

- (D) The food in unmarked containers or packages, or marked to exceed a four-hour limit shall be discarded;
- (3) If time without temperature control is used as the public health control up to a maximum of six hours:
 - (A) The food shall have an initial temperature of forty-one degrees Fahrenheit or less when removed from temperature control and the food temperature may not exceed seventy degrees Fahrenheit within a maximum time period of six hours;
 - (B) The food shall be monitored to ensure the warmest portion of the food does not exceed seventy degrees Fahrenheit during the six-hour period, unless an ambient air temperature is maintained that ensures the food does not exceed seventy degrees Fahrenheit during the six-hour holding period;
 - (C) The food shall be marked or otherwise identified to indicate:
 - (i) The time when the food is removed from forty-one degrees Fahrenheit or less cold holding temperature control; and
 - (ii) The time that is six hours past the point in time when the food is removed from cold holding temperature control;
 - (D) The food shall be:
 - (i) Discarded if the temperature of the food exceeds seventy degrees Fahrenheit; or
 - (ii) Cooked and served, served at any temperature if ready-to-eat, or discarded within a maximum of six hours from the point in time when the food is removed from forty-one degrees Fahrenheit or less cold holding temperature control; and
 - (E) The food in unmarked containers or packages, or marked with a time that exceeds the six-hour limit shall be discarded;
- (4) A food establishment that serves a highly susceptible population may not use time as

specified in paragraphs (1), (2) or (3) as the public health control for raw eggs.

(j) A food establishment shall obtain a variance from the department as specified in section 11-50-13(a) and (b) before:

- (1) Smoking food as a method of food preservation rather than as a method of flavor enhancement;
 - (2) Curing food;
 - (3) Using food additives or adding components such as vinegar:
 - (A) As a method of food preservation rather than as a method of flavor enhancement; or
 - (B) To render a food so that it is not potentially hazardous (time/temperature control for safety food);
 - (4) Packaging a potentially hazardous food using a reduced oxygen packaging method except where the growth of and toxin formation by *Clostridium botulinum* and the growth of *Listeria monocytogenes* are controlled as specified in subsection (1);
 - (5) Operating a molluscan shellfish life-support system display tank used to store or display shellfish that are offered for human consumption;
 - (6) Custom processing animals that are for personal use as food and not for sale or service in a food establishment;
 - (7) Preparing food by another method that is determined by the department to require a variance; or
 - (8) Sprouting seeds or beans.
- (k) A food processing plant may be exempt from this variance requirement.
- (1) Reduced oxygen packaging without a variance, criteria.
 - (1) Except for a food establishment that obtains a variance as specified in subsection (j), a food establishment that packages potentially hazardous food (time/temperature control for safety food) using a reduced oxygen packaging method shall control the growth and toxin formation of *Clostridium botulinum* and the growth of *Listeria monocytogenes*;
 - (2) Except as specified in paragraph (6), a food establishment that packages potentially hazardous food (time/temperature control for safety food)

using a reduced oxygen packaging method shall have a HACCP plan that contains the information specified in section 11-50-4(h) (2) (B) and (D) and that:

- (A) Identifies the food to be packaged;
- (B) Except as specified in paragraphs (3) to (5), requires that the packaged food shall be maintained at forty-one degrees Fahrenheit or less and meet at least one of the following criteria:
 - (i) Has an A_w of 0.91 or less;
 - (ii) Has a pH of 4.6 or less;
 - (iii) Is a meat or poultry product cured at a food processing plant regulated by the USDA using substances specified in 9 CFR 424.21, entitled "Use of food ingredients and sources of radiation," and is received in an intact package; or
 - (iv) Is a food with a high level of competing organisms such as raw meat, raw poultry, or raw vegetables;
- (C) Describes how the package shall be prominently and conspicuously labeled on the principal display panel in bold type on a contrasting background, with instructions to:
 - (i) Maintain the food at forty-one degrees Fahrenheit or below; and
 - (ii) Discard the food if within thirty calendar days of its packaging it is not served for on-premises consumption, or consumed if served or sold for off-premises consumption;
- (D) Limits the refrigerated shelf life to no more than thirty calendar days from packaging to consumption, except the time the product is maintained frozen, or the original manufacturer's "sell by" or "use by" date, whichever occurs first;
- (E) Includes operational procedures that:
 - (i) Prohibit contacting ready-to-eat food with bare hands as specified in section 11-50-32(a) (2);
 - (ii) Identify a designated work area and the method by which physical barriers

