

order to the suspected food employee, conditional employee, or owner or operator instituting one or more of the following control measures:

- (1) Restricting the food employee or conditional employee;
- (2) Excluding the food employee or conditional employee; or
- (3) Closing the food establishment by summarily suspending a permit to operate pursuant to section 11-50-12(c).

(c) Based on the findings of the investigation as specified in subsection (a) and to control disease transmission, the department may issue an order of restriction or exclusion to a suspected food employee or the owner or operator without prior warning, notice of a hearing, or a hearing if the order:

- (1) States the reasons for the restriction or exclusion that is ordered;
- (2) States the evidence that the food employee or owner or operator shall provide in order to demonstrate that the reasons for the restriction or exclusion are eliminated;
- (3) States that the suspected food employee or the owner or operator may request an appeal hearing by submitting a timely request as provided in law; and
- (4) Provides the name and address of the department representative to whom a request for an appeal hearing may be made.

(d) The department shall release a food employee or conditional employee from restriction or exclusion according to law and the conditions specified in section 11-50-21(c). [Eff 2/24/2014; am and comp **SEP 01 2017**]
(Auth: HRS §321-11) (Imp: HRS §321-11)

§11-50-12 Permit suspension. (a) The director may suspend a permit whenever:

- (1) An inspection of the establishment reveals that the establishment has not corrected the violations in the required time; or
 - (2) The department is unable to conduct inspections in accordance with this chapter due to circumstances within the control of the owner or operator or person in charge.
- (b) Permit suspension procedures.

- (1) The department shall notify the owner or operator, or the person in charge in writing, when a permit is to be suspended;
 - (2) The department shall state in writing, specific reasons for which the permit is to be suspended;
 - (3) The department shall offer an opportunity for a hearing to a person whose permit is to be suspended, provided a written request for a hearing is filed with the department by the owner or operator, not later than twenty calendar days after receipt of the notice;
 - (4) If a written request for a hearing is filed within twenty calendar days after the notice of suspension, an opportunity for a hearing with the department or the department's designated representative shall be offered;
 - (5) If no written request for a hearing is filed within twenty calendar days after the notice of suspension, the permit shall be suspended upon service of the suspension notice;
 - (6) The establishment shall be closed and shall remain closed until the permit has been reinstated;
 - (7) A person whose permit has been suspended may request an inspection, and the permit shall be reinstated if the inspection shows the correction of the violation that led to the suspension.
- (c) Notwithstanding subsections (a), where the director finds there exists an imminent health hazard associated with the food establishment, unless the threat to public health is immediately corrected, the department may immediately close the food establishment and suspend the permit, without prior notice and hearing, by issuing an order in writing or by posting a red placard pursuant to section 11-50-9.
- (1) An imminent health hazard exists under conditions described in the definition of "Imminent health hazard" in section 11-50-2, sections 11-50-9(d)(3)(A) and 11-50-9(e), and as may otherwise be determined by the director.
 - (2) The food establishment shall remain closed and the permit suspension shall remain in effect until the permit is reinstated by the department.
 - (3) The department shall provide the owner or operator an opportunity to contest the closure and permit suspension and, unless waived by the

owner or operator, such a hearing shall be held no later than forty-eight (48) hours after the service of the notice of suspension or posting of a red placard, except that in the case of state and federal holidays and non-business days, the hearing shall be provided no later than the next business day thereafter.

- (4) At the hearing, the director or the director's designated representative may affirm, modify, or rescind the order as appropriate.

(d) In the event of a natural disaster, the department has the authority to order an establishment immediately closed if, in the opinion of the department, the establishment cannot operate in a safe and sanitary manner. The director shall decide under what conditions the establishment will be allowed to reopen.

(e) All hearings shall comply with chapter 91, HRS, and the Hawaii Administrative Rules, chapter 11-1, entitled "Rules of Practice and Procedure". [Eff 2/24/2014; am and comp SEP 01 2017] (Auth: HRS §321-11) (Imp: HRS §321-11)

11-50-13 Variances. (a) The department may grant a variance by modifying or waiving the requirements of this chapter if in the opinion of the director a health hazard or nuisance will not result from the variance. If a variance is granted, the department shall retain the information specified in subsection (b) in its records for the food establishment.

(b) Before a variance from a requirement of this chapter is approved, the information that shall be provided by the person requesting the variance and retained in the department's file on the food establishment including:

- (1) A statement of the proposed variance of the chapter requirement citing relevant chapter section numbers;
- (2) An analysis of the rationale for how the potential public health hazards and nuisances addressed by the relevant chapter sections will be alternatively addressed by the proposal; and
- (3) A HACCP plan if required as specified in section 11-50-4(h)(1) that includes the information specified in section 11-50-4(h)(2) as it is relevant to the variance requested.

(c) Every application for a variance shall be made on forms furnished by the department.

(1) The department shall not act upon or consider any incomplete application for variance. An application shall be deemed complete only when all required and requested information, including the application form, plans, specifications, applicable fees, and other information have been timely submitted;

(2) Every application shall be signed by the applicant and shall constitute an acknowledgment and agreement that the applicant will comply with all the terms and conditions of the variance and this chapter;

(3) The department may require the submission of additional information, including challenge studies if applicable, after the application has been submitted, and may ensure that, if an application is incomplete or otherwise deficient, processing of the application shall not be completed until such time as the applicant has supplied all required information or otherwise corrected the deficiency. If the variance application requires a challenge study for pathogen inactivation or growth inhibition to determine if a food requires time/temperature control for safety, the study shall follow the guideline entitled "Parameters for Determining Inoculated Pack/Challenge Study Protocols" by the National Advisory Committee on Microbiological Criteria for Foods, adopted 20 March 2009, Washington D.C.;

(4) The failure of the department to act on a completed application within thirty days of the receipt of such application shall be deemed an approval of such application provided that the applicant acts consistently with the application process and has submitted all required or requested information.

(d) Any approved variance shall be granted for time periods and under conditions consistent with this chapter and within the following limitations:

(1) The department may issue a variance for a period not exceeding two years;

- (2) The department may revoke the variance at any time if the variance becomes a threat to public health and safety.
- (e) Variance renewal. Any variance granted pursuant to this section may be renewed for periods not exceeding two years provided that:
 - (1) All of the conditions specified in the immediately preceding variance are complied with;
 - (2) Current food safety concerns and concerns addressed in the immediately preceding variance are addressed;
 - (3) A renewal application is submitted at least one hundred eighty days prior to expiration of the preceding variance; and
 - (4) A variance renewal fee of \$200 is paid to the department.
- (f) The department shall afford a hearing in accordance with chapter 91, HRS, in relation to an application for the denial of a variance.
- (g) No variance shall be construed to prevent or limit the application of any emergency provisions and procedures provided by law.
- (h) A non-refundable application processing fee of \$200 shall be made payable to the department for all new and renewal variance applications.
- (i) If the department grants a variance as specified in subsection (a), or a HACCP plan is otherwise required as specified in section 11-50-4(h)(1) and (2) the owner or operator shall:
 - (1) Comply with the HACCP plans and procedures that are submitted as specified in section 11-50-4(h)(2) and approved as a basis for the modification or waiver;
 - (2) Maintain and provide to the department, upon request, records specified in section 11-50-4(h)(2)(D) and (E) that demonstrate that the following are routinely employed:
 - (A) Procedures for monitoring the critical control points;
 - (B) Monitoring of the critical control points;
 - (C) Verification of the effectiveness of the operation or process; and
 - (D) Necessary corrective actions if there is failure at a critical control point; and
 - (3) Provide any additional information and analyses deemed necessary by the department to eliminate

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or control public health hazards or nuisance.

[Eff 2/24/2014; am and comp SEP 01 2017]
(Auth: HRS §321-11) (Imp: HRS §321-11)

§11-50-14 Penalties and remedies. Any person who violates any provision of this chapter or an order of the director thereunder, shall be subject to a fine as provided in section 321-20, HRS. Each and every violation is a separate offense. [Eff 2/24/2014; am and comp SEP 01 2017]
(Auth: HRS §321-11) (Imp: HRS §321-11)

§11-50-15 Severability. If any provision of this chapter, or the application of any provision of this chapter to any person or circumstance, is held invalid, the application of the provision to other persons or circumstances, and the remainder of this chapter, shall not be affected thereby. [Eff 2/24/2014; comp SEP 01 2017]
(Auth: HRS §321-11) (Imp: HRS §321-11)

§§11-50-16 to 11-50-19 (Reserved).

SUBCHAPTER 2

PERSONNEL

§11-50-20 Supervision. (a) Except as specified in subsection (b), the owner or operator shall be the person in charge or shall designate a person in charge and shall ensure that a person in charge is present at the food establishment during all hours of operation.

(b) In a food establishment with two or more separately permitted departments that are the legal responsibility of the same owner or operator and that are located on the same premises, the owner or operator may, during specific time periods when food is not being prepared, packaged, or served, designate a single person in charge who is present on the premises during all hours of operation, and who is responsible for each separately permitted food establishment on the premises.

(c) Food protection certification.

- (1) The person in charge shall demonstrate knowledge of basic food safety by successfully completing a food safety course that is part of a department food safety program or other program approved by the department.
- (2) The requirements of this section may be waived by the department for any food establishments deemed by the director to pose minimal risk of causing, or contributing to, foodborne illness based on the nature of the operation and extent of food preparation.
- (3) Successful completion of a food safety course may be demonstrated by any valid document intended by an approved program to serve that purpose.
- (d) The person in charge shall ensure that:
 - (1) Food establishment operations are not conducted in a private home or in a room used as living or sleeping quarters as specified in section 11-50-71(r);
 - (2) Persons unnecessary to the food establishment operation are not allowed in the food preparation, food storage, or warewashing areas, except that brief visits and tours may be authorized by the person in charge if steps are taken to ensure that exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles are protected from contamination;
 - (3) Employees and other persons such as delivery and maintenance persons and pesticide applicators entering the food preparation, food storage, and warewashing areas comply with this chapter;
 - (4) Employees are effectively cleaning their hands, by routinely monitoring the employees' handwashing;
 - (5) Employees are visibly observing foods as they are received to determine that they are from approved sources, delivered at the required temperatures, protected from contamination, unadulterated, and accurately presented, by routinely monitoring the employees' observations and periodically evaluating foods upon their receipt;
 - (6) Employees are properly cooking potentially hazardous food (time/temperature control for safety food), being particularly careful in cooking those foods known to cause severe



foodborne illness and death, such as eggs and comminuted meats, through daily oversight of the employees' routine monitoring of the cooking temperatures using appropriate temperature measuring devices properly scaled and calibrated as specified in sections 11-50-46(k) and 11-50-49(p) (2);

- (7) Employees are using proper methods to rapidly cool potentially hazardous foods (time/temperature control for safety foods) that are not held hot or are not for consumption within four hours, through daily oversight of the employees' routine monitoring of food temperatures during cooling;
- (8) Consumers who order raw; or partially cooked ready-to-eat foods of animal origin are informed as specified in section 11-50-35(d) that the food is not cooked sufficiently to ensure its safety;
- (9) Employees are properly sanitizing cleaned multiuse equipment and utensils before they are reused, through routine monitoring of solution temperature and exposure time for hot water sanitizing, and chemical concentration, pH, temperature, and exposure time for chemical sanitizing;
- (10) Consumers are notified that clean tableware is to be used when they return to self-service areas such as salad bars and buffets as specified in section 11-50-32(o);
- (11) Except when approval is obtained from the department as specified in section 11-50-32(a) (5) employees are preventing cross-contamination of ready-to-eat food with bare hands by properly using suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment;
- (12) Employees are properly trained in food safety, including food allergy awareness, as it relates to their assigned duties; and
- (13) Food employees and conditional employees are informed of their responsibility to report in accordance with law, to the person in charge, information about their health and activities as they relate to diseases that are transmissible

through food, as specified in section
 11-50-21(a)(1). [Eff 2/24/2014; am and comp
 SEP 01 2017, 1 (Auth: HRS §321-11) (Imp: HRS
 §321-11)]

§11-50-21 Employee health. (a) Responsibility of
 owner or operator, person in charge, and conditional
 employees.

