

- (m) Wiping cloths, use limitation.
  - (1) Cloths in-use for wiping food spills from tableware and carry-out containers that occur as food is being served shall be:
    - (A) Maintained dry; and
    - (B) Used for no other purpose;
  - (2) Cloths in-use for wiping counters and other equipment surfaces shall be:
    - (A) Held between uses in a chemical sanitizer solution at a concentration specified in section 11-50-49(m); and
    - (B) Laundered daily as specified in section 11-50-52(b) (4);
  - (3) Cloths in-use for wiping surfaces in contact with raw animal foods shall be kept separate from cloths used for other purposes;
  - (4) Dry wiping cloths and the chemical sanitizing solutions specified in paragraph (2) (A) in which wet wiping cloths are held between uses shall be free of food debris and visible soil;
  - (5) Containers of chemical sanitizing solutions specified in paragraph (2) (A) in which wet wiping cloths are held between uses shall be stored off the floor and used in a manner that prevents contamination of food, equipment, utensils, linens, single-service, or single-use articles;
  - (6) Single-use disposable sanitizer wipes shall be used in accordance with EPA approved manufacturer's label use instructions.
- (n) Gloves, use limitation.
  - (1) If used, single-use gloves shall be used for only one task such as working with ready-to-eat food or with raw animal food, used for no other purpose, and discarded when damaged or soiled, or when interruptions occur in the operation;
  - (2) Except as specified in paragraph (3), slash-resistant gloves that are used to protect the hands during operations requiring cutting shall be used in direct contact only with food that is subsequently cooked as specified in section 11-50-33 such as frozen food or a primal cut of meat;
  - (3) Slash-resistant gloves may be used with ready-to-eat food that will not be subsequently cooked if the slash-resistant gloves have a smooth, durable, and nonabsorbent outer surface; or if

the slash-resistant gloves are covered with a smooth, durable, nonabsorbent glove, or a single-use glove;

- (4) Cloth gloves may not be used in direct contact with food unless the food is subsequently cooked as required in section 11-50-33 such as frozen food or a primal cut of meat.
- (o) Using clean tableware for second portions and refills.
  - (1) Except for refilling a consumer's drinking cup or container without contact between the pouring utensil and the lip-contact area of the drinking cup or container, food employees may not use tableware, including single-service articles, soiled by the consumer, to provide second portions or refills;
  - (2) Except as specified in paragraph (3), self-service consumers may not be allowed to use soiled tableware, including single-service articles, to obtain additional food from the display and serving equipment;
  - (3) Drinking cups and containers may be reused by self-service consumers if refilling is a contamination-free process as specified in section 11-50-46(p)(1), (2), and (4).
- (p) Refilling returnables.
  - (1) Except as specified in paragraphs (2)-(5) of this section, empty containers returned to a food establishment for cleaning and refilling with food shall be cleaned and refilled in a regulated food processing plant.
  - (2) A take-home food container returned to a food establishment may be filled at a food establishment with food if the food container is:
    - (A) Designed and constructed for reuse and in accordance with the requirements specified under sections 11-50-45 and 11-50-46.
    - (B) One that is initially provided by the food establishment to the consumer, either empty or filled with food by the food establishment, for the purpose of being returned for reuse;
    - (C) Returned to the food establishment by the consumer after use;
    - (D) Subject to the following steps before being refilled with food:

- (i) Cleaned as specified under section 11-50-50,
  - (ii) Sanitized as specified under section 11-50-51, and
  - (iii) Visually inspected by a food employee to verify that the container, as returned, meets the requirements specified under sections 11-50-45 and 11-50-46.
- (3) A take-home food container returned to a food establishment may be refilled at a food establishment with beverage if:
  - (A) The beverage is not a potentially hazardous food;
  - (B) The design of the container and of the rinsing equipment and the nature of the beverage, when considered together, allow effective cleaning at home or in the food establishment;
  - (C) Facilities for rinsing before refilling returned container with fresh, hot water that is under pressure and not recirculated are provided as part of the dispensing system;
  - (D) The consumer-owned container returned to the food establishment for refilling is refilled for sale or service only to the same consumer; and
  - (E) The container is refilled by:
    - (i) An employee of the food establishment, or
    - (ii) The owner of the container if the beverage system includes a contamination-free transfer process as specified under section 11-50-46(p)(1), (2), and (4) that cannot be bypassed by the container owner.
- (4) Consumer-owned, personal take-out beverage containers, such as thermally insulated bottles, nonspill coffee cups, and promotional beverage glasses, may be refilled by employees or the consumer if refilling is a contamination-free process as specified under section 11-50-46(p)(1), (2), and (4).

- (5) Consumer-owned containers that are not food-specific may be filled at a water vending machine or system.
- (q) Food storage.
  - (1) Except as specified in paragraphs (2) and (3), food shall be protected from contamination by storing the food:
    - (A) In a clean, dry location;
    - (B) Where it is not exposed to splash, dust, or other contamination; and
    - (C) At least six inches above the floor;
  - (2) Food in packages and working containers may be stored less than six inches above the floor on case lot handling equipment as specified in section 11-50-46(ii);
  - (3) Pressurized beverage containers, cased food in waterproof containers such as bottles or cans, and milk containers in plastic crates may be stored on a floor that is clean and not exposed to floor moisture.
- (r) Food may not be stored:
  - (1) In locker rooms;
  - (2) In toilet rooms;
  - (3) In dressing rooms;
  - (4) In garbage rooms;
  - (5) In mechanical rooms;
  - (6) Under sewer lines that are not shielded to intercept potential drips;
  - (7) Under leaking water lines, including leaking automatic fire sprinkler heads, or under lines on which water has condensed;
  - (8) Under open stairwells; or
  - (9) Under other sources of contamination.
- (s) Potentially hazardous food (time/temperature control for safety food) dispensed through a vending machine shall be in the package in which it was placed at the food establishment or food processing plant at which it was prepared.
- (t) During preparation, unpackaged food shall be protected from environmental sources of contamination.
- (u) Except for nuts in the shell and whole, raw fruits and vegetables that are intended for hulling, peeling, or washing by the consumer before consumption, food on display shall be protected from contamination by the use of packaging; counter, service line, or salad bar food guards; display cases; or other effective means.

- (v) Condiments, protection.
  - (1) Condiments shall be protected from contamination by being kept in dispensers that are designed to provide protection, protected food displays provided with the proper utensils, original containers designed for dispensing, or individual packages or portions;
  - (2) Condiments at a vending machine location shall be in individual packages or provided in dispensers that are filled at an approved location, such as the food establishment that provides food to the vending machine location, a food processing plant that is regulated by the agency that has jurisdiction over the operation, or a properly equipped facility that is located on the site of the vending machine location.
- (w) Consumer self-service operations.
  - (1) Raw, unpackaged animal food, such as beef, lamb, pork, poultry, and fish may not be offered for consumer self-service. This paragraph does not apply to:
    - (A) Consumer self-service of ready-to-eat foods at buffets or salad bars that serve foods such as sushi, sashimi, poke, or raw shellfish;
    - (B) Ready-to-cook individual portions for immediate cooking and consumption on the premises such as consumer-cooked meats or consumer-selected ingredients for Mongolian barbecue or yakiniku;
    - (C) Raw, shell-on shrimp, or crustacean; or
    - (D) Raw, whole, unprocessed fish that are naturally protected from contamination by a shell or skin;
  - (2) Consumer self-service operations shall be provided with suitable utensils or effective dispensing methods that protect the food from contamination;
  - (3) Consumer self-service operations such as buffets and salad bars shall be monitored by food employees trained in safe operating procedures.
- (x) When food sample demonstrations and food promotions are authorized in the establishment, the person in charge shall ensure that those activities comply with the applicable sanitation provisions of this chapter.
- (y) Returned food and re-service of food.

- (1) Except as specified in paragraph (2), after being served or sold and in the possession of a consumer, food that is unused or returned by the consumer may not be offered as food for human consumption;
  - (2) Except as specified in section 11-50-37(a)(7), a container of food that is not potentially hazardous (time/temperature control for safety food) may be re-served from one consumer to another if:
    - (A) The food is dispensed so that it is protected from contamination and the container is closed between uses, such as a narrow-neck bottle containing catsup, steak sauce, or wine; or
    - (B) The food, such as crackers, salt, or pepper, is in an unopened original package and is maintained in sound condition.
- (z) Food shall be protected from contamination that may result from a factor or source not specified in subsections (a) to (y). [Eff 2/24/2014; am and comp SEP 01 2017]  
] (Auth: HRS §321-11) (Imp: HRS §321-11)

§11-50-33 Destruction of organisms of public health concern.

- (a) Cooking raw animal foods.
  - (1) Except as specified in paragraphs (2), (3) and (4), raw animal foods such as eggs, fish, meat, poultry, and foods containing these raw animal foods, shall be cooked to heat all parts of the food to a temperature and for a time that complies with one of the following methods based on the food that is being cooked:
    - (A) One hundred forty-five degrees Fahrenheit or above for fifteen seconds for:
      - (i) Raw eggs that are broken and prepared in response to a consumer's order and for immediate service; and
      - (ii) Except as specified in subparagraphs (B) and (C) and paragraphs (2) and (3), fish and meat including game animals commercially raised for food as specified in section 11-50-31(g)(1)(A) and game animals under a voluntary inspection program



as specified in section

11-50-31(g)(1)(B);

- (B) One hundred fifty-five degrees Fahrenheit for fifteen seconds or the temperature specified in Table 33-1 that corresponds to the holding time for ratites, mechanically tenderized, and injected meats; the following if they are comminuted: fish, meat, game animals commercially raised for food as specified in section 11-50-31(g)(1)(A), and game animals in a voluntary inspection program as specified in section 11-50-31(g)(1)(B); and raw eggs that are not prepared as specified in subparagraph (A)(i):

Table 33-1

Minimum	
Temperature	Time
145°F	3 minutes
150°F	1 minute
158°F	<1 second (instantaneous)

; or

- (C) One hundred sixty-five degrees Fahrenheit or above for fifteen seconds for poultry, baluts, wild game animals as specified in section 11-50-31(g)(1)(C), stuffed fish, stuffed meat, stuffed pasta, stuffed poultry, stuffed ratites, or stuffing containing fish, meat, poultry, or ratites;
- (2) Whole meat roasts including beef, corned beef, lamb, pork, and cured pork roasts such as ham shall be cooked:
- (A) In an oven that is preheated to the temperature specified for the roast's weight in Table 33-2 and that is held at that temperature:

Table 33-2

Oven Type	Oven Temperature Based on Roast Weight	
	Less than 10 lbs	10 lbs or More
Still Dry	350°F or more	250°F or more
Convection	325°F or more	250°F or more
High Humidity <sup>1</sup>	250°F or less	250°F or less

<sup>1</sup>Relative humidity greater than ninety per cent for at least one hour as measured in the cooking chamber or exit of the oven; or in a moisture-impermeable bag that provides one hundred per cent humidity.

- ; and  
 (B) As specified in Table 33-3, to heat all parts of the food to a temperature and for the holding time that corresponds to that temperature:

Table 33-3

Temperature	Time <sup>1</sup> in Minutes	Temperature	Time <sup>1</sup> in Seconds
130°F	112	147°F	134
131°F	89	149°F	85
133°F	56	151°F	54
135°F	36	153°F	34
136°F	28	155°F	22
138°F	18	157°F	14
140°F	12	158°F	0
142°F	8	-	-
144°F	5	-	-
145°F	4	-	-

<sup>1</sup>Holding time may include post-oven heat rise.

- (3) A raw or undercooked whole-muscle, intact beef steak may be served or offered for sale in a ready-to-eat form if:
- (A) The food establishment serves a population that is not a highly susceptible population;
  - (B) The steak is labeled to indicate that it meets the definition of "whole-muscle, intact beef" as specified in section 11-50-31(a)(4); and
  - (C) The steak is cooked on both the top and bottom to a surface temperature of one hundred forty-five degrees Fahrenheit or above and a cooked color change is achieved on all external surfaces;
- (4) A raw animal food such as raw egg, raw fish, raw-marinated fish, raw molluscan shellfish, or steak tartare; or a partially cooked food such as lightly cooked fish, soft cooked eggs, or rare



meat other than whole-muscle, intact beef steaks as specified in paragraph (3), may be served or offered for sale upon consumer request or selection in a ready-to-eat form if:

- (A) As specified in section 11-50-37(a)(3)(A) and (B), the food establishment serves a population that is not a highly susceptible population;
- (B) The food, if served or offered for service by consumer selection from a children's menu, does not contain comminuted meat; and
- (C) The consumer is informed as specified in section 11-50-35(d) that to ensure its safety, the food should be cooked as specified in paragraph (1) or (2); or
- (D) The department grants a variance from paragraph (1) or (2) as specified in section 11-50-13(a) based on a HACCP plan that:
  - (i) Is submitted by the owner or operator and approved as specified in section 11-50-13(b);
  - (ii) Documents scientific data or other information showing that a lesser time and temperature regimen results in a safe food; and
  - (iii) Verifies that equipment and procedures for food preparation and training of food employees at the food establishment meet the conditions of the variance.

(b) Raw animal foods cooked in a microwave oven shall be:

- (1) Rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat;
- (2) Covered to retain surface moisture;
- (3) Heated to a temperature of at least one hundred sixty-five degrees Fahrenheit in all parts of the food; and
- (4) Allowed to stand covered for two minutes after cooking to obtain temperature equilibrium.

(c) Fruits and vegetables that are cooked for hot holding shall be cooked to a temperature of one hundred thirty-five degrees Fahrenheit.

- (d) Raw animal foods that are cooked using a non-continuous cooking process shall be:
- (1) Subject to an initial heating process that is no longer than sixty minutes in duration;
  - (2) Immediately after initial heating, cooled according to the time and temperature parameters specified for cooked potentially hazardous food (time/temperature control for safety food) in section 11-50-34(d)(1);
  - (3) After cooling, held frozen or cold, as specified for potentially hazardous food (time/temperature control for safety food) in section 11-50-34(f)(1)(B);
  - (4) Prior to sale or service, cooked using a process that heats all parts of the food to a temperature and for a time as specified under section 11-50-33(a)(1)-(3);
  - (5) Cooled according to the time and temperature parameters specified for cooked potentially hazardous food (time/temperature control for safety food) in section 11-50-34(d)(1) if not either hot held as specified in section 11-50-34(f)(1), served immediately, or held using time as a public health control as specified in section 11-50-34(i) after complete cooking; and
  - (6) Prepared and stored according to written procedures that:
    - (A) Have obtained prior approval from the department;
    - (B) Are maintained in the food establishment and are available to the department upon request;
    - (C) Describe how the requirements specified in paragraphs (1) to (5) are to be monitored and documented by the owner or operator and the corrective actions to be taken if the requirements are not met;
    - (D) Describe how the foods, after initial heating, but prior to complete cooking, are to be marked or otherwise identified as foods that must be cooked as specified in paragraph (4) prior to being offered for sale or service; and
    - (E) Describe how the foods, after initial heating but prior to cooking as specified in paragraph (4), are to be separated from

ready-to-eat foods as specified in section 11-50-32(c)(1).

- (e) Parasite destruction.
- (1) Except as specified in paragraph (2), before service or sale in ready-to-eat form, raw, raw-marinated, partially cooked, or marinated-partially cooked fish shall be:
  - (A) Frozen and stored at a temperature of minus four degrees Fahrenheit or below for a minimum of one hundred sixty-eight hours (seven days) in a freezer;
  - (B) Frozen at minus thirty-one degrees Fahrenheit or below until solid and stored at minus thirty-one degrees Fahrenheit or below for a minimum of fifteen hours; or
  - (C) Frozen at minus thirty-one degrees Fahrenheit or below until solid and stored at minus four degrees Fahrenheit or below for a minimum of twenty-four hours;
- (2) Paragraph (1) does not apply to:
  - (A) Molluscan shellfish;
  - (B) A scalloped product consisting only of the shucked adductor muscle;
  - (C) Tuna of the species *Thunnus alalunga* (Albacore tuna), *Thunnus albacares* (Yellowfin tuna), *Thunnus atlanticus* (Blackfin tuna), *Thunnus maccoyii* (Bluefin tuna, Southern), *Thunnus obesus* (Bigeye tuna), *Thunnus thynnus* (Bluefin tuna, Northern), *Katsuwonus Pelamis* (Skipjack tuna), *Makaira nigricans* (Pacific blue marlin), *Tetrapturus audax* (Striped marlin); or
  - (D) Aquacultured fish, such as salmon, that:
    - (i) If raised in open water, are raised in net-pens; or
    - (ii) Are raised in land-based operations such as ponds or tanks; and
    - (iii) Are fed formulated feed, such as pellets, that contains no live parasites infective to the aquacultured fish;
  - (E) Fish eggs that have been removed from the skein and rinsed; or
  - (F) Non-anadromous open ocean fish commonly eaten raw such as tuna, marlin, and

snapper, if the required consumer advisory clearly states that consuming raw or undercooked fish that have not been adequately frozen may increase the risk of infection or injury from parasitic worms.

- (f) Records, creation and retention.
  - (1) Except as specified in subsection (e) (2) and paragraph (2), if raw, raw-marinated, partially cooked, or marinated-partially cooked fish are served or sold in ready-to-eat form, the person in charge shall record the freezing temperature and time to which the fish are subjected and shall retain the records of the food establishment for ninety calendar days beyond the time of service or sale of the fish;
  - (2) If the fish are frozen by a supplier, a written agreement or statement from the supplier stipulating that the fish supplied are frozen to a temperature and for a time specified in subsection (e) may substitute for the records specified in paragraph (1).
  - (3) If raw, raw-marinated, partially cooked, or marinated-partially cooked fish are served or sold in ready-to-eat form, and the fish are raised and fed as specified in subsection (e) (2) (D), a written agreement or statement from the supplier or aquaculturist stipulating that the fish were raised and fed as specified in subsection (e) (2) (D) shall be obtained by the person in charge and retained in the records of the food establishment for ninety calendar days beyond the time of service or sale of the fish;
- (g) Cooked and refrigerated food that is prepared for immediate service in response to an individual consumer order, such as a roast beef sandwich au jus, may be served at any temperature.
  - (h) Reheating for hot holding.
    - (1) Except as specified in paragraphs (2), (3), and (5), potentially hazardous food (time/temperature control for safety food) that is cooked, cooled, and reheated for hot holding shall be reheated so that all parts of the food reach a temperature of at least one hundred sixty-five degrees Fahrenheit for fifteen seconds;
    - (2) Except as specified in paragraph (3), potentially hazardous food (time/temperature control for

- safety food) reheated in a microwave oven for hot holding shall be reheated so that all parts of the food reach a temperature of at least one hundred sixty-five degrees Fahrenheit and the food is rotated or stirred, covered, and allowed to stand covered for two minutes after reheating;
- (3) Ready-to-eat food that has been commercially processed and packaged in a food processing plant that is inspected by the food regulatory authority that has jurisdiction over the plant, shall be heated to a temperature of at least one hundred thirty-five degrees Fahrenheit for hot holding;
  - (4) Reheating for hot holding as specified in paragraphs (1) to (3) shall be done rapidly and the time the food is between forty-one degrees Fahrenheit and the temperatures specified in paragraphs (1) to (3) may not exceed two hours;
  - (5) Remaining unsliced portions of meat roasts that are cooked as specified in subsection (a) (2) may be reheated for hot holding using the oven parameters and minimum time and temperature conditions specified in subsection (a) (2).
  - (i) Juice packaged in a food establishment shall be:
    - (1) Treated under a HACCP plan as specified in section 11-50-4(h) (2) (B) to (E) to attain a five-log reduction, which is equal to a 99.999 per cent reduction, of the most resistant microorganism of public health significance; or
    - (2) Labeled, if not treated to yield a five-log reduction of the most resistant microorganism of public health significance:
      - (A) As specified in section 11-50-35(b); and
      - (B) As specified in 21 CFR 101.17(g), juices that have not been specifically processed to prevent, reduce, or eliminate the presence of pathogens with the following, "Warning: This product has not been pasteurized and, therefore, may contain harmful bacteria that can cause serious illness in children, the elderly, and persons with weakened immune systems".
- [Eff 2/24/2014; am and comp ]  
 (Auth: HRS §321-11) (Imp: HRS §321-11)

§11-50-34 Limitation of growth of organisms of public health concern. (a) Stored frozen foods shall be maintained frozen.

(b) Frozen potentially hazardous food (time/temperature control for safety food) that is slacked to moderate the temperature shall be held:

(1) Under refrigeration that maintains the food temperature at forty-one degrees Fahrenheit or less;

(2) At any temperature if the food remains frozen.

(c) Potentially hazardous food (time/temperature control for safety food) shall be thawed:

(1) Under refrigeration that maintains the food temperature at forty-one degrees Fahrenheit or less; or

(2) Completely submerged under running water:

(A) At a water temperature of seventy degrees Fahrenheit or below;

(B) With sufficient water velocity to agitate and float off loose particles in an overflow; and

(C) For a period of time that does not allow thawed portions of ready-to-eat food to rise above forty-one degrees Fahrenheit; or

(D) For a period of time that does not allow thawed portions of a raw animal food requiring cooking as specified in section 11-50-33(a) (1) or (2) to be above forty-one degrees Fahrenheit, for more than four hours including:

(i) The time the food is exposed to the running water and the time needed for preparation for cooking; or

(ii) The time it takes under refrigeration to lower the food temperature to forty-one degrees Fahrenheit;

(3) As part of a cooking process if the food that is frozen is:

(A) Cooked as specified in section 11-50-33(a) (1), (2) or (b); or

(B) Thawed in a microwave oven and immediately transferred to conventional cooking equipment, with no interruption in the process;

(4) Using any procedure if a portion of frozen ready-to-eat food is thawed and prepared for immediate



- service in response to an individual consumer's order; or
- (5) Using any procedure that ensures the surface temperature does not exceed forty-one degrees Fahrenheit during thawing; or
  - (6) Reduced oxygen packaged fish that bears a label that it is to be kept frozen until time of use should be removed from the reduced oxygen environment:
    - (A) Prior to its thawing under refrigeration as specified in paragraph (1) of this section; or
    - (B) Prior to, or immediately upon completion of, its thawing using procedures specified in paragraph (2) of this section.
- (d) Cooling.
- (1) Cooked potentially hazardous food (time/temperature control for safety food) shall be cooled:
    - (A) Within two hours from one hundred thirty-five degrees Fahrenheit to seventy degrees Fahrenheit; and
    - (B) Within a total of six hours from one hundred thirty-five degrees Fahrenheit to forty-one degrees Fahrenheit or less;
  - (2) Potentially hazardous food (time/temperature control for safety food) shall be cooled within four hours to forty-one degrees Fahrenheit or less if prepared from ingredients at ambient temperature, such as reconstituted foods and canned tuna;
  - (3) Except as specified in paragraph (4), a potentially hazardous food (time/temperature control for safety food) received in compliance with laws allowing a temperature above forty-one degrees Fahrenheit during shipment from the supplier as specified in section 11-50-31(h)(2), shall be cooled within four hours to forty-one degrees Fahrenheit or less.
  - (4) Raw eggs shall be received as specified in section 11-50-31(h)(3) and immediately placed in refrigerated equipment that maintains an ambient air temperature of forty-five degrees Fahrenheit or less;
- (e) Cooling methods.

- (1) Cooling shall be accomplished in accordance with the time and temperature criteria specified in subsection (d) by using one or more of the following methods based on the type of food being cooled:
    - (A) Placing the food in shallow pans;
    - (B) Separating the food into smaller or thinner portions;
    - (C) Using rapid cooling equipment;
    - (D) Stirring the food in a container placed in an ice water bath;
    - (E) Using containers (such as metal and stainless steel) that facilitate heat transfer;
    - (F) Adding ice as an ingredient; or
    - (G) Other effective methods;
  - (2) When placed in cooling or cold holding equipment, food containers in which food is being cooled shall be:
    - (A) Arranged in the equipment to provide maximum heat transfer through the container walls; and
    - (B) Loosely covered, or uncovered if protected from overhead contamination as specified in section 11-50-32(q) (1) (B), during the cooling period to facilitate heat transfer from the surface of the food.
- (f) Potentially hazardous food (time/temperature control for safety food), hot and cold holding.
- (1) Except during preparation, cooking, or cooling, or when time is used as the public health control as specified in subsection (i), and except as specified in paragraphs (2) and (3), potentially hazardous food (time/temperature control for safety food) shall be maintained:
    - (A) At one hundred thirty-five degrees Fahrenheit or above, except that roasts cooked to a temperature and for a time specified in section 11-50-33(a) (2) or reheated as specified in section 11-50-33(h) (5) may be held at a temperature of one hundred thirty degrees Fahrenheit or above; or
    - (B) At forty-one degrees Fahrenheit or less;
  - (2) Eggs that have not been treated to destroy all viable *Salmonellae* shall be stored in

- refrigerated equipment that maintains an ambient air temperature of forty-five degrees Fahrenheit or less;
- (3) Potentially hazardous food (time/temperature control for safety food) in a homogenous liquid form may be maintained outside of the temperature control requirements, as specified in paragraph (1), while contained within specially designed equipment that complies with the design and construction requirements as specified in section 11-50-46(p) (5).
  - (g) Ready-to-eat, potentially hazardous food (time/temperature control for safety food), date marking.
    - (1) Except when packaging food using a reduced oxygen packaging method as specified in subsection (1), and except as specified in paragraphs (5) and (6), refrigerated, ready-to-eat, potentially hazardous food (time/temperature control for safety food) prepared and held in a food establishment for more than twenty-four hours shall be clearly marked to indicate the date or day by which the food shall be consumed on the premises, sold, or discarded when held at a temperature of forty-one degrees Fahrenheit or less for a maximum of seven days;
    - (2) Except as specified in paragraphs (5) to (7), refrigerated, ready-to-eat, potentially hazardous food (time/temperature control for safety food) prepared and packaged by a food processing plant shall be clearly marked, at the time the original container is opened in a food establishment and if the food is held for more than twenty-four hours, to indicate the date or day by which the food shall be consumed on the premises, sold, or discarded, based on the temperature and time combinations specified in paragraph (1) and:
      - (A) The day the original container is opened in the food establishment shall be counted as day one; and
      - (B) The day or date marked by the food establishment may not exceed a manufacturer's use-by date if the manufacturer determined the use-by date based on food safety;
    - (3) A refrigerated, ready-to-eat, potentially hazardous food (time/temperature control for

- safety food) ingredient or a portion of a refrigerated, ready-to-eat, potentially hazardous food (time/temperature control for safety food) that is subsequently combined with additional ingredients or portions of food shall retain the date marking of the earliest-prepared or first prepared ingredient;
- (4) A date marking system that meets the criteria stated in paragraphs (1) and (2) may include:
    - (A) Using a method approved by the department for refrigerated, ready-to-eat potentially hazardous food (time/temperature control for safety food) that is frequently rewrapped, such as lunchmeat or a roast, or for which date marking is impractical, such as soft serve mix or milk in a dispensing machine;
    - (B) Marking the date or day of preparation, with a procedure to discard the food on or before the last date or day by which the food must be consumed on the premises, sold, or discarded as specified in paragraph (1);
    - (C) Marking the date or day the original container is opened in a food establishment, with a procedure to discard the food on or before the last date or day by which the food must be consumed on the premises, sold, or discarded as specified in paragraph (2); or
    - (D) Using calendar dates, days of the week, color-coded marks, or other effective marking methods, provided that the marking system is disclosed to the department upon request;
  - (5) Paragraphs (1) and (2) do not apply to individual meal portions served or repackaged for sale from a bulk container upon a consumer's request;
  - (6) Paragraphs (1) and (2) do not apply to shellstock.
  - (7) Paragraph (2) does not apply to the following foods prepared and packaged by a food processing plant inspected by a regulatory authority:
    - (A) Deli salads, such as ham salad, seafood salad, chicken salad, egg salad, pasta salad, potato salad, and macaroni salad,



- manufactured in accordance with 21 CFR 110, entitled "Current good manufacturing practice in manufacturing, packing, or holding human food";
- (B) Hard cheeses containing not more than 39 per cent moisture as defined in 21 CFR 133, entitled "Cheeses and related cheese products", such as cheddar, gruyere, parmesan and reggiano, and romano;
  - (C) Semi-soft cheeses containing more than thirty-nine per cent moisture, but not more than fifty per cent moisture, as defined in 21 CFR 133, entitled "Cheeses and related cheese products", such as blue, edam, gorgonzola, gouda, and Monterey jack;
  - (D) Cultured dairy products as defined in 21 CFR 131, entitled "Milk and cream", such as yogurt, sour cream, and buttermilk;
  - (E) Preserved fish products, such as pickled herring and dried or salted cod, and other acidified fish products defined in 21 CFR 114, entitled "Acidified foods";
  - (F) Shelf stable, dry fermented sausages, such as pepperoni and Genoa salami that are not labeled "Keep Refrigerated" as specified in 9 CFR 317 entitled "Labeling, marking devices, and containers", and which retain the original casing on the product; and
  - (G) Shelf stable salt-cured products such as prosciutto and Parma (ham) that are not labeled "Keep Refrigerated" as specified in 9 CFR 317 entitled "Labeling, marking devices, and containers".
- (h) Ready-to-eat, potentially hazardous food (time/temperature control for safety food), disposition.
- (1) A food specified in subsection (g) (1) or (2) shall be discarded if it:
    - (A) Exceeds the temperature and time combination specified in subsection (g) (1), except time that the product is frozen;
    - (B) Is in a container or package that does not bear a date or day; or
    - (C) Is appropriately marked with a date or day that exceeds a temperature and time combination as specified in subsection (g) (1);

- (2) Refrigerated, ready-to-eat, potentially hazardous food (time/temperature control for safety food) prepared in a food establishment and dispensed through a vending machine with an automatic shutoff control shall be discarded if it exceeds a temperature and time combination as specified in subsection (g)(1);
  - (i) Time as a public health control.
  - (i) Except as specified in paragraph (4), if time without temperature control is used as the public health control for a working supply of potentially hazardous food (time/temperature control for safety food) before cooking, or for ready-to-eat potentially hazardous food (time/temperature control for safety food) that is displayed or held for sale or service:
    - (A) Written procedures shall be prepared in advance, maintained in the food establishment and made available to the department upon request that specify:
      - (i) Methods of compliance with paragraph (2)(A) to (C) or (3)(A) to (E); and
      - (ii) Methods of compliance with subsection (d) for food that is prepared, cooked, and refrigerated before time is used as a public health control;
- (2) If time without temperature control is used as the public health control up to a maximum of four hours:
  - (A) The food shall have an initial temperature of forty-one degrees Fahrenheit or less when removed from cold holding temperature control or one hundred thirty-five degrees Fahrenheit or greater when removed from hot holding temperature control;
  - (B) The food shall be marked or otherwise identified to indicate the time that is four hours past the point in time when the food is removed from temperature control;
  - (C) The food shall be cooked and served, served at any temperature if ready-to-eat, or discarded, within four hours from the point in time when the food is removed from temperature control; and