

Chapter 40-7
Food Division Regulations

Subject 40-7-1
Retail Food Sales

Rule 40-7-1-.02 Purpose & Definitions: Definitions

(1) Statement of Application and Listing of Terms.

(a) The following definitions shall apply in the interpretation and application of these Regulations.

(b) Terms Defined. As used in these Regulations, each of the terms listed in 40-7-1-.02 (1)(b) shall have the meaning stated below.

1. Accredited program.

(i) "**Accredited program**" means a food protection manager certification program that has been evaluated and listed by an accrediting agency as conforming to national standards for organizations that certify individuals.

(ii) "**Accredited program**" refers to the certification process and is a designation based upon an independent evaluation of factors such as the sponsor's mission; organizational structure; staff resources; revenue sources; policies; public information regarding program scope, eligibility requirements, re-certification, discipline and grievance procedures; and test development and administration.

(iii) "*Accredited program*" does not refer to training functions or educational programs.

2. Additive.

(i) "**Food additive**" has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 201(s) and 21 CFR 170.3(e)(1).

(ii) "**Color additive**" has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 201(t) and 21 CFR 70.3(f).

3. "**Adulterated**" has the meaning stated in the Official Code of Georgia Annotated (O.C.G.A.) § 26-2-26, and the Federal Food, Drug, and Cosmetic Act, § 402.

4. "**Approved**" means acceptable to the DEPARTMENT based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.

5. Asymptomatic.

(i) "**Asymptomatic**" means without obvious symptoms; not showing or producing indications of a disease or other medical condition, such as an individual infected with a pathogen but not exhibiting or producing any signs or symptoms of vomiting, diarrhea, or jaundice.

(ii) "**Asymptomatic**" includes not showing symptoms because symptoms have resolved or subsided, or because symptoms never manifested.

6. "**A_w**" means water activity which is a measure of the free moisture in a FOOD, is the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature, and is indicated by the symbol A_w.

7. "**Balut**" means an embryo inside a fertile EGG that has been incubated for a period sufficient for the embryo to reach a specific stage of development after which it is removed from incubation before hatching.

8. "**Beverage**" means a liquid for drinking, including water.

9. "**Bottled drinking water**" means water that is SEALED in bottles, packages, or other containers and offered for sale for human consumption, including bottled mineral water.

10. "**Casing**" means a tubular container for sausage products made of either natural or artificial, or synthetic, material.

11. "**Certification number**" means a unique combination of letters and numbers assigned by a SHELLFISH CONTROL AUTHORITY to a MOLLUSCAN SHELLFISH DEALER according to the provisions of the National Shellfish Sanitation Program.

12. "**CFR**" means CODE OF FEDERAL REGULATIONS. Citations in these Regulations to the CFR refer sequentially to the Title, Part, and Section numbers, such as 40 CFR 180.194 refers to Title 40, Part 180, Section 194.

13. **CIP**.

(i) "**CIP**" means cleaned in place by the circulation or flowing by mechanical means through a piping system of a detergent solution, water rinse, and SANITIZING solution onto or over EQUIPMENT surfaces that require cleaning, such as the method used, in part, to clean and SANITIZE a frozen dessert machine.

(ii) "**CIP**" does not include the cleaning of EQUIPMENT such as band saws, slicers, or mixers that are subjected to in-place manual cleaning without the use of a CIP system.

14. "**Commingle**" means:

(i) To combine SHELLSTOCK harvested on different days or from different growing areas as identified on the tag or label, or

(ii) To combine SHUCKED SHELLFISH from containers with different container codes or different shucking dates.

15. Comminuted.

(i) "**Comminuted**" means reduced in size by methods including chopping, flaking, grinding, or mincing.

(ii) "**Comminuted**" includes FISH or MEAT products that are reduced in size and restructured or reformulated such as gefilte FISH, gyros, ground beef, and sausage; and a mixture of two (2) or more types of MEAT that have been reduced in size and combined, such as sausages made from two (2) or more MEATS.

16. "**Conditional employee**" means a potential FOOD EMPLOYEE to whom a job offer is made, conditional on responses to subsequent medical questions or examinations designed to identify potential FOOD EMPLOYEES who may be suffering from a disease that can be transmitted through FOOD and done in compliance with Title 1 of the Americans with Disabilities Act of 1990.

17. "**Confirmed disease outbreak**" means a FOOD BORNE DISEASE OUTBREAK in which laboratory analysis of appropriate specimens identifies a causative agent and epidemiological analysis implicates the FOOD as the source of the illness.

18. "**Consumer**" means a PERSON who is a member of the public, takes possession of FOOD, is not functioning in the capacity of an operator of a FOOD ESTABLISHMENT or FOOD PROCESSING PLANT, and does not offer the FOOD for resale.

19. Core item.

(i) "**Core item**" means a provision in these Regulations that is not designated as a PRIORITY ITEM or a PRIORITY FOUNDATION ITEM.

(ii) "**Core item**" includes an item that usually relates to general sanitation, operational controls, sanitation standard operating procedures (SSOPs), facilities or structures, equipment design, or general maintenance.

20. "**Corrosion-resistant material**" means a material that maintains acceptable surface cleanability characteristics under prolonged influence of the FOOD to be contacted, the normal use of cleaning compounds and SANITIZING solutions, and other conditions of the use environment.

21. "**Counter-mounted equipment**" means EQUIPMENT that is not portable and is designed to be mounted off the floor on a table, counter, or shelf.

22. "**Critical control point**" means a point or procedure in a specific FOOD system where loss of control may result in an unacceptable health RISK.

23. "**Critical limit**" means the maximum or minimum value to which a physical, biological, or chemical parameter must be controlled at a CRITICAL CONTROL POINT to minimize the RISK that the identified FOOD safety HAZARD may occur.

24. "**Cut leafy greens**" means fresh leafy greens whose leaves have been cut, shredded, sliced, chopped, or torn. The term "leafy greens" includes iceberg lettuce, romaine lettuce, leaf lettuce, butter lettuce, baby leaf lettuce - i.e. immature lettuce or leafy greens, escarole, endive, spring mix, spinach, cabbage, kale, arugula and chard. The term "leafy greens" does not include herbs such as cilantro or parsley.

25. "**Dealer**" means a PERSON who is authorized by a SHELLFISH CONTROL AUTHORITY for the activities of SHELLSTOCK shipper, shucker-packer, repacker, reshipper, or depuration processor of MOLLUSCAN SHELLFISH according to the provisions of the National Shellfish Sanitation Program.

26. "**Department**" means the Georgia Department of Agriculture.

27. "**Disclosure**" means a written statement that clearly identifies the animal-derived FOODS which are, or can be ordered, raw, undercooked, or without otherwise being processed to eliminate pathogens, or items that contain an ingredient that is raw, undercooked, or without otherwise being processed to eliminate pathogens.

28. **Drinking Water.**

(i) "**Drinking water**" means water that meets criteria as specified in 40 CFR 141 National Primary Drinking Water Regulations.

(ii) "**Drinking water**" is traditionally known as "potable water."

(iii) "**Drinking water**" includes the term "water" *except where the term used connotes that the water is not potable, such as "boiler water," "mop water," "rainwater," "wastewater," and "nondrinking" water.*

29. "**Dry storage area**" means a room or area designated for the storage of PACKAGED or containerized bulk FOOD that is not TIME/TEMPERATURE CONTROL FOR SAFETY FOOD and dry goods such as SINGLE-SERVICE items.

30. **Easily Cleanable.**

(i) "**Easily cleanable**" means a characteristic of a surface that:

(I) Allows effective removal of soil by normal cleaning methods;

(II) Is dependent on the material, design, construction, and installation of the surface; and

(III) Varies with the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants into FOOD based on the surface's APPROVED placement, purpose, and use.

(ii) "**Easily cleanable**" includes a tiered application of the criteria that qualify the surface as EASILY CLEANABLE as specified in Subparagraph (i) of this definition to different situations in which varying degrees of cleanability are required such as:

(I) The appropriateness of stainless steel for a FOOD preparation surface as opposed to the lack of need for stainless steel to be used for floors or for tables used for CONSUMER dining; or

(II) The need for a different degree of cleanability for a utilitarian attachment or accessory in the kitchen as opposed to a decorative attachment or accessory in the CONSUMER dining area.

31. "**Easily movable**" means:

(i) Portable; mounted on casters, gliders, or rollers; or provided with a mechanical means to safely tilt a unit of EQUIPMENT for cleaning; and

(ii) Having no utility connection, a utility connection that disconnects quickly, or a flexible utility connection line of sufficient length to allow the EQUIPMENT to be moved for cleaning of the EQUIPMENT and adjacent area.

32. **Egg.**

(i) "**Egg**" means the shell EGG of avian species such as chicken, duck, goose, guinea, quail, RATITES or turkey.

(ii) "**Egg**" does not include:

(I) A *BALUT*;

(II) *The egg of reptile species such as alligator; or*

(III) *An EGG PRODUCT.*

33. **Egg Product.**

(i) "**Egg Product**" means all, or a portion of, the contents found inside EGGS separated from the shell and pasteurized in a FOOD PROCESSING PLANT, with or without added ingredients, intended for human consumption, such as dried, frozen or liquid eggs.

(ii) *"Egg Product"* does not include FOOD which contains EGGS only in a relatively small proportion such as cake mixes.

34. **"Employee"** means the LICENSE HOLDER, PERSON IN CHARGE, FOOD EMPLOYEE, PERSON having supervisory or management duties, PERSON on the payroll, family member, volunteer, PERSON performing work under contractual agreement, or other PERSON working in a FOOD ESTABLISHMENT.

35. **"EPA"** means the U.S. Environmental Protection Agency.

36. **Equipment.**

(i) **"Equipment"** means an article that is used in the operation of a FOOD ESTABLISHMENT, such as a freezer, grinder, hood, ice maker, MEAT block, mixer, oven, reach-in refrigerator, scale, sink, slicer, stove, table, TEMPERATURE MEASURING DEVICE for ambient air, VENDING MACHINE, or WAREWASHING machine.

(ii) *"Equipment"* does not include apparatuses used for handling or storing large quantities of PACKAGED FOODS that are received from a supplier in a cased or overwrapped lot, such as hand trucks, forklifts, dollies, pallets, racks, and skids.

37. **"Exclude"** means to prevent a PERSON from working as an EMPLOYEE in a FOOD ESTABLISHMENT or entering a FOOD ESTABLISHMENT as an EMPLOYEE.

38. **"Expiration Date"** is synonymous with Pull Date, Best-By Date, Best Before Date, Use-By Date, and Sell-By Date; and means the last date on which the following FOOD products can be sold at retail or wholesale:

(i) EGGS;

(ii) Infant formula;

(iii) Milk;

(iv) Shucked oysters; and

(v) TIME/TEMPERATURE CONTROL FOR SAFETY FOOD, or any FOOD that is labeled as "keep refrigerated."

39. **"FDA"** means the U.S. Food and Drug Administration.

40. **Fish.**

(i) **"Fish"** means fresh or saltwater finfish, crustaceans and other forms of aquatic life - including alligator, frog, aquatic turtle, jellyfish, sea cucumber, and sea urchin and the roe of such animals - other than birds or

mammals, and all mollusks, if such animal life is intended for human consumption.

(ii) "**Fish**" includes an edible human FOOD product derived in whole or in part from FISH, including FISH that have been processed in any manner.

41. "**Food**" means a raw, cooked, or processed edible substance, ice, BEVERAGE, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.

42. "**Foodborne disease outbreak**" means the occurrence of two or more cases of a similar illness resulting from the ingestion of a common FOOD.

43. "**Food-contact surface**" means:

(i) A surface of EQUIPMENT or a UTENSIL with which FOOD normally comes into contact; or

(ii) A surface of EQUIPMENT or a UTENSIL from which FOOD may drain, drip, or splash:

(I) Into a FOOD, or

(II) Onto a surface normally in contact with FOOD.

44. "**Food employee**" means an individual working with unPACKAGEDFOOD, FOOD EQUIPMENT or UTENSILS, or FOOD-CONTACT SURFACES.

45. **Food Establishment.**

(i) "**Food establishment**" means:

(I) Retail and wholesale grocery stores; retail seafood stores and places of business; FOOD PROCESSING PLANTS, except those FOOD PROCESSING PLANTS which are currently required to obtain a LICENSE from the Commissioner under any other provision of LAW; bakeries; confectioneries; fruit, nut, and vegetable stores or roadside stands; wholesale sandwich and salad manufacturers, including VENDING MACHINES and operations connected therewith; and places of business and similar establishments, mobile or permanent, engaged in the sale of FOOD primarily for consumption off PREMISES.

I. Within a FOOD ESTABLISHMENT, there may be a FOOD service component, not separately operated, which may serve customers on site. This FOOD service component shall be considered as part of the FOOD ESTABLISHMENT.

II. Within a FOOD ESTABLISHMENT primarily operating as a retail firm with sales to the end CONSUMER, there may be a FOOD PROCESSING PLANT not separately owned and operated. In these types of blended operations, the retail sales are governed by these Regulations, and the FOOD PROCESSING PLANT shall be subject to the regulations in 40-7-18 Manufactured Food Operations.

(II) Cottage food operations. See DEPARTMENT rules Chapter 40-7-19 for regulations and requirements specific to cottage food operations.

(ii) **"Food establishment"** does not include:

(I) *"Food Service Establishments," as defined in the Official Code of Georgia Annotated Section 26-2-370, which are permitted by local health departments.*

(II) *This term also shall not include establishments engaged in the sale of FOOD primarily for consumption off the PREMISES if such sale is an authorized part of and occurs upon the site of a fair or festival which:*

I. *Is sponsored by a political subdivision of this state or by an organization exempt from taxes under paragraph (1) of subsection (a) of Code Section 48-7-25 or under Section 501(d) or paragraphs (1) through (8) or paragraph (10) of Section 501(c) of the Internal Revenue Code, as that code is defined in Code Section 48-1-2;*

II. *Lasts 120 hours or less; and*

III. *When sponsored by such an organization, is authorized to be conducted pursuant to a permit issued by the municipality or county in which it is conducted.*

(III) *Establishments engaged in the boiling, bottling, and sale of sugar cane syrup or sorghum syrup within this state, provided that such bottles contain a label listing the producer's name and street address, all added ingredients, and the net weight or volume of the product.*

46. Food Processing Plant.

(i) **"Food processing plant"** means a commercial operation that manufactures, packages, labels, or stores FOOD for human consumption,

and provides FOOD for sale or distribution to other business entities such as FOOD PROCESSING PLANTS or FOOD ESTABLISHMENTS.

(ii) "**Food processing plants**" operate under DEPARTMENT regulations 40-7-18 Manufactured Food Operations.

47. Game Animal.

(i) "**Game animal**" means an animal, the products of which are FOOD, that is not classified as livestock, sheep, swine, goat, horse, mule, or other equine in 9 CFR 301.2 Definitions, or as Poultry, or FISH.

(ii) "**Game animal**" includes mammals such as reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, opossum, raccoon, nutria, or muskrat, and nonaquatic reptiles such as land snakes.

(iii) "*Game animal*" does not include RATITES.

48. "**General use pesticide**" means a pesticide that is not classified by EPA for restricted use as specified in 40 CFR 152.175 Pesticides classified for restricted use.

49. "**Grade A Standards**" means the requirements of the United States Public Health Service/FDA "Grade A Pasteurized Milk Ordinance" with which certain fluid and dry milk and milk products comply.

50. "**HACCP plan**" means a written document that delineates the formal procedures for following the Hazard Analysis and Critical Control Point principles developed by The National Advisory Committee on Microbiological Criteria for Foods.

51. Handwashing Sink.

(i) "**Handwashing sink**" means a lavatory, a basin or vessel for washing, a wash basin, or PHYSICAL FACILITIES especially placed for use in personal hygiene and designed for the washing of the hands.

(ii) "**Handwashing sink**" includes an automatic handwashing facility.

52. "**Hazard**" means a biological, chemical, or physical property that may cause an unacceptable CONSUMER health RISK.

53. "**Health practitioner**" means a physician licensed to practice medicine, or if allowed by LAW, a nurse practitioner, physician assistant, or similar medical professional.

54. "**Hermetically sealed container**" means a container that is designed and intended to be secure against the entry of microorganisms and, in the case of low acid canned FOODS, to maintain the commercial sterility of its contents after processing.

55. "**Highly susceptible population**" means PERSONS who are more likely than other people in the general population to experience foodborne disease because they are:

- (i) Immunocompromised; preschool age children, or older adults; and
- (ii) Obtaining FOOD at a facility that provides services such as custodial care, health care, or assisted living, such as a child or adult day care center, kidney dialysis center, hospital or nursing home, or nutritional or socialization services such as a senior center.

56. "**Imminent health hazard**" means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on:

- (i) The number of potential injuries, and
- (ii) The nature, severity, and duration of the anticipated injury.

57. "**Injected**" means manipulating MEAT to which a solution has been introduced into its interior by processes that are referred to as "injecting," "pump marinating," or "stitch pumping."

58. "Intact Meat" means a cut of whole muscle(s) MEAT that has not undergone COMMINUTION, INJECTION, MECHANICAL TENDERIZATION, or reconstruction.

59. **Juice.**

- (i) "**Juice**" means the aqueous liquid expressed or extracted from one or more fruits or vegetables, purees of the edible portions of one or more fruits or vegetables, or any concentrates of such liquid or puree
- (ii) "**Juice**" does not include, for purposes of HACCP, liquids, puree, or concentrates that are not used as BEVERAGES or ingredients of BEVERAGES.

60. "**Kitchenware**" means FOOD preparation and storage UTENSILS.

61. "**Law**" means applicable local, state, and federal statutes, regulations, and ordinances.

62. "**License**" means the document issued by the DEPARTMENT that authorizes a PERSON to operate a FOOD ESTABLISHMENT.

63. "**License holder**" means the entity that:

- (i) Is legally responsible for the operation of the FOOD ESTABLISHMENT such as the owner, the owner's agent, or other PERSON; and

(ii) Possesses a valid LICENSE to operate a FOOD ESTABLISHMENT.

64. "**Linens**" means fabric items such as cloth hampers, cloth napkins, table cloths, wiping cloths, and work garments including cloth gloves.

65. Major Food Allergen.

(i) "**Major food allergen**" means:

(I) Milk, EGG, FISH (such as bass, flounder, cod, and including crustacean shellfish such as crab, lobster, or shrimp), tree nuts (such as almonds, pecans, or walnuts), wheat, peanuts, and soybeans; or

(II) A FOOD ingredient that contains protein derived from a FOOD, as specified in Subparagraph (i)(I) of this definition.

(ii) "**Major food allergen**" does not include:

(I) Any highly refined oil derived from a FOOD specified in Subparagraph (i)(I) of this definition and any ingredient derived from such highly refined oil; or

(II) Any ingredient that is exempt under the petition or notification process specified in the Food Allergen Labeling and Consumer Protection Act of 2004 (Public Law 108-282).

66. "**Meat**" means the flesh of animals used as FOOD including the dressed flesh of cattle, swine, sheep, or goats and other edible animals, *except FISH, POULTRY, and wild GAME ANIMALS as specified under Subparagraphs 40-7-1-.09 (7)(a) 3 and 4.*

67. Mechanically Tenderized.

(i) "**Mechanically tenderized**" means manipulating meat with deep penetration by processes which may be referred to as "blade tenderizing," "jaccarding," "pinning," "needling," or using blades, pins, needles or any mechanical device.

(ii) "**Mechanically tenderized**" does not include processes by which solutions are INJECTED into meat.

68. "**mg/L**" means milligrams per liter, which is the metric equivalent of parts per million (ppm).

69. "**Molluscan shellfish**" means any edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions thereof, *except when the scallop product consists only of the shucked adductor muscle.*

70. Non-Continuous Cooking.

(i) "**Non-continuous cooking**" means the cooking of FOOD in a FOOD ESTABLISHMENT using a process in which the initial heating of the FOOD is intentionally halted so that it may be cooled and held for complete cooking at a later time prior to sale or service.

(ii) "*Non-continuous cooking*" does not include cooking procedures that only involve temporarily interrupting or slowing an otherwise continuous cooking process.

71. Packaged.

(i) "**Packaged**" means bottled, canned, cartoned, bagged, or wrapped, whether PACKAGED in a FOOD ESTABLISHMENT or a FOOD PROCESSING PLANT.

(ii) "*Packaged*" does not include wrapped or placed in a carry-out container to protect the FOOD during service or delivery to the CONSUMER, by a FOOD EMPLOYEE, upon CONSUMER request.

72. "**Person**" means an association, a corporation, individual, partnership, other legal entity, government, or governmental subdivision or agency.

73. "**Person in charge**" means the individual present at a FOOD ESTABLISHMENT who is responsible for the operation at the time of inspection.

74. Personal Care Items.

(i) "**Personal care items**" means items or substances that may be poisonous, toxic, or a source of contamination and are used to maintain or enhance a PERSON'S health, hygiene, or appearance.

(ii) "**Personal care items**" include items such as medicines; first aid supplies; and other items such as cosmetics and toiletries, such as toothpaste and mouthwash.

75. "**pH**" means the symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution.

Values between 0 and 7 indicate acidity and values between 7 and 14 indicate alkalinity.

The value for pure distilled water is 7, which is considered neutral.

76. "**Physical facilities**" means the structure and interior surfaces of a FOOD ESTABLISHMENT including accessories such as soap and towel dispensers and attachments such as light fixtures and heating or air conditioning system vents.

77. "**Plumbing fixture**" means a receptacle or device that:

(i) Is permanently or temporarily connected to the water distribution system of the PREMISES and demands a supply of water from the system; or

(ii) Discharges used water, waste materials, or SEWAGE directly or indirectly to the drainage system of the PREMISES.

78. "**Plumbing system**" means the water supply and distribution pipes; PLUMBING FIXTURES and traps; soil, waste, and vent pipes; sanitary and storm sewers and building drains, including their respective connections, devices, and appurtenances within the PREMISES; and water-treating EQUIPMENT.

79. "**Poisonous or toxic materials**" means substances that are not intended for ingestion and are included in four (4) categories:

(i) Cleaners and SANITIZERS, which include cleaning and SANITIZING agents and agents such as caustics, acids, drying agents, polishes, and other chemicals;

(ii) Pesticides, *except* SANITIZERS, which include substances such as insecticides and rodenticides;

(iii) Substances necessary for the operation and maintenance of the establishment such as nonfood grade lubricants and PERSONAL CARE ITEMS that may be deleterious to health; and

(iv) Substances that are not necessary for the operation and maintenance of the establishment and are on the PREMISES for retail sale, such as petroleum products and paints.

80. "**Poultry**" means:

(i) Any domesticated bird - chickens, turkeys, ducks, geese, guineas, RATITES, or squabs; whether live or dead, as defined in 9 CFR 381.1 Poultry Products Inspection Regulations Definitions, Poultry; and

(ii) Any migratory waterfowl or game bird, pheasant, partridge, quail, grouse, or pigeon, whether live or dead, as defined in 9 CFR 362.1 Voluntary Poultry Inspection Regulations, Definitions.

81. "**Premises**" means:

(i) The PHYSICAL FACILITY, its contents, and the contiguous land or property under the control of the LICENSE HOLDER; or

(ii) The PHYSICAL FACILITY, its contents, and the land or property not described in Subparagraph (i) of this definition if its facilities and contents are under the control of the LICENSE HOLDER and may impact FOOD ESTABLISHMENT personnel, facilities, or operations, and a FOOD

ESTABLISHMENT is only one component of a larger operation such as a health care facility, hotel, motel, school, recreational camp, or prison.

82. **"Primal cut"** means a basic major cut into which carcasses and sides of MEAT are separated, such as a beef round, pork loin, lamb flank, or veal breast.

83. Priority Item.

(i) **"Priority item"** means a provision in these Regulations whose application contributes directly to the elimination, prevention or reduction to an acceptable level, hazards associated with foodborne illness or injury and there is no other provision that more directly controls the hazard.

(ii) **"Priority item"** includes items with a quantifiable measure to show control of hazards such as cooking, reheating, cooling, handwashing; and

(iii) **"Priority item"** is an item that is denoted in these Regulations with a superscript P - ^P.

84. Priority Foundation Item.

(i) **"Priority foundation item"** means a provision in these Regulations whose application supports, facilitates or enables one or more PRIORITY ITEMS.

(ii) **"Priority foundation item"** includes an item that requires the purposeful incorporation of specific actions, equipment or procedures by industry management to attain control of risk factors that contribute to foodborne illness or injury such as personnel training, infrastructure or necessary equipment, HACCP PLANS, documentation or record keeping, and labeling; and

(iii) **"Priority foundation item"** is an item that is denoted in these Regulations with a superscript Pf - ^{Pf}.

85. **"Public water system"** has the meaning stated in 40 CFR 141 National Primary Drinking Water Regulations.

86. **"Ratite"** means a flightless bird such as an emu, ostrich, or rhea.

87. Ready-to-Eat Food

(i) **"Ready-to-eat food"** means FOOD that:

(I) Is in a form that is edible without additional preparation to achieve FOOD safety, as specified under one of the following: 40-7-1-.11 (1)(a) or (b), 40-7-1-.11 (2), or 40-7-1-.11 (5), or as specified in 40-7-1-.11 (1)(c); or

(II) Is a raw or partially cooked animal FOOD and the CONSUMER is advised as specified in Subparagraphs 40-7-1-.11 (1)(d) 1 and 3; or

(III) Is prepared in accordance with a variance that is granted as specified in Subparagraph 40-7-1-.11 (1)(d)4; and

(IV) May receive additional preparation for palatability or aesthetic, epicurean, gastronomic, or culinary purposes.

(ii) **"Ready-to-eat food"** includes:

(I) Raw animal FOOD that is cooked as specified under 40-7-1-.11 (1) or 40-7-1-.11 (2) or frozen as specified under 40-7-1-.11 (5);

(II) Raw fruits and vegetables that are washed as specified under 40-7-1-.10 (7);

(III) Fruits and vegetables that are cooked for hot holding, as specified under 40-7-1-.11 (3);

(IV) ALL TIME/TEMPERATURE CONTROL FOR SAFETY FOOD that is cooked to the temperature and time required for the specific FOOD under 40-7-1-.11 (1) - (4) and cooled as specified under 40-7-1-.12 (4);

(V) Plant FOOD for which further washing, cooking, or other processing is not required for FOOD safety, and from which rinds, peels, husks, or shells, if naturally present are removed;

(VI) Substances derived from plants such as spices, seasonings, and sugar;

(VII) A bakery item such as bread, cakes, pies, fillings, or icing for which further cooking is not required for FOOD safety;

(VIII) The following products that are produced in accordance with USDA guidelines and that have received a lethality treatment for pathogens: dry, fermented sausages, such as dry salami or pepperoni; salt-cured MEAT and POULTRY products, such as prosciutto ham, country cured ham, and Parma ham; and dried MEAT and POULTRY products, such as jerky or beef sticks; and

(IX) FOODS manufactured as specified in 21 CFR Part 113, Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers.

88. Reduced Oxygen Packaging.

(i) **"Reduced oxygen packaging"** means:

(I) The reduction of the amount of oxygen in a PACKAGE by removing oxygen; displacing oxygen and replacing it with another gas or combination of gases; or otherwise controlling the oxygen

content to a level below that normally found in the atmosphere - approximately 21% at sea level; and

(II) A process as specified in Subparagraph (i)(I) of this definition that involves a FOOD for which the HAZARDS *Clostridium botulinum* or *Listeria monocytogenes* require control in the final PACKAGED form.

(ii) "**Reduced oxygen packaging**" includes:

(I) Vacuum PACKAGING, in which air is removed from a PACKAGE of FOOD and the PACKAGE is HERMETICALLY SEALED so that a vacuum remains inside the PACKAGE;

(II) Modified atmosphere PACKAGING, in which the atmosphere of a PACKAGE of FOOD is modified so that its composition is different from air but the atmosphere may change over time due to the permeability of the PACKAGING material or the respiration of the FOOD. Modified atmosphere PACKAGING includes reduction in the proportion of oxygen, total replacement of oxygen, or an increase in the proportion of other gases such as carbon dioxide or nitrogen;

(III) Controlled atmosphere PACKAGING, in which the atmosphere of a PACKAGE of FOOD is modified so that until the PACKAGE is opened, its composition is different from air, and continuous control of that atmosphere is maintained, such as by using oxygen scavengers or a combination of total replacement of oxygen, nonrespiring FOOD, and impermeable PACKAGING material;

(IV) Cook chill PACKAGING, in which cooked FOOD is hot filled into impermeable bags which have the air expelled and are then sealed or crimped closed. The bagged FOOD is rapidly chilled and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens; or

(V) Sous vide PACKAGING, in which raw or partially cooked FOOD is vacuum packaged in an impermeable bag, cooked in the bag, rapidly chilled, and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens.

89. "**Refuse**" means solid waste not carried by water through the SEWAGE system.

90. "**Regulatory authority**" means the local, state, or federal enforcement body or authorized representative having jurisdiction over a FOOD ESTABLISHMENT or FOOD PROCESSING PLANT.

91. "**Reminder**" means a written statement concerning the health RISK of consuming animal FOODS raw, undercooked, or without otherwise being processed to eliminate pathogens.
92. "**Re-service**" means the transfer of FOOD that is unused and returned by a CONSUMER after being served or sold and in the possession of the CONSUMER, to another PERSON.
93. "**Restrict**" means to limit the activities of a FOOD EMPLOYEE so that there is no RISK of transmitting a disease that is transmissible through FOOD and the FOOD EMPLOYEE does not work with exposed FOOD, clean EQUIPMENT, UTENSILS, LINENS, or unwrapped SINGLE-SERVICE or SINGLE-USE ARTICLES.
94. "**Restricted egg**" means any check, dirty EGG, incubator reject, inedible, leaker, or loss as defined in 9 CFR 590.
95. "**Restricted use pesticide**" means a pesticide product that contains the active ingredients specified in 40 CFR 152.175 Pesticides classified for restricted use, and that is limited to use by or under the direct supervision of a certified applicator.
96. "**Risk**" means the likelihood that an adverse health effect will occur within a population as a result of a HAZARD in a FOOD.
97. "**Safe material**" means:
- (i) An article manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any FOOD;
 - (ii) An additive that is used as specified in § 409 of the Federal Food, Drug, and Cosmetic Act; or
 - (iii) Other materials that are not ADDITIVES and that are used in conformity with applicable regulations of the Food and Drug Administration.
98. "**Sanitization**" means the application of cumulative heat or chemicals on cleaned FOOD-CONTACT SURFACES that, when evaluated for efficacy, is sufficient to yield a reduction of 5-logs, which is equal to a 99.999% reduction, of representative disease microorganisms of public health importance.
99. "**Sealed**" means free of cracks or other openings that allow the entry or passage of moisture.
100. "**Service animal**" means an animal such as a guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability.
101. "**Servicing area**" means an operating base location to which a mobile FOOD ESTABLISHMENT or transportation vehicle returns regularly for such

things as vehicle and equipment cleaning, discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding FOOD.

102. "**Sewage**" means liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.

103. "**Shellfish control authority**" means a state, federal, foreign, tribal, or other government entity legally responsible for administering a program that includes certification of harvesters and DEALER s for interstate commerce.

104. "**Shellstock**" means raw, in-shell MOLLUSCAN SHELLFISH.

105. "**Shiga toxin-producing Escherichia coli**" (STEC) means any *E. coli* capable of producing Shiga toxins - also called verocytotoxins. STEC infections can be ASYMPTOMATIC or may result in a spectrum of illness ranging from mild non-bloody diarrhea, to hemorrhagic colitis - i.e. bloody diarrhea, to hemolytic uremic syndrome (HUS) - a type of kidney failure. Examples of serotypes of STEC include: *E. coli* O157:H7; *E. coli* O157:NM; *E. coli* O26:H11; *E. coli* O145:NM; *E. coli* O103:H2; and *E. coli* O111:NM. STEC are sometimes referred to as VTEC (verocytotoxigenic *E. coli*) or as EHEC (Enterohemorrhagic *E. coli*). EHEC are a subset of STEC which can cause hemorrhagic colitis or HUS.

106. "**Shucked shellfish**" means MOLLUSCAN SHELLFISH that have one or both shells removed.

107. "**Single-service articles**" means TABLEWARE, carry-out UTENSILS, and other items such as bags, containers, placemats, stirrers, straws, toothpicks, and wrappers that are designed and constructed for one time, one PERSON use after which they are intended for discard.

108. **Single-Use Articles.**

(i) "**Single-use articles**" means UTENSILS and bulk FOOD containers designed and constructed to be used once and discarded.

(ii) "**Single-use articles**" includes items such as wax paper, butcher paper, plastic wrap, formed aluminum FOOD containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles, and number 10 cans which do not meet the materials, durability, strength, and cleanability specifications under 40-7-1-.16 (1), 40-7-1-.17 (1), and 40-7-1-.17 (3) for multiuse UTENSILS.

109. "**Slacking**" means the process of moderating the temperature of a FOOD such as allowing a FOOD to gradually increase from a temperature of -23°C (-10°F) to -4°C (25°F) in preparation for deep-fat frying or to facilitate even heat penetration during the cooking of previously block-frozen FOOD such as shrimp.

110. "**Smooth**" means:

(i) A FOOD-CONTACT SURFACE having a surface free of pits and inclusions with a cleanability equal to or exceeding that of 100 grit or number 3 stainless steel;

(ii) A nonFOOD-CONTACT SURFACE of EQUIPMENT having a surface equal to that of commercial grade hot-rolled steel free of visible scale; and

(iii) A floor, wall, or ceiling having an even or level surface with no roughness or projections that render it difficult to clean.

111. **"Tableware"** means eating, drinking, and serving UTENSILS for table use such as flatware including forks, knives, and spoons; hollowware including bowls, cups, serving dishes, and tumblers; and plates.

112. **"Temperature measuring device"** means a thermometer, thermocouple, thermistor, or other device that indicates the temperature of FOOD, air, or water.

113. **Time/Temperature Control for Safety Food** - formerly "potentially hazardous food" (PHF).

(i) **"Time/temperature control for safety food"** means a FOOD that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation.

(ii) **"Time/temperature control for safety food"** includes:

(I) An animal FOOD that is raw or heat-treated; a plant FOOD that is heat-treated or consists of raw seed sprouts, cut melons, CUT LEAFY GREENS, cut tomatoes or mixtures of cut tomatoes that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation, or garlic-in-oil mixtures that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation; and

(II) Except as specified in Subparagraph (iii)(IV) of this definition, a FOOD that because of the interaction of its A_w and pH values is designated as Product Assessment Required (PA) in Table A or B of this definition:

Table A. Interaction of pH and A_w for control of spores in FOOD heat-treated to destroy vegetative cells and subsequently PACKAGED

A_w values	pH: 4.6 or less	pH: > 4.6 - 5.6	pH: > 5.6
<0.92	non-TCS FOOD*	non-TCS FOOD	non-TCS FOOD
> 0.92 - 0.95	non-TCS FOOD	non-TCS FOOD	PA**
> 0.95	non-TCS FOOD	PA	PA

* TCS FOOD means TIME/TEMPERATURE CONTROL FOR SAFETY FOOD

** PA means Product Assessment required

Table B. Interaction of pH and A_w for control of vegetative cells and spores in FOOD not heat-treated or heat-treated but not PACKAGED

A _w values	pH: < 4.2	pH: 4.2 - 4.6	ph: > 4.6 - 5.0	pH: > 5.0
< 0.88	non-TCS food*	non-TCS food	non-TCS food	non-TCS food
0.88 - 0.90	non-TCS food	non-TCS food	non-TCS food	PA**
> 0.90 - 0.92	non-TCS food	non-TCS food	PA	PA
> 0.92	non-TCS food	PA	PA	PA

* TCS FOOD means TIME/TEMPERATURE CONTROL FOR SAFETY FOOD

** PA means Product Assessment required

(iii) *"Time/temperature control for safety food"* does not include:

(I) *An air-cooled hard-boiled EGG with shell intact, or an EGG with shell intact that is not hard-boiled, but has been pasteurized to destroy all viable salmonellae;*

(II) *A FOOD in an unopened HERMETICALLY SEALED CONTAINER that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution;*

(III) *A FOOD that because of its pH or A_w value, or interaction of A_w and pH values, is designated as a non-TCS FOOD in Table A or B of this definition;*

(IV) *A FOOD that is designated as Product Assessment Required (PA) in Table A or B of this definition and has undergone a Product Assessment showing that the growth or toxin formation of pathogenic microorganisms that are reasonably likely to occur in that FOOD is precluded due to:*

I. Intrinsic factors including added or natural characteristics of the FOOD such as preservatives, antimicrobials, humectants, acidulants, or nutrients,

II. Extrinsic factors including environmental or operational factors that affect the FOOD such as packaging, modified atmosphere such as REDUCED OXYGEN PACKAGING, shelf life and use, or temperature range of storage and use, or

III. A combination of intrinsic and extrinsic factors; or

(V) A FOOD that does not support the growth or toxin formation of pathogenic microorganisms in accordance with one of the Subparagraphs (iii)(I) - (iii)(IV) of this definition even though the FOOD may contain a pathogenic microorganism or chemical or physical contaminant at a level sufficient to cause illness or injury.

114. **"USDA"** means the U.S. Department of Agriculture.

115. **"Utensil"** means a FOOD-CONTACT implement or container used in the storage, preparation, transportation, dispensing, sale, or service of FOOD, such as KITCHENWARE or TABLEWARE that is multiuse, SINGLE-SERVICE, or SINGLE-USE; gloves used in contact with FOOD; temperature sensing probes of FOOD TEMPERATURE MEASURING DEVICES; and probe-type price or identification tags used in contact with FOOD.

116. **"Variance"** means a written document issued by the DEPARTMENT that authorizes a modification or waiver of one or more requirements of these Regulations if, in the opinion of the DEPARTMENT, a health HAZARD or nuisance will not result from the modification or waiver.

117. **"Vending machine"** means a self-service device that, upon insertion of a coin, paper currency, token, card, or key, or by electronic transaction or optional manual operation, dispenses unit servings of FOOD in bulk or in packages without the necessity of replenishing the device between each vending operation.

118. **"Vending machine location"** means the room, enclosure, space, or area where one or more VENDING MACHINES are installed and operated and includes the storage areas and areas on the PREMISES that are used to service and maintain the VENDING MACHINES.

119. **"Warewashing"** means the cleaning and SANITIZING of UTENSILS and FOOD-CONTACT SURFACES of EQUIPMENT.

120. **"Whole-muscle, intact beef"** means whole muscle beef that is not injected, mechanically tenderized, reconstructed, or scored and marinated, from which beef steaks may be cut.

Authority: O.C.G.A. Secs. 26-2-1, *et seq.*

Rule 40-7-1-.03 Management and Personnel: Supervision

(1) Assignment.

(a) Except as specified in (b) of this section, the LICENSE HOLDER 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.^{Pf}

(b) In a FOOD ESTABLISHMENT with two or more separately LICENSED departments that are the legal responsibility of the same LICENSE HOLDER and that are located on the same PREMISES, the LICENSE HOLDER 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 LICENSED FOOD ESTABLISHMENT on the PREMISES.^{Pf}

(2) Demonstration. Based on the RISKS inherent to the FOOD operation, during inspections and upon request, the PERSON IN CHARGE shall demonstrate to the DEPARTMENT knowledge of foodborne disease prevention, application of the HAZARD analysis and CRITICAL CONTROL POINT principles, and the requirements of these Regulations. The PERSON IN CHARGE shall demonstrate this knowledge by:

(a) Complying with these Regulations by having no violations of PRIORITY ITEMS during the current inspection;^{Pf}

(b) Being a certified FOOD protection manager who has shown proficiency of required information through passing a test that is part of an ACCREDITED PROGRAM;^{Pf} or

(c) Responding correctly to the inspector's questions as they relate to the specific FOOD operation. The areas of knowledge include:

1. Describing the relationship between the prevention of foodborne disease and the personal hygiene of a FOOD EMPLOYEE;^{Pf}

2. Explaining the responsibility of the PERSON IN CHARGE for preventing the transmission of foodborne disease by a FOOD EMPLOYEE who has a disease or medical condition that may cause foodborne disease;^{Pf}

3. Describing the symptoms associated with the diseases that are transmissible through FOOD;^{Pf}

4. Explaining the significance of the relationship between maintaining the time and temperature of TIME/TEMPERATURE CONTROL FOR SAFETY FOOD and the prevention of foodborne illness;^{Pf}

5. Explaining the HAZARDS involved in the consumption of raw or undercooked MEAT, POULTRY, EGGS, and FISH;^{Pf}

6. Stating the required FOOD temperatures and times for safe cooking of TIME/TEMPERATURE CONTROL FOR SAFETY FOOD including MEAT, POULTRY, EGGS, and FISH;^{Pf}

7. Stating the required temperatures and times for the safe refrigerated storage, hot holding, cooling, and reheating of TIME/TEMPERATURE CONTROL FOR SAFETY FOOD;^{Pf}

8. Describing the relationship between the prevention of foodborne illness and the management and control of the following:

(i) Cross contamination,^{Pf}

(ii) Hand contact with READY-TO-EAT FOODS,^{Pf}

(iii) Handwashing,^{Pf} and

(iv) Maintaining the FOOD ESTABLISHMENT in a clean condition and in good repair;^{Pf}

9. Describing FOODS identified as MAJOR FOOD ALLERGENS and the symptoms that a MAJOR FOOD ALLERGEN could cause in a sensitive individual who has an allergic reaction.^{Pf}

10. Explaining the relationship between FOOD safety and providing EQUIPMENT that is:

(i) Sufficient in number and capacity,^{Pf} and

(ii) Properly designed, constructed, located, installed, operated, maintained, and cleaned;^{Pf}

11. Explaining correct procedures for cleaning and SANITIZING UTENSILS and FOOD-CONTACT SURFACES of EQUIPMENT;^{Pf}

12. Identifying the source of water used and measures taken to ensure that it remains protected from contamination such as providing protection from backflow and precluding the creation of cross connections;^{Pf}

13. Identifying POISONOUS OR TOXIC MATERIALS in the FOOD ESTABLISHMENT and the procedures necessary to ensure that they are safely stored, dispensed, used, and disposed of according to LAW;^{Pf}

14. Identifying CRITICAL CONTROL POINTS in the operation from purchasing through sale or service that when not controlled may contribute to the transmission of foodborne illness and explaining steps taken to ensure that the points are controlled in accordance with the requirements of these Regulations ^{Pf}

15. Explaining the details of how the PERSON IN CHARGE and FOOD EMPLOYEES comply with the HACCP PLAN if a plan is required by the LAW,

these Regulations, or an agreement between the DEPARTMENT and the FOOD ESTABLISHMENT;^{Pf}

16. Explaining the responsibilities, rights, and authorities assigned by these Regulations to the:

- (i) FOOD EMPLOYEE,^{Pf}
- (ii) CONDITIONAL EMPLOYEE,^{Pf}
- (iii) PERSON IN CHARGE,^{Pf}
- (iv) DEPARTMENT;^{Pf} and

17. Explaining how the PERSON IN CHARGE, FOOD EMPLOYEES, and CONDITIONAL EMPLOYEES comply with reporting responsibilities and EXCLUSION or RESTRICTION of FOOD EMPLOYEES.^{Pf}

(3) Certified Food Protection Manager.

(a) At least one EMPLOYEE that has supervisory and management responsibility and the authority to direct and control FOOD preparation and service shall be a certified FOOD protection manager who has shown proficiency of required information through passing a test that is part of an ACCREDITED PROGRAM.

(b) This section does not apply to certain types of FOOD ESTABLISHMENTS deemed by the DEPARTMENT to pose minimal risk of causing, or contributing to, foodborne illness based on the nature of the operation and extent of FOOD preparation.

(4) Food Protection Manager Certification.

(a) A PERSON IN CHARGE who demonstrates knowledge by being a FOOD protection manager that is certified by a FOOD protection manager certification program that is evaluated and listed by a Conference for Food Protection-recognized accrediting agency as conforming to the Conference for Food Protection Standards for Accreditation of Food Protection Manager Certification Programs is deemed to comply with 40-7-1-.03 (2)(b).

(b) A FOOD ESTABLISHMENT that has an EMPLOYEE that is certified by a FOOD protection manager certification program that is evaluated and listed by a Conference for Food Protection-recognized accrediting agency as conforming to the Conference for Food Protection Standards for Accreditation of Food Protection Manager Certification Programs is deemed to comply with 40-7-1-.03 (3).

(5) Person in Charge. The PERSON IN CHARGE shall ensure that:

(a) FOOD ESTABLISHMENT operations are not conducted in a private home or in a room used as living or sleeping quarters as specified under 40-7-1-.31 (19);^{Pf}

(b) 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;^{Pf}

(c) EMPLOYEES and other PERSONS such as delivery and maintenance PERSONS and pesticide applicators entering the FOOD preparation, FOOD storage, and WAREWASHING areas comply with these Regulations;^{Pf}

(d) EMPLOYEES are effectively cleaning their hands, by routinely monitoring the EMPLOYEES' handwashing;^{Pf}

(e) 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, UNADULTERED, and accurately presented, by routinely monitoring the EMPLOYEES' observations and periodically evaluating FOODS upon their receipt;^{Pf}

(f) EMPLOYEES are verifying that FOODS delivered to the FOOD ESTABLISHMENT during non-operating hours are from APPROVED sources and are placed into appropriate storage locations such that they are maintained at the required temperatures, protected from contamination, UNADULTERED, and accurately presented;^{Pf}

(g) EMPLOYEES are properly cooking 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 under 40-7-1-.17 (11) and 40-7-1-.20 (17)(b);^{Pf}

(h) EMPLOYEES are using proper methods to rapidly cool TIME/TEMPERATURE CONTROL FOR SAFETY FOODS that are not held hot or are not for consumption within four (4) hours, through daily oversight of the EMPLOYEES' routine monitoring of FOOD temperatures during cooling;^{Pf}

(i) EMPLOYEES are properly maintaining the temperatures of TIME/TEMPERATURE CONTROL FOR SAFETY FOODS during hot and cold holding through daily oversight of the EMPLOYEES' routine monitoring of FOOD temperatures;^{Pf}

(j) CONSUMERS who order raw or partially cooked READY-TO-EAT FOODS of animal origin are informed as specified under 40-7-1-.13 (5) that the FOOD is not cooked sufficiently to ensure its safety;^{Pf}

(k) 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;^{Pf}

(l) 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 under 40-7-1-.10 (15);^{Pf}

(m) Except when APPROVAL is obtained from the DEPARTMENT as specified in 40-7-1-.10 (1)(e), EMPLOYEES are preventing cross-contamination of READY-TO-EATFOOD with bare hands by properly using suitable UTENSILS such as deli tissue, spatulas, tongs, single-use gloves, or dispensing EQUIPMENT;^{Pf}

(n) EMPLOYEES are properly trained in FOOD safety, including FOOD allergy awareness, as it relates to their assigned duties;^{Pf}

(o) FOOD EMPLOYEES and CONDITIONAL EMPLOYEES are informed in a verifiable manner 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 under 40-7-1-.04 (1)(a);^{Pf} and

(p) Written procedures and plans, where specified by these Regulations and as developed by the FOOD ESTABLISHMENT, are maintained and implemented as required.^{Pf}

Authority: O.C.G.A. Secs. 26-2-1, *et seq.*

Rule 40-7-1-.04 Management and Personnel: Employee Health

(1) Responsibility of License Holder, Person in Charge, and Conditional Employees.

(a) The LICENSE HOLDER shall require FOOD EMPLOYEES and 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:

1. Has any of the following symptoms:

(i) Vomiting,^P

(ii) Diarrhea,^P

(iii) Jaundice,^P

(iv) Sore throat with fever,^P or

(v) A lesion containing pus such as a boil or infected wound that is open or draining and is:

(I) 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,*^P

(II) On exposed portions of the arms, *unless the lesion is protected by an impermeable cover,*^P or

(III) On other parts of the body, *unless the lesion is covered by a dry, durable, tight-fitting bandage;*^P

2. Has an illness diagnosed by a HEALTH PRACTITIONER due to:

(i) Norovirus,^P

(ii) Hepatitis A virus,^P

(iii) *Shigella* spp.,^P

(iv) SHIGA TOXIN-PRODUCING *ESCHERICHIACOLI*,^P

(v) Typhoid Fever (caused by *Salmonella*Typhi);^P or

(vi) *Salmonella* (nontyphoidal);^P

3. Had Typhoid fever, diagnosed by a HEALTH PRACTITIONER, within the past three (3) months, without having received antibiotic therapy, as determined by a HEALTH PRACTITIONER;^P

4. 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 (48) hours of the last exposure,^P
- (ii) SHIGA TOXIN-PRODUCING *ESCHERICHIA COLI* or *Shigella* spp. within the past three (3) days of the last exposure,^P
- (iii) Typhoid fever within the past fourteen (14) days of the last exposure,^P or
- (iv) Hepatitis A virus within the past thirty (30) days of the last exposure;^P or

5. Has been exposed by attending or working in a setting where there is a CONFIRMED DISEASE OUTBREAK, or is 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 is 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 (48) hours of the last exposure,^P
- (ii) SHIGA TOXIN-PRODUCING *ESCHERICHIA COLI* or *Shigella* spp. within the past three (3) days of the last exposure,^P
- (iii) Typhoid fever (caused by *Salmonella* Typhi) within the past fourteen (14) days of the last exposure,^P or
- (iv) Hepatitis A virus within the past thirty (30) days of the last exposure.^P

(b) The PERSON IN CHARGE shall notify the DEPARTMENT when a FOOD EMPLOYEE is:

- 1. Jaundiced,^{Pf} or
- 2. Diagnosed with an illness due to a pathogen as specified under Subparagraphs (a)2(i) - (vi) of this section.^{Pf}

(c) The PERSON IN CHARGE shall ensure that a CONDITIONAL EMPLOYEE:

- 1. Who exhibits or reports a symptom, or who reports a diagnosed illness as specified under Subparagraphs (a)1 - 3 of this section, is prohibited from becoming a FOOD EMPLOYEE until the CONDITIONAL EMPLOYEE meets the criteria for the specific symptoms or diagnosed illness as specified under 40-7-1-.04 (3);^P and
- 2. 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 under Subparagraphs (a)4 - 5, is prohibited from becoming

a FOOD EMPLOYEE until the CONDITIONAL EMPLOYEE meets the criteria as specified under 40-7-1-.04 (3)(j).^P

(d) 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 under Subparagraphs (a)1 - 5 of this section is:

1. EXCLUDED as specified under 40-7-1-.04 (2)(a) - (c), and Subparagraphs (d)1, (e)1, (f)1, (g) or (h)1 and in compliance with the provisions specified under 40-7-1-.04 (3)(a) - (h);^P or

2. RESTRICTED as specified under Subparagraphs 40-7-1-.04 (2)(d) 2, (e)2, (f)2, (h)2, or 40-7-1-.04 (2)(i) or (j) and in compliance with the provisions specified under 40-7-1-.04 (3)(d) - (j).^P

(e) A FOOD EMPLOYEE or CONDITIONAL EMPLOYEE shall report to the PERSON IN CHARGE the information as specified under (a) of this section.^{Pf}

(f) A FOOD EMPLOYEE shall:

1. Comply with an EXCLUSION as specified under 40-7-1-.04 (2)(a) - (c) and Subparagraphs 40-7-1-.04 (2)(d) 1, (e)1, (f)1, (g), or (h)1 and with the provisions specified under 40-7-1-.04 (3)(a) - (h);^P or

2. Comply with a RESTRICTION as specified under Subparagraphs 40-7-1-.04 (2)(d) 2, (e)2, (f)2, (g), (h)2, or 40-7-1-.04 (2)(h), (i), or (j) and comply with the provisions specified under 40-7-1-.04 (3)(d) - (j).^P

(2) **Exclusions and Restrictions.** The PERSON IN CHARGE shall EXCLUDE or RESTRICT a FOOD EMPLOYEE from a FOOD ESTABLISHMENT in accordance with the following:

(a) *Except when the symptom is from a noninfectious condition, EXCLUDE a FOOD EMPLOYEE if the FOOD EMPLOYEE is:*

1. Symptomatic with vomiting or diarrhea;^P or

2. Symptomatic with vomiting or diarrhea and diagnosed with an infection from Norovirus, *Shigella* spp., *Salmonella* (nontyphoidal), or SHIGA TOXIN-PRODUCING *E. COLI*.^P

(b) EXCLUDE a FOOD EMPLOYEE who is:

1. Jaundiced and the onset of jaundice occurred within the last seven (7) 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;*^P

2. Diagnosed with an infection from hepatitis A virus within fourteen (14) calendar days from the onset of any illness symptoms, or within seven (7) calendar days of the onset of jaundice;^P or

3. Diagnosed with an infection from hepatitis A virus without developing symptoms.^P

(c) EXCLUDE a FOOD EMPLOYEE who is diagnosed with Typhoid fever or reports having had Typhoid fever within the past three (3) months as specified under Subparagraph 40-7-1-.04 (1)(a) 3.^P

(d) If a FOOD EMPLOYEE is diagnosed with an infection from Norovirus and is ASYMPTOMATIC:

1. EXCLUDE the FOOD EMPLOYEE who works in a FOOD ESTABLISHMENT serving a HIGHLY SUSCEPTIBLE POPULATION;^P or

2. RESTRICT the FOOD EMPLOYEE who works in a FOOD ESTABLISHMENT not serving a HIGHLY SUSCEPTIBLE POPULATION.^P

(e) If a FOOD EMPLOYEE is diagnosed with an infection from *Shigella* spp. and is ASYMPTOMATIC:

1. EXCLUDE the FOOD EMPLOYEE who works in a FOOD ESTABLISHMENT serving a HIGHLY SUSCEPTIBLE POPULATION;^P or

2. RESTRICT the FOOD EMPLOYEE who works in a FOOD ESTABLISHMENT not serving a HIGHLY SUSCEPTIBLE POPULATION.^P

(f) If a FOOD EMPLOYEE is diagnosed with an infection from SHIGA TOXIN-PRODUCING *E. COLI*, and is ASYMPTOMATIC:

1. EXCLUDE the FOOD EMPLOYEE who works in a FOOD ESTABLISHMENT serving a HIGHLY SUSCEPTIBLE POPULATION;^P or

2. RESTRICT the FOOD EMPLOYEE who works in a FOOD ESTABLISHMENT not serving a HIGHLY SUSCEPTIBLE POPULATION.^P

(g) If a FOOD EMPLOYEE is diagnosed with an infection from *Salmonella* (nontyphoidal) 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.^P

(h) If a FOOD EMPLOYEE is ill with symptoms of acute onset of sore throat with fever:

1. EXCLUDE the FOOD EMPLOYEE who works in a FOOD ESTABLISHMENT serving a HIGHLY SUSCEPTIBLE POPULATION;^P or

2. RESTRICT the FOOD EMPLOYEE who works in a FOOD ESTABLISHMENT not serving a HIGHLY SUSCEPTIBLE POPULATION.^P

(i) 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 under Subparagraph 40-7-1-.04 (1)(a) 1(v), RESTRICT the FOOD EMPLOYEE.^P

(j) If a FOOD EMPLOYEE is exposed to a foodborne pathogen as specified under Subparagraphs 40-7-1-.04 (1)(a) 4(i - iv) or 40-7-1-.04 (1)(a) 5(i - iv), RESTRICT the EMPLOYEE who works in a FOOD ESTABLISHMENT serving a HIGHLY SUSCEPTIBLE POPULATION.^P

(3) Removal, Adjustment, or Retention of Exclusions and Restrictions. The PERSON IN CHARGE shall adhere to the following conditions when removing, adjusting, or retaining the EXCLUSION or RESTRICTION of a FOOD EMPLOYEE:

(a) Except when a FOOD EMPLOYEE is diagnosed with Typhoid fever or an infection from hepatitis A virus:

1. Reinstate a FOOD EMPLOYEE who was EXCLUDED as specified under Subparagraph 40-7-1-.04 (2)(a) 1 if the FOOD EMPLOYEE:

(i) Is ASYMPTOMATIC for at least twenty-four (24) hours;^P or

(ii) Provides to the PERSON IN CHARGE written medical documentation from a HEALTH PRACTITIONER that states the symptom is from a noninfectious condition.^P

2. If a FOOD EMPLOYEE was diagnosed with an infection from Norovirus and EXCLUDED as specified under Subparagraph 40-7-1-.04 (2)(a) 2:

(i) RESTRICT the FOOD EMPLOYEE, who is ASYMPTOMATIC for at least twenty-four (24) hours and works in a FOOD ESTABLISHMENT not serving a HIGHLY SUSCEPTIBLE POPULATION, until the conditions for reinstatement as specified under Subparagraphs (d)1 or 2 of this section are met;^P or

(ii) Retain the EXCLUSION for the FOOD EMPLOYEE, who is ASYMPTOMATIC for at least twenty-four (24) hours and works in a FOOD ESTABLISHMENT that serves a HIGHLY SUSCEPTIBLE POPULATION, until the conditions for reinstatement as specified under Subparagraphs (d)1 or 2 of this section are met.^P

3. If a FOOD EMPLOYEE was diagnosed with an infection from *Shigella* spp. and EXCLUDED as specified under Subparagraph 40-7-1-.04 (2)(a) 2:

(i) RESTRICT the FOOD EMPLOYEE, who is ASYMPTOMATIC for at least twenty-four (24) hours and works in a FOOD ESTABLISHMENT not serving a HIGHLY SUSCEPTIBLE POPULATION, until the conditions for reinstatement as specified under Subparagraphs (e)1 or 2 of this section are met;^P or

(ii) Retain the EXCLUSION for the FOOD EMPLOYEE, who is ASYMPTOMATIC for at least twenty-four (24) hours and works in a FOOD ESTABLISHMENT that serves a HIGHLY SUSCEPTIBLE POPULATION, until the conditions for reinstatement as specified under Subparagraphs (e)1 or 2, or (e)1 and 3(i) of this section are met.^P

4. If a FOOD EMPLOYEE was diagnosed with an infection from SHIGA TOXIN-PRODUCING *ESCHERICHIA COLI* and EXCLUDED as specified under Subparagraph 40-7-1-.04 (2)(a) 2:

(i) RESTRICT the FOOD EMPLOYEE, who is ASYMPTOMATIC for at least twenty-four (24) hours and works in a FOOD ESTABLISHMENT not serving a HIGHLY SUSCEPTIBLE POPULATION, until the conditions for reinstatement as specified under Subparagraphs (f)1 or 2 of this section are met;^P or

(ii) Retain the EXCLUSION for the FOOD EMPLOYEE, who is ASYMPTOMATIC for at least twenty-four (24) hours and works in a FOOD ESTABLISHMENT that serves a HIGHLY SUSCEPTIBLE POPULATION, until the conditions for reinstatement as specified under Subparagraphs (f)1 or 2 are met.^P

5. If a FOOD EMPLOYEE was diagnosed with an infection from *Salmonella* (nontyphoidal) and EXCLUDED as specified under Subparagraph 40-7-1-.04 (2)(a) 2:

(i) RESTRICT the FOOD EMPLOYEE, who is ASYMPTOMATIC for at least thirty (30) days until conditions for reinstatement as specified under Subparagraphs (g)1 or 2 of this section are met;^P or

(ii) Retain the EXCLUSION for the FOOD EMPLOYEE who is SYMPTOMATIC, until conditions for reinstatement as specified under Paragraphs (g)1 or (g)2 of this section are met.^P

(b) Reinstatement a FOOD EMPLOYEE who was EXCLUDED as specified under 40-7-1-.04 (2)(b) if the PERSON IN CHARGE obtains APPROVAL from the DEPARTMENT and one of the following conditions is met;

1. The FOOD EMPLOYEE has been jaundiced for more than seven (7) calendar days;^P

2. The anicteric FOOD EMPLOYEE has been symptomatic with symptoms other than jaundice for more than fourteen (14) calendar days;^P or

3. 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.^P

(c) Reinstate a FOOD EMPLOYEE who was EXCLUDED as specified under 40-7-1-.04 (2)(c) if:

1. The PERSON IN CHARGE obtains APPROVAL from the DEPARTMENT;^P and
2. The FOOD EMPLOYEE provides to the PERSON IN CHARGE written medical documentation from a HEALTH PRACTITIONER that states the FOOD EMPLOYEE is free from Typhoid fever.^P

(d) Reinstate a FOOD EMPLOYEE who was EXCLUDED as specified under Subparagraphs 40-7-1-.04 (2)(a) 2 or (d)1 who was RESTRICTED under Subparagraph 40-7-1-.04 (2)(d) 2 if the PERSON IN CHARGE obtains APPROVAL from the DEPARTMENT and one of the following conditions is met:

1. 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;^P
2. The FOOD EMPLOYEE was EXCLUDED or RESTRICTED after symptoms of vomiting or diarrhea resolved, and more than forty-eight (48) hours have passed since the FOOD EMPLOYEE became ASYMPTOMATIC;^P or
3. The FOOD EMPLOYEE was EXCLUDED or RESTRICTED and did not develop symptoms and more than forty-eight (48) hours have passed since the FOOD EMPLOYEE was diagnosed.^P

(e) Reinstate a FOOD EMPLOYEE who was EXCLUDED as specified under Subparagraphs 40-7-1-.04 (2)(a) 2 or (e)1 or who was RESTRICTED under Subparagraph 40-7-1-.04 (2)(e) 2 if the PERSON IN CHARGE obtains APPROVAL from the DEPARTMENT and one of the following conditions is met:

1. 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 (2) consecutive negative stool specimen cultures that are taken:
 - (i) Not earlier than forty-eight (48) hours after discontinuance of antibiotics,^P and
 - (ii) At least twenty-four (24) hours apart;^P
2. The FOOD EMPLOYEE was EXCLUDED or RESTRICTED after symptoms of vomiting or diarrhea resolved, and more than seven (7) calendar days have passed since the FOOD EMPLOYEE became ASYMPTOMATIC;^P or

3. The FOOD EMPLOYEE was EXCLUDED or RESTRICTED and did not develop symptoms and more than seven (7) calendar days have passed since the FOOD EMPLOYEE was diagnosed.^P

(f) Reinstatement of a FOOD EMPLOYEE who was EXCLUDED or RESTRICTED as specified under Subparagraphs 40-7-1-.04 (2)(a) 2 or (f)1 or who was RESTRICTED under Subparagraph 40-7-1-.04 (2)(f) 2 if the PERSON IN CHARGE obtains APPROVAL from the DEPARTMENT and one of the following conditions is met:

1. 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 (2) consecutive negative stool specimen cultures that are taken:

(i) Not earlier than forty-eight (48) hours after discontinuance of antibiotics;^P and

(ii) At least twenty-four (24) hours apart;^P

2. The FOOD EMPLOYEE was EXCLUDED or RESTRICTED after symptoms of vomiting or diarrhea resolved and more than seven (7) calendar days have passed since the FOOD EMPLOYEE became ASYMPTOMATIC;^P or

3. The FOOD EMPLOYEE was EXCLUDED or RESTRICTED and did not develop symptoms and more than seven (7) days have passed since the FOOD EMPLOYEE was diagnosed.^P

(g) Reinstatement of a food employee who was EXCLUDED as specified under Subparagraph 40-7-1-.04 (2)(a) 2 or who was RESTRICTED as specified under 40-7-1-.04 (2)(g) if the PERSON IN CHARGE obtains APPROVAL from the DEPARTMENT ^Pand one of the following conditions is met:

1. 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 *Salmonella* (nontyphoidal) infection based on test results showing two (2) consecutive negative stool specimen cultures that are taken;

(i) Not earlier than forty-eight (48) hours after discontinuance of antibiotics,^P and

(ii) At least twenty-four (24) hours apart;^P

2. The FOOD EMPLOYEE was RESTRICTED after symptoms of vomiting or diarrhea resolved and more than thirty (30) days have passed since the FOOD EMPLOYEE became ASYMPTOMATIC;^P or

3. The FOOD EMPLOYEE was EXCLUDED or RESTRICTED and did not develop symptoms and more than thirty (30) days have passed since the FOOD EMPLOYEE was diagnosed.^P

(h) Reinstatement of a FOOD EMPLOYEE who was EXCLUDED or RESTRICTED as specified under Subparagraphs 40-7-1-.04 (2)(h) 1 or 2 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:

1. Has received antibiotic therapy for *Streptococcus pyogenes* infection for more than twenty-four (24) hours;^P
2. Has at least one negative throat specimen culture for *Streptococcus pyogenes* infection;^P or
3. Is otherwise determined by a HEALTH PRACTITIONER to be free of a *Streptococcus pyogenes* infection.^P

(i) Reinstatement of a FOOD EMPLOYEE who was RESTRICTED as specified under 40-7-1-.04 (2)(i) if the skin, infected wound, cut, or pustular boil is properly covered with one of the following:

1. 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;^P
2. An impermeable cover on the arm if the infected wound or pustular boil is on the arm;^P or
3. A dry, durable, tight-fitting bandage if the infected wound or pustular boil is on another part of the body.^P

(j) Reinstatement of a FOOD EMPLOYEE who was RESTRICTED as specified under 40-7-1-.04 (2)(j) and was exposed to one of the following pathogens as specified under Subparagraph 40-7-1-.04 (2)(a) 4(i - iv) or 40-7-1-.04 (2)(a) 5(i - iv):

1. Norovirus and one of the following conditions is met:

- (i) More than forty-eight (48) hours have passed since the last day the FOOD EMPLOYEE was potentially exposed;^P or
- (ii) More than forty-eight (48) hours have passed since the FOOD EMPLOYEE'S household contact became ASYMPTOMATIC.^P

2. *Shigella* spp. or SHIGA TOXIN-PRODUCING *ESCHERICHIA COLI* and one of the following conditions is met:

- (i) More than three (3) calendar days have passed since the last day the FOOD EMPLOYEE was potentially exposed;^P or

(ii) More than three (3) calendar days have passed since the FOOD EMPLOYEE'S household contact became ASYMPTOMATIC.^P

3. Typhoid fever (caused by *Salmonella Typhi*) and one of the following conditions is met:

(i) More than fourteen (14) calendar days have passed since the last day the FOOD EMPLOYEE was potentially exposed;^P or

(ii) More than fourteen (14) calendar days have passed since the FOOD EMPLOYEE'S household contact became ASYMPTOMATIC.^P

4. 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;^P

(ii) The FOOD EMPLOYEE is immune to hepatitis A virus infection because of vaccination against hepatitis A;^P

(iii) The FOOD EMPLOYEE is immune to hepatitis A virus infection because of IgG administration;^P

(iv) More than thirty (30) calendar days have passed since the last day the FOOD EMPLOYEE was potentially exposed;^P

(v) More than thirty (30) calendar days have passed since the FOOD EMPLOYEE'S household contact became jaundiced;^P or

(vi) The FOOD EMPLOYEE does not use an alternative procedure that allows bare hand contact with READY-TO-EATFOOD until at least thirty (30) days after the potential exposure, as specified in Subparagraphs (i)4(iv) and (v) of this section, and the FOOD EMPLOYEE receives additional training about:

(I) Hepatitis A symptoms and preventing the transmission of infection,^P

(II) Proper handwashing procedures,^P and

(III) Protecting READY-TO-EATFOOD from contamination introduced by bare hand contact.^P

Authority: O.C.G.A. Secs. 26-2-1, *et seq.*

Rule 40-7-1-.06 Management and Personnel: Hygienic Practices

(1) Eating, Drinking, or Using Tobacco.

(a) Except as specified in (b) of this section, 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-USEARTICLES; or other items needing protection cannot result.

(b) *A FOOD EMPLOYEE may drink from a closed BEVERAGE container if the container is handled to prevent contamination of:*

- 1. The EMPLOYEE'S hands;*
- 2. The container; and*
- 3. Exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USEARTICLES.*

(2) Discharges from the Eyes, Nose, and Mouth. 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-USEARTICLES.

(3) Use of Bandages, Finger Cots, or Finger Stalls. If used, an impermeable cover such as a bandage, finger cot, or finger stall located on the wrist, hand, or finger of a FOOD EMPLOYEE working with exposed FOOD shall be covered with a single-use glove.

(4) Effectiveness.

(a) Except as provided in (b) of this section, FOOD EMPLOYEES shall 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-USEARTICLES.

(b) *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-USEARTICLES.*

(5) Handling Prohibition.

(a) Except as specified in (b) of this section, 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 Subparagraphs 40-7-1-.34 (15)(b) 2 - 5.^{Pf}

(b) *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 under 40-7-1-.05 (2) and 40-7-1-.05 (3)(c).

Authority: O.C.G.A. Secs. 26-2-1, *et seq.*

Rule 40-7-1-.07 Management and Personnel: Responding to Contamination Events

(1) Clean-up of Vomiting and Diarrheal Events. A FOOD ESTABLISHMENT shall have written procedures for EMPLOYEES to follow when responding to vomiting or diarrheal events that involve the discharge of vomitus or fecal matter onto surfaces in the FOOD ESTABLISHMENT. The procedures shall address the specific actions EMPLOYEES must take to minimize the spread of contamination and the exposure of EMPLOYEES, CONSUMERS, FOOD, and surfaces to vomitus or fecal matter.^{Pf}

Authority: O.C.G.A. Secs. 26-2-1, *et seq.*

Rule 40-7-1-.10 Food: Protection from Contamination after Receiving

(1) Preventing Contamination from Hands.

(a) FOOD EMPLOYEES shall wash their hands as specified under 40-7-1-.05 (2).

(b) *Except when washing fruits and vegetables as specified under 40-7-1-.10 (7) or as specified in (d) and (e) of this section, 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.^P*

(c) FOOD EMPLOYEES shall minimize bare hand and arm contact with exposed FOOD that is not in a READY-TO-EAT form.^{Pf}

(d) *Paragraph (b) of this section 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:*

1. Contains a raw animal FOOD and is to be cooked in the FOOD ESTABLISHMENT to heat all parts of the FOOD to the minimum temperatures specified in 40-7-1-.11 (1)(a) - (b) or 40-7-1-.11 (2); or

2. 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 at least 63°C (145°F).

(e) *FOOD EMPLOYEES not serving a HIGHLY SUSCEPTIBLE POPULATION may contact exposed, READY-TO-EAT FOOD with their bare hands if:*

1. The LICENSE HOLDER obtains prior APPROVAL from the DEPARTMENT;

2. 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 under 40-7-1-.26 (7), 40-7-1-.26 (12), 40-7-1-.26 (15), 40-7-1-.32 (2), 40-7-1-.32 (3), and 40-7-1-.32 (5), are in an easily accessible location and in close proximity to the work station where the bare hand contact procedure is conducted;

3. A written EMPLOYEE health policy that details how the FOOD ESTABLISHMENT complies with 40-7-1-.04 (1) - (3) 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 under 40-7-1-.04 (1)(a),

(ii) Documentation that FOOD EMPLOYEES and CONDITIONAL EMPLOYEES acknowledge their responsibilities as specified under 40-7-1-.04 (1)(e) and (f), and

(iii) Documentation that the PERSON IN CHARGE acknowledges the responsibilities as specified under 40-7-1-.04 (1)(b), (c) and (d), and 40-7-1-.04 (2) - (3);

4. 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 under 40-7-1-.05 (2),

(iii) When to wash their hands as specified under 40-7-1-.05 (3),

(iv) Where to wash their hands as specified under 40-7-1-.05 (4),

(v) Proper fingernail maintenance as specified under 40-7-1-.05 (6),

(vi) Prohibition of jewelry as specified under 40-7-1-.05 (7), and

(vii) Good hygienic practices as specified under 40-7-1-.06 (1) - (2);

5. Documentation that hands are washed before FOOD preparation and as necessary to prevent cross contamination by FOOD EMPLOYEES as specified under 40-7-1-.05 (1) - (4) during all hours of operation when the specific READY-TO-EAT FOODS are prepared;

6. 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 under 40-7-1-.05 (5),

(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 DEPARTMENT; and

7. Documentation that corrective action is taken when Subparagraphs (e)1 - 6 of this section are not followed.

(2) **Preventing Contamination When Tasting.** A FOOD EMPLOYEE may not use a UTENSIL more than once to taste FOOD that is to be sold or served.^P

(3) **Packaged and Unpackaged Food - Separation, Packaging, and Segregation.**

(a) FOOD shall be protected from cross contamination by:

1. Except as specified in 1(iii) below, 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;^P

(ii) Cooked READY-TO-EAT FOOD;^P and

(iii) Fruits and vegetables before they are washed;^P

(iv) *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.*

2. *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,^P or

(ii) Arranging each type of FOOD in EQUIPMENT so that cross contamination of one type with another is prevented,^P and

(iii) Preparing each type of FOOD at different times or in separate areas;^P

3. Cleaning EQUIPMENT and UTENSILS as specified under 40-7-1-.21 (2)(a) and SANITIZING as specified under 40-7-1-.22 (3);

4. Except as specified under Subparagraph 40-7-1-.12 (5)(b) 2 and in (b) of this section, storing the FOOD in packages covered containers, or wrappings;

5. Cleaning HERMETICALLY SEALED CONTAINERS of FOOD of visible soil before opening;

6. Protecting FOOD containers that are received packaged together in a case or overwrap from cuts when the case or overwrap is opened;

7. Storing damaged, spoiled, or recalled FOOD being held in the FOOD ESTABLISHMENT as specified under 40-7-1-.33 (4); and

8. Separating fruits and vegetables, before they are washed as specified under 40-7-1-.10 (7) from READY-TO-EAT FOOD.

(b) *Subparagraph (a)4 of this section does not apply to:*

1. *Whole, uncut, raw fruits and vegetables and nuts in the shell that require peeling or hulling before consumption;*

2. *PRIMAL CUTS, quarters, or sides of raw MEAT or slab bacon that are hung on clean, SANITIZED hooks or placed on clean, SANITIZED racks;*

3. *Whole, uncut, processed MEATS such as country hams and smoked or cured sausages that are placed on clean, SANITIZED racks;*

4. *FOOD being cooled as specified under Subparagraph 40-7-1-.12 (5)(b) 2; or*

5. *SHELLSTOCK.*

(4) **Food Storage Containers, Identified with Common Name of Food.** *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.*

(5) **Pasteurized Eggs, Substitute for Raw Eggs for Certain Recipes.** Pasteurized EGGS or EGG PRODUCTS shall be substituted for raw EGGS in the preparation of FOODS such as Caesar salad, hollandaise or Bearnaise sauce, mayonnaise, meringue, eggnog, ice cream, and EGG-fortified BEVERAGES that are not:^P

(a) Cooked as specified under Subparagraphs 40-7-1-.11 (1)(a) 1 or 2;^P or

(b) Included in 40-7-1-.11 (1)(d).^P

(6) **Protection from Unapproved Additives.**

(a) FOOD shall be protected from contamination that may result from the addition of, as specified in 40-7-1-.09 (9):

1. Unsafe or unAPPROVED FOOD or COLOR ADDITIVES;^P and

2. Unsafe or unAPPROVED levels of APPROVED FOOD and COLOR ADDITIVES.^P

(b) A FOOD EMPLOYEE may not:

1. 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;^P or

2. *Except for grapes, serve or sell FOOD specified under Subparagraph (b)1 of this section that is treated with sulfiting agents before receipt by the FOOD ESTABLISHMENT.*^P

(7) Washing Fruits and Vegetables.

(a) *Except as specified in (b) of this section 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.*

(b) *Fruits and vegetables may be washed by using chemicals as specified under 40-7-1-.36 (6).*

(c) *Devices used for on-site generation of chemicals meeting the requirements specified in 21 CFR 173.315, Chemicals used in the washing or to assist in the peeling of fruits and vegetables, for the washing of raw, whole fruits and vegetables shall be used in accordance with the manufacturer's instructions.^{Pf}*

(8) Ice Used as Exterior Coolant, Prohibited as Ingredient. 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.^P

(9) Storage or Display of Food in Contact with Water or Ice.

(a) 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.

(b) Except as specified in (c) and (d) of this section, unPACKAGED FOOD may not be stored in direct contact with undrained ice.

(c) *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.*

(d) *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.*

(10) Food Contact with Equipment and Utensils. FOOD shall only contact surfaces of:

(a) EQUIPMENT and UTENSILS that are cleaned as specified under 40-7-1-.21 (1) - (10) of these Regulations and SANITIZED as specified under 40-7-1-.22 (1) - (3) of these Regulations;^P

(b) SINGLE-SERVICE and SINGLE-USE ARTICLES;^P or

(c) LINENS, such as cloth napkins, as specified under 40-7-1-.10 (12) that are laundered as specified under 40-7-1-.23 (1) - (5) of these Regulations.^P

(11) In-Use Utensils, Between-Use Storage. During pauses in FOOD preparation or dispensing, FOOD preparation and dispensing UTENSILS shall be stored:

- (a) Except as specified under (b) of this section, in the FOOD with their handles above the top of the FOOD and the container;
- (b) In FOOD that is not 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;
- (c) 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 under 40-7-1-.21 (1) and 40-7-1-.22 (2);
- (d) In running water of sufficient velocity to flush particulates to the drain, if used with moist FOOD such as ice cream or mashed potatoes;
- (e) In a clean, protected location if the UTENSILS, such as ice scoops, are used only with a FOOD that is not TIME/TEMPERATURE CONTROL FOR SAFETY FOOD; or
- (f) In a container of water if the water is maintained at a temperature of at least 57°C (135°F) and the container is cleaned at a frequency specified under Subparagraph 40-7-1-.21 (1)(d)7.

(12) **Linens and Napkins, Use Limitation.** 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.*

(13) **Wiping Cloths, Use Limitation.**

- (a) Cloths in-use for wiping FOOD spills from TABLEWARE and carry-out containers that occur as FOOD is being served shall be:
 - 1. Maintained dry; and
 - 2. Used for no other purpose.
- (b) Cloths in-use for wiping counters and other EQUIPMENT surfaces shall be:
 - 1. Held between uses in a chemical sanitizer solution at a concentration specified under 40-7-1-.20 (14); and
 - 2. Laundered daily as specified under 40-7-1-.23 (2)(d).
- (c) Cloths in-use for wiping surfaces in contact with raw animal FOODS shall be kept separate from cloths used for other purposes.
- (d) Dry wiping cloths and the chemical sanitizing solutions specified in Subparagraph (b)1 of this section in which wet wiping cloths are held between uses shall be free of FOOD debris and visible soil.

(e) Containers of chemical sanitizing solutions specified in Subparagraph (b)1 of this section 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.

(f) SINGLE-USE disposable sanitizer wipes shall be used in accordance with EPA-APPROVED manufacturer's label use instructions.

(14) Gloves, Use Limitation.

(a) 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.^P

(b) Except as specified in (c) of this section, 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 under 40-7-1-.11 (1) - (9) such as frozen FOOD or a PRIMAL CUT of MEAT.

(c) 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.

(d) Cloth gloves may not be used in direct contact with FOOD *unless the FOOD is subsequently cooked as required under 40-7-1-.11 (1) - (9) such as frozen FOOD or a PRIMAL CUT of MEAT.*

(15) Using Clean Tableware for Second Portions and Refills.

(a) 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.

(b) Except as specified in (c) of this section, 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.

(c) Drinking cups and containers may be reused by self-service CONSUMERS if refilling is a contamination-free process as specified under 40-7-1-.17 (16)(a), (b), and (d).

(16) Refilling Returnables.

(a) Except as specified in (b) - (e) 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.^P

(b) A take-home FOOD container returned to a FOOD ESTABLISHMENT may be refilled at a FOOD ESTABLISHMENT with FOOD if the FOOD container is:

- 1. Designed and constructed for reuse and in accordance with the requirements specified under 40-7-1-.16 (1) - (10) and 40-7-1-.17 (1) - (37);^P*
- 2. One that was 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;*
- 3. Returned to the FOOD ESTABLISHMENT by the CONSUMER after use;*
- 4. Subject to the following steps before being refilled with FOOD:*
 - (i) Cleaned as specified under 40-7-1-.21 (1) - (10) of these Regulations,*
 - (ii) Sanitized as specified under 40-7-1-.22 (1) - (3) of these Regulations;^P and*
 - (iii) Visually inspected by a FOOD EMPLOYEE to verify that the container, as returned, meets the requirements specified under 40-7-1-.16 (1) - (10) and 40-7-1-.17 (1) - (37).^P*

(c) A take-home FOOD container returned to a FOOD ESTABLISHMENT may be refilled at a FOOD ESTABLISHMENT with BEVERAGE if:

- 1. The BEVERAGE is not a TIME/TEMPERATURE CONTROL FOR SAFETY FOOD;*
- 2. 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;*
- 3. Facilities for rinsing before refilling returned containers with fresh, hot water that is under pressure and not recirculated are provided as part of the dispensing system;*
- 4. The CONSUMER-owned container returned to the FOOD ESTABLISHMENT for refilling is refilled for sale or service only to the same CONSUMER; and*
- 5. 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 40-7-1-.17 (16)(a), (b), and (d) that cannot be bypassed by the container owner.*

(d) 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 40-7-1-.17 (16)(a), (b), and (d).

(e) CONSUMER-owned containers that are not FOOD-specific may be filled at a water VENDING MACHINE or system.

(17) Food Storage.

(a) Except as specified in (b) and (c) of this section, FOOD shall be protected from contamination by storing the FOOD:

1. In a clean, dry location;
2. Where it is not exposed to splash, dust, or other contamination; and
3. At least 15 cm (6 inches) above the floor.

(b) FOOD in packages and working containers may be stored less than 15 cm (6 inches) above the floor on case lot handling EQUIPMENT as specified under 40-7-1-.17 (35).

(c) 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.

(18) Food Storage, Prohibited Areas. FOOD may not be stored:

- (a) In locker rooms;
- (b) In toilet rooms;
- (c) In dressing rooms;
- (d) In garbage rooms;
- (e) In mechanical rooms;
- (f) Under sewer lines that are not shielded to intercept potential drips;
- (g) Under leaking water lines, including leaking automatic fire sprinkler heads, or under lines on which water has condensed;
- (h) Under open stairwells; or
- (i) Under other sources of contamination.

(19) Vended Time/Temperature Control for Safety Food, Original Container. 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.

(20) Food Preparation. During preparation, unPACKAGED FOOD shall be protected from environmental sources of contamination.

(21) **Food Display.***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.*^P

(22) **Condiments, Protection.**

(a) 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.

(b) 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.

(23) **Consumer Self-Service Operations.**

(a) Raw, unPACKAGED animal FOOD, such as beef, lamb, pork, POULTRY, and FISH may not be offered for CONSUMER self-service. ^P*This paragraph does not apply to:*

1. *CONSUMER self-service of READY-TO-EAT FOODS at buffets or salad bars that serve FOODS such as sushi or raw shellfish;*
2. *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*
3. *Raw, frozen, shell-on shrimp, or lobster.*

(b) CONSUMER self-service operations for READY-TO-EAT FOODS shall be provided with suitable UTENSILS or effective dispensing methods that protect the FOOD from contamination.^{Pf}

(c) CONSUMER self-service operations such as buffets and salad bars shall be monitored by FOOD EMPLOYEES trained in safe operating procedures.^{Pf}

(24) **Returned Food and Re-Service of Food.**

(a) Except as specified in (b) of this section, 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.^P

(b) *A container of FOOD that is not TIME/TEMPERATURE CONTROL FOR SAFETY FOOD may be RE-SERVED from one CONSUMER to another if:*

1. *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*

2. *The FOOD, such as crackers, salt, or pepper, is in an unopened original PACKAGE and is maintained in sound condition.*

(25) **Miscellaneous Sources of Contamination.** FOOD shall be protected from contamination that may result from a factor or source not specified under Subparts 40-7-1-.10 (1) - (24).

Authority: O.C.G.A. Secs. 26-2-1, *et seq.*

Rule 40-7-1-.11 Food: Destruction of Organisms of Public Health Concern

(1) Raw Animal Foods.

(a) Except as specified under (b) and in (c) and (d) of this section, 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:

1. 63°C (145°F) or above for fifteen (15) seconds for:^P

(i) Raw EGGS that are broken and prepared in response to a CONSUMER'S order and for immediate service,^P and

(ii) Except as specified under Subparagraphs (a)2 and (a)3 and (b), and in (c) of this section, FISH and INTACT MEAT including GAME ANIMALS commercially raised for FOOD as specified under Subparagraph 40-7-1-.09 (7)(a) 1 and GAME ANIMALS under a voluntary inspection program as specified under Subparagraph 40-7-1-.09 (7)(a) 2;^P

2. 68°C (155°F) for seventeen (17) seconds or the temperature specified in the following chart 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 under Subparagraph 40-7-1-.09 (7)(a) 1, and GAME ANIMALS under a voluntary inspection program as specified under Subparagraph 40-7-1-.09 (7)(a) 2; and raw EGGS that are not prepared as specified under Subparagraph (a)1(i) of this section:^P

Minimum Temperature °C (°F)	Minimum Time
63 (145)	3 minutes
66 (150)	1 minute
70 (158)	< 1 second <i>"instantaneous"</i>

3. 74°C (165°F) or above for < 1 second (instantaneous) for POULTRY, BALUTS, wild GAME ANIMALS as specified under Subparagraphs 40-7-1-.09 (7)(a) 3 and 4, stuffed FISH, stuffed MEAT, stuffed pasta, stuffed POULTRY,

stuffed RATITES, or stuffing containing FISH, MEAT, POULTRY, or RATITES.^P

(b) Whole MEAT roasts including beef, corned beef, lamb, pork, and cured pork roasts such as ham shall be cooked:

1. As specified in the following chart, to heat all parts of the FOOD to a temperature and for the holding time that corresponds to that temperature:^P

Temperature °C (°F)	Time ¹ in Minutes
54.4 (130)	112
55.0 (131)	89
56.1 (133)	56
57.2 (135)	36
57.8 (136)	28
58.9 (138)	18
60.0 (140)	12
61.1 (142)	8
62.2 (144)	5
62.8 (145)	4

Temperature °C (°F)	Time ¹ in Seconds
63.9 (147)	134
65.0 (149)	85
66.1 (151)	54
67.2 (153)	34
68.3 (155)	22

69.4 (157)	14
70.0 (158)	0

¹Holding time may include postoven heat rise.

2. In an oven that is preheated to the temperature specified for the roast's weight in the following chart and that is held at that temperature:^{Pf}

Oven Temperature Based on Roast Weight

Oven Type	Less than 4.5 kg (10 lbs)	4.5 kg (10 lbs) or More
Still Dry	177°C (350°F) or more	121°C (250°F) or more
Convection	163°C (325°F) or more	121°C (250°F) or more
High Humidity¹	121°C (250°F) or less	121°C (250°F) or less

¹Relative humidity greater than 90% for at least one (1) hour as measured in the cooking chamber or exit of the oven; or in a moisture-impermeable bag that provides 100% humidity.

(c) A raw or undercooked *WHOLE-MUSCLE, INTACT BEEF* steak may be served or offered for sale in a *READY-TO-EAT* form if:

1. The *FOOD ESTABLISHMENT* serves a population that is not a *HIGHLY SUSCEPTIBLE POPULATION*,
2. The steak is labeled to indicate that it meets the definition of "*WHOLE-MUSCLE, INTACT BEEF* " as specified under 40-7-1-.09 (1)(e), and
3. The steak is cooked on both the top and bottom to a surface temperature of 63°C (145°F) or above and a cooked color change is achieved on all external surfaces.

(d) 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 (c) of this section, may be served or offered for sale upon *CONSUMER* request or selection in a *READY-TO-EAT* form if:

1. The *FOOD ESTABLISHMENT* serves a population that is not a *HIGHLY SUSCEPTIBLE POPULATION*;

2. The *FOOD*, if served or offered for service by *CONSUMER* selection from a children's menu, does not contain *COMMUNITEDMEAT*:^{Pf} and

3. The *CONSUMER* is informed as specified under 40-7-1-.13 (5) that to ensure its safety, the *FOOD* should be cooked as specified under (a) or (b) of this section; or

4. The *DEPARTMENT* grants a *VARIANCE* from (a) or (b) of this section as specified in 40-7-1-.38 (3) based on a *HACCP PLAN* that:

(i) Is submitted by the *LICENSE HOLDER* and *APPROVED* as specified under 40-7-1-.38 (4),

(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*.

(2) **Microwave Cooking.** Raw animal *FOODS* cooked in a microwave oven shall be:

(a) Rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat;

(b) Covered to retain surface moisture;

(c) Heated to a temperature of at least 74°C (165°F) in all parts of the *FOOD*;^P and

(d) Allowed to stand covered for two (2) minutes after cooking to obtain temperature equilibrium.

(3) **Plant Food Cooking for Hot Holding.** *PLANT FOOD* that are cooked for hot holding shall be cooked to a temperature of 57°C (135°F).^{Pf}

(4) **Non-Continuous Cooking of Raw Animal Foods.** Raw animal *FOODS* that are cooked using a *NON-CONTINUOUS COOKING* process shall be:

(a) Subject to an initial heating process that is no longer than sixty (60) minutes in duration;^P

(b) Immediately after initial heating, cooled according to the time and temperature parameters specified for cooked *TIME/TEMPERATURE CONTROL FOR SAFETY FOOD* under 40-7-1-.12 (4)(a);^P

(c) After cooling, held frozen or cold, as specified for *TIME/TEMPERATURE CONTROL FOR SAFETY FOOD* under 40-7-1-.12 (6)(a) 2;^P

(d) 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 40-7-1-.11 (1)(a) - (c);^P

(e) Cooled according to the time and temperature parameters specified for cooked TIME/TEMPERATURE CONTROL FOR SAFETY FOOD under 40-7-1-.12 (4)(a) if not either hot held as specified under 40-7-1-.12 (6)(a), served immediately, or held using time as a public health control as specified under 40-7-1-.12 (9) after complete cooking;^P and

(f) Prepared and stored according to written procedures that:

1. Have obtained prior APPROVAL from the DEPARTMENT;^{Pf}
2. Are maintained in the FOOD ESTABLISHMENT and are available to the DEPARTMENT upon request;^{Pf}
3. Describe how the requirements specified under (a) - (e) of this Section are to be monitored and documented by the LICENSE HOLDER and the corrective actions to be taken if the requirements are not met;^{Pf}
4. 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 under (d) of this section prior to being offered for sale or service;^{Pf} and
5. Describe how the FOODS, after initial heating but prior to cooking as specified under (d) of this section, are to be separated from READY-TO-EAT FOODS as specified under 40-7-1-.10 (3)(a).^{Pf}

(5) Parasite Destruction.

(a) Except as specified in (b) of this section, before service or sale in READY-TO-EAT form, raw, raw-marinated, partially cooked, or marinated-partially cooked FISH shall be:

1. Frozen and stored at a temperature of -20°C (-4°F) or below for a minimum of 168 hours (7 days) in a freezer;^P
2. Frozen at -35°C (-31°F) or below until solid and stored at -35°C (-31°F) or below for a minimum of 15 hours;^P or
3. Frozen at -35°C (-31°F) or below until solid and stored at -20°C (-4°F) or below for a minimum of 24 hours.^P

(b) Paragraph (a) of this section does not apply to:

1. MOLLUSCAN SHELLFISH;
2. A scallop product consisting only of the shucked adductor muscle;
3. Tuna of the species *Thunnusalalunga*, *Thunnusalbacares* (Yellowfin tuna), *Thunnusatlanticus*, *Thunnusmaccoyii* (Bluefin tuna, Southern), *Thunnusobesus* (Bigeye tuna), or *Thunnusthynnus* (Bluefin tuna, Northern); or
4. 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.*

5. *FISH eggs that have been removed from the skein and rinsed.*

(6) Records, Creation and Retention.

(a) Except as specified in 40-7-1-.11 (5)(b) and (b) of this section, 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 (90) calendar days beyond the time of service or sale of the FISH.^{Pf}

(b) *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 under 40-7-1-.11 (5) may substitute for the records specified under (a) of this section.*

(c) 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 Subparagraph 40-7-1-.11 (5)(b)4, a written agreement or statement from the supplier or aquaculturist stipulating that the FISH were raised and fed as specified in Subparagraph 40-7-1-.11 (5)(b)4 shall be obtained by the PERSON IN CHARGE and retained in the records of the FOOD ESTABLISHMENT for ninety (90) calendar days beyond the time of service or sale of the FISH.^{Pf}

(7) Preparation for Immediate Service. 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.

(8) Reheating for Hot Holding.

(a) Except as specified under (b) and (c) and in (e) of this section, 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 74°C (165°F) for fifteen (15) seconds.^P

(b) Except as specified under (c) of this section, 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 74°C (165°F) and the FOOD is rotated or stirred, covered, and allowed to stand covered for two (2) minutes after reheating.^P

(c) READY-TO-EAT TIME/TEMPERATURE CONTROL FOR SAFETY FOOD that has been commercially processed and PACKAGED in a FOOD PROCESSING PLANT that is inspected by the REGULATORY AUTHORITY that has jurisdiction over the plant, shall be heated to a temperature of at least 57°C (135°F) when being reheated for hot holding.^P

(d) Reheating for hot holding as specified under (a) - (c) of this section shall be done rapidly and the time the FOOD is between 5°C (41°F) and the temperatures specified under (a) - (c) of this section may not exceed two (2) hours.^P

(e) *Remaining unsliced portions of MEAT roasts that are cooked as specified under 40-7-1-11 (1)(b) may be reheated for hot holding using the oven parameters and minimum time and temperature conditions specified under 40-7-1-11 (1)(b).*

(9) Treating Juice. JUICE PACKAGED in a FOOD ESTABLISHMENT shall be:

(a) Treated under a HACCP PLAN as specified in 40-7-1-.39(4) to attain a 5-log reduction, which is equal to a 99.999% reduction, of the most resistant microorganism of public health significance;^P or

(b) Labeled, if not treated to yield a 5-log reduction of the most resistant microorganism of public health significance:^{Pf}

1. As specified under 40-7-1-.13 (3),^{Pf} and

2. As specified in 21 CFR 101.17(g) Food labeling, warning, notice, and safe handling statements, 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." ^{Pf}

Authority: O.C.G.A. Secs. 26-2-1, *et seq.*

Rule 40-7-1-.12 Food: Limitation of Grow of Organisms of Public Health Concern

(1) **Frozen Food.** Stored frozen FOODS shall be maintained frozen.

(2) **Time/Temperature Control for Safety Food, Slacking.** Frozen TIME/TEMPERATURE CONTROL FOR SAFETY FOOD that is SLACKED to moderate the temperature shall be held:

- (a) Under refrigeration that maintains the FOOD temperature at 5°C (41°F) or less; or
- (b) At any temperature if the FOOD remains frozen.

(3) **Thawing.** Except as specified in (d) of this section, TIME/TEMPERATURE CONTROL FOR SAFETY FOOD shall be thawed:

- (a) Under refrigeration that maintains the FOOD temperature at 5°C (41°F) or less; or
- (b) Completely submerged under running water:

- 1. At a water temperature of 21°C (70°F) or below,
- 2. With sufficient water velocity to agitate and float off loose particles in an overflow, and
- 3. For a period of time that does not allow thawed portions of READY-TO-EAT FOOD to rise above 5°C (41°F), or
- 4. For a period of time that does not allow thawed portions of a raw animal FOOD requiring cooking as specified under 40-7-1-.11 (1)(a) or (b) to be above 5°C (41°F) for more than four (4) 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 5°C (41°F);

(c) As part of a cooking process if the FOOD that is frozen is:

- 1. Cooked as specified under 40-7-1-.11 (1)(a) or (b) or 40-7-1-.11 (2), or
- 2. Thawed in a microwave oven and immediately transferred to conventional cooking EQUIPMENT, with no interruption in the process; or

(d) *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.*

(e) REDUCED OXYGEN PACKAGED FISH that bears a label indicating that it is to be kept frozen until time of use shall be removed from the reduced oxygen environment:

- 1. Prior to its thawing under refrigeration as specified in (a) of this section; or

2. Prior to, or immediately upon completion of, its thawing using procedures specified in (b) of this section.

(4) Cooling.

(a) Cooked TIME/TEMPERATURE CONTROL FOR SAFETY FOOD shall be cooled:

1. Within two (2) hours from 57°C (135°F) to 21°C (70°F);^P and
2. Within a total of six (6) hours from 57°C (135°F) to 5°C (41°F) or less.^P

(b) TIME/TEMPERATURE CONTROL FOR SAFETY FOOD shall be cooled within four (4) hours to 5°C (41°F) or less if prepared from ingredients at ambient temperature, such as reconstituted FOODS and canned tuna.^P

(c) Except as specified under (d) of this section, a TIME/TEMPERATURE CONTROL FOR SAFETY FOOD received in compliance with LAWS allowing a temperature above 5°C (41°F) during shipment from the supplier as specified in 40-7-1-.09 (8)(b), shall be cooled within four (4) hours to 5°C (41°F) or less.^P

(d) Raw EGGS shall be received as specified under 40-7-1-.09 (8)(c) and immediately placed in refrigerated EQUIPMENT that maintains an ambient air temperature of 7°C (45°F) or less.^P

(5) Cooling Methods.

(a) Cooling shall be accomplished in accordance with the time and temperature criteria specified under 40-7-1-.12 (4) by using one or more of the following methods based on the type of FOOD being cooled:

1. Placing the FOOD in shallow pans;^{Pf}
2. Separating the FOOD into smaller or thinner portions;^{Pf}
3. Using rapid cooling EQUIPMENT;^{Pf}
4. Stirring the FOOD in a container placed in an ice water bath;^{Pf}
5. Using containers that facilitate heat transfer;^{Pf}
6. Adding ice as an ingredient;^{Pf} or
7. Other effective methods.^{Pf}

(b) When placed in cooling or cold holding EQUIPMENT, FOOD containers in which FOOD is being cooled shall be:

1. Arranged in the EQUIPMENT to provide maximum heat transfer through the container walls; and

2. Loosely covered, or uncovered if protected from overhead contamination as specified under Subparagraph 40-7-1-.10 (17)(a) 2, during the cooling period to facilitate heat transfer from the surface of the FOOD.

(6) Time/Temperature Control for Safety Food, Hot and Cold Holding.

(a) *Except during preparation, cooking, or cooling, or when time is used as the public health control as specified under 40-7-1-.12 (9), and except as specified under (b) and in (c) of this section, TIME/TEMPERATURE CONTROL FOR SAFETY FOOD shall be maintained:*

1. At 57°C (135°F) or above, *except that roasts cooked to a temperature and for a time specified in 40-7-1-.11 (1)(b) or reheated as specified in 40-7-1-.11 (8)(e) may be held at a temperature of 54°C (130°F) or above;*^P or

2. At 5°C (41°F) or less.^P

(b) EGGS that have not been treated to destroy all viable *Salmonellae* shall be stored in refrigerated EQUIPMENT that maintains an ambient air temperature of 7°C (45°F) or less.^P

(c) TIME/TEMPERATURE CONTROL FOR SAFETY FOOD in a homogenous liquid form *may be maintained outside of the temperature control requirements, as specified under (a) of this section, while contained within specially designed EQUIPMENT that complies with the design and construction requirements as specified under 40-7-1-.17 (16)(e).*

(7) Ready-to-Eat, Time/Temperature Control for Safety Food, Date Marking.

(a) Except when PACKAGING FOOD using a REDUCED OXYGEN PACKAGING method as specified under 40-7-1-.12 (11), and except as specified in (e) and (f) of this section, refrigerated, READY-TO-EAT, TIME/TEMPERATURE CONTROL FOR SAFETY FOOD prepared and held in a FOOD ESTABLISHMENT for more than twenty-four (24) 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 5°C (41°F) or less for a maximum of seven (7) days. The day of preparation shall be counted as Day 1.^{Pf}

(b) Except as specified in (e) - (g) of this section, refrigerated, READY-TO-EAT 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 (24) 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 (a) of this section and:^{Pf}

1. The day the original container is opened in the FOOD ESTABLISHMENT shall be counted as Day 1;^{Pf} and

2. 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.^{Pf}

(c) A refrigerated, READY-TO-EAT TIME/TEMPERATURE CONTROL FOR SAFETY FOOD ingredient or a portion of a refrigerated, READY-TO-EAT, 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.^{Pf}

(d) A date marking system that meets the criteria stated in (a) and (b) of this section may include:

1. *Using a method APPROVED by the DEPARTMENT for refrigerated, READY-TO-EAT 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;*
2. *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 under (a) of this section;*
3. *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 under (b) of this section; or*
4. *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.*

(e) *Paragraphs (a) and (b) of this section do not apply to individual meal portions served or rePACKAGED for sale from a bulk container upon a CONSUMER'S request.*

(f) *Paragraphs (a) and (b) of this section do not apply to SHELLSTOCK.*

(g) *Paragraph (b) of this section does not apply to the following FOODS prepared and PACKAGED by a FOOD PROCESSING PLANT inspected by a REGULATORY AUTHORITY:*

1. *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 Current good manufacturing practice in manufacturing, packing, or holding human food;*
2. *Hard cheeses containing not more than 39% moisture as defined in 21 CFR 133 Cheeses and related cheese products, such as cheddar, gruyere, parmesan and reggiano, and romano;*

3. *Semi-soft cheeses containing more than 39% moisture, but not more than 50% moisture, as defined in 21 CFR 133 Cheeses and related cheese products, such as blue, edam, gorgonzola, gouda, and monterey jack;*
4. *Cultured dairy products as defined in 21 CFR 131 Milk and cream, such as yogurt, sour cream, and buttermilk;*
5. *Preserved FISH products, such as pickled herring and dried or salted cod, and other acidified FISH products defined in 21 CFR 114 Acidified foods;*
6. *Shelf stable, dry fermented sausages, such as pepperoni and Genoa; and*
7. *Shelf stable salt-cured products such as prosciutto and Parma (ham).*

(8) Ready-to-Eat, Time/Temperature Control for Safety Food, Disposition.

(a) A FOOD specified in 40-7-1-.12 (7)(a) or (b) shall be discarded if it:

1. Exceeds the temperature and time combination specified in 40-7-1-.12 (7)(a), except time that the product is frozen;^P
2. Is in a container or PACKAGE that does not bear a date or day;^P or
3. Is inappropriately marked with a date or day that exceeds a temperature and time combination as specified in 40-7-1-.12 (7)(a).^P

(b) Refrigerated, READY-TO-EAT, 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 40-7-1-.12 (7)(a).^P

(9) Time as a Public Health Control.

(a) Except as specified under (d) of this section, if time without temperature control is used as the public health control for a working supply of TIME/TEMPERATURE CONTROL FOR SAFETY FOOD before cooking, or for READY-TO-EAT TIME/TEMPERATURE CONTROL FOR SAFETY FOOD that is displayed or held for sale or service:

1. Written procedures shall be prepared in advance, maintained in the FOOD ESTABLISHMENT and made available to the DEPARTMENT upon request that specify:^{Pf}
 - (i) Methods of compliance with Subparagraphs (b)1 – 4 or (c)1 - 5 of this section;^{Pf} and
 - (ii) Methods of compliance with 40-7-1-.12 (4) for FOOD that is prepared, cooked, and refrigerated before time is used as a public health control.^{Pf}

(b) If time without temperature control is used as the public health control up to a maximum of four (4) hours:

1. The FOOD shall have an initial temperature of 5°C (41°F) or less when removed from cold holding temperature control, or 57°C (135°F) or greater when removed from hot holding temperature control;^P
2. The FOOD shall be marked or otherwise identified to indicate the time that is four (4) hours past the point in time when the FOOD is removed from temperature control;^{Pf}
3. The FOOD shall be cooked and served, served at any temperature if READY-TO-EAT, or discarded, within four (4) hours from the point in time when the FOOD is removed from temperature control;^P and
4. The FOOD in unmarked containers or PACKAGES, or marked to exceed a four (4) hour limit shall be discarded.^P

(c) If time without temperature control is used as the public health control up to maximum of six (6) hours:

1. The FOOD shall have an initial temperature of 5°C (41°F) or less when removed from temperature control and the FOOD temperature may not exceed 21°C (70°F) within a maximum time period of six (6) hours;^P
2. The FOOD shall be monitored to ensure the warmest portion of the FOOD does not exceed 21°C (70°F) during the six (6) hour period, *unless an ambient air temperature is maintained that ensures the FOOD does not exceed 21°C (70°F) during the six (6) hour holding period;*^{Pf}
3. The FOOD shall be marked or otherwise identified to indicate:^{Pf}
 - (i) The time when the FOOD is removed from 5°C (41°F) or less cold holding temperature control,^{Pf} and
 - (ii) The time that is six (6) hours past the point in time when the FOOD is removed from cold holding temperature control;^{Pf}
4. The FOOD shall be:
 - (i) Discarded if the temperature of the FOOD exceeds 21°C (70°F),^P or
 - (ii) Cooked and served, served at any temperature if READY-TO-EAT, or discarded within a maximum of six (6) hours from the point in time when the FOOD is removed from 5°C (41°F) or less cold holding temperature control;^P and
5. The FOOD in unmarked containers or PACKAGES, or marked with a time that exceeds the six (6) hour limit shall be discarded.^P

(d) A FOOD ESTABLISHMENT that serves a HIGHLY SUSCEPTIBLE POPULATION may not use time as specified under (a), (b) or (c) of this section as the public health control for raw EGGS.

(10) **Variance Requirement.** A FOOD ESTABLISHMENT shall obtain a VARIANCE from the DEPARTMENT as specified in 40-7-1-.38 (3) and under 40-7-1-.38 (4) before:^{Pf}

(a) Smoking FOOD as a method of FOOD preservation rather than as a method of flavor enhancement;^{Pf}

(b) Curing FOOD;^{Pf}

(c) Using FOOD ADDITIVES or adding components such as vinegar:^{Pf}

1. As a method of FOOD preservation rather than as a method of flavor enhancement,^{Pf} or

2. To render a FOOD so that it is not TIME/TEMPERATURE CONTROL FOR SAFETY FOOD;^{Pf}

(d) Packaging TIME/TEMPERATURE CONTROL FOR SAFETY FOOD using a REDUCED OXYGEN PACKAGING method *except where the growth of and toxin formation by **Clostridium botulinum** and the growth of **Listeria monocytogenes** are controlled as specified under 40-7-1-.12(11)*;^{Pf}

(e) Operating a MOLLUSCAN SHELLFISH life-support system display tank used to store or display shellfish that are offered for human consumption;^{Pf}

(f) Custom processing animals that are for personal use as FOOD and not for sale or service in a FOOD ESTABLISHMENT;^{Pf}

(g) Preparing FOOD by another method that is determined by the DