to 220 degrees Fahrenheit (104 degrees centigrade) is required for measuring temperature of this food. Electricity must be provided to refrigeration units 24 hours a day when the special event food stand has been set in place for service. Insulated chests containing dry ice or frozen refrigerant packs may be used for items such as ~~hot-dogs~~ wieners and precooked sausages as long as required temperatures are maintained. A thermometer is required for each refrigerator and insulated chest.

Subp. 3. **Cooking equipment.** Electric skillets, roasters, propane stoves, and charcoal grills equipped with lids are acceptable for cooking food as long as safe food temperatures are maintained. Crock pots may not be used.

Subp. 4. **Utensils.** Commercial food grade utensils must be used. Galvanized or soft plastic containers, wooden spoons, enamelware, paintbrushes, and similar materials are not acceptable. Garbage bags and garbage receptacles must not be used for covering or storing food.

Subp. 5. **Customer safety.** To help provide customer safety and prevent possible contamination by customers, food preparation and cooking areas must be protected by an impervious shield or by separation distances.

Subp. 6. **Handwashing facilities.** Handwashing facilities shall be provided within the stand. They shall consist of:

A. soap, paper towels, and a water faucet or spigot that discharges into a waste line or holding vessel; or

B. paper towels and a spray bottle containing a germicidal solution, using one teaspoon of household bleach to a gallon of water; or

C. moist towelettes when there is little or no food preparation.

Subp. 7. **Lighting.** All interior lights must be shielded or enclosed to prevent breakage. Lights used at night must not attract flying insects.

4625.7201 DISHWASHING FACILITIES, PROCEDURES, AND EQUIPMENT

Approved
by Revisor _____

CLEANING.

Subpart 1. **General.** Single service, disposable eating and drinking utensils must be used unless approved permanent dishwashing facilities are available. Utensils are to be washed and sanitized immediately before the special event and as often as necessary during the event. Utensils may be washed off the site if approval is granted. When this is done, the clean utensils must be suitably covered with plastic wrap or placed in a covered container when transported. When utensils are not washed at the site, enough utensils must be provided so that if one becomes soiled or contaminated, a clean one is available.

Subp. 2. **Drying.** Space must be provided for air drying utensils. Towel drying is not permitted.

Subp. 3. **Manual utensil washing.** The procedure for manual utensil washing is:

A. wash in warm, soapy water;

B. rinse in clean water;

C. sanitize for at least one minute in a sanitizing solution of sufficient concentration, using one tablespoon of household bleach per two gallons of water; and

D. allow to air dry.

Subp. 4. **Cleaning equipment.** Food contact equipment that must be cleaned in place, like meat slicers or soft serve ice milk dispensers, must be sanitized using a solution equal to that listed in subpart 3, item C.

Subp. 5. **Wiping cloths.** Cloths used to wipe equipment and counters must be stored in a sanitizing solution between uses. The solution must equal that listed in subpart 3, item C.

Subp. 6. **Sanitizer test kits.** Test kits or strips for analyzing sanitizer strength must be available and used.

4625.7301 FOOD, BEVERAGE, AND UTENSIL HANDLING AND STORAGE.

Subpart 1. **Food source.** All ice and food supplies must come from an approved commercial source. No home prepared food or food storage at home is permitted. Ice must be obtained only in chipped, crushed, or cubed form and in single-use safe

Approved
by Revisor _____

plastic or wet-strength paper bags filled and sealed at the point of manufacture. The ice must be held in these bags until it is dispensed in a way that protects it from contamination. When preparation or hot and cold holding equipment are not adequate for the volume of food prepared, food preparation activities must take place in a facility which is in compliance with parts 4625.2401 to 4625.4701, such as a restaurant, school, fraternal organization kitchen, or church.

Subp. 2. **Temperature.** Potentially hazardous food must be maintained at 40 degrees Fahrenheit (four degrees centigrade) or below and 150 degrees Fahrenheit (66 degrees centigrade) or above, including periods when it is being transported.

Subp. 3. **Previously cooked foods.** Previously cooked food that is reheated must reach an internal temperature of at least 165 degrees Fahrenheit (74 degrees centigrade) throughout before being served. Any heated food that is left over at the end of the day must be discarded.

Subp. 4. **Storage.** Food and single service disposable utensils such as paper plates and plastic eating utensils must be clean, dry, covered, and kept at least six inches off the floor. Storage of packaged food in contact with water or undrained ice is prohibited. Wrapped sandwiches must not be stored in direct contact with ice. Canned, bottled, and other containerized beverages except milk may be chilled in ice.

Subp. 5. **Single service items and condiment dispensing.** Single service utensils and self-service food including condiments such as catsup, mustard, coffee whitener, and sugar must be individually packaged or be dispensed from an ~~enclosed~~ approved dispenser.

4625.7401 WATER SUPPLY.

Potable water must be obtained from an approved public water supply system. Water must not come from a residential well. If water is not provided under pressure at the establishment, it may be transported and stored in approved, cleanable, covered containers such as five- or ten-gallon coffee

Approved by Revisor _____

urns or nongalvanized beverage coolers containing spigots.

4625.7501 WASTEWATER AND REFUSE DISPOSAL.

Subpart 1. **Wastewater.** Wastewater must be discharged into an approved sanitary sewer system or a holding tank. Ground surface discharge is not permitted.

Subp. 2. **Refuse and garbage disposal.** Refuse and garbage must be deposited and stored in a manner that will not tend to create a nuisance. Garbage containing food waste if stored overnight or for extended periods of time must be stored in tightly covered nonabsorbent containers.

4625.7601 INSECT CONTROL.

Effective insect control is to be achieved through sanitation. If insecticides are to be used, they must be an approved type such as pyrethrins as the active ingredient, used according to the manufacturer's directions. They must not be used when food or utensils are exposed. Intermittent spray dispensers and vapona strips must not be used.

4625.7701 EMPLOYEE PRACTICES.

Employees must comply with the following requirements:

A. Employees must maintain their hands in a clean and sanitary condition and wash hands immediately after going to the toilet, handling raw food, smoking, or otherwise soiling their hands.

B. Employees must not engage in food preparation or service activities if that person has a communicable disease, gastrointestinal illness, sore throat, or discharging wound.

C. An employee must not use tobacco in any form while on duty.

D. An employee's outer garments must be clean.

E. An employee must wear effective hair restraints such as hairnets, headbands, and caps while engaged in food preparation and service.

F. An adult shall be responsible for the operation of the stand and shall supervise children working in the stand.

Approved
by Revisor _____

4625.7801 SAFETY.

Subpart 1. **Electrical.** Electrical service must comply with the Minnesota State Building Code Electrical Code, chapter 1315. Electrical lines should not be located in or near water.

Subp. 2. **Carbon dioxide.** Carbon dioxide and bottled gas cylinders must be secured by chains or other types of restraints.

Subp. 3. **Fire extinguishers.** A fire extinguisher with a minimum 2A 10 B-C rating must be present if required by the fire marshal.

REPEALER. Parts 4625.2400, 4625.2500, 4625.2600, 4625.2700, 4625.2800, 4625.2900, 4625.3000, 4625.3100, 4625.3200, 4625.3300, 4625.3400, 4625.3500, 4625.3600, 4625.3700, 4625.3800, 4625.3900, 4625.4000, 4625.4100, 4625.4200, 4625.4300, 4625.4400, 4625.4500, 4625.4600, 4625.4700, 4625.4800, and 4625.4900, are repealed.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Adopted Permanent Rules Relating to Food and Beverage Establishments

AGENCY: Department of Health

MINNESOTA RULES: Chapter 4625

INCORPORATION BY REFERENCE:
Parts 4625.2401, subpart 24; 4625.3701, subpart 2, item C; and 4625.3801, subpart 6, items D and F.

National Sanitation Foundation Standard published by the National Sanitation Foundation.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAY 8 1989
Joan Anderson Growe
Secretary of State
10:00AM

APPROVED AS TO FORM AND LEGALITY
5/5 1989
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY
SPECIAL ASSISTANT ATTORNEY GENERAL

The attached rules are approved for filing with the Secretary of State

Kathleen M. Traxler
Assistant Revisor

Department of Health

Adopted Permanent Rules Relating to Food and Beverage Establishments

Rules as Adopted

REQUIREMENTS FOR FOOD AND BEVERAGE ESTABLISHMENTS

4625.2401 DEFINITIONS.

Subpart 1. **Scope.** For purposes of parts 4625.2401 to 4625.7801, the following terms have the meanings given them.

Subp. 2. **Adulterated.** "Adulterated" means the condition of a food if it bears or contains any poisonous or deleterious substance for which no safe tolerance has been established or in excess of such tolerance if one has been established; if it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for human consumption; if it has been processed, prepared, packed, or held under insanitary conditions, where it may have been rendered injurious to health; if it is in whole or in part the product of a diseased animal, or an animal which has died otherwise than by slaughter; or if its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health.

Subp. 3. **Approved.** "Approved" means acceptable to the commissioner according to applicable standards in parts 4625.2401 to 4625.7801 and good public health practices.

Subp. 4. **Clean.** "Clean" means free from insects, vermin, and debris and free from physical, chemical, and microbial substances discernible by ordinary sight or touch, by ultraviolet light, by artificial light, and by the safranine-o dye test or by microscopic or microbiological examination.

Subp. 5. **Closed.** "Closed" means fitted snugly together leaving no openings large enough to permit the entrance of vermin.

Approved by Revisor

Subp. 6. **Commissary.** "Commissary" means a catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged, or stored.

Subp. 7. **Commissioner.** "Commissioner" means the commissioner of health or a designee.

Subp. 8. **Corrosion-resistant materials.** "Corrosion-resistant materials" means materials which maintain their original surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and bactericidal solution, and other conditions-of-use environment.

Subp. 9. **Department.** "Department" means the Minnesota Department of Health.

Subp. 10. **Easily cleanable.** "Easily cleanable" means surfaces which are readily accessible and made of such materials and finish and so fabricated that residue may be effectively removed by ordinary cleaning methods.

Subp. 11. **Embargo.** "Embargo" means the withholding of food, equipment, utensils, or clothing from sale or use in any establishment licensed as a restaurant, boarding house, or place of refreshment until approval is given by the commissioner for such sale or use.

Subp. 12. **Employee.** "Employee" means a person working in a food or beverage service establishment who transports food or food containers, who engages in food preparation or service, or who comes in contact with any food utensils or equipment.

Subp. 13. **Equipment.** "Equipment" means stoves, ovens, ranges, hoods, slicers, mixers, meatblocks, tables, counters, refrigerators, freezers, ice machines, sinks, dishwashing machines, steam tables, and similar items other than utensils used in the operation of a food or beverage service establishment.

Subp. 14. **Food.** "Food" means any 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

Approved
by Revisor _____

consumption.

Subp. 15. **Food and beverage service establishments.** "Food and beverage service establishments" means establishments defined in Minnesota Statutes, chapter 157, and includes drive-ins, bars, taverns, drive-in cafes, clubs, lodges, eating facilities at resorts, schools, day care facilities, children's camps, fairs, circuses, carnivals, churches, and public buildings, except as exempted by Minnesota Statutes, section 157.14, and all other businesses and establishments where meals, lunches, or drinks are served.

Subp. 16. **Food-contact surface.** "Food-contact surface" means surfaces of equipment and utensils with which food normally comes in contact, and surfaces from which food may drain, drip, or splash back onto surfaces normally in contact with food.

Subp. 17. **Garbage.** "Garbage" means discarded material resulting from the handling, processing, storage, preparation, serving, and consumption of food.

Subp. 18. **Hermetically sealed container.** "Hermetically sealed container" means a container designed and intended to be secure against the entry of micro-organisms and to maintain the commercial sterility of its content after processing.

Subp. 19. **Itinerant food service.** "Itinerant food service" means a food service establishment that is disassembled and moved from location to location, remaining no more than 14 consecutive days at any one place.

Subp. 20. **Kitchenware.** "Kitchenware" means all multi-use utensils other than tableware.

Subp. 21. **Law.** "Law" includes federal regulations, state statutes and rules, and local ordinances.

Subp. 22. **Limited food service establishment.** "Limited food service establishment" means a food establishment serving only prepackaged food for example, frozen pizza and sandwiches which receive no more than heat treatment.

Subp. 23. **Mobile food service.** "Mobile food service" means a food service establishment that is a vehicle mounted

Approved
by Revisor _____

unit, either motorized or trailered, and readily movable without disassembling, for transport to another location and remaining for no more than 14 consecutive days at any one place.

Subp. 24. **National sanitation foundation standard.** "National sanitation foundation standard" means a standard issued and recommended by the National Sanitation Foundation for equipment used in food establishments. The standards are published by the National Sanitation Foundation, 3475 Plymouth Road, P.O. Box 1468, Ann Arbor, Michigan 48106. The standards listed in parts 4625.3701, subpart 2, item A, and 4625.3801, subpart 6, items D and F, are incorporated by reference and are available through the Minitex interlibrary loan system. The standards are not subject to frequent change.

Subp. 25. **Packaged.** "Packaged" means bottled, canned, cartoned, or securely wrapped.

Subp. 26. **Perishable food.** "Perishable food" means a food of the type or in the condition that may spoil.

Subp. 27. **Person in charge.** "Person in charge" means the individual present in a food service establishment who is the apparent supervisor of the food service establishment at the time of inspection. If no individual is the apparent supervisor, then ~~an~~ any employee present is the person in charge.

Subp. 28. **Potable water.** "Potable water" means water of a quality and from a source of supply and system operated, located, and constructed in accordance with the department rules relating to public water supplies, water wells, and plumbing installations.

Subp. 29. **Potentially hazardous food.** "Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, mollusk, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic micro-organisms. The term does not include clean, whole, uncracked, odor-free, shell eggs or foods which have a pH level of 4.6 or below or a water activity (aW) value of 0.85 or less.

Approved
by Revisor _____

Subp. 30. **Push cart.** "Push cart" means a nonself-propelled vehicle limited to serving nonpotentially hazardous foods or commissary-wrapped food maintained at proper temperatures, or limited to the preparation and serving of frankfurters and other precooked ready-to-eat link sausages.

Subp. 31. **Reconstituted.** "Reconstituted" means dehydrated food products recombined with water or other liquids.

Subp. 32. **Safe material.** "Safe material" means articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in becoming a component or otherwise affecting the characteristics of any food. If materials used are food additives or color additives as defined in the Federal Food, Drug and Cosmetic Act, United States Code, title 21, section 321, they are safe only if they are used in conformity with regulations established pursuant to the act, as provided by United States Code, title 21, section 348 or 376. Other materials are safe only if, as used, they are not food additives or color additives as defined in United States Code, title 21, section 321, and are used in conformity with all applicable regulations of the United States Food and Drug Administration.

Subp. 33. **Safe temperatures.** "Safe temperatures" as applied to potentially hazardous food, means temperatures of 40 degrees Fahrenheit (four degrees centigrade) or below, and 150 degrees Fahrenheit (66 degrees centigrade) or above.

Subp. 34. **Sanitization.** "Sanitization" means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on utensils and equipment.

Subp. 35. **Sealed.** "Sealed" means free of cracks or other openings that permit the entry or passage of moisture.

Subp. 36. **Single-service articles.** "Single-service articles" means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, placemats, napkins, doilies, wrapping materials, toothpicks, and similar

Approved
by Revisor _____

articles intended for one-time, one-person use and then discarded.

Subp. 37. **Smooth.** "Smooth" means having an even surface, free of cracks, chips, open seams, rust, corrosion, breaks, pits, checks, and ridges.

Subp. 38. **Special event food stand.** "Special event food stand" means a food service used in conjunction with celebrations or special events, used not more than twice annually, and remaining no more than 14 consecutive days at any one location.

Subp. 39. **Tableware.** "Tableware" means multi-use eating and drinking utensils, including flatware.

Subp. 40. **Utensils.** "Utensils" means any kitchenware, tableware, dishes, glassware, cutlery, pots, pans, and containers used in the storage, preparation, transportation, or service of food.

Subp. 41. **Wholesome.** "Wholesome" means sound, healthful, clean, unadulterated, and in all ways fit for human consumption.

4625.2501 SCOPE.

Parts 4625.2401 to 4625.7801 apply to all food and beverage service establishments, such as restaurants, boarding houses, and places of refreshment, as defined in Minnesota Statutes, chapter 157, and in parts 4625.2401 to 4625.7801, whether or not a license is required under Minnesota Statutes, section 157.03.

4625.2601 ADMINISTRATION.

Subpart 1. **Food samples.** Samples of food may be collected without cost and examined by the commissioner as often as may be necessary for the enforcement of parts 4625.2401 to 4625.7801. ~~The commissioner may condemn and forbid the sale of, or cause to be removed or destroyed, any food that is unwholesome or adulterated, prepared, processed, handled, packaged, transported, or stored in an unwholesome manner, unfit for human consumption, or otherwise prohibited by law.~~

Subp. 2. **Embargo.** The commissioner may embargo and forbid the sale of, or cause to be removed or destroyed, any food that

Approved by Revisor _____

is unwholesome or adulterated; prepared, processed, handled, packaged, transported, or stored in an unwholesome manner; unfit for human consumption; or otherwise prohibited by law. Equipment and utensils, which do not meet the requirements of parts 4625.2401 to 4625.7801, may be embargoed. Equipment and utensils must be released from the embargo upon notification of the commissioner by the person in charge of modification of the equipment or utensils to meet the requirements of parts 4625.2401 to 4625.7801 and after inspection of the utensils and equipment by the commissioner.

Subp. 3. **Condemnation.** The commissioner may condemn and cause to be removed any food, equipment, clothing, or utensils found in a food establishment, the use of which would not comply with parts 4625.2401 to 4625.7801, or which is being used in violation of parts 4625.2401 to 4625.7801 and also may condemn and cause to be removed any equipment, clothing, or utensils which by reasons of dirt, filth, extraneous matter, insects, corrosion, open seams, or chipped or cracked surfaces is unfit for use.

Subp. 4. **Tag.** The commissioner may place a tag to indicate the embargo or the condemnation upon food, equipment, utensils, or clothing. No person shall remove the tag except under the direction of the commissioner.

4625.2650 VARIANCES AND WAIVERS.

Subpart 1. **Procedures to request a variance or waiver.** A licensee may request that the commissioner grant a variance or waiver from the provisions in parts 4625.2401 to 4625.7801. All requests for a variance or waiver must be submitted to the department in writing. Each request shall contain:

A. the specific language in the rule from which the variance or waiver is requested;

B. the reasons for the request;

C. the alternative measures that will be taken if a variance or waiver is granted;

D. the length of time for which the variance or

Approved
by Revisor _____

waiver is requested; and

E. other relevant information necessary to properly evaluate the request for the variance or waiver.

Subp. 2. **Criteria for decision.** The decision to grant or deny a variance or waiver shall be based on the commissioner's evaluation that:

A. the variance or waiver will not adversely affect the environment;

B. the alternative measures to be taken, if any, are equivalent to or superior to those prescribed in the rule; and

C. compliance with the rule would impose an undue burden on the applicant.

Subp. 3. **Notification of variance.** The commissioner shall notify the applicant in writing of the decision to grant or deny a variance or waiver. If a variance or waiver is granted, the notification shall specify the period of time for which the variance or waiver will be effective and the alternative measures or conditions, if any, the applicant must meet.

Subp. 4. **Effect of alternative measures or conditions.** All alternative measures or conditions attached to a variance or waiver have the force and effect of the applicable rule and are subject to the issuance of correction orders and penalties as provided by law.

Subp. 5. **Renewal.** A request for the renewal of a variance or waiver must be submitted in writing before its expiration date. Renewal requests shall contain the information in subpart 1. The commissioner shall renew a variance or waiver if the applicant continues to satisfy the criteria in subpart 1, and demonstrates compliance with the alternative measures or conditions imposed when the original variance or waiver was granted.

Subp. 6. **Denial, revocation, or refusal to renew.** The commissioner shall deny, revoke, or refuse to renew a variance or waiver if the commissioner determines that the criteria in ~~subpart~~ subparts 1 and 2 are not met. The commissioner shall notify the applicant in writing of the decision to deny, revoke,

Approved
by Revisor _____

or refuse to renew the variance or waiver. The notice must describe the reasons for the denial, revocation, or refusal to renew, and inform the applicant of the right to appeal the decision.

Subp. 7. **Appeal procedure.** An applicant may contest the denial, revocation, or refusal to renew a variance or waiver by requesting a contested case hearing under the Administrative Procedure Act, Minnesota Statutes, chapter 14. The applicant shall submit, within 15 days after receiving the commissioner's decision, a written request for a hearing. The request for a hearing shall state, in detail, the reasons why the decision of the commissioner should be reversed or modified. At the hearing, the applicant bears the burden of proving that the applicant has satisfied the criteria specified in subpart 1.

4625.2701 PLAN REVIEW OF FUTURE CONSTRUCTION.

Whenever a food or beverage service establishment is constructed or extensively remodeled and whenever an existing structure is converted to use as a food or beverage service establishment under Minnesota Statutes, section 157.03, properly prepared plans and specifications for the construction, remodeling, or conversion must be submitted to the commissioner for review and approval before construction, remodeling, or conversion is begun. The plans and specifications must indicate the proposed layout, arrangement, plumbing specifications, construction materials of work areas, and the type and model number of proposed fixed equipment and facilities. The plans and specifications, submitted in duplicate and drawn to scale, must be legible and complete in all details.

The commissioner shall approve the plans and specifications if they meet the requirements of parts 4625.2401 to 4625.7801 and report the findings within 30 days of the date that plans are received.

The facility must be constructed and finished in conformance with the approved plans.

The department shall inspect the food or beverage service

Approved
by Revisor _____

establishment before the start of operation to determine compliance with the approved plans and specifications.

4625.2801 MISREPRESENTATION OF FOOD.

The person in charge of any food or beverage service establishment shall not in any way misrepresent food or beverages offered to the public. Practices which constitute misrepresentation include:

A. the sale of adulterated food;

B. the substitution of food items of lesser quality, or food different from items as advertised;

C. making statements giving incorrect or deceptive points of origin;

D. making misleading statements of size, number, weight, or price; and

E. not meeting standards of identity prescribed by law for certain foods.

4625.2901 EMERGENCY FIRST AID FOR CHOKING.

A food service establishment which is not an itinerant, mobile, special event, or limited food service establishment must post a chart illustrating the use of an emergency first aid procedure approved by the commissioner, to relieve a patron with a restricted airway. The illustration must be posted in the food preparation area where all employees may easily see it.

4625.3001 MINNESOTA CLEAN INDOOR AIR ACT.

The person in charge of a food and beverage establishment shall make adequate provisions to meet the requirements of the Minnesota Clean Indoor Air Act, Minnesota Statutes, sections 144.411 to 144.417, and chapter 4620.

4625.3101 ITINERANT, MOBILE FOOD SERVICES OR PUSHCARTS, AND SPECIAL EVENT FOOD STANDS.

Itinerant, mobile food services or pushcarts, and special event food stands must comply with all provisions of parts 4625.2401 to 4625.7801 which are applicable to their operation. The establishments and units must be operated in an approved

Approved
by Revisor _____

manner. If necessary to protect the public health, the commissioner ~~may~~ shall impose additional requirements to protect against health hazards related to the conduct of their operation and ~~may~~ shall prohibit the sale or giveaway of some or all potentially hazardous foods. When no health hazard is likely to result, the commissioner may modify specific requirements for physical facilities.

4625.3201 FOOD AND FOOD HANDLING.

Subpart 1. **Food sources and supplies.** Food must be in a sound condition, free from spoilage, filth, or other contamination and must be safe for human consumption. Food must be obtained from sources that comply with laws relating to food and food labeling and approved by the commissioner of health or agriculture. The use, storage, or serving of food in hermetically sealed containers not prepared in a food processing plant licensed by the United States Department of Agriculture, Food and Drug Administration, or Minnesota Department of Agriculture, and other food not prepared in a licensed food establishment is prohibited.

Subp. 2. **Special requirements.** Fluid milk and fluid milk products used or served must be pasteurized and must meet the Grade A quality standards in Minnesota Statutes, chapter 32. Fluid milk and fluid milk products must be served to the consumer in individual, unopened, commercially filled original containers not exceeding one pint in capacity, or drawn from a commercially filled container stored in a mechanically refrigerated bulk milk dispenser. Where a bulk dispenser for milk and milk products is not available and portions of less than one-half pint are required for mixed drinks, cereal, or dessert service, milk and milk products may be poured from a commercially filled container of not more than one-half gallon capacity. Nondairy creaming or whitening agents must be provided in an individual service container or drawn from a refrigerated dispenser designed for such service. Dry milk, dry milk products, and nondairy product substitutes may be used in

Approved
by Revisor _____

instant dessert and whipped products or for cooking, baking, manufacturing, and processing purposes only.

Subp. 3. **Variance for certain establishments.** A variance covering dispensing of milk or milk products to the consumer in food services such as day care centers, boarding and lodging houses, and children's camps may be granted to permit milk to be poured from a commercially filled container of not more than one gallon capacity into the drinking vessel.

Subp. 4. **Frozen foods.** All frozen dairy foods such as ice cream, frozen custards, ice milk, milk sherbet, fruit or ice sherbet, yogurt, and frozen malted milk must meet requirements in Minnesota Statutes, chapter 32.

Subp. 5. **Shellfish.** Fresh and frozen shucked shellfish, like oysters, clams, or mussels, must be packed in nonreturnable packages identified with the name and address of the original shell stock processor, shucker-packer, or repacker, and the interstate certification number issued according to United States Code, title 42, section 243, and Code of Federal Regulations, title 21, section 1240.60. Shell stock and shucked shellfish must be kept in the container in which they were received until they are used. Each container of unshucked shell stock, like oysters, clams, or mussels, must be identified by an attached tab that states the name and address of the original shell stock processor, the kind and quality of shell stock, and an interstate certification number issued by the state or foreign shellfish control agency.

Subp. 6. **Meat.** All meat and meat products received, kept, or used in any manner in a food establishment must be officially identified as having been inspected by the United States Department of Agriculture in accordance with the Federal Meat Inspection Act, United States Code, title 21, sections 601 to 691. Products upon which any official identification is lost by reason of processing must be identified by the name and location of the processor.

Subp. 7. **Poultry.** All poultry and poultry meat products must be clean, wholesome, free from spoilage and adulteration,

Approved
by Revisor _____

and must be processed in a food establishment meeting the requirements established in the Poultry Products Inspection Act, United States Code, title 21, sections 451 to 469. Only clean whole eggs, with shell intact and without cracks or checks, or pasteurized liquid, frozen, or dry eggs or pasteurized dry egg products must be used, except that hard-boiled, peeled eggs, commercially prepared and packaged may be used. Liquid, frozen, and dry eggs and egg products may be used only for cooking, baking, manufacturing, and processing purposes.

Subp. 8. **Lubricants.** Only food grade lubricants of a safe material must be used on equipment designed to receive lubrication of bearings and gears on or within food-contact surfaces.

4625.3301 FOOD PROTECTION.

Subpart 1. **Protection generally.** Food must be protected from potential contamination including:

A. dusts, insects, rodents, and other vermin;

B. unclean equipment, work surfaces, utensils, and facilities;

C. unnecessary or improper handling;

D. coughs and sneezes;

E. flooding, drainage, and overhead leakage or drippage; and

F. utensils or equipment which have not been given bactericidal treatment.

Adequate and approved protection of all food must be provided after delivery and while being stored, prepared, displayed, served, or sold in food establishments or transported between establishments.

Subp. 2. **Emergency occurrences.** In the event of a fire, flood, power outage, or other event that might result in the contamination of food, or that might prevent potentially hazardous food from being held at required temperatures, the person in charge shall immediately contact the department. Upon receiving notice of this occurrence, the department ~~may~~ must

Approved
by Revisor _____

take action that is necessary to protect the public health.

4625.3401 TEMPERATURE MAINTENANCE.

Subpart 1. **Potentially hazardous foods.** The internal temperature of all potentially hazardous foods must be maintained at 40 degrees Fahrenheit (four degrees centigrade) or below, or 150 degrees Fahrenheit (66 degrees centigrade) or above, except during preparation. Potentially hazardous foods requiring refrigeration after preparation must be rapidly cooled to an internal temperature of 40 degrees Fahrenheit (four degrees centigrade) or below within four hours after removal from the heating or hot holding device. Frozen food must be kept frozen and should be stored at an internal temperature of zero degrees Fahrenheit (minus 18 degrees centigrade) or below.

Subp. 2. **Storage facilities.** Adequate, properly designed, and conveniently located mechanical refrigeration or hot food storage facilities must be provided to ensure the maintenance of potentially hazardous food at required temperatures. Each storage facility must be provided with a numerically scaled temperature indicating device accurate to plus or minus three degrees Fahrenheit (plus or minus two degrees centigrade) located to measure the air temperature in the warmest part of the refrigeration facility or the coldest part of the hot holding facility. Temperature indicating devices must be securely fastened and located to be easily readable. Where it is impractical to install fixed temperature indicating devices on equipment such as cold table tops, steam tables, processing lines, kettles, heat lamps, or portable transport carriers, a product thermometer of metal stem type construction, numerically scaled, and accurate to plus or minus two degrees Fahrenheit (plus or minus one degree centigrade) must be provided and used to check internal food temperatures.

Subp. 3. **Poultry.** Poultry, poultry stuffings, stuffed meats, and stuffings containing meat must be cooked to heat all parts of the food to at least 165 degrees Fahrenheit (74 degrees centigrade) with no interruption of the cooking process.

Approved
by Revisor _____

Subp. 4. **Pork.** Pork and any food containing pork must be cooked to heat all parts of the food to at least 150 degrees Fahrenheit (66 degrees centigrade), or, if cooked in a microwave oven, to at least 170 degrees Fahrenheit (77 degrees centigrade).

Subp. 5. **Beef roasts.** Beef roasts must be cooked according to the following requirements:

A. When beef roasts under ten pounds (five kilograms) in weight are cooked in a still dry heat oven, the oven must be preheated to and held at an air temperature of at least 350 degrees Fahrenheit (177 degrees centigrade) throughout the process. If cooked in a convection oven, the oven must be preheated to and held at an air temperature of at least 325 degrees Fahrenheit (163 degrees centigrade) throughout the process.

B. When beef roasts of ten pounds (five kilograms) or over in weight are cooked in a dry heat oven, the oven must be preheated to and held at an air temperature of at least 250 degrees Fahrenheit (122 degrees centigrade) throughout the process.

C. In order to meet public health requirements for the processes in ~~this item~~ items A and B, the following table lists the minimum internal temperature of the beef roast for the minimum time the roast needs to be held at such temperature:

MINIMUM HOLDING TIMES FOR BEEF ROASTS
AT VARIOUS INTERNAL TEMPERATURES

Minimum internal temperature		Minimum holding time
Degrees Fahrenheit	Degrees Centigrade	Minutes
130	54.4	121
131	55.0	97
132	55.6	77
133	56.1	62
134	56.7	47

Approved by Revisor _____

135	57.2	37
136	57.8	32
137	58.4	24
138	58.9	19
139	59.5	15
140	60.0	12
141	60.6	10
142	61.1	8
143	61.7	6
144	62.2	5

D. If cooked in a microwave oven, beef roasts must be cooked to an internal temperature of at least 145 degrees Fahrenheit (63 degrees centigrade).

Subp. 6. **Reheating.** Potentially hazardous foods that have been cooked and then refrigerated, if reheated, must be heated rapidly to 165 degrees Fahrenheit (74 degrees centigrade) or higher throughout before being served or before being placed in a hot food storage facility. Steam tables, bainmaries, warmers, and similar hot food holding facilities are prohibited for the rapid reheating of potentially hazardous foods.

Subp. 7. **Thawing potentially hazardous foods.** Potentially hazardous foods must be thawed in one of the following ways:

A. in refrigerated units at a temperature not to exceed 40 degrees Fahrenheit (four degrees centigrade);

B. under potable running water of a temperature of 70 degrees Fahrenheit (21 degrees centigrade) or below, and allowing the water to ~~waste~~ <u>discharge</u> directly to the drain;

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.

4625.3501 PREPARATION, DISPLAY, AND SERVICE.

Subpart 1. **Minimum manual contact.** Food must be prepared

Approved
by Revisor _____

or processed with the least possible manual contact and in a manner that prevents cross-contamination of products. Only suitable utensils or equipment which have been cleaned, rinsed, and sanitized before use to prevent cross-contamination, must be used in food preparation.

Subp. 2. **Raw fruits and vegetables.** Raw fruits and vegetables must be thoroughly washed with potable water before being cooked or served.

Subp. 3. **Re-service.** Once food has been served to a consumer, it must not be served again, except that packaged food, other than potentially hazardous food, that is still packaged and is in sound condition may be re-served.

Subp. 4. **Shellfish.** Mollusks and crustacea, if served on the shell, must be served in the original shell. Reuse of shells for food service is prohibited.

Subp. 5. **Condiment dispensing.** Condiments, seasonings, and dressing for self-service use must be provided in individual packages, from dispensers, or from approved containers. Condiments provided for table or counter service must be individually portioned, except that catsup and other sauces may be served in the original container or pour-type dispenser. Sugar for consumer use must be provided in individual packages or in pour-type dispensers.

Subp. 6. **Dispensing utensils.** To avoid unnecessary manual contact with food, suitable dispensing utensils or equipment must be used by employees or provided to consumers who serve themselves. Between uses during service, dispensing utensils must be:

A. stored in the food with the dispensing utensil handle extended out of the food; or

B. stored clean and dry; or

C. stored in a running water ~~dipper well~~; or

D. stored either in a running water dipper well, or stored clean and dry in the case of dispensing utensils and malt collars used in preparing frozen desserts.

Subp. 7. **Display equipment.** Food on display must be

Approved by Revisor _____

protected from consumer contamination by the use of packaging or by the use of easily cleanable counter, serving line or salad bar food shields, display cases, or by other effective means. Adequate and sufficient hot or cold food facilities must be available to maintain the required temperature of potentially hazardous food on display.

Subp. 8. **Reuse of tableware.** Reuse of soiled tableware and single-service articles by self-service consumers returning to the service area for additional food must be prohibited. Beverage cups and glasses are exempt from this requirement.

Subp. 9. **Food transportation.** The requirements of temperature, storage, display, and those imposed for the protection of food against contamination, as contained in parts 4625.2401 to 4625.7801, must also apply in the transporting of food from one food establishment or other location to another food establishment or other location for delivery, service, or catering operations.

Subp. 10. **Storage.** Food, whether raw or prepared, if removed from the container or package in which it was obtained, must be stored in a clean, covered container. The container need not be covered during necessary periods of preparation or service. Container covers must be impervious and nonabsorbent, except that clean linens or napkins may be used for lining or covering bread or roll serving containers. Solid cuts of meat must be protected by being covered in storage, except that sides, quarters, or primal cuts of meat may be hung uncovered on clean hooks if no food product is stored beneath the meat.

Subp. 11. **Containers.** Containers of food must be stored a minimum of six 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. Containers may be stored on dollies, racks, or pallets, provided the equipment is easily movable and constructed to allow for easy cleaning. Food and containers of food must not be stored under exposed or unprotected sewer lines or similar sources of potential contamination. The storage of food in toilet rooms or

Approved
by Revisor _____

vestibules is prohibited.

Subp. 12. **Cross-contamination.** Food not subject to further washing or cooking before serving must be stored in a way that protects it against cross-contamination from food requiring washing or cooking.

Subp. 13. **Packaged food.** Packaged food must not be stored in contact with water or undrained ice. Wrapped sandwiches must not be stored in direct contact with ice. Ice intended for human consumption must not be used for cooling stored food, food containers, or food utensils~~, except that the ice may be used for cooling tubes conveying beverages or beverage ingredients to a dispenser head~~.

Subp. 14. **Bulk.** Bulk foods such as cooking oil, legumes, tubers, grains, syrup, salt, sugar, or flour and related derivative products not stored in the product container or package in which it was obtained, must be stored in a container identifying the food by common name.

Subp. 15. **Ice dispensing.** All ice must be manufactured only from potable water. Ice must be handled and transported in single-service containers, or in utensils which have been subjected to bactericidal treatment. Buckets, scoops, and ice containers, unless they are single-service utensils, must be made of a smooth, impervious material and designed to facilitate cleaning. They must be clean at all times. Canvas containers must not be used. If ice-crushers are used, they must be easily cleanable. They must be maintained in a clean condition, must be subject to bactericidal treatment and must be covered when not in use. Ice for consumer use must be dispensed with scoops or tongs from a properly protected storage device, or other ice self-dispensing utensils, through automatic single-service ice dispensing equipment, or be prepacked and portion controlled. Ice dispensing utensils must be stored on a clean surface or in the ice with the dispensing utensil's handle extended out of the ice. Between uses, ice transfer receptacles must be stored in a way that protects them from contamination.

Approved
by Revisor _____

4625.3601 DISEASE PREVENTION AND CONTROL AND EMPLOYEE PRACTICES.

Subpart 1. **Prohibited persons.** No person shall work in a food establishment in any capacity in which there is a likelihood of the person contaminating food or food-contact surfaces with pathogenic organisms or transmitting disease to other persons while:

A. infected with a disease in a communicable form that can be transmitted by foods;

B. while being a carrier of organisms that cause such a disease; or

C. while afflicted with a boil, an infected wound, or an acute respiratory infection.

Subp. 2. **Procedure when infection is suspected.** When the commissioner has reasonable cause to suspect the possibility of disease transmission from a food-service establishment employee, the commissioner shall secure an illness or morbidity history of the suspected employee or make such other investigation as may be indicated and take appropriate action. The commissioner may require any or all of the following measures:

A. the immediate exclusion of the employee from all food service establishments;

B. the immediate closure of the food service establishment concerned until, in the opinion of the commissioner, no further danger of disease outbreak exists;

C. restriction of the suspected employee's services to an area of the establishment where there would be no danger of transmitting disease; and

D. adequate medical and laboratory examinations of the suspected employee, or other employees, and any body discharges.

Subp. 3. **Clothing.** Employees shall wear clean outer garments. Hairnets, headbands, caps, or other hair restraints must be worn to prevent the contamination of food, utensils, and equipment. Hair spray is not an acceptable hair restraint.

Subp. 4. **Employee practices.** Employees shall comply with the following requirements:

Approved
by Revisor _____

A. All employees shall thoroughly wash their hands and the exposed portions of their arms with soap and warm water in an approved handwashing facility 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, and maintain a high degree of personal cleanliness and conform to hygienic practices during all periods of duty.

B. Employees must not use tobacco in any form while on duty to handle, prepare, or serve food, or clean utensils and equipment in a food establishment. Employees must use tobacco only in designated locations approved by the department.

C. All employees shall consume food only in designated dining areas. An employee dining area must not be designated if consuming food in that location could cause contamination of other food, equipment, utensils, or other items needing protection.

D. Employees shall handle soiled equipment or utensils in a manner that minimizes contamination of their hands.

4625.3701 EQUIPMENT AND FACILITIES PROVIDED.

Subpart 1. **General.** A food establishment must have equipment, applicable to the operation conducted, which is designed, constructed, installed, located, and maintained according to parts 4625.2401 to 4625.7801.

Subp. 2. **Sanitary design, construction, and installation of equipment and utensils.** New and replacement equipment and utensils must be appropriate to the operation conducted and comply with the following:

A. All new and replacement equipment and utensils must be of such material, workmanship, and design as to be smooth, easily cleanable, resistant to wear, denting, buckling, pitting, chipping, and crazing; and capable of withstanding scrubbing, scouring, repeated corrosive action of cleaning compounds, and other normal conditions and operations.

B. Food contact surfaces must be nontoxic.

Approved by Revisor _____

Food-contact surfaces and surfaces which come in contact with food debris must be readily accessible for cleaning and inspection.

C. All equipment installed or placed in service after the effective date of parts 4625.2401 to 4625.7801 must comply with the following standards of the National Sanitation Foundation when applicable:

(1) Standard No. 1, Soda Fountain and Luncheonette Equipment, June 1984;

(2) Standard No. 2, Food Service Equipment, November 1987;

(3) Standard No. 3, Spray Type Dishwashing Machines, June 1982;

(4) Standard No. 4, Commercial Cooking and Hot Food Storage Equipment, June 1986;

(5) Standard No. 5, Commercial Hot Water Generating Equipment, November 1983;

(6) Standard No. 6, Dispensing Freezers, November 1982;

(7) Standard No. 7, Food Service Refrigerator and Storage Freezers, November 1985;

(8) Standard No. 8, Commercial Powered Food Preparation Equipment, November 1985;

(9) Standard No. 12, Automatic Ice Making Equipment, November 1984;

(10) Standard No. 13, Refuse Compactors and Compactor Systems, May 1985;

(11) Standard No. 18, Manual Food and Beverage Dispensing Equipment, November 1987;

(12) Standard No. 20, Commercial Bulk Milk Dispensing Equipment and Appurtenances, November 1985;

(13) Standard No. 25, Vending Machines for Food and Beverage, November 1987;

(14) Standard No. 26, Pot, Pan and Utensil Washers, December 1980;

(15) Standard No. 29, Detergent and Chemical

Approved by Revisor _____

Feeders for Commercial Spray Type Dishwashing Machines, June 1982;

(16) Standard No. 35, Laminated Plastics for Surfacing Food Service Equipment, May 1985;

(17) Standard No. 51, Plastic Materials and Components Used in Food Equipment, May 1978;

(18) Standard No. 59, Food Carts, June 1986; and

(19) Criteria C-2, Special Equipment and/or Devices, November 1983.

D. Used equipment which has met or exceeded the requirements of the National Sanitation Foundation under earlier standards may be installed when the equipment is in good repair and does not constitute a health hazard as determined by the commissioner. Equipment in use at the time of adoption of parts 4625.2401 to 4625.7801 which does not fully meet item C may be continued in use only if it is in good repair, capable of being maintained in a sanitary condition, has food-contact surfaces that are nontoxic, and is approved by the commissioner.

E. All equipment must be kept in good repair and installed and maintained to facilitate its cleaning and the cleaning of adjacent areas.

F. All equipment must be located and installed in such a manner as to ensure that preparation and service will minimize the potential for cross-contamination and improper handling of the food. Lavatories, chef sinks, utility sinks, refrigeration equipment, hot food handling equipment, and preparation and processing tables must be provided and maintained and shall be convenient and adequate as approved by the commissioner for the purpose for which they were designed.

G. Aisles and working spaces between units of equipment and walls must be unobstructed and of sufficient width to permit employees to perform their duties readily without contamination of food or food-contact surfaces by clothing or personal contact. All easily movable storage equipment such as pallets, racks, and dollies must be positioned to provide accessibility to working areas.

Approved
by Revisor _____

H. When the food service in a day care center is limited to serving ten or fewer individuals, or where the main meals of the day are not prepared in the center, the commissioner may waive specific equipment requirements of this part to permit the substitution of certain domestic type equipment for commercial type equipment which complies with the standards of the National Sanitation Foundation prescribed in item C.

I. When the food service in a boarding and lodging house is limited to serving ten or fewer residents, or where the main meals of the day are not prepared in the facility, the commissioner may waive specific equipment requirements of these rules as stated in item H.

4625.3801 CLEANING, SANITIZATION, AND STORAGE OF EQUIPMENT AND UTENSILS.

Subpart 1. **General.** All utensils and equipment must be thoroughly cleaned, and food-contact surfaces of utensils and equipment must be given sanitization treatment and must be stored in such a manner as to be protected from contamination.

Subp. 2. **Cleaning frequency.** The equipment and utensils must meet the following cleaning requirements:

A. Tableware must be washed, rinsed, and sanitized after each use.

B. To prevent cross-contamination, kitchenware and food-contact surfaces of equipment must be washed, rinsed, and sanitized after each use and following any interruption of operations during which time contamination may have occurred.

C. Where equipment and utensils are used for the preparation of foods on a continuous or production-line basis, utensils and food-contact surfaces of equipment must be washed, rinsed, and sanitized at intervals throughout the day and on a schedule based on food temperature, type of food, and amount of food particle accumulation.

D. The food-contact surfaces of kettles, grills, griddles, and similar cooking devices and the cavities and door

Approved
by Revisor _____

seals of microwave ovens must be cleaned at least once a day, except that this shall not apply to hot oil cooking equipment and hot oil filtering systems. The food-contact surfaces of all cooking equipment must be kept free of encrusted grease deposits and other accumulated soil.

E. Nonfood-contact surfaces of equipment must be cleaned as often as is necessary to keep the equipment free of accumulation of dust, dirt, food particles, and other debris.

Subp. 3. **Oven utensils and equipment.** Utensils and equipment which routinely go into ovens for baking purposes and which are used for no other purpose ~~must~~ are not ~~be~~ required to be given bactericidal treatment; however, such utensils and equipment must be clean.

Subp. 4. **Wiping cloths.** Cloths used for wiping food spills on tableware, such as plates or bowls being served to the consumer, must be clean, dry, and used for no other purposes. Moist cloths used for wiping food spills on kitchenware and food-contact surfaces of equipment must be clean and rinsed frequently in an approved sanitizing solution. These cloths must be stored in sanitizing solution between uses. Moist cloths used for cleaning nonfood-contact surfaces of equipment such as counters, dining table tops, and shelves must be clean, rinsed, and used for no other purpose. These cloths must be stored in an approved sanitizing solution between uses.

Subp. 5. **Manual cleaning and sanitizing.** Manual cleaning and sanitizing must be done in the following manner:

A. For manual washing, rinsing, and sanitizing of utensils and equipment, a sink with not fewer than three compartments must be provided and used. Sink compartments must be large enough to permit the accommodation of the equipment and utensils, and each compartment of the sink must be supplied with hot and cold potable running water. Fixed equipment and utensils and equipment too large to be cleaned in sink compartments must be washed manually or cleaned through pressure spray methods.

B. Integral drain boards of adequate size must be

Approved by Revisor _____

provided at each end for proper handling of soiled utensils before washing and for cleaned utensils following sanitizing and must be located so as not to interfere with the proper use of the utensil washing facilities.

C. Equipment and utensils must be preflushed or prescraped and, when necessary, presoaked to remove gross food particles and soil.

D. Except for fixed equipment and utensils too large to be cleaned in sink compartments, manual washing, rinsing, and sanitizing must be conducted in the following manner.

(1) Sinks must be cleaned before use.

(2) Equipment and utensils must be thoroughly washed in the first compartment with a hot detergent solution that is kept clean.

(3) Equipment and utensils must be rinsed free of detergent and abrasives with clean water in the second compartment.

(4) Equipment and utensils must be sanitized in the third compartment in an approved manner.

E. The food-contact surfaces of all equipment and utensils must be sanitized by:

(1) immersion for at least one-half minute in clean, hot water at a temperature of at least 170 degrees Fahrenheit (77 degrees centigrade);

(2) immersion for at least one minute in a clean solution containing at least 50 parts per million, but no more than 200 parts per million, of available chlorine as a hypochlorite and at a temperature of at least 75 degrees Fahrenheit (24 degrees centigrade);

(3) immersion for at least one minute in a clean solution containing at least 12.5 parts per million, but not more than 25 parts per million, of available iodine and having a pH range which the manufacturer has demonstrated to be effective and at a temperature of at least 75 degrees Fahrenheit (24 degrees centigrade);

(4) immersion in a clean solution containing any

Approved by Revisor _____

other chemical sanitizing agent allowed under Code of Federal Regulations, title 21, section 178.1010, that will provide at least the equivalent bactericidal effect of a solution containing 50 parts per million of available chlorine as a hypochlorite at a temperature of at least 75 degrees Fahrenheit (24 degrees centigrade) for one minute; or

(5) for equipment too large to sanitize by immersion, but in which steam can be confined, treatment with steam free from materials or additives other than those specified in Code of Federal Regulations, title 21, section 173.310.

Equipment too large to sanitize by immersion, must be rinsed, sprayed, or swabbed with a sanitizing solution of at least twice the required strength for that particular sanitizing solution.

F. When hot water is used for sanitizing, the following facilities must be provided and used:

(1) an integral heating device or fixture installed in, on, or under the sanitizing compartment of the sink capable of maintaining the water at a temperature of at least 170 degrees Fahrenheit (77 degrees centigrade);

(2) a numerically scaled indicating thermometer, accurate to plus or minus three degrees Fahrenheit (plus or minus two degrees centigrade) convenient to the sink for frequent checks of water temperature; and

(3) dish baskets of such size and design to permit complete immersion of the tableware, kitchenware, and equipment in the hot water.

G. When chemicals are used for sanitization, they must not have concentrations higher than the maximum permitted under Code of Federal Regulations, title 21, section 178.1010, and a test kit or other device that accurately measures the parts per million concentration of the solution must be provided and used.

Subp. 6. **Mechanical cleaning and sanitizing.** Mechanical cleaning and sanitizing must be done in the following manner:

Approved by Revisor _____

A. Cleaning and sanitizing may be done by spray-type or immersion utensil washing machines or by any other type of machine or device if it is demonstrated that it thoroughly cleans, sanitizes equipment and utensils, and meets the requirements in the National Sanitation Foundation Standard No. 3. These machines and devices must be properly installed, and maintained in good repair. Machines and devices must be operated in accordance with manufacturers' instructions, and utensils and equipment placed in the machine must be exposed to all washing cycles. Automatic detergent dispensers, wetting agent dispensers, and liquid sanitizer injectors must be properly installed and maintained.

B. Drainboards must be provided and be of adequate size for the proper handling of soiled utensils before washing and for cleaned utensils following sanitization, and must 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.

C. Equipment and utensils must be flushed or scraped and, when necessary, soaked to remove gross food particles and soil before being washed in a dishwashing machine unless a prewash cycle is a part of the dishwashing machine operation. Equipment and utensils must be placed in racks, trays, or baskets, or on conveyors, in a way that food-contact surfaces are exposed to the unobstructed application of detergent wash and clean rinse water and that permits free draining.

D. Machines (single-tank, stationary-rack, door-type machines, and spray-type glass washers) using chemicals for sanitization may be used, provided that:

(1) wash water temperatures, addition of chemicals, rinse water temperatures, and chemical sanitizers used are in conformance with Standards Nos. 3 and 29 of the National Sanitation Foundation;

(2) a test kit or other device that accurately

Approved by Revisor _____

measures the parts per million concentration of the sanitizing solution must be available and used ~~while the chemical sanitizing machine is in use~~;

(3) containers for storing the sanitizing agent must be installed in such a manner as to ensure that operators maintain an adequate supply of sanitizing compound; and

(4) a visual or audible warning device must be provided for the operator to easily verify when the sanitizing agent is depleted.

~~F~~ E. Machines using hot water for sanitizing may be used provided that wash water and pumped rinse water must be kept clean and water must be maintained at not less than the temperature specified by the National Sanitation Foundation Standard No. 3, under which the machine is evaluated. A pressure gauge must be installed with a valve immediately adjacent to the supply side of the control valve in the final rinse line provided that this requirement must not pertain to a dishwashing machine with a pumped final rinse.

~~G~~ F. All utensil washing machines must be cleaned at least once per day or more frequently if required.

Subp. 7. **Equipment and utensil storage.** Cleaned and sanitized equipment and utensils must be handled in a way that protects them from contamination.

A. Spoons, knives, and forks must be touched only by their handles. Cups, glasses, bowls, plates, and similar items must be handled without contact with inside surfaces or surfaces that contact the user's mouth.

B. Utensils must be air dried before being stored or must be stored in a self-draining position.

C. Cleaned and sanitized utensils and equipment must be stored at least six inches above the floor in a clean, dry location in a way that protects them from contamination by splash, dust, and other means. The food-contact surfaces of fixed equipment must also be protected from contamination. Equipment and utensils must not be placed under exposed sewer lines.

Approved by Revisor _____

D. Glasses and cups must be stored inverted. Other stored utensils must be covered or inverted, wherever practical. Facilities for the storage of knives, forks, and spoons must be designed and used to present the handle to the employee or consumer.

Subp. 8. **Single-service articles.** Single-service articles must have been manufactured, packaged, transported, stored, handled, and dispensed in a sanitary manner.

Subp. 9. **Prohibited storage area.** The storage of food equipment, utensils, or single-service articles in toilet rooms or vestibules is prohibited.

4625.3901 PHYSICAL FACILITIES AND SANITATION.

Subpart 1. **Water supply.** Every food and beverage establishment must be provided with a supply of water which is adequate for the needs of the establishment. The water must be obtained from a public water supply system, or a source of supply and system which is located, constructed, and operated in accordance with rules governing public water supplies, parts 4720.0100 to 4720.4600 and water wells, parts 4725.0100 to 4725.7600.

Subp. 2. **Sewage.** All sewage, including liquid waste, must be disposed of to a public sewage system or to an approved individual sewage disposal system. Nonwater-carried sewage disposal facilities must be prohibited, except as permitted by the commissioner in remote areas or because of special situations.

When there is no public sewage system available, an individual sewage disposal system must be designed, located, constructed, and operated in accordance with Minnesota Pollution Control Agency rules, parts 7080.0010 to 7080.0240.

Itinerant, mobile ~~food units~~, and special event food facilities may dispose of their liquid waste into receptacles ~~carried on the vehicle~~ for that purpose. This waste ultimately must be discharged into the public sewage system or otherwise disposed of in a manner which will not endanger any

Approved by Revisor _____

source of water supply, pollute any body of surface water, create a nuisance, or otherwise endanger the public health and safety.

Subp. 3. **Plumbing.** Plumbing must be sized, installed, and maintained to carry adequate quantities of water to required locations throughout the establishment, to prevent contamination of the water supply, and to convey sewage and liquid wastes adequately from the establishment to the sewage system so that it does not constitute a source of contamination of food, utensils, or equipment or create an unsanitary condition or nuisance.

Food service equipment such as refrigerators, ice makers, ice storage bins, and steam tables must not be directly connected to the sewer.

All new plumbing and all plumbing reconstructed or replaced after the effective date of parts 4625.2401 to 4625.4701 must be designed, constructed, and installed in conformity with the Minnesota Plumbing Code, parts 4715.0100 to 4715.5600.

Subp. 4. **Janitorial facilities.** Janitorial facilities including a janitorial utility sink or curbed cleaning facility must be provided ~~and~~. The facilities must not be located in ~~an area other than a~~ food preparation ~~or~~, storage ~~area~~, or toilet ~~room. If~~ rooms unless adequate separation, or other protection has been provided. The janitorial facility may be located in a packaged goods' storeroom or employee toilet room.

The use of lavatories, utensil washing or equipment washing, or food preparation sinks for ~~this purpose~~ janitorial purposes is prohibited.

Janitorial equipment must be stored in an approved manner in the janitorial facility.

Subp. 5. **Handwashing facilities.** Every food establishment, other than limited food establishments and mobile food units handling only prepackaged food must be provided with adequate, conveniently located, and approved handwashing facilities which are continually maintained with hot and cold running water, hand-cleansing soap or detergent, fingernail

Approved by Revisor _____

brushes, and single-service towels or hand-drying devices providing heated air. Handwashing facilities must be accessible to persons at all times in all areas where food is prepared or served, where utensils and equipment are cleansed or sanitized, in or immediately adjacent to toilet rooms or other areas designated by the commissioner. Sinks used for food preparation or for washing equipment or utensils must not be used for handwashing. Each handwashing sink must be provided with hot and cold water tempered by means of a mixing valve or combination faucet. Any self-closing, slow-closing, or metering faucet must be designed to provide a flow of water for at least 15 seconds without the need to reactivate the faucet. Steam-mixing valves are prohibited.

Subp. 6. **Toilet facilities.** Every food establishment, with the exception of itinerant, mobile, and special event food facilities, must be provided with conveniently located and approved toilet facilities for employees. These facilities must be kept clean and in good repair and free from flies, insects, and offensive odors. Toilet fixtures and seats must be of sanitary design and readily cleanable. The doors of all toilet rooms must be self-closing. Easily cleanable receptacles must be provided for waste materials. Toilet rooms used by women must have at least one covered waste receptacle. ~~Separate toilet facilities must be provided for men and women according to~~ The number of toilet facilities must be determined by part 4715.1215 of the State Plumbing Code, and meet the requirements for sanitation fixtures in section 705 of the Uniform Building Code, as amended in part 1305.1900, and the requirements for handicapped accessibility in chapter 1340. Where the use of nonwater-carried sewage disposal facilities have been approved by the commissioner, the facilities must be separate from the establishment and in accordance with the standards of the commissioner.

4625.4001 GARBAGE AND REFUSE DISPOSAL.

Before disposal, all garbage and refuse must be kept in

Approved
by Revisor _____

tight, nonabsorbent, insect proof, rodent proof, and fireproof containers. Containers must be kept covered with tight-fitting lids when filled, in storage, or not in continuous use. Containers need not be covered when stored in a special insect and rodent-proofed room or enclosure. All other refuse must be stored in containers, rooms, or areas in an approved manner. The rooms, enclosures, areas, and containers used must be adequate for the storage of all garbage and refuse accumulating on the premises between collections. Adequate cleaning facilities must be provided, and each container, room, or area shall be thoroughly cleaned after the emptying or removal of garbage and refuse. Containers designed with drains must have drain plugs maintained in place at all times except during cleaning. All garbage and refuse must be disposed of with sufficient frequency and in such a manner as to prevent a nuisance.

4625.4101 INSECT, RODENT, AND ANIMAL CONTROL.

Subpart 1. **General.** Effective measures must be taken to prevent the entrance, breeding, or presence of rodents, flies, cockroaches, and other vermin or insects on the premises. The premises must be kept in such condition as to prevent the harborage or feeding of insects or rodents.

Subp. 2. **Openings.** Outside openings must be effectively protected against the entrance of rodents. Outside openings must be protected against the entrance of insects by tight-fitting, self-closing doors, closed windows, screening, controlled air currents, or other means. Screen doors must be self-closing, and screens for windows, doors, skylights, transoms, intake and exhaust air ducts, and other openings to the outside must be tight-fitting and free of breaks. Screening materials must not be less than 16 mesh to the inch.

Subp. 3. **Animals.** Live animals, including birds and turtles, shall be excluded from within the food service operational premises and from adjacent areas under the control of the person in charge. This exclusion does not apply to

Approved by Revisor _____

edible fish, crustacea, mollusks, or to fish in aquariums. Patrol dogs accompanying security or police officers, or guide dogs accompanying sight-impaired persons or hearing-impaired persons shall be permitted in dining areas.

4625.4201 CONSTRUCTION AND MAINTENANCE OF PHYSICAL FACILITIES.

Subpart 1. **Floors.** The floor surfaces of all food and beverage preparation, food storage, equipment and utensil washing, food service areas, waitress stations, dressing rooms, locker rooms, toilet rooms and vestibules, janitorial areas, kitchens, and bars must be constructed of smooth, durable, nonabsorbent, easily cleanable materials which resist the wear and abuse to which they are subjected. Appropriate materials include commercial grade vinyl composition tile, sheet vinyl, ceramic tile, quarry tile, terrazzo, or equivalent. Vinyl floor coverings must not be used in walk-in refrigeration units and storage freezers.

The junctures between walls and floors must be coved. Rugs and carpets may be used in dining rooms and hallways, provided that the floor coverings are kept clean. Abrasive strips also may be used wherever deemed necessary to prevent accidents.

Mats and duckboards must be of nonabsorbent, nonwood, grease resistant materials. The size, design, and construction of the materials must facilitate easy cleaning. Duckboards must not be used as storage racks.

All floors must be kept clean and in good repair, and the use of sawdust and similar material is not permitted. Floor drains must be provided in all rooms where floors are subject to flooding-type cleaning or where normal operations release or discharge water or other liquid wastes on the floor. The floors must be graded to drain.

Subp. 2. **Walls and ceilings.** The walls and ceilings of all rooms must be kept clean and in good repair. All walls of rooms or areas in which food is prepared, areas where utensils or hands are washed, toilet rooms, janitorial areas, laundry rooms, or garbage and refuse storage rooms must have easily

Approved
by Revisor _____

cleanable, smooth, nonabsorbent, washable surfaces to the highest level of splash, spray, or abuse. Wall finishes must be resistant to the wear and abuse to which they are subject. Ceilings must be smooth and easily cleanable. The walls and ceilings must be finished in a light color. Concrete or pumice blocks used for interior wall construction in these locations must be finished and sealed to provide an easily cleanable surface.

Subp. 3. **Attachments.** Light fixtures, vent covers, wall-mounted fans, decorative materials, and similar equipment attached to walls and ceilings must be easily cleanable, and must be kept clean and in good repair.

Subp. 4. **Utility lines and pipes.** All utility lines and pipes such as electric, gas, water, sewage, and similar waste lines or services ~~should~~ must be installed in the walls, under floors, or above ceilings to avoid unnecessary exposure to food equipment, walls, floors, or ceilings. Exposed utility service lines or pipes must be installed so they do not obstruct or prevent the easy cleaning of food equipment, floors, walls, and ceiling surfaces.

4625.4301 LIGHTING.

Subpart 1. **Lighting source and amount.** Permanently fixed artificial light sources must be installed to provide at least 20 foot candles of light on all food preparation surfaces and at equipment or utensil washing work levels.

A. Permanently fixed artificial light sources must be installed to provide, at a distance of 30 inches from the floor:

(1) at least 20 foot candles of light in utensil and equipment storage areas and in lavatory and toilet areas; and

(2) at least ten foot candles of light in walk-in refrigerating units, dry food storage areas, and in all other areas.

B. Subdued lighting in dining rooms and public access areas is permissible, provided that lighting meeting the

Approved by Revisor _____

requirements in item A, subitem (2) must be available during all clean-up operations.

Subp. 2. **Protective shielding.** Shielding or coating to protect against broken glass falling onto food must 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.

Infra-red or other heat lamps must be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.

4625.4401 VENTILATION.

Rooms must have sufficient exhaust ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious or disagreeable odors, smoke, and fumes. All ventilation equipment and facilities, gas or oil fired room heaters, and water heaters must be designed, installed, and operated in accordance with the rules of the State Building Code Division and the Uniform Fire Code. Intake and exhaust air ducts must be maintained to prevent the entrance of dust, dirt, and other contaminating materials.

4625.4501 DRESSING ROOMS AND LOCKER AREAS.

Subpart 1. **Dressing rooms.** If employees routinely change clothes within the establishment, rooms or areas must be designated and used for that purpose. These designated rooms or areas must not be used for food preparation, storage, or service, or for utensil washing or storage.

Subp. 2. **Locker areas.** Adequate lockers or other suitable facilities must be provided and used for the orderly storage and security of employee clothing and other belongings. Lockers or other suitable facilities may be located only in the designated dressing rooms or areas containing only completely packaged food or packaged single-service articles.

4625.4601 POISONOUS OR TOXIC MATERIALS.

Subpart 1. **Materials permitted.** Food service

Approved
by Revisor _____

establishments must have only those poisonous or toxic materials necessary for maintaining the establishment, cleaning and sanitizing equipment and utensils, and controlling insects and rodents.

Subp. 2. **Labeling of materials.** Containers of poisonous or toxic materials must be prominently and distinctly labeled, according to requirements in Code of Federal Regulations, title 7, section 162.10, and Minnesota Statutes, section 18B.14, for easy identification of contents.

Subp. 3. **Storage of materials.** Poisonous or toxic materials consist of the following categories:

A. insecticides and rodenticides; and

B. detergents, sanitizers, related cleaning or drying agents, caustics, acids, polishes, and other chemicals.

Materials in each of these two categories must be stored and physically located separate from each other. All poisonous or toxic materials must be stored in cabinets or in a similar physically separate place used for no other purpose. To preclude contamination, poisonous or toxic materials must not be stored above food, food equipment, utensils, or single-service articles, except that this requirement does not prohibit the convenient availability of detergents or sanitizers at utensil or dishwashing stations.

Subp. 4. **Use of materials.** Sanitizers, cleaning compounds, or other compounds intended for use on food-contact surfaces must not be used in a way that leaves a toxic residue on such surfaces or that constitutes a hazard to employees or other persons.

Poisonous or toxic materials must not be used in a way that contaminates food, equipment, or utensils, nor in a way other than in full compliance with the manufacturer's labeling.

Subp. 5. **Personal medications and first aid supplies.** Personal medications and first aid supplies must be stored to prevent them from contaminating food and food-contact surfaces.

4625.4701 PREMISES.

Approved
by Revisor _____

Subpart 1. **Housekeeping.** All parts of the food establishment and its premises must be kept neat, clean, and free of litter and refuse. Cleaning operations must be conducted in a manner as to minimize contamination of food and food-contact surfaces. Only articles necessary for the operation and maintenance of the food establishment must be stored on the premises. Traffic of unnecessary persons through the food preparation and utensil washing areas is prohibited. The walking and driving surfaces of all exterior areas where food is served must be kept clean, properly drained, and finished so as to facilitate maintenance and minimize dust. Pressurized tanks and compressed gas cylinders must be properly secured to prevent them from being accidentally knocked over.

Subp. 2. **Cleaning equipment storage.** Maintenance and cleaning tools such as brooms, mops, vacuum cleaners, and similar equipment must be maintained and stored in a way that does not contaminate food, utensils, equipment, or linens and must be stored in an orderly manner for the cleaning of that storage location.

Subp. 3. **Living areas.** No operation of a food establishment ~~must~~ shall be conducted in any room used as living or sleeping quarters. Food service operations must be separated from any living or sleeping quarters by complete partitioning and solid, self-closing doors.

Subp. 4. **Laundry facilities.** Laundry facilities in a food establishment must be restricted to the washing and drying of linens, cloths, uniforms, and aprons necessary to the operation. If these items are laundered on the premises, an electric or gas dryer must be provided and used.

Separate rooms must be provided for laundry facilities except that such operations may be conducted in storage rooms containing only packaged foods or packaged single-service articles.

Subp. 5. **Linens and clothes storage.** Clean clothes and linens must be stored in a clean place and protected from contamination until used.

Approved
by Revisor _____

Soiled clothes and linens must be stored in nonabsorbent containers or washable laundry bags until removed for laundering.

REQUIREMENTS FOR ITINERANT FOOD SERVICE

4625.4901 ITINERANT FOOD SERVICE ESTABLISHMENTS.

Subpart 1. **General.** An itinerant food service establishment must comply with all provisions of parts 4625.2401 to 4625.4701 that are applicable to their operation and must comply with parts 4625.4901 to 4625.5801. If necessary to protect the public health, the commissioner ~~may~~ shall impose additional requirements to protect against health hazards related to the conduct of their operation and prohibit the sale or giveaway of some or all potentially hazardous foods. When no health hazard is likely to result, the commissioner may grant a variance or modify specific requirements of parts 4625.4901 to 4625.5801.

Subp. 2. **Restricted operations.** This subpart applies to an itinerant food service establishment approved under subpart 1 to operate without complying with the requirements of parts 4625.4901 to 4625.5801.

A. The itinerant food service establishment must be located where it is protected from possible contamination; for example toilets, animal pens, garbage collection sites. It must be protected from dust and windblown particulates by location, treatment of ground surfaces, or by having the establishment enclosed.

B. The commissioner may restrict the type of food served or the method of food preparation based on equipment limitations, commissary facilities, or climatic conditions.

4625.5001 CONSTRUCTION.

Subpart 1. **Work space.** Work spaces must be sized to permit unobstructed work activity. Equipment must be located to permit easy cleaning.

Subp. 2. **Floors.** The interior floor must be equivalent to one of the following:

A. solid concrete or asphalt; or

Approved by Revisor _____

B. vinyl flooring or sealed wood.

Subp. 3. **Walls or enclosures.** The establishment must be capable of being fully enclosed on the sides and roof to provide protection against adverse weather. Canvas may be used. Solid interior surfaces must be finished with smooth, durable, nonabsorbent, easily cleanable material that resists the wear and abuse to which the surfaces are subjected. High gloss paint is the minimum acceptable finish.

4625.5101 EQUIPMENT.

Subpart 1. **General.** Food service equipment must comply with the applicable standards of the National Sanitation Foundation.

Subp. 2. **Refrigeration.** Mechanical refrigeration, containing a thermometer, is required for potentially hazardous foods such as meat, fish, poultry, milk, milk products, and eggs. A metal stem product thermometer with a range from zero degrees Fahrenheit (minus 18 degrees centigrade) to 220 degrees Fahrenheit (110 degrees centigrade) is required for measuring temperature of this food. Electricity must be provided to refrigeration units 24 hours a day when the food stand has been set in place for service.

Subp. 3. **Grills.** Charcoal grills are acceptable for cooking food as long as they are equipped with a lid and safe food temperatures are maintained.

Subp. 4. **Utensils.** Commercial food grade utensils must be used. Galvanized or soft plastic containers, wooden spoons, enamelware, paintbrushes, and similar materials are not acceptable. Garbage bags and garbage containers must not be used for covering or storing food.

Subp. 5. **Customer safety.** To help provide customer safety and prevent possible contamination by customers, food preparation and cooking areas must be protected by means of an impervious shield or by separation distances.

Subp. 6. **Handwashing facilities.** Handwashing facilities must be provided within the establishment. They must consist of:

Approved
by Revisor _____

A. soap, paper towels, and a water faucet or spigot that discharges into a waste line or holding vessel;

B. paper towels and a spray bottle containing a ~~germicidal~~ sanitizing solution of one teaspoon of household bleach to a gallon of water; or

C. moist towelettes when there is little or no food preparation.

Subp. 7. **Lighting.** All interior lights must be shielded or enclosed to prevent breakage. Lights used at night must not attract insects.

4625.5201 DISHWASHING FACILITIES, PROCEDURES, AND EQUIPMENT CLEANING.

Subpart 1. **General.** Single service, disposable eating and drinking utensils must be used unless approved permanent dishwashing facilities are available at the site. Approved dishwashing facilities consisting of at least three sufficiently sized basins must be provided for washing equipment and utensils used for food preparation and cooking.

Subp. 2. **Drying.** Space must be provided for air drying utensils. Towel drying is not permitted.

Subp. 3. **Manual utensil washing.** The procedure for manual utensil washing is:

A. wash in warm, soapy water;

B. rinse in clear water; and

C. sanitize for at least one minute in a sanitizing solution of sufficient concentration using one tablespoon of household liquid bleach per two gallons of water, and allow to air dry.

Subp. 4. **Cleaning of equipment.** Food contact equipment that must be cleaned in place, like meat slicers or soft serve ice milk dispensers, must be sanitized using a solution equal to that listed in subpart 3, item C.

Subp. 5. **Wiping cloths.** Cloths used to wipe equipment and counters must be stored in a sanitizing solution between uses. The solution must equal that listed in subpart 3, item C.

Approved by Revisor _____

Subp. 6. **Sanitizer test kits.** Test kits or strips for analyzing sanitizer strength must be available and used.

4625.5301 FOOD, BEVERAGE, AND UTENSIL HANDLING AND STORAGE.

Subpart 1. **Food source.** All ice and food supplies must come from an approved commercial source. No home prepared food or food storage at home is permitted. Ice must be obtained only in chipped, crushed, or cubed form and in single-use safe plastic or wet-strength paper bag, filled and sealed at the point of manufacture. The ice must be held in these bags until it is dispensed in a way that protects it from contamination.

Subp. 2. **Temperatures.** Potentially hazardous food must be maintained at 40 degrees Fahrenheit (four degrees centigrade) or below, or 150 degrees Fahrenheit (66 degrees centigrade) or above.

Subp. 3. **Previously cooked foods.** If previously cooked food is reheated it must reach an internal temperature of at least 165 degrees Fahrenheit (75 degrees centigrade) throughout before being served. Any heated food left over at the end of the day must be discarded.

Subp. 4. **Storage.** Food and single service disposable utensils such as paper plates and plastic eating utensils must be clean, dry, covered, and kept at least six inches off the floor. Storage of packaged food in contact with water or undrained ice is prohibited. Wrapped sandwiches must not be stored in direct contact with ice.

Subp. 5. **Single service items and condiment dispensing.** Single service utensils and self-service food including condiments such as catsup, mustard, coffee whitener, and sugar must be individually packaged or be dispensed from an ~~enclosed~~ approved dispenser.

4625.5401 WATER SUPPLY.

Potable water must be obtained from an approved public water supply system. Water may not come from a residential well. If water is not provided under pressure at the establishment, it may be transported and stored in approved,

Approved
by Revisor _____

cleanable, covered containers such as five- or ten-gallon coffee urns or nongalvanized beverage coolers containing spigots.

4625.5501 WASTEWATER AND REFUSE DISPOSAL.

Subpart 1. **Wastewater.** Wastewater must be discharged into an approved sanitary sewer system or a holding tank. Ground surface discharge is not permitted.

Subp. 2. **Refuse and garbage disposal.** Refuse must be deposited and stored so that it does not create a nuisance. Garbage containing food waste, if stored overnight or for extended periods of time, must be stored in tightly covered nonabsorbent containers.

4625.5601 INSECT CONTROL.

Effective insect control must be achieved through sanitation. If insecticides are used, they must be an approved type such as pyrethrins as the active ingredient, and used according to the manufacturer's directions. They must not be used when food or utensils are exposed. Intermittent spray dispensers and vapona strips must not be used.

4625.5701 EMPLOYEE PRACTICES.

Employees must comply with the following requirements:

A. Employees must maintain their hands in a clean and sanitary condition and wash hands immediately after going to the toilet, handling raw food, smoking, or otherwise soiling their hands.

B. Employees must not engage in food preparation or service activities if that person has a communicable disease, gastrointestinal illness, sore throat, or discharging wound.

C. Employees must not use tobacco in any form while on duty.

D. An employee's outer garments must be clean.

E. An employee must wear effective hair restraints such as hairnets, headbands, and caps while engaged in food preparation and service.

4625.5801 SAFETY.

Approved
by Revisor _____

Subpart 1. **Electrical.** Electrical service must comply with the Minnesota State Building Code Electrical Code, chapter 1315. Electrical lines must not be located in or near water.

Subp. 2. **Carbon dioxide.** Carbon dioxide and bottled gas cylinders must be secured by chains or other types of restraints.

Subp. 3. **Fire extinguisher.** A fire extinguisher with a minimum 2A 10 B-C rating must be present if required by the fire marshal.

REQUIREMENTS FOR MOBILE FOOD SERVICES OR PUSHCARTS

4625.5901 MOBILE FOOD SERVICES OR PUSHCARTS.

Subpart 1. **General.** Mobile food services or pushcarts must comply with all provisions of parts 4625.2401 to 4625.4701 which are applicable to their operation and must comply with parts 4625.5901 to 4625.6801. The commissioner may impose additional requirements to protect against health hazards related to the conduct of their operation and may prohibit the sale or giveaway of some or all potentially hazardous foods. When no health hazard is likely to result, the commissioner may grant a variance or modify specific requirements of parts 4625.5901 to 4625.6801 relating to physical facilities.

Subp. 2. **Restricted operations.** This subpart applies whenever a mobile food service or pushcart is approved under subpart 1 to operate without complying with all the requirements of parts 4625.5901 to 4625.6801.

A. The mobile food service or pushcart must be set in a location where it is not subject to flooding and is protected from possible contamination; for example toilets, animal pens, or garbage collection sites. It must be protected from dust and windblown particulates by location, treatment of ground surfaces, or by having the unit enclosed.

B. The commissioner may restrict the type of food served or the method of food preparation based on equipment limitations ~~or~~, commissary facilities, or climatic conditions.

4625.6001 CONSTRUCTION.

Subpart 1. **Work spaces.** Work spaces must be sized to

Approved by Revisor _____

permit unobstructed work activity. Equipment must be located to permit easy cleaning.

Subp. 2. **Floors.** The interior floor must be noncorrosive metal or be surfaced with vinyl flooring or equivalent.

Subp. 3. **Walls or enclosures.** The unit must be capable of being fully enclosed on the sides and roof to provide protection during adverse weather. Interior surfaces must be finished with smooth, durable, nonabsorbent, easily cleanable material that resists the wear and abuse to which the surfaces are subjected. High gloss paint is the minimum, acceptable finish.

4625.6101 EQUIPMENT.

Subpart 1. **General.** Food service equipment must comply with the applicable standards of the National Sanitation Foundation.

Subp. 2. **Refrigeration.** Mechanical refrigeration, containing a thermometer, is required for potentially hazardous foods such as meat, fish, poultry, milk, milk products, and eggs. A metal stem product thermometer with a range from zero degrees Fahrenheit (minus 18 degrees centigrade) to 220 degrees Fahrenheit (104 degrees centigrade) is required for measuring temperatures of this food. Electricity must be provided to refrigeration units 24 hours a day when the mobile food stand has been set in place for service.

Subp. 3. **Exhaust system.** When grease laden cooking vapor or condensation is generated in the cooking process, a mechanical exhaust system must be provided to prevent grease and condensation from collecting on walls and ceilings.

Subp. 4. **Utensils.** Commercial food grade utensils must be used. Galvanized or soft plastic containers, wooden spoons, enamelware, paintbrushes, and similar materials are not acceptable. Garbage bags and garbage receptacles must not be used for covering or storing food.

Subp. 5. **Customer safety.** To help provide customer safety and prevent possible contamination by customers, food preparation and cooking areas must be protected by means of an

Approved
by Revisor _____

impervious shield or by separation distances.

Subp. 6. **Handwashing facilities.** A handwashing sink supplied with hot and cold running water, soap, and paper towels must be provided in all units where food is prepared.

Subp. 7. **Lighting.** All interior lights must be shielded or enclosed to prevent breakage. Lights used at night must not attract flying insects.

4625.6201 DISHWASHING FACILITIES, PROCEDURES, AND EQUIPMENT CLEANING.

Subpart 1. **General.** Single service, disposable eating and drinking utensils must be used unless approved permanent dishwashing facilities are available in the mobile unit. Dishwashing facilities must be available and consist of at least a three compartment sink, either free standing or installed in a counter.

Subp. 2. **Drying.** Space must be provided for air drying utensils. Towel drying is not permitted.

Subp. 3. **Manual utensil washing.** The procedure to be used for manual utensil washing is:

A. wash in warm, soapy water;

B. rinse in clean water;

C. sanitize for at least one minute in a sanitizing solution of sufficient concentration, using one tablespoon of household bleach per two gallons of water; and

D. allow to air dry.

Subp. 4. **Cleaning equipment.** Food contact equipment that must be cleaned in place, like meat slicers or soft serve ice milk dispensers, must be sanitized using a solution equal to that listed in subpart 3, item C.

Subp. 5. **Wiping cloths.** Cloths used to wipe equipment and counters must be stored in a sanitizing solution between uses. The solution must equal that listed in subpart 3, item C.

Subp. 6. **Sanitizer test kits.** Test kits or strips for analyzing sanitizer strength must be available and used.

4625.6301 FOOD, BEVERAGE, AND UTENSIL HANDLING AND STORAGE.

Approved
by Revisor _____

Subpart 1. **Food source.** All ice and food supplies must come from an approved commercial source. No home prepared food or food stored at home is allowed. Food ~~may~~ must be kept in a licensed commissary, stock truck, or within the unit. Ice must be cubed or crushed and be sealed in a bag at the point of manufacture. The ice must be held in these bags until it is dispensed in a way that protects it from contamination.

Subp. 2. **Temperatures.** Potentially hazardous food must be maintained at 40 degrees Fahrenheit (four degrees centigrade) or below, and 150 degrees Fahrenheit (66 degrees centigrade) or above. This includes periods when it is being transported.

Subp. 3. **Previously cooked foods.** Previously cooked food that is reheated must reach an internal temperature of at least 165 degrees Fahrenheit (74 degrees centigrade) throughout before being served. Heated food that is left over at the end of the day must be discarded.

Subp. 4. **Storage.** Food and single service disposable utensils such as paper plates and plastic eating utensils must be clean, dry, covered, and kept at least six inches off the floor. Storage of packaged food in contact with water of undrained ice is prohibited. Wrapped sandwiches must not be in direct contact with ice.

Subp. 5. **Single service items and condiment dispensing.** Single service utensils and self-service food, including condiments, like catsup, coffee whitener, or sugar, must be individually packaged or dispensed from an ~~enclosed~~ approved dispenser.

4625.6401 WATER SUPPLY.

Subpart 1. **General.** Potable water must be obtained from an approved public water supply system. Water must not come from a residential well.

Subp. 2. **Holding tanks.** Each mobile food service ~~or pushcart~~ requiring a water system must be equipped with a fresh water holding tank that can be drained and a hot water heater, both of which are sufficiently sized to meet water demand. The

Approved
by Revisor _____

holding tank must be corrosion resistent, nontoxic, and free of seams. When in operation, a unit may be directly supplied with water from an external water system. The connecting hose must be capped and otherwise protected when it is disconnected so that it will not be contaminated by waste discharge, road dust, oil, or grease.

Subp. 3. **System sanitizing.** The total water system must be sanitized each year before the unit is put into service.

4625.6501 WASTEWATER AND REFUSE DISPOSAL.

Subpart 1. **Wastewater.** Wastewater must be discharged directly into an approved sanitary sewer system or to a holding tank which will subsequently be discharged into a sewer system. Discharge lines and connections must not be compatible with the water supply connections. The holding tank must be at least 15 percent larger than the fresh water storage tank. Ground surface discharge is not permitted.

Subp. 2. **Refuse and garbage disposal.** Refuse must be deposited and stored in a manner that will not tend to create a nuisance. Garbage containing food waste, if stored overnight or for extended periods of time, must be stored in tightly covered nonabsorbent containers.

4625.6601 INSECT CONTROL.

Effective insect control must be achieved through sanitation. If insecticides are to be used, they must be an approved type such as pyrethrins as the active ingredient, used according to the manufacturer's directions. They must not be used when food or utensils are exposed. Intermittent spray dispensers and vapona strips must not be used.

4625.6701 EMPLOYEE PRACTICES.

Employees must comply with the following requirements:

A. Employees must maintain their hands in a clean and sanitary condition and wash hands immediately after going to the toilet, handling raw food, smoking, or otherwise soiling their hands.

Approved
by Revisor _____

B. An employee must not engage in food preparation or service activities if that person has a communicable disease, gastrointestinal illness, sore throat, or discharging wound.

C. An employee must not use tobacco in any form while on duty.

D. An employee's outer garments must be clean.

E. An employee must wear effective hair restraints such as hairnets, headbands, and caps while engaged in food preparation and service.

4625.6801 SAFETY.

Subpart 1. **Electrical.** Electrical service must comply with the Minnesota State Building Code Electrical Code, chapter 1315. Electrical lines should not be located in or near water.

Subp. 2. **Carbon dioxide.** Carbon dioxide and bottled gas cylinders must be secured by chains or other types of restraints.

Subp. 3. **Fire extinguishers.** A fire extinguisher with a minimum 2A 10 B-C rating must be present if required by the fire marshal.

REQUIREMENTS FOR SPECIAL EVENT FOOD STANDS

4625.6901 SPECIAL EVENT FOOD STAND.

Subpart 1. **General.** Special event food stands must comply with all provisions of parts 4625.2401 to 4625.4701 which are applicable to their operation and must comply with parts 4625.6901 to 4625.7801. If necessary to protect the public health, the commissioner ~~may~~ shall impose additional requirements to protect against health hazards related to the conduct of their operation and ~~may~~ shall prohibit the sale or giveaway of some or all potentially hazardous foods. When no health hazard is likely to result, the commissioner may grant a variance or modify specific requirements of parts 4625.6901 to 4625.7801.

Subp. 2. **Restricted operations.** This subpart applies whenever a special event food stand is approved under subpart 1 to operate without complying with all the requirements of parts 4625.6901 to 4625.7801.

Approved by Revisor _____

A. The special event food stand must be located where it is not subject to flooding and is protected from possible contamination; for example toilets, animal pens, or garbage collection sites. It must be protected from dust and windblown particulates by location, treatment of ground surfaces, or by having the food stand enclosed.

B. The commissioner may restrict the type of food served or the method of food preparation based on equipment limitations, commissary facilities, or climatic conditions.

4625.7001 CONSTRUCTION.

Subpart 1. **Work spaces.** Work spaces must be sized to permit unobstructed work activity. Equipment must be located to permit easy cleaning.

Subp. 2. **Floors.** The interior floor must be constructed of concrete, asphalt, tight wood, or other similar cleanable material kept in good repair. Dirt or gravel, when graded to drain, may be used as subflooring when covered with clean, removable platforms or duckboards, or covered with wood chips, shavings, or other suitable materials effectively treated to control dust.

Subp. 3. **Walls or enclosures.** The stand must provide protection during adverse weather by its construction or location. If it does not, then food activities must cease during periods of adverse weather. Interior surfaces must be finished with smooth, durable, nonabsorbent, easily cleanable material that resists the wear and abuse to which the surfaces are subjected. High gloss paint is the minimum, acceptable finish.

4625.7101 EQUIPMENT.

Subpart 1. **General.** Food service equipment must be appropriately designed and sized for its use.

Subp. 2. **Refrigeration.** Mechanical refrigeration is required for potentially hazardous foods such as meat, fish, poultry, milk and milk products, and eggs. A metal stem product thermometer with a range from zero degrees Fahrenheit (minus 18

Approved
by Revisor _____

degrees centigrade) to 220 degrees Fahrenheit (104 degrees centigrade) is required for measuring temperature of this food. Electricity must be provided to refrigeration units 24 hours a day when the special event food stand has been set in place for service. Insulated chests containing dry ice or frozen refrigerant packs may be used for items such as ~~hot-dogs~~ wieners and precooked sausages as long as required temperatures are maintained. A thermometer is required for each refrigerator and insulated chest.

Subp. 3. **Cooking equipment.** Electric skillets, roasters, propane stoves, and charcoal grills equipped with lids are acceptable for cooking food as long as safe food temperatures are maintained. Crock pots may not be used.

Subp. 4. **Utensils.** Commercial food grade utensils must be used. Galvanized or soft plastic containers, wooden spoons, enamelware, paintbrushes, and similar materials are not acceptable. Garbage bags and garbage receptacles must not be used for covering or storing food.

Subp. 5. **Customer safety.** To help provide customer safety and prevent possible contamination by customers, food preparation and cooking areas must be protected by an impervious shield or by separation distances.

Subp. 6. **Handwashing facilities.** Handwashing facilities shall be provided within the stand. They shall consist of:

A. soap, paper towels, and a water faucet or spigot that discharges into a waste line or holding vessel; or

B. paper towels and a spray bottle containing a germicidal solution, using one teaspoon of household bleach to a gallon of water; or

C. moist towelettes when there is little or no food preparation.

Subp. 7. **Lighting.** All interior lights must be shielded or enclosed to prevent breakage. Lights used at night must not attract flying insects.

4625.7201 DISHWASHING FACILITIES, PROCEDURES, AND EQUIPMENT

Approved
by Revisor _____

CLEANING.

Subpart 1. **General.** Single service, disposable eating and drinking utensils must be used unless approved permanent dishwashing facilities are available. Utensils are to be washed and sanitized immediately before the special event and as often as necessary during the event. Utensils may be washed off the site if approval is granted. When this is done, the clean utensils must be suitably covered with plastic wrap or placed in a covered container when transported. When utensils are not washed at the site, enough utensils must be provided so that if one becomes soiled or contaminated, a clean one is available.

Subp. 2. **Drying.** Space must be provided for air drying utensils. Towel drying is not permitted.

Subp. 3. **Manual utensil washing.** The procedure for manual utensil washing is:

A. wash in warm, soapy water;

B. rinse in clean water;

C. sanitize for at least one minute in a sanitizing solution of sufficient concentration, using one tablespoon of household bleach per two gallons of water; and

D. allow to air dry.

Subp. 4. **Cleaning equipment.** Food contact equipment that must be cleaned in place, like meat slicers or soft serve ice milk dispensers, must be sanitized using a solution equal to that listed in subpart 3, item C.

Subp. 5. **Wiping cloths.** Cloths used to wipe equipment and counters must be stored in a sanitizing solution between uses. The solution must equal that listed in subpart 3, item C.

Subp. 6. **Sanitizer test kits.** Test kits or strips for analyzing sanitizer strength must be available and used.

4625.7301 FOOD, BEVERAGE, AND UTENSIL HANDLING AND STORAGE.

Subpart 1. **Food source.** All ice and food supplies must come from an approved commercial source. No home prepared food or food storage at home is permitted. Ice must be obtained only in chipped, crushed, or cubed form and in single-use safe

Approved
by Revisor _____

plastic or wet-strength paper bags filled and sealed at the point of manufacture. The ice must be held in these bags until it is dispensed in a way that protects it from contamination. When preparation or hot and cold holding equipment are not adequate for the volume of food prepared, food preparation activities must take place in a facility which is in compliance with parts 4625.2401 to 4625.4701, such as a restaurant, school, fraternal organization kitchen, or church.

Subp. 2. **Temperature.** Potentially hazardous food must be maintained at 40 degrees Fahrenheit (four degrees centigrade) or below and 150 degrees Fahrenheit (66 degrees centigrade) or above, including periods when it is being transported.

Subp. 3. **Previously cooked foods.** Previously cooked food that is reheated must reach an internal temperature of at least 165 degrees Fahrenheit (74 degrees centigrade) throughout before being served. Any heated food that is left over at the end of the day must be discarded.

Subp. 4. **Storage.** Food and single service disposable utensils such as paper plates and plastic eating utensils must be clean, dry, covered, and kept at least six inches off the floor. Storage of packaged food in contact with water or undrained ice is prohibited. Wrapped sandwiches must not be stored in direct contact with ice. Canned, bottled, and other containerized beverages except milk may be chilled in ice.

Subp. 5. **Single service items and condiment dispensing.** Single service utensils and self-service food including condiments such as catsup, mustard, coffee whitener, and sugar must be individually packaged or be dispensed from an ~~enclosed~~ approved dispenser.

4625.7401 WATER SUPPLY.

Potable water must be obtained from an approved public water supply system. Water must not come from a residential well. If water is not provided under pressure at the establishment, it may be transported and stored in approved, cleanable, covered containers such as five- or ten-gallon coffee

Approved
by Revisor _____

urns or nongalvanized beverage coolers containing spigots.

4625.7501 WASTEWATER AND REFUSE DISPOSAL.

Subpart 1. **Wastewater.** Wastewater must be discharged into an approved sanitary sewer system or a holding tank. Ground surface discharge is not permitted.

Subp. 2. **Refuse and garbage disposal.** Refuse and garbage must be deposited and stored in a manner that will not tend to create a nuisance. Garbage containing food waste if stored overnight or for extended periods of time must be stored in tightly covered nonabsorbent containers.

4625.7601 INSECT CONTROL.

Effective insect control is to be achieved through sanitation. If insecticides are to be used, they must be an approved type such as pyrethrins as the active ingredient, used according to the manufacturer's directions. They must not be used when food or utensils are exposed. Intermittent spray dispensers and vapona strips must not be used.

4625.7701 EMPLOYEE PRACTICES.

Employees must comply with the following requirements:

A. Employees must maintain their hands in a clean and sanitary condition and wash hands immediately after going to the toilet, handling raw food, smoking, or otherwise soiling their hands.

B. Employees must not engage in food preparation or service activities if that person has a communicable disease, gastrointestinal illness, sore throat, or discharging wound.

C. An employee must not use tobacco in any form while on duty.

D. An employee's outer garments must be clean.

E. An employee must wear effective hair restraints such as hairnets, headbands, and caps while engaged in food preparation and service.

F. An adult shall be responsible for the operation of the stand and shall supervise children working in the stand.

Approved
by Revisor _____

4625.7801 SAFETY.

Subpart 1. **Electrical.** Electrical service must comply with the Minnesota State Building Code Electrical Code, chapter 1315. Electrical lines should not be located in or near water.

Subp. 2. **Carbon dioxide.** Carbon dioxide and bottled gas cylinders must be secured by chains or other types of restraints.

Subp. 3. **Fire extinguishers.** A fire extinguisher with a minimum 2A 10 B-C rating must be present if required by the fire marshal.

REPEALER. Parts 4625.2400, 4625.2500, 4625.2600, 4625.2700, 4625.2800, 4625.2900, 4625.3000, 4625.3100, 4625.3200, 4625.3300, 4625.3400, 4625.3500, 4625.3600, 4625.3700, 4625.3800, 4625.3900, 4625.4000, 4625.4100, 4625.4200, 4625.4300, 4625.4400, 4625.4500, 4625.4600, 4625.4700, 4625.4800, and 4625.4900, are repealed.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Adopted Permanent Rules Relating to Food and Beverage Establishments

AGENCY: Department of Health

MINNESOTA RULES: Chapter 4625

INCORPORATION BY REFERENCE:
Parts 4625.2401, subpart 24; 4625.3701, subpart 2, item C; and 4625.3801, subpart 6, items D and F.

National Sanitation Foundation Standard published by the National Sanitation Foundation.

The attached rules are approved for filing with the Secretary of State

Kathleen M. Traxler
Assistant Revisor