

- (i) Paying particular attention to removing soil from underneath the fingernails during the cleaning procedure;
  - (ii) Creating friction on the surfaces of the hands and arms or surrogate prosthetic devices for hands and arms, finger tips, and areas between the fingers;
- (D) Thoroughly rinse under clean, running water; and
- (E) Immediately follow the cleaning procedure with thorough drying using a method as specified in section 11-50-72(c);
- (3) To avoid recontaminating their hands or surrogate prosthetic devices, food employees may use disposable paper towels or similar clean barriers when touching surfaces such as manually operated faucet handles on a handwashing sink or the handle of a restroom door;
- (4) If approved and capable of removing the types of soils encountered in the food operations involved, an automatic handwashing facility may be used by food employees to clean their hands or surrogate prosthetic devices.
- (c) Food employees shall clean their hands and exposed portions of their arms as specified in subsection (b) immediately before engaging in food preparation including working with exposed food, clean equipment and utensils, and unwrapped single-service and single-use articles and:
  - (1) After touching bare human body parts other than clean hands and clean, exposed portions of arms;
  - (2) After using the toilet room;
  - (3) After caring for or handling service animals or aquatic animals as specified in section 11-50-23(d)(2);
  - (4) Except as specified in section 11-50-23(a)(2), after coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking;
  - (5) After handling soiled equipment or utensils;
  - (6) During food preparation, as often as necessary to remove soil and contamination and to prevent cross contamination when changing tasks;

- (7) When switching between working with raw food and working with ready-to-eat food;
  - (8) Before donning gloves to initiate a task that involves working with food; and
  - (9) After engaging in other activities that contaminate the hands.
- (d) Food employees shall clean their hands in a handwashing sink or approved automatic handwashing facility and may not clean their hands in a sink used for food preparation or warewashing, or in a service sink or a curbed cleaning facility used for the disposal of mop water and similar liquid waste.
- (e) Hand antiseptics.
- (1) A hand antiseptic used as a topical application, a hand antiseptic solution used as a hand dip, or a hand antiseptic soap shall:
- (A) Comply with one of the following:
    - (i) Be an approved drug that is listed in the FDA publication "Approved Drug Products with Therapeutic Equivalence Evaluations" as an approved drug based on safety and effectiveness; or
    - (ii) Have active antimicrobial ingredients that are listed in the FDA monograph for OTC Health-Care Antiseptic Drug Products as an antiseptic handwash;
  - (B) Consist only of components which the intended use of each complies with one of the following:
    - (i) A threshold of regulation exemption as specified in 21 CFR 170.39, entitled "Threshold of regulation for substances used in food-contact articles";
    - (ii) Comply with and be listed in 21 CFR 178, entitled "Indirect food additives: adjuvants, production aids, and sanitizers" as regulated for use as a food additive with conditions of safe use; or
    - (iii) A determination of generally recognized as safe (GRAS). Partial listings of substances with food uses that are GRAS may be found in 21 CFR 182, entitled "Substances generally recognized as safe", 21 CFR 184,

- entitled "Direct food substances affirmed as generally recognized as safe", or 21 CFR 186, entitled "Indirect food substances affirmed as generally recognized as safe", for use in contact with food, and in FDA's Inventory of GRAS Notices, or
- (iv) A prior sanction listed in 21 CFR 181, entitled "Prior Sanctioned Food Ingredients," and
  - (C) Be applied only to hands that are cleaned as specified in subsection (b);
  - (2) If a hand antiseptic or a hand antiseptic solution used as a hand dip does not meet the criteria specified in paragraph (1)(B), use shall be:
    - (A) Followed by thorough hand rinsing in clean water before hand contact with food or by the use of gloves; or
    - (B) Limited to situations that involve no direct contact with food by the bare hands;
  - (3) A hand antiseptic solution used as a hand dip shall be maintained clean and at a strength equivalent to at least one hundred milligrams per liter of chlorine.
  - (f) Fingernails maintenance.
    - (1) Food employees shall keep their fingernails trimmed, filed, and maintained so the edges and surfaces are cleanable and not rough;
    - (2) Unless wearing intact gloves in good repair, a food employee may not wear fingernail polish or artificial fingernails when working with exposed food.
  - (g) Except for a plain ring such as a wedding band, while preparing food, food employees may not wear jewelry including medical information jewelry on their arms and hands.
  - (h) Food employees shall wear clean outer clothing to prevent contamination of food, equipment, utensils, linens, and single-service and single-use articles. [Eff 2/24/2014; am and comp SEP 01 2017 ] (Auth: HRS §321-11) (Imp: HRS §321-11)

§11-50-23 Hygienic practices. (a) Eating, drinking, or using tobacco.

- (1) Except as specified in paragraph (2), an employee shall eat, drink, or use any form of tobacco only in designated areas where the contamination of exposed food; clean equipment, utensils, and linens; unwrapped single-service and single-use articles; or other items needing protection cannot result;
- (2) A food employee may drink from a closed beverage container if the container is handled to prevent contamination of:
  - (A) The employee's hands;
  - (B) The container; and
  - (C) Exposed food, clean equipment, utensils, linens, unwrapped single-service, and single-use articles.
- (b) Food employees experiencing persistent sneezing, coughing, or a runny nose that causes discharges from the eyes, nose, or mouth may not work with exposed food; clean equipment, utensils, and linens; or unwrapped single-service or single-use articles.
- (c) Hair restraints effectiveness.
  - (1) Except as provided in paragraph (2), food employees may be required to wear hair restraints such as hats, hair coverings or nets, beard restraints, and clothing that covers body hair, that are designed and worn to effectively keep their hair from contacting exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles;
  - (2) This section does not apply to food employees such as counter staff who only serve beverages and wrapped or packaged foods, hostesses, and wait staff if they present a minimal risk of contaminating exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.
- (d) Animals handling prohibition.
  - (1) Except as specified in paragraph (2), food employees may not care for or handle animals that may be present such as patrol dogs, service animals, or pets that are allowed as specified in section 11-50-74(o)(2)(B) to (E);
  - (2) Food employees with service animals may handle or care for their service animals and food employees may handle or care for fish in aquariums or molluscan shellfish or crustacea in display tanks

if they wash their hands as specified in section 11-50-22(b) and (c)(3). [Eff 2/24/2014; comp SEP 01 2017 ] (Auth: HRS §321-11) (Imp: HRS §321-11)

§§11-50-24 to 11-50-29 (Reserved).

### SUBCHAPTER 3

#### FOOD

§11-50-30 Characteristics. Food shall be safe, unadulterated, and, as specified in section 11-50-35(a), honestly presented. [Eff 2/24/2014; am and comp SEP 01 2017 ] (Auth: HRS §321-11) (Imp: HRS §321-11)

§11-50-31 Source, specifications for receiving, original containers and records. (a) Compliance with food law.

- (1) Food shall be obtained from sources that comply with law;
- (2) Food prepared in a private home may not be used or offered for human consumption in a food establishment;
- (3) Fish, other than those specified in section 11-50-33(e)(2), that are intended for consumption in raw or undercooked form and allowed as specified in section 11-50-33(a)(4), may be offered for sale or service if they are obtained from a supplier that freezes the fish as specified in section 11-50-33(e); or if they are frozen on the premises as specified in section 11-50-33(e) and records are retained as specified in section 11-50-33(f);
- (4) Whole-muscle, intact beef steaks that are intended for consumption in an undercooked form without a consumer advisory as specified in section 11-50-33(a)(3) shall be:
  - (A) Obtained from a food processing plant that, upon request by the purchaser, packages the steaks and labels them, to indicate that the steaks meet the definition of whole-muscle, intact beef; or

- (B) Deemed acceptable by the director based on other evidence, such as written buyer specifications or invoices, that indicates that the steaks meet the definition of whole-muscle, intact beef; and
- (C) If individually cut in a food establishment:
  - (i) Cut from whole-muscle intact beef that is labeled by a food processing plant as specified in subparagraph (A) or identified as specified in subparagraph (B);
  - (ii) Prepared so they remain intact; and
  - (iii) If packaged for undercooking in a food establishment, labeled as specified in subparagraph (A) or identified as specified in subparagraph (B).
- (5) Meat and poultry that is not a ready-to-eat food and is in a packaged form when it is offered for sale or otherwise offered for consumption, shall be labeled to include safe handling instructions as specified in law, including 9 CFR 317.2(1) and 9 CFR 381.125(b);
- (6) Eggs that have not been specifically treated to destroy all viable Salmonellae shall be labeled to include safe handling instructions as specified in law, including 21 CFR 101.17(h).
- (b) Food in a hermetically sealed container shall be obtained from a food processing plant that is regulated by the food regulatory agency that has jurisdiction over the plant.
- (c) Fluid milk and milk products shall be obtained from sources that comply with Grade A Standards as specified in law.
- (d) Fish.
  - (1) Fish that are received for sale or service shall be:
    - (A) Commercially and legally caught or harvested; or
    - (B) Approved for sale or service;
  - (2) Molluscan shellfish that are recreationally caught may not be received for sale or service.
- (e) Molluscan shellfish.
  - (1) Molluscan shellfish shall be obtained from sources according to law or the requirements specified in the U.S.



Department of Health and Human Services,  
Public Health Service, Food and Drug  
Administration, National Shellfish  
Sanitation Program Guide for the Control of  
Molluscan Shellfish;

- (2) Molluscan shellfish received in interstate commerce shall be from sources that are listed in the Interstate Certified Shellfish Shippers List.
- (f) Wild mushrooms.
  - (1) Except as specified in paragraph (2), mushroom species picked in the wild shall not be offered for sale or service by a food establishment unless the food establishment has been approved to do so by the department;
  - (2) This section does not apply to:
    - (A) Cultivated wild mushroom species that are grown, harvested, and processed in an operation that is regulated by the food regulatory agency that has jurisdiction over the operation; or
    - (B) Wild mushroom species if they are in packaged form and are the product of a food processing plant that is regulated by the food regulatory agency that has jurisdiction over the plant.
- (g) Game animals. If game animals are received for sale or service they shall be:
  - (1) Commercially raised for food and:
    - (A) Raised, slaughtered, and processed under a voluntary inspection program that is conducted by the agency that has animal health jurisdiction; or
    - (B) Under a routine inspection program conducted by a regulatory agency other than the agency that has animal health jurisdiction; and
    - (C) Raised, slaughtered, and processed according to:
      - (i) Laws governing meat and poultry as determined by the agency that has animal health jurisdiction and the agency that conducts the inspection program; and
      - (ii) Requirements which are developed by the agency that has animal health

- jurisdiction and the agency that conducts the inspection program with consideration of factors such as the need for antemortem and postmortem examination by an approved veterinarian or veterinarian's designee;
- (2) Under a voluntary inspection program administered by the USDA for game animals such as exotic animals (reindeer, elk, deer, antelope, water buffalo, or bison) that are "inspected and approved" in accordance with 9 CFR 352, entitled "Exotic animals and horses; voluntary inspection" or rabbits that are "inspected and certified" in accordance with 9 CFR 354, entitled "Voluntary inspection of rabbits and edible products thereof";
  - (3) As allowed by law, for wild game animals that are live caught:
    - (A) Under a routine inspection program conducted by a regulatory agency such as the agency that has animal health jurisdiction; and
    - (B) Slaughtered and processed according to:
      - (i) Laws governing meat and poultry as determined by the agency that has animal health jurisdiction and the agency that conducts the inspection program; and
      - (ii) Requirements which are developed by the agency that has animal health jurisdiction and the agency that conducts the inspection program with consideration of factors such as the need for antemortem and postmortem examination by an approved veterinarian or veterinarian's designee; or
  - (4) As allowed by law, for field-dressed wild game animals under a routine inspection program that ensures the animals:
    - (A) Receive a postmortem examination by an approved veterinarian or veterinarian's designee; or
    - (B) Are field-dressed and transported according to requirements specified by the agency



that has animal health jurisdiction and the agency that conducts the inspection program; and

- (C) Are processed according to laws governing meat and poultry as determined by the agency that has animal health jurisdiction and the agency that conducts the inspection program.
- (h) Temperature when received.
- (1) Except as specified in paragraph (2), refrigerated, potentially hazardous food (time/temperature control for safety food) shall be at a temperature of forty-one degrees Fahrenheit or below when received;
- (2) If a temperature other than forty-one degrees Fahrenheit for a potentially hazardous food (time/temperature control for safety food) is specified in law governing its distribution, such as laws governing milk and molluscan shellfish, the food may be received at the specified temperature;
- (3) Raw eggs shall be received in refrigerated equipment that maintains an ambient air temperature of forty-five degrees Fahrenheit or less;
- (4) Potentially hazardous food (time/temperature control for safety food) that is cooked to a temperature and for a time specified in section 11-50-33(a) to (c) and received hot shall be at a temperature of one hundred thirty-five degrees Fahrenheit or above;
- (5) A food that is labeled frozen and shipped frozen by a food processing plant shall be received frozen;
- (6) Upon receipt, potentially hazardous food (time/temperature control for safety food) shall be free of evidence of previous temperature abuse.
- (i) Food may not contain unapproved food additives or additives that:
  - (1) Exceed amounts specified in 21 CFR 170-180 relating to food additives;
  - (2) Generally recognized as safe or prior sanctioned substances that exceed amounts specified in 21 CFR 181-186;



- (3) Substances that exceed amounts specified in 9 CFR Subpart C Section 424.21(b), entitled "Food ingredients and sources of radiation"; or
- (4) Pesticide residues that exceed provisions specified in 40 CFR 180, entitled "Tolerances and exceptions for pesticide chemical residues in food".
- (j) Eggs shall be received clean and sound and may not exceed the restricted egg tolerances for U.S. Consumer Grade B as specified in United States Standards, Grades, and Weight Classes for Shell Eggs, AMS 56.200 et seq., administered by the Agricultural Marketing Service of USDA.
- (k) Eggs and milk products, pasteurized.
  - (1) Egg products shall be obtained pasteurized;
  - (2) Fluid and dry milk and milk products shall:
    - (A) Be obtained pasteurized; and
    - (B) Comply with Grade A Standards as specified in law;
  - (3) Frozen milk products, such as ice cream, shall be obtained pasteurized as specified in 21 CFR 135, entitled "Frozen desserts".
  - (4) Cheese shall be obtained pasteurized unless alternative procedures to pasteurization are specified in the CFR, such as 21 CFR 133, entitled "Cheeses and related cheese products", for curing certain cheese varieties.
- (l) Food packages shall be in good condition and protect the integrity of the contents so that the food is not exposed to adulteration or potential contaminants.
- (m) Ice for use as a food or a cooling medium shall be made from drinking water.
- (n) Shucked shellfish, packaging and identification.
  - (1) Raw shucked shellfish shall be obtained in nonreturnable packages which bear a legible label that identifies the:
    - (A) Name, address, and certification number of the shucker, packer, or repacker of the molluscan shellfish; and
    - (B) The "sell by" or "best if used by" date for packages with a capacity of less than one-half gallon or the date shucked for packages with a capacity of one-half gallon or more;
  - (2) A package of raw shucked shellfish that does not bear a label or which bears a label which does not contain all the information as specified in

paragraph (1) shall be subject to a hold order, as allowed by law, or seizure and destruction.

(o) Shellstock identification.

(1) Shellstock shall be obtained in containers bearing legible source identification tags or labels that are affixed by the harvester or dealer that depurates, ships, or reships the shellstock, as specified in state rules or the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish, and:

(A) Except as specified in paragraph (3), the harvester's tag or label shall list the following information in the following order:

- (i) The harvester's identification number that is assigned by the shellfish control authority;
- (ii) The date of harvesting;
- (iii) The most precise identification of the harvest location or aquaculture site that is practicable based on the system of harvest area designations that is in use by the shellfish control authority and including the abbreviation of the name of the state or country in which the shellfish are harvested;
- (iv) The type and quantity of shellfish; and
- (v) The following statement in bold, capitalized type: "This tag is required to be attached until container is empty or retagged and thereafter kept on file for 90 days"; and

(B) Except as specified in paragraph (4), each dealer's tag or label shall list the following information in the following order:

- (i) The dealer's name and address, and the certification number assigned by the shellfish control authority;
- (ii) The original shipper's certification number including the abbreviation of the name of the state or country in which the shellfish are harvested;



- (iii) The same information as specified for a harvester's tag in subparagraph (A)(ii) to (iv); and
  - (iv) The following statement in bold, capitalized type: "This tag is required to be attached until container is empty and thereafter kept on file for 90 days";
- (2) A container of shellstock that does not bear a tag or label or that bears a tag or label that does not contain all the information as specified in paragraph (1) shall be subject to a hold order, as allowed by law, or seizure and destruction in accordance with 21 CFR Subpart D, entitled "Specific administrative decisions regarding interstate shipments", Section 1240.60(d);
- (3) If a space is provided on the harvester's tag or label for a dealer's name, address, and certification number, the dealer's information shall be listed first;
- (4) If the harvester's tag or label is designed to accommodate each dealer's identification as specified in paragraph (1)(B)(i) and (ii), individual dealer tags or labels need not be provided.
- (p) When received by a food establishment, shellstock shall be reasonably free of mud, dead shellfish, and shellfish with broken shells. Dead shellfish or shellstock with badly broken shells shall be discarded.
- (q) Juice treated. Pre-packaged juice shall:
  - (1) Be obtained from a processor with a HACCP system as specified in 21 CFR Part 120, entitled "Hazard analysis and critical control (HACCP) systems"; and
  - (2) Be obtained pasteurized or otherwise treated to attain a five-log reduction of the most resistant microorganism of public health significance as specified in 21 CFR Part 120.24, entitled "Process Controls".
- (r) Molluscan shellfish, original container.
  - (1) Except as specified in paragraphs (2) to (4), molluscan shellfish may not be removed from the container in which they are received other than immediately before sale or preparation for service;



- (2) For display purposes, shellstock may be removed from the container in which they are received, displayed on drained ice, or held in a display container, and a quantity specified by a consumer may be removed from the display or display container and provided to the consumer if:
  - (A) The source of the shellstock on display is identified as specified in subsection (o) and recorded as specified in subsection (s); and
  - (B) The shellstock are protected from contamination;
- (3) Shucked shellfish may be removed from the container in which they were received and held in a display container from which individual servings are dispensed upon a consumer's request if:
  - (A) The labeling information for the shellfish on display as specified in subsection (n) is retained and correlated to the date when, or dates during which, the shellfish are sold or served; and
  - (B) The shellfish are protected from contamination;
- (4) Shucked shellfish may be removed from the container in which they were received and repacked in consumer self service containers where allowed by law if:
  - (A) The labeling information for the shellfish is on each consumer self service container as specified in subsection (n) and section 11-50-35(b)(1) and (2)(A) to (D);
  - (B) The labeling information as specified in subsection (n) is retained and correlated with the date when, or dates during which, the shellfish are sold or served;
  - (C) The labeling information and dates specified in subparagraph (B) are maintained for ninety days; and
  - (D) The shellfish are protected from contamination.
- (s) Shellstock, maintaining identification.
- (1) Except as specified in paragraph (3)(B), shellstock tags or labels shall remain attached to the container in which the shellstock are received until the container is empty;



- (2) The date when the last shellstock from the container is sold or served shall be recorded on the tag or label;
  - (3) The identity of the source of shellstock that are sold or served shall be maintained by retaining shellstock tags or labels for ninety calendar days from the date that is recorded on the tag or label, as specified in paragraph (2), by:
    - (A) Using an approved record keeping system that keeps the tags or labels in chronological order correlated to the date that is recorded on the tag or label, as specified in paragraph (2); and
    - (B) If shellstock are removed from its tagged or labeled container:
      - (i) Preserving source identification by using a record keeping system as specified in subparagraph (A); and
      - (ii) Ensuring that shellstock from one tagged or labeled container are not commingled with shellstock from another container with different certification numbers; different harvest dates; or different growing areas as identified on the tag or label before being ordered by the consumer. [Eff 2/24/2014; am and comp SEP 01 2017 ] (Auth: HRS §321-11)
- (Imp: HRS §321-11)

§11-50-32 Protection from contamination after receiving. (a) Preventing contamination from hands.

- (1) Food employees shall wash their hands as specified in section 11-50-22(b);
- (2) Except when washing fruits and vegetables as specified in subsection (g) or as specified in paragraph (4), food employees may not contact exposed, ready-to-eat food with their bare hands and shall use suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment;
- (3) Food employees shall minimize bare hand and arm contact with exposed food that is not in a ready-to-eat form;



- (4) Paragraph (2) does not apply to a food employee that contacts exposed, ready-to-eat food with bare hands at the time the ready-to-eat food is being added as an ingredient to a food that:
  - (A) Contains a raw animal food and is to be cooked in the food establishment to heat all parts of the food to the minimum temperature specified in section 11-50-33(a)(1)-(2) or 11-50-33(b); or
  - (B) Does not contain a raw animal food but is to be cooked in the food establishment to heat all parts of the food to a temperature of one hundred forty-five degrees Fahrenheit.
- (5) Food employees not serving a highly susceptible population may contact exposed, ready-to-eat food with their bare hands if:
  - (A) The owner or operator obtains prior approval from the department;
  - (B) Written procedures are maintained in the food establishment and made available to the department upon request that include:
    - (i) For each bare hand contact procedure, a listing of the specific ready-to-eat foods that are touched by bare hands;
    - (ii) Diagrams and other information showing that handwashing facilities, installed, located, equipped, and maintained as specified in sections 11-50-61(g), (l), (o) and 11-50-72(b), (c), and (e), are in an easily accessible location and in close proximity to the work station where the bare hand contact procedure is conducted;
  - (C) A written employee health policy that details how the food establishment complies with section 11-50-21(a), (b), and (c) including:
    - (i) Documentation that food employees and conditional employees acknowledge that they are informed to report information about their health and activities as they relate to gastrointestinal symptoms and diseases

- that are transmittable through food as specified in section 11-50-21(a)(1);
- (ii) Documentation that food employees and conditional employees acknowledge their responsibilities as specified in section 11-50-21(a)(5); and
  - (iii) Documentation that the person in charge acknowledges the responsibilities as specified in section 11-50-21(a)(2) to (4), (b), and (c);
- (D) Documentation that food employees acknowledge that they have received training in:
- (i) The risks of contacting the specific ready-to-eat foods with bare hands;
  - (ii) Proper handwashing as specified in section 11-50-22(b);
  - (iii) When to wash their hands as specified in section 11-50-22(c);
  - (iv) Where to wash their hands as specified in section 11-50-22(d);
  - (v) Proper fingernail maintenance as specified in section 11-50-22(f);
  - (vi) Prohibition of jewelry as specified in section 11-50-22(g); and
  - (vii) Good hygienic practices as specified in section 11-50-23(a) and (b);
- (E) Documentation that hands are washed before food preparation and as necessary to prevent cross contamination by food employees as specified in section 11-50-22(a), (b), (c), and (d) during all hours of operation when the specific ready-to-eat foods are prepared;
- (F) Documentation that food employees contacting ready-to-eat food with bare hands use two or more of the following control measures to provide additional safeguards to hazards associated with bare hand contact:
- (i) Double handwashing;
  - (ii) Nail brushes;
  - (iii) A hand antiseptic after handwashing as specified in section 11-50-22(e);

- (iv) Incentive programs such as paid sick leave that assist or encourage food employees not to work when they are ill; or
- (v) Other control measures approved by the director; and
- (G) Documentation that corrective action is taken when subparagraphs (A) to (F) are not followed.
- (b) A food employee may not use a utensil more than once to taste food that is to be sold or served.
- (c) Packaged and unpackaged food - separation, packaging, and segregation.
- (1) Food shall be protected from cross contamination by:
  - (A) Except as specified in clause (iii), separating raw animal foods during storage, preparation, holding, and display from:
    - (i) Raw ready-to-eat food including other raw animal food such as fish for sushi or molluscan shellfish, or other raw ready-to-eat food such as fruits and vegetables; and
    - (ii) Cooked ready-to-eat food;
    - (iii) Frozen, commercially processed and packaged raw animal food may be stored or displayed with or above frozen, commercially processed and packaged, ready-to eat food;
  - (B) Except when combined as ingredients, separating types of raw animal foods from each other such as beef, fish, lamb, pork, and poultry during storage, preparation, holding, and display by:
    - (i) Using separate equipment for each type;
    - (ii) Arranging each type of food in equipment so that cross contamination of one type with another is prevented; or
    - (iii) Preparing each type of food at different times or in separate areas;
  - (C) Cleaning equipment and utensils as specified in section 11-50-50(b)(1) and sanitizing as specified in section 11-50-51(c);

- (D) Except as specified in section 11-50-34(e) (2) (B) and in paragraph (2), storing the food in packages, covered containers, or wrappings;
- (E) Cleaning hermetically sealed containers of food of visible soil before opening;
- (F) Protecting food containers that are received packaged together in a case or overwrap from cuts when the case or overwrap is opened;
- (G) Storing damaged, spoiled, or recalled food being held in the food establishment as specified in section 11-50-73(c); and
- (H) Separating fruits and vegetables, before they are washed as specified in subsection (g) from ready-to-eat food;
- (2) Paragraph (1) (D) does not apply to:
  - (A) Whole, uncut, raw fruits and vegetables and nuts in the shell, that requires peeling or hulling before consumption;
  - (B) Primal cuts, quarters, or sides of raw meat or slab bacon that are hung on clean, sanitized hooks or placed on clean, sanitized racks;
  - (C) Whole, uncut, processed meats such as country hams, and smoked or cured sausages that are placed on clean, sanitized racks;
  - (D) Food being cooled as specified in section 11-50-34(e) (2) (B); or
  - (E) Shellstock.

(d) Except for containers holding food that can be readily and unmistakably recognized, such as dry pasta, working containers holding food or food ingredients that are removed from their original packages for use in the food establishment, such as cooking oils, flour, herbs, potato flakes, salt, spices, and sugar shall be identified with the common name of the food.

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

- (1) Cooked as specified in section 11-50-33(a) (1) (A) or (B); or
- (2) Included in section 11-50-33(a) (4).
- (f) Protection from unapproved additives.

- (1) Food shall be protected from contamination that may result from the addition of, as specified in section 11-50-31(i):
  - (A) Unsafe or unapproved food or color additives; and
  - (B) Unsafe or unapproved levels of approved food and color additives;
- (2) A food employee may not:
  - (A) Apply sulfiting agents to fresh fruits and vegetables intended for raw consumption or to a food considered to be a good source of vitamin B1; or
  - (B) Except for grapes, serve or sell food specified in subparagraph (A) that is treated with sulfiting agents before receipt by the food establishment.
- (g) Washing fruits and vegetables.
  - (1) Except as specified in paragraph (2) and except for whole, raw fruits and vegetables that are intended for washing by the consumer before consumption, raw fruits and vegetables shall be thoroughly washed in water to remove soil and other contaminants before being cut, combined with other ingredients, cooked, served, or offered for human consumption in ready-to-eat form;
  - (2) Fruits and vegetables may be washed by using chemicals approved by the department.
- (h) After use as a medium for cooling the exterior surfaces of food such as melons or fish, packaged foods such as canned beverages, or cooling coils and tubes of equipment, ice may not be used as food.
  - (i) Storage or display of food in contact with water or ice.
    - (1) Packaged food may not be stored in direct contact with ice or water if the food is subject to the entry of water because of the nature of its packaging, wrapping, or container or its positioning in the ice or water;
    - (2) Except as specified in paragraphs (3) and (4), unpackaged food may not be stored in direct contact with undrained ice;
    - (3) Whole, raw fruits or vegetables; cut, raw vegetables such as celery or carrot sticks or cut potatoes; and tofu may be immersed in ice or water;

- (4) Raw poultry and raw fish that are received immersed in ice in shipping containers may remain in that condition while in storage awaiting preparation, display, service, or sale.
- (j) Food shall only contact surfaces of:
  - (1) Equipment and utensils that are cleaned as specified in section 11-50-50 and sanitized as specified in section 11-50-51; or
  - (2) Single-service and single-use articles; or
  - (3) Linens, such as cloth napkins, as specified in subsection (1) that are laundered as specified in section 11-50-52.
- (k) During pauses in food preparation or dispensing, food preparation and dispensing utensils shall be stored:
  - (1) Except as specified in paragraph (2), in the food with their handles above the top of the food and the container;
  - (2) In food that is not potentially hazardous (time/temperature control for safety food) with their handles above the top of the food within containers or equipment that can be closed, such as bins of sugar, flour, or cinnamon;
  - (3) On a clean portion of the food preparation table or cooking equipment only if the in-use utensil and the food-contact surface of the food preparation table or cooking equipment are cleaned and sanitized at a frequency specified in sections 11-50-50(b) and 11-50-51(b);
  - (4) In running water of sufficient velocity to flush particulates to the drain, if used with moist food such as ice cream or mashed potatoes;
  - (5) In a clean, protected location if the utensils, such as ice scoops, are used only with a food that is not potentially hazardous (time/temperature control for safety food);
  - (6) In a container of water if the water is maintained at a temperature of at least one hundred thirty-five degrees Fahrenheit and the container is cleaned at a frequency specified in section 11-50-50(b)(4)(G); or
  - (7) In any other manner approved by the department.
- (l) Linens, such as cloth napkins, may not be used in contact with food unless they are used to line a container for the service of foods and the linens and napkins are replaced each time the container is refilled for a new consumer.