- or methods of separation of raw foods and ready-to-eat foods minimize cross contamination. Access to the processing equipment is limited to trained personnel familiar with the potential hazards of the operation; and
- (iii) Delineate cleaning and sanitization procedures for food-contact surfaces; and
- (F) Describes the training program that ensures that the individual responsible for the reduced oxygen packaging operation understands the:
 - (i) Concepts required for a safe operation;
 - (ii) Equipment and facilities; and
 - (iii) Procedures specified in subparagraph (E) and section 11-50-4(h)(2)(B) and (D);
- (G) Is provided to the department before implementation.
- (3) Except for fish that is frozen before, during, and after packaging, a food establishment may not package fish using a reduced oxygen packaging method;
- (4) Except as specified in paragraphs (3) and (6), a food establishment that packages potentially hazardous food using a cook-chill or sous vide process shall:
 - (A) Provide to the department prior to implementation, a HACCP plan that contains the information as specified in section 11-50-4(h)(2)(B) and (D);
 - (B) Ensure the food is:
 - (i) Prepared and consumed on the premises, or prepared and consumed off the premises but within the same business entity with no distribution or sale of the packaged product to another business entity or the consumer;
 - (ii) Cooked to heat all parts of the food to a temperature and for a time as specified in section 11-50-33(a);



- (iii) Protected from contamination before and after cooking as specified in sections 11-50-32 and 11-50-33;
- (iv) Placed in a package with an oxygen barrier and sealed before cooking, or placed in a package and sealed immediately after cooking and before reaching a temperature below one hundred thirty-five degrees Fahrenheit;
- (v) Cooled to forty-one degrees Fahrenheit in the sealed package or bag as specified in subsection (d) and subsequently cooled to thirty-four degrees Fahrenheit within forty-eight hours of reaching forty-one degrees Fahrenheit and held at that temperature until consumed or discarded within thirty days after the date of packaging;
- (vi) Cooled to forty-one degrees Fahrenheit in the sealed package or bag as specified in subsection (d) and subsequently held at forty-one degrees Fahrenheit or less for no more than seven days at which time the food must be consumed or discarded;
- (vii) Cooled to forty-one degrees Fahrenheit in the sealed package or bag as specified in subsection (d) and subsequently held frozen with no shelf life restriction while frozen until consumed or used;
- (viii) Held in a refrigeration unit that is equipped with an electronic system that continuously monitors time and temperature and is visually examined for proper operation twice daily;
- (ix) If transported off-site to a satellite location of the same business entity, equipped with verifiable electronic monitoring devices to ensure that times and temperatures are monitored during transportation; and
- (x) Labeled with the product name and the date packaged; and

- (C) Maintain the records required to confirm that cooling and cold holding refrigeration time/temperature parameters are required as part of the HACCP plan and:
 - (i) Make such records available to the department upon request; and
 - (ii) Hold such records for at least six months; and
 - (D) Implement written operational procedures as specified in paragraph (2)(E) and a training program as specified in paragraph (2)(F);
- (5) Except as specified under paragraph (6), a food establishment that packages cheese using a reduced oxygen packaging method shall:
- (A) Limit the cheeses packaged to those that are commercially manufactured in a food processing plant with no ingredients added in the food establishment and that meet the Standards of Identity as specified in 21 CFR 133.150, entitled "Hard cheeses", 21 CFR 133.169, entitled "Pasteurized process cheese" or 21 CFR 133.187, entitled "Semisoft cheeses";
 - (B) Have a HACCP plan that contains the information specified in section 11-50-4(h)(2)(B) and (D) and as specified in paragraphs (1)(2)(A), (C)(i), (E), and (F);
 - (C) Label the package on the principal display panel with a "use by" date that does not exceed thirty calendar days from its packaging or the original manufacturer's "sell by" or "use by" date, whichever occurs first; and
 - (D) Discard the reduced oxygen packaged cheese if it is not sold for off-premises consumption or consumed within thirty calendar days of its packaging.
- (6) A HACCP Plan is not required when a food establishment uses a reduced oxygen packaging method to package potentially hazardous food, (time/temperature control for safety food) that is always:
- (A) Labeled with the production time and date,

- (B) Held at forty-one degrees Fahrenheit or less during refrigerated storage, and
- (C) Removed from its package in the food establishment within forty-eight hours after packaging. [Eff 2/24/2014; am and comp **SEP 01 2017**] (Auth: HRS §321-11) (Imp: HRS §321-11)

§11-50-35 Food identity, presentation, and on-premises labeling. (a) Honestly presented.

- (1) Food shall be offered for human consumption in a way that does not mislead or misinform the consumer;
- (2) Food or color additives, colored overwraps, or lights may not be used to misrepresent the true appearance, color, or quality of a food.
- (b) Food labels.
- (1) Food packaged in a food establishment, shall be labeled as specified in law, including 21 CFR 101, entitled "Food labeling", and 9 CFR 317 entitled "Labeling, marking devices, and containers".
- (2) The director may waive the packaged food labeling requirement for, but not limited to:
 - (A) Foods manufactured in food establishments such as restaurants, bakeries, and markets, and sold only in those food establishments;
 - (B) Foods of no nutritional significance such as coffee;
 - (C) Bulk food for further processing; and
 - (D) Raw fruits, vegetables, and fish;
- (3) Label information shall include:
 - (A) The common name of the food, or absent a common name, an adequately descriptive identity statement;
 - (B) If made from two or more ingredients, a list of ingredients in descending order of predominance by weight, including a declaration of artificial color or flavor and chemical preservatives, if contained in the food;
 - (C) An accurate declaration of the quantity of contents;
 - (D) The name and place of business of the manufacturer, packer, or distributor; and

- (E) The name of the food source for each major food allergen contained in the food unless the food source is already part of the common or usual name of the respective ingredient;
- (4) Bulk food that is available for consumer self-dispensing shall be prominently labeled with the following information in plain view of the consumer:
 - (A) The manufacturer's or processor's label that was provided with the food; or
 - (B) A card, sign, or other method of notification that includes the information specified in paragraph (2) (A) and (B);
- (5) Bulk, unpackaged foods such as bakery products and unpackaged foods that are portioned to consumer specification need not be labeled if:
 - (A) A health, nutrient content or other claim is not made;
 - (B) There are no state or local laws requiring labeling; and
 - (C) The food is manufactured or prepared on the premises of the food establishment or at another food establishment or a food processing plant that is owned by the same person and is regulated by the food regulatory agency that has jurisdiction.
- (c) Other forms of information.
 - (1) If required by law, consumer warnings shall be provided;
 - (2) Food establishment or manufacturers' dating information on foods may not be concealed or altered.
 - (3) Homemade food products shall bear a label with the following information:
 - (A) A statement that reads "Made in a home kitchen not routinely inspected by the Department of Health";
 - (B) The common name of the food or, if no common name exists, an adequately descriptive identity statement;
 - (C) If made from two or more ingredients, a list of ingredients in descending order of predominance by weight;
 - (D) Name and contact information of the homemade food product producer;

- (4) Hand-pounded poi shall bear a label that contains the following information:
 - (A) A statement that reads "This hand-pounded poi was prepared in a facility not inspected by the Department of Health";
 - (B) Name and contact information of the producer.
- (d) Consumption of animal foods that are raw, undercooked, or not otherwise processed to eliminate pathogens.
 - (1) Except as specified in sections 11-50-33(a) (3) and (4) (D) and 11-50-37(a) (3), if an animal food such as beef, eggs, fish, lamb, pork, poultry, or shellfish is served or sold raw, undercooked, or without otherwise being processed to eliminate pathogens, either in ready-to-eat form or as an ingredient in another ready-to-eat food, the owner or operator shall inform consumers of the significantly increased risk of consuming such foods by way of a disclosure and reminder, as specified in paragraphs (2) and (3) using brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written means;
 - (2) Disclosure shall include:
 - (A) A description of the animal-derived foods, such as "oysters on the half shell (raw oysters)", "raw-egg Caesar salad", and "hamburgers (can be cooked to order)"; or
 - (B) Identification of the animal-derived foods by asterisking them to a footnote that states that the items are served raw or undercooked, or contain (or may contain) raw or undercooked ingredients;
 - (3) Reminder shall include asterisking the animal-derived foods requiring disclosure to a footnote that states:
 - (A) Regarding the safety of these items, written information is available upon request;
 - (B) Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness; or
 - (C) Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase the risk of foodborne illness

especially in consumers with certain medical conditions. [Eff 2/24/2014; am and comp SEP 01 2017] (Auth: HRS §321-11) (Imp: HRS §321-11)

§11-50-36 Contaminated food. Discarding or reconditioning unsafe, adulterated, or contaminated food.

- (1) A food that is unsafe, adulterated, or not honestly presented as specified in section 11-50-30 shall be discarded or reconditioned according to an approved procedure;
- (2) Food that is not from an approved source as specified in section 11-50-31(a) to (g) shall be discarded;
- (3) Ready-to-eat food that may have been contaminated by an employee who has been restricted or excluded as specified in section 11-50-21(b) shall be discarded;
- (4) Food that is contaminated by food employees, consumers, or other persons through contact with their hands, bodily discharges, such as nasal or oral discharges, or other means shall be discarded. [Eff 2/24/2014; comp SEP 01 2017] (Auth: HRS §321-11) (Imp: HRS §321-11)

§11-50-37 Special requirements for highly susceptible populations. (a) Foods served to a highly susceptible population:

- (1) The following criteria apply to juice:
 - (A) For the purposes of this paragraph only, children who are age nine or less and receive food in a school, day care setting, or similar facility that provides custodial care are included as highly susceptible populations;
 - (B) Prepackaged juice or a prepackaged beverage containing juice, that bears a warning label as specified in 21 CFR 101.17(g), juices that have not been specifically processed to prevent, reduce, or eliminate the presence of pathogens, or a packaged juice or beverage containing juice, that bears a warning label as specified in



- section 11-50-33(i) (2) may not be served or offered for sale; and
- (C) Unpackaged juice that is prepared on the premises for service or sale in a ready-to-eat form shall be processed under a HACCP plan that contains the information specified in section 11-50-4(h) (2) (B) to (E) and as specified in 21 CFR Part 120, entitled "Hazard Analysis and Critical Control Point (HACCP) Systems", Subpart B entitled "Pathogen reduction", 120.24 entitled "Process controls";
- (2) Pasteurized eggs or egg products shall be substituted for raw eggs in the preparation of:
 - (A) Foods such as Caesar salad, hollandaise or Béarnaise sauce, mayonnaise, meringue, eggnog, ice cream, and egg-fortified beverages; and
 - (B) Except as specified in paragraph (6), recipes in which more than one egg is broken and the eggs are combined;
 - (3) The following foods may not be served or offered for sale in a ready-to-eat form:
 - (A) Raw animal foods such as raw fish, raw marinated fish, raw molluscan shellfish, and steak tartare;
 - (B) A partially cooked animal food such as lightly cooked fish, rare meat, soft-cooked eggs that are made from raw eggs, and meringue; and
 - (C) Raw seed sprouts;
 - (4) Food employees may not contact ready-to-eat food as specified in section 11-50-32(a) (2) and (5);
 - (5) Time only, as the public health control as specified in section 11-50-34(i) (4), may not be used for raw eggs;
 - (6) Paragraph (2) (B) does not apply if:
 - (A) The raw eggs are combined immediately before cooking for one consumer's serving at a single meal, cooked as specified in section 11-50-33(a) (1) (A), and served immediately, such as an omelet, soufflé, or scrambled eggs;
 - (B) The raw eggs are combined as an ingredient immediately before baking and the eggs are



- thoroughly cooked to a ready-to-eat form, such as a cake, muffin, or bread; or
- (C) The preparation of the food is conducted under a HACCP plan that:
- (i) Identifies the food to be prepared;
 - (ii) Prohibits contacting ready-to-eat food with bare hands;
 - (iii) Includes specifications and practices that ensure *Salmonella Enteritidis* growth is controlled before and after cooking, and is destroyed by cooking the eggs according to the temperature and time specified in section 11-50-33(a)(1)(B);
 - (iv) Contains the information specified in section 11-50-4(h)(2)(D) including procedures that control cross contamination of ready-to-eat food with raw eggs, and delineate cleaning and sanitization procedures for food-contact surfaces; and
 - (v) Describes the training program that ensures that the food employee responsible for the preparation of the food understands the procedures to be used;
- (7) Except as specified in paragraph (8), food may be re-served as specified in section 11-50-32(y)(2)(A) and (B);
- (8) Food may not be re-served under the following conditions:
- (A) Any food served to patients or clients who are under contact precautions in medical isolation or quarantine, or protective environment isolation may not be re-served to others outside;
 - (B) Packages of food from any patients, clients, or other consumers should not be re-served to persons in protective environment isolation. [Eff 2/24/2014; am and comp ^{SEP 01 2017} 11-50-32(f)(1)] (Auth: HRS §321-11) (Imp: HRS §321-11)

§§11-50-38 to 11-50-44 (Reserved).

SUBCHAPTER 4

EQUIPMENT, UTENSILS, AND LINENS

§11-50-45 Materials for construction and repair. (a) Materials that are used in the construction of utensils and food-contact surfaces of equipment may not allow the migration of deleterious substances or impart colors, odors, or tastes to food and under normal use conditions shall be:

- (1) Safe;
 - (2) Durable, corrosion-resistant, and nonabsorbent;
 - (3) Sufficient in weight and thickness to withstand repeated warewashing;
 - (4) Finished to have a smooth, easily cleanable surface; and
 - (5) Resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition.
- (b) Cast iron, use limitation.
- (1) Except as specified in paragraphs (2) and (3), cast iron may not be used for utensils or food-contact surfaces of equipment;
 - (2) Cast iron may be used as a surface for cooking;
 - (3) Cast iron may be used in utensils for serving food if the utensils are used only as part of an uninterrupted process from cooking through service.
- (c) Lead, use limitation.
- (1) Ceramic, china, and crystal utensils, and decorative utensils such as hand painted ceramic or china that are used in contact with food shall be lead-free or contain levels of lead not exceeding the limits of the utensil categories in Table 45-1:

Table 45-1

Utensil Category	Ceramic Article Description	Maximum Lead mg/L
Beverage mugs, cups, pitchers	Coffee mugs	0.5
Large hollowware (excluding pitchers)	Bowls > 1.16 quart	1
Small hollowware (excluding cups and mugs)	Bowls < 1.16 quart	2.0
Flat tableware	Plates, saucers	3.0

- (2) Pewter alloys containing lead in excess of 0.05 per cent may not be used as a food-contact surface;
- (3) Solder and flux containing lead in excess of 0.2 per cent may not be used as a food-contact surface.
- (d) Copper, use limitation.
 - (1) Except as specified in paragraph (2), copper and copper alloys such as brass may not be used in contact with a food that has a pH below six such as vinegar, fruit juice, or wine or for a fitting or tubing installed between a backflow prevention device and a carbonator;
 - (2) Copper and copper alloys may be used in contact with beer brewing ingredients that have a pH below six in the prefermentation and fermentation steps of a beer brewing operation such as a brewpub or microbrewery.
- (e) Galvanized metal may not be used for utensils or food-contact surfaces of equipment that are used in contact with acidic food.
- (f) Sponges may not be used in contact with cleaned and sanitized or in-use food-contact surfaces.
- (g) Wood, use limitation.
 - (1) Except as specified in paragraphs (2), (3), and (4), wood and wood wicker may not be used as a food-contact surface;
 - (2) Hard maple or an equivalently hard, close-grained wood may be used for:
 - (A) Cutting boards, cutting blocks, bakers' tables, and utensils such as rolling pins, doughnut dowels, salad bowls, and chopsticks; and

- (B) Wooden paddles used in confectionery operations for pressure scraping kettles when manually preparing confections at a temperature of two hundred thirty degrees Fahrenheit or above;
- (3) Whole, uncut, raw fruits and vegetables, and nuts in the shell may be kept in the wood shipping containers in which they were received, until the fruits, vegetables, or nuts are used;
- (4) If the nature of the food requires removal of rinds, peels, husks, or shells before consumption, the whole, uncut, raw food may be kept in:
 - (A) Untreated wood containers; or
 - (B) Treated wood containers if the containers are treated with a preservative that meets the requirements specified in 21 CFR 178.3800, entitled "Preservatives for wood".
- (h) Multiuse kitchenware such as frying pans, griddles, sauce pans, cookie sheets, and waffle bakers that have a perfluorocarbon resin coating shall be used with nonscoring or nonscratching utensils and cleaning aids.
- (i) Nonfood-contact surfaces of equipment that are exposed to splash, spillage, or other food soiling or that require frequent cleaning shall be constructed of a corrosion-resistant, nonabsorbent, and smooth material.
- (j) Materials that are used to make single-service and single-use articles:
 - (1) May not:
 - (A) Allow the migration of deleterious substances; or
 - (B) Impart colors, odors, or tastes to food; and
 - (2) Shall be:
 - (A) Safe; and
 - (B) Clean. [Eff 2/24/2014; comp SEP 01 2017]
(Auth: HRS §321-11) (Imp: HRS §321-11)

\$11-50-46 Design and construction. (a) Equipment and utensils shall be designed and constructed to be durable and to retain their characteristic qualities under normal use conditions.

(b) Food temperature measuring devices may not have sensors or stems constructed of glass, except that

thermometers with glass sensors or stems that are encased in a shatterproof coating such as candy thermometers may be used.

- (c) Food-contact surfaces.
 - (1) Multiuse food-contact surfaces shall be:
 - (A) Smooth;
 - (B) Free of breaks, open seams, cracks, chips, inclusions, pits, and similar imperfections;
 - (C) Free of sharp internal angles, corners, and crevices;
 - (D) Finished to have smooth welds and joints; and
 - (E) Except as specified in paragraph (2), accessible for cleaning and inspection by one of the following methods:
 - (i) Without being disassembled;
 - (ii) By disassembling without the use of tools; or
 - (iii) By easy disassembling with the use of handheld tools commonly available to maintenance and cleaning personnel such as screwdrivers, pliers, open-end wrenches, and Allen wrenches;
 - (2) Paragraph (1)(E) does not apply to cooking oil storage tanks, distribution lines for cooking oils, or beverage syrup lines or tubes.
- (d) CIP equipment.
 - (1) CIP equipment shall meet the characteristics specified in subsection (c) and shall be designed and constructed so that:
 - (A) Cleaning and sanitizing solutions circulate throughout a fixed system and contact all interior food-contact surfaces; and
 - (B) The system is self-draining or capable of being completely drained of cleaning and sanitizing solutions; and
 - (2) CIP equipment that is not designed to be disassembled for cleaning shall be designed with inspection access points to ensure that all interior food-contact surfaces throughout the fixed system are being effectively cleaned.
- (e) Except for hot oil cooking or filtering equipment, "V" type threads may not be used on food-contact surfaces.

(f) Hot oil filtering equipment shall meet the characteristics specified in subsection (c) or (d) and shall be readily accessible for filter replacement and cleaning of the filter.

(g) Cutting or piercing parts of can openers shall be readily removable for cleaning and for replacement.

(h) Nonfood-contact surfaces shall be free of unnecessary ledges, projections, and crevices, and designed and constructed to allow easy cleaning and to facilitate maintenance.

(i) Kick plates shall be designed so that the areas behind them are accessible for inspection and cleaning by being:

- (1) Removable by one of the methods specified in subsection (c) (1) (E) or capable of being rotated open; and
- (2) Removable or capable of being rotated open without unlocking equipment doors.

(j) Filters or other grease extracting equipment shall be designed to be readily removable for cleaning and replacement if not designed to be cleaned in place.

(k) Accuracy of temperature measuring devices, food.

- (1) Food temperature measuring devices that are scaled only in Celsius or dually scaled in Celsius and Fahrenheit shall be accurate to plus or minus one degree Celsius in the intended range of use;

- (2) Food temperature measuring devices that are scaled only in Fahrenheit shall be accurate to plus or minus two degrees Fahrenheit in the intended range of use.

(l) Temperature measuring devices, ambient air and water.

- (1) Ambient air and water temperature measuring devices that are scaled in Celsius or dually scaled in Celsius and Fahrenheit shall be designed to be easily readable and accurate to plus or minus one and one-half degrees Celsius in the intended range of use.

- (2) Ambient air and water temperature measuring devices that are scaled only in Fahrenheit shall be accurate to plus or minus three degrees Fahrenheit in the intended range of use.

(m) Pressure measuring devices that display the pressures in the water supply line for the fresh hot water sanitizing rinse shall have increments of one pound per



square inch or smaller and shall be accurate to plus or minus two pounds per square inch) in the range indicated on the manufacturer's data plate.

(n) Exhaust ventilation hood systems in food preparation and warewashing areas including components such as hoods, fans, guards, and ducting shall be designed to prevent grease or condensation from draining or dripping onto food, equipment, utensils, linens, and single-service and single-use articles.

(o) Equipment openings, closures and deflectors.

(1) A cover or lid for equipment shall overlap the opening and be sloped to drain;

(2) An opening located within the top of a unit of equipment that is designed for use with a cover or lid shall be flanged upward at least two-tenths of an inch;

(3) Except as specified in paragraph (4), fixed piping, temperature measuring devices, rotary shafts, and other parts extending into equipment shall be provided with a watertight joint at the point where the item enters the equipment.

(4) If a watertight joint is not provided:

(A) The piping, temperature measuring devices, rotary shafts, and other parts extending through the openings shall be equipped with an apron designed to deflect condensation, drips, and dust from openings into the food; and

(B) The opening shall be flanged as specified in paragraph (2).

(p) In equipment that dispenses or vends liquid food or ice in unpackaged form:

(1) The delivery tube, chute, orifice, and splash surfaces directly above the container receiving the food shall be designed in a manner, such as with barriers, baffles, or drip aprons, so that drips from condensation and splash are diverted from the opening of the container receiving the food;

(2) The delivery tube, chute, and orifice shall be protected from manual contact such as by being recessed;

(3) The delivery tube or chute and orifice of equipment used to vend liquid food or ice in unpackaged form to self-service consumers shall be designed so that the delivery tube or chute

and orifice are protected from dust, insects, rodents, and other contamination by a self-closing door if the equipment is:

- (A) Located in an outside area that does not otherwise afford the protection of an enclosure against the rain, windblown debris, insects, rodents, and other contaminants that are present in the environment; or
 - (B) Available for self-service during hours when it is not under the full-time supervision of a food employee; and
- (4) The dispensing equipment actuating lever or mechanism and filling device of beverage dispensing equipment shall be designed to prevent contact with the lip-contact surface of glasses or cups that are refilled;
- (5) Dispensing equipment in which potentially hazardous food (time/temperature control for safety food) in a homogenous liquid form is maintained outside of the temperature control requirements as specified in section 11-50-34(f)(1) shall:
- (A) Be specifically designed and equipped to maintain the commercial sterility of aseptically packaged food in a homogenous liquid form for a specified duration from the time of opening the packaging within the equipment; and
 - (B) Conform to the requirements for this equipment as specified in NSF/ANSI 18-2006-Manual Food and Beverage Dispensing Equipment.
- (q) The dispensing compartment of a vending machine including a machine that is designed to vend prepackaged snack food that is not potentially hazardous (time/temperature control for safety food) such as chips, party mixes, and pretzels shall be equipped with a self-closing door or cover if the machine is:
- (1) Located in an outside area that does not otherwise afford the protection of an enclosure against the rain, windblown debris, insects, rodents, and other contaminants that are present in the environment; or

- (2) Available for self-service during hours when it is not under the full-time supervision of a food employee.
- (r) Equipment containing bearings and gears that require lubricants shall be designed and constructed so that the lubricant cannot leak, drip, or be forced into food or onto food-contact surfaces.
- (s) Except for cold plates that are constructed integrally with an ice storage bin, beverage tubing and cold-plate beverage cooling devices may not be installed in contact with stored ice.
- (t) Liquid waste drain lines may not pass through an ice machine or ice storage bin.
- (u) If a condenser unit is an integral component of equipment, the condenser unit shall be separated from the food and food storage space by a dustproof barrier.
- (v) Cutting or piercing parts of can openers on vending machines shall be protected from manual contact, dust, insects, rodents, and other contamination.
- (w) Molluscan shellfish tanks.
 - (1) Except as specified in paragraph (2), molluscan shellfish life support system display tanks may not be used to store or display shellfish that are offered for human consumption and shall be conspicuously marked so that it is obvious to the consumer that the shellfish are for display only;
 - (2) Molluscan shellfish life-support system display tanks that are used to store or display shellfish that are offered for human consumption shall be operated and maintained in accordance with a variance granted by the department as specified in section 11-50-13(a) and a HACCP plan that:
 - (A) Is submitted by the owner or operator and approved as specified in section 11-50-13(b); and
 - (B) Ensures that:
 - (i) Water used with fish other than molluscan shellfish does not flow into the molluscan tank;
 - (ii) The safety and quality of the shellfish as they were received are not compromised by the use of the tank; and
 - (iii) The identity of the source of the shellstock is retained as specified in section 11-50-31(s).