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

- (A) Has any of the following symptoms:
- (i) Vomiting;
 - (ii) Diarrhea;
 - (iii) Jaundice;
 - (iv) Sore throat with fever; or
 - (v) A lesion containing pus such as a boil
 or infected wound that is open or
 draining and is on the hands or
 wrists, unless an impermeable cover
 such as a finger cot or stall protects
 the lesion and a single-use glove is
 worn over the impermeable cover or on
 exposed portions of the arms, unless
 the lesion is protected by an
 impermeable cover, or on the other
 parts of the body, unless the lesion
 is covered by a dry, durable, tight-
 fitting bandage;
- (B) Has an illness diagnosed by a health
 practitioner due to:
- (i) Norovirus;
 - (ii) Hepatitis A virus;
 - (iii) Shigella spp.;

- (iv) Shiga toxin-producing *Escherichia Coli*;
- (v) *Salmonella Typhi*; or
- (vi) nontyphoidal *Salmonella*;
- (C) Had a previous illness, diagnosed by a health practitioner, within the past three months due to *Salmonella Typhi*, without having received antibiotic therapy, as determined by a health practitioner;
- (D) Has been exposed to, or is the suspected source of, a confirmed disease outbreak, because the food employee or conditional employee consumed or prepared food implicated in the outbreak, or consumed food at an event prepared by a person who is infected or ill with:
 - (i) Norovirus within the past forty-eight hours of the last exposure;
 - (ii) Shiga toxin-producing *Escherichia Coli* or *Shigella* spp. within the past three days of the last exposure;
 - (iii) *Salmonella Typhi* within the past fourteen days of the last exposure; or
 - (iv) Hepatitis A virus within the past thirty days of the last exposure; or
- (E) Has been exposed by attending or working in a setting where there is a confirmed disease outbreak, or living in the same household as, and has knowledge about, an individual who works or attends a setting where there is a confirmed disease outbreak, or living in the same household as, and has knowledge about, an individual diagnosed with an illness caused by:
 - (i) Norovirus within the past forty-eight hours of the last exposure;
 - (ii) Shiga toxin-producing *Escherichia Coli* or *Shigella* spp. within the past three days of the last exposure;
 - (iii) *Salmonella Typhi* within the past fourteen days of the last exposure; or
 - (iv) Hepatitis A virus within the past thirty days of the last exposure;
- (2) The person in charge shall ensure that a conditional employee:

- (A) Who exhibits or reports a symptom, or who reports a diagnosed illness as specified in subsection (a) (1) (A) to (C), is prohibited from becoming a food employee until the conditional employee meets the criteria for the specific symptoms or diagnosed illness as specified in subsection (c); or
- (B) Who will work as a food employee in a food establishment that serves as a highly susceptible population and reports a history of exposure as specified in subsection (a) (1) (D) and (E), is prohibited from becoming a food employee until the conditional employee meets the criteria as specified in subsection (c) (9);
- (3) The person in charge shall ensure that a food employee who exhibits or reports a symptom, or who reports a diagnosed illness or a history of exposure as specified in subsection (a) (1) (A) to (E) is:
 - (A) Excluded as specified in subsection (b) (1) to (3), (4) (A), (5) (A), (6) (A), (7), or (8) (A) and in compliance with the provisions specified in subsection (c) (1) to (8);
 - (B) Restricted as specified in subsection (b) (4) (B), (5) (B), (6) (B), (8) (B) or (9) or (10) and in compliance with the provisions specified in subsection (c) (4) to (10);
- (4) A food employee or conditional employee shall report to the person in charge the information as specified in paragraph (1);
- (5) A food employee shall:
 - (A) Comply with an exclusion as specified in subsection (b) (1) to (3), and (4) (A), (5) (A), (6) (A), (7) or (8) (A) and with the provisions specified in subsection (c) (1) to (8);
 - (B) Comply with a restriction as specified in subsection (b) (4) (B), (5) (B), (6) (B), (7), (8) (B), or (8), (9), or (10) and comply with the provisions specified in subsection (c) (4) to (10);

(b) The person in charge shall exclude or restrict a food employee from a food establishment in accordance with the following:

- (1) Except when the symptom is from a noninfectious condition, exclude a food employee if the food employee is:
 - (A) Symptomatic with vomiting or diarrhea; or
 - (B) Symptomatic with vomiting or diarrhea and diagnosed with an infection from Norovirus, Shigella spp., nontyphoidal Salmonella, or Shiga toxin-producing E. Coli;
- (2) Exclude a food employee who is:
 - (A) Jaundiced and the onset of jaundice occurred within the last seven calendar days, unless the food employee provides to the person in charge written medical documentation from a health practitioner specifying that the jaundice is not caused by hepatitis A virus or other fecal-orally transmitted infection;
 - (B) Diagnosed with an infection from hepatitis A virus within fourteen calendar days from the onset of any illness symptoms, or within seven calendar days of the onset of jaundice; or
 - (C) Diagnosed with an infection from hepatitis A virus without developing symptoms;
- (3) Exclude a food employee who is diagnosed with an infection from Salmonella Typhi, or reports a previous infection with Salmonella Typhi within the past three months as specified in subsection (a) (1) (C);
- (4) If a food employee is diagnosed with an infection from Norovirus and is asymptomatic:
 - (A) Exclude the food employee who works in a food establishment serving a highly susceptible population; or
 - (B) Restrict the food employee who works in a food establishment not serving a highly susceptible population;
- (5) If a food employee is diagnosed with an infection from Shigella spp. and is asymptomatic:
 - (A) Exclude the food employee who works in a food establishment serving a highly susceptible population; or

- (B) Restrict the food employee who works in a food establishment not serving a highly susceptible population;
- (6) If a food employee is diagnosed with an infection from Shiga toxin-producing E. Coli, and is asymptomatic:
 - (A) Exclude the food employee who works in a food establishment serving a highly susceptible population; or
 - (B) Restrict the food employee who works in a food establishment not serving a highly susceptible population;
- (7) If a food employee is diagnosed with an infection from nontyphoidal Salmonella and is asymptomatic, restrict the food employee who works in a food establishment serving a highly susceptible population or in a food establishment not serving a highly susceptible population;
- (8) If a food employee is ill with symptoms of acute onset of sore throat with fever:
 - (A) Exclude the food employee who works in a food establishment serving a highly susceptible population; or
 - (B) Restrict the food employee who works in a food establishment not serving a highly susceptible population;
- (9) If a food employee is infected with a skin lesion containing pus such as a boil or infected wound that is open or draining and not properly covered as specified in subsection (a) (1) (A) (v), restrict the food employee;
- (10) If a food employee is exposed to a foodborne pathogen as specified in subsection (a) (1) (D) and (E), restrict the food employee who works in a food establishment serving a highly susceptible population.
- (c) The person in charge shall adhere to the following conditions when removing, adjusting, or retaining the exclusion or restriction of a food employee:
 - (1) Except when a food employee is diagnosed with an infection from hepatitis A virus or Salmonella Typhi:
 - (A) Reinstate a food employee who was excluded as specified in subsection (b) (1) (A) if the food employee:

- (i) Is asymptomatic for at least twenty-four hours; or
 - (ii) Provides to the person in charge written medical documentation from a health practitioner that states the symptom is from a noninfectious condition;
- (B) If a food employee was diagnosed with an infection from Norovirus and excluded as specified in subsection (b) (1) (B):
 - (i) Restrict the food employee, who is asymptomatic for at least twenty-four hours and works in a food establishment not serving a highly susceptible population, until the conditions for reinstatement as specified in subsection (b) (4) (A) or (B) are met; or
 - (ii) Retain the exclusion for the food employee, who is asymptomatic for at least twenty-four hours and works in a food establishment that serves a highly susceptible population, until the conditions for reinstatement as specified in subsection (b) (4) (A) or (B) are met;
- (C) If a food employee was diagnosed with an infection from Shigella spp. and excluded as specified in subsection (b) (1) (B):
 - (i) Restrict the food employee, who is asymptomatic for at least twenty-four hours and works in a food establishment not serving a highly susceptible population, until the conditions for reinstatement as specified in paragraph (5) (A) or (B) are met; or
 - (ii) Retain the exclusion for the food employee, who is asymptomatic for at least twenty-four hours and works in a food establishment that serves a highly susceptible population, until the conditions for reinstatement as specified in subsection (b) (5) (A) or (B), or (5) (A) and (c) (1) (C) (i) are met;



- (D) If a food employee was diagnosed with an infection from Shiga toxin-producing E. Coli and excluded as specified in subsection (b) (1) (B):
 - (i) Restrict the food employee, who is asymptomatic for at least twenty-four hours and works in a food establishment not serving a highly susceptible population, until the conditions for reinstatement as specified in subsection (b) (6) (A) or (B) are met; or
 - (ii) Retain the exclusion for the food employee, who is asymptomatic for at least twenty-four hours and works in a food establishment that serves a highly susceptible population, until the conditions for reinstatement as specified in subsection (b) (6) (A) or (B) are met;
- (E) If a food employee was diagnosed with an infection from nontyphoidal Salmonella and excluded as specified in subsection (b) (1) (B):
 - (i) Restrict the food employee, who is asymptomatic for at least thirty days until conditions for reinstatement as specified in subsection (c) (7) (A) and (B) are met; or
 - (ii) Retain the exclusion for the food employee who is symptomatic, until conditions for reinstatement as specified in subsection (c) (7) (A) and (B) are met;
- (2) Reinstate a food employee who was excluded as specified in subsection (b) (2) if the person in charge obtains approval from the department and one of the following conditions is met:
 - (A) The food employee has been jaundiced for more than seven calendar days;
 - (B) The anicteric food employee has been symptomatic with symptoms other than jaundice for more than fourteen calendar days; or
 - (C) The food employee provides to the person in charge written medical documentation from a

health practitioner stating that the food employee is free of a hepatitis A virus infection;

- (3) Reinstate a food employee who was excluded as specified in subsection (b)(3) if:
 - (A) The person in charge obtains approval from the department; and
 - (B) The food employee provides to the person in charge written medical documentation from a health practitioner that states the food employee is free from S. Typhi infection;
- (4) Reinstate a food employee who was excluded as specified in subsection (b)(1)(B) or (4)(A) who was restricted in subsection (b)(4)(B) if the person in charge obtains approval from the department and one of the following conditions is met:
 - (A) The excluded or restricted food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee is free of a Norovirus infection;
 - (B) The food employee was excluded or restricted after symptoms of vomiting or diarrhea resolved, and more than forty-eight hours have passed since the food employee became asymptomatic; or
 - (C) The food employee was excluded or restricted and did not develop symptoms and more than forty-eight hours have passed since the food employee was diagnosed;
- (5) Reinstate a food employee who was excluded as specified in subsection (b)(1)(B) or (5)(A) or who was restricted in subsection (b)(5)(B) if the person in charge obtains approval from the department and one of the following conditions is met:
 - (A) The excluded or restricted food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee is free of a Shigella spp. infection based on test results showing two consecutive negative stool specimen cultures that are taken;

- (i) Not earlier than forty-eight hours after discontinuance of antibiotics; and
 - (ii) At least twenty-four hours apart;
 - (B) The food employee was excluded or restricted after symptoms of vomiting or diarrhea resolved, and more than seven calendar days have passed since the food employee became asymptomatic; or
 - (C) The food employee was excluded or restricted and did not develop symptoms and more than seven calendar days have passed since the food employee was diagnosed;
- (6) Reinstate a food employee who was excluded or restricted as specified in subsection (b) (1) (B) or (b) (6) (A) or who was restricted in subsection (b) (6) (B) if the person in charge obtains approval from the department and one of the following conditions is met:
- (A) The excluded or restricted food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee is free of an infection from Shiga toxin-producing Escherichia Coli based on test results that show two consecutive negative stool specimen cultures that are taken:
 - (i) Not earlier than forty-eight hours after discontinuance of antibiotics;
 - (ii) At least twenty-four hours apart;
 - (B) The food employee was excluded or restricted after symptoms of vomiting or diarrhea resolved and more than seven calendar days have passed since the food employee became asymptomatic; or
 - (C) The food employee was excluded or restricted and did not develop symptoms and more than seven days have passed since the food employee was diagnosed;
- (7) Reinstate a food employee who was excluded as specified in subsection (b) (1) (B) or who was restricted as specified in subsection (b) (7) if the person in charge obtains approval from the department and one of the following conditions is met:



- (A) The excluded or restricted food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee is free of nontyphoidal Salmonella infection based on test results showing two consecutive negative stool specimen cultures that are taken;
 - (i) Not earlier than forty-eight hours after discontinuance of antibiotics, and
 - (ii) At least twenty-four hours apart;
 - (B) The food employee was restricted after symptoms of vomiting or diarrhea resolved, and more than thirty days have passed since the food employee became asymptomatic; or
 - (C) The food employee was excluded or restricted and did not develop symptoms and more than thirty days have passed since the food employee was diagnosed.
- (8) Reinstate a food employee who was excluded or restricted as specified in subsection (b) (8) (A) or (B) if the food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee meets one of the following conditions:
- (A) Has received antibiotic therapy for Streptococcus pyogenes infection for more than twenty-four hours;
 - (B) Has at least one negative throat specimen culture for Streptococcus pyogenes infection; or
 - (C) Is otherwise determined by a health practitioner to be free of a Streptococcus pyogenes infection;
- (9) Reinstate a food employee who was restricted as specified in subsection (b) (9) if the skin, infected wound, cut, or pustular boil is properly covered with one of the following:
- (A) An impermeable cover such as a finger cot or stall and a single-use glove over the impermeable cover if the infected wound or pustular boil is on the hand, finger, or wrist;

- (B) An impermeable cover on the arm if the infected wound or pustular boil is on the arm; or
- (C) A dry, durable, tight-fitting bandage if the infected wound or pustular boil is on another part of the body;
- (10) Reinstate a food employee who was restricted as specified in subsection (b)(10) and was exposed to one of the following pathogens as specified in subsection (a)(1)(D) or (E):
 - (A) Norovirus and one of the following conditions is met:
 - (i) More than forty-eight hours have passed since the last day the food employee was potentially exposed; or
 - (ii) More than forty-eight hours have passed since the food employee's household contact became asymptomatic;
 - (B) Shigella spp. or Shiga toxin producing Escherichia Coli and one of the following conditions is met:
 - (i) More than three calendar days have passed since the last day the food employee was potentially exposed; or
 - (ii) More than three calendar days have passed since the food employee's household contact became asymptomatic;
 - (C) S. Typhi and one of the following conditions is met:
 - (i) More than fourteen calendar days have passed since the last day the food employee was potentially exposed; or
 - (ii) More than fourteen calendar days have passed since the food employee's household contact became asymptomatic.
 - (D) Hepatitis A virus and one of the following conditions is met:
 - (i) The food employee is immune to hepatitis A virus infection because of a prior illness from hepatitis A;
 - (ii) The food employee is immune to hepatitis A virus infection because of vaccination against hepatitis A;
 - (iii) The food employee is immune to hepatitis A virus infection because of IgG administration;

- (iv) More than thirty calendar days have passed since the last day the food employee was potentially exposed;
- (v) More than thirty calendar days have passed since the food employee's household contact became jaundiced; or
- (vi) The food employee does not use an alternative procedure that allows bare hand contact with ready-to-eat food until at least thirty calendar days after the potential exposure, as specified in subsection (c) (10) (D) (iv) and (v), and the food employee receives additional training about hepatitis A symptoms and preventing the transmission of infection, proper handwashing procedures, and protecting ready-to-eat food from contamination introduced by bare hand contact. [Eff 2/24/2014; am and comp SEP 01 2017]
(Auth: HRS §321-11) (Imp: HRS §321-11)

§11-50-22 Personal cleanliness. (a) Food employees shall keep their hands and exposed portions of their arms clean.

- (b) Cleaning procedure.
 - (1) Except as specified in paragraph (4), food employees shall clean their hands and exposed portions of their arms, including surrogate prosthetic devices for hands or arms for at least twenty seconds, using a cleaning compound in a handwashing sink that is equipped as specified in sections 11-50-61(c) and 11-50-72(a) to (f);
 - (2) Food employees shall use the following cleaning procedure in the order stated to clean their hands and exposed portions of their arms, including surrogate prosthetic devices for hands and arms:
 - (A) Rinse under clean, running water;
 - (B) Apply an amount of cleaning compound recommended by the cleaning compound manufacturer;
 - (C) Rub together vigorously for at least ten to fifteen seconds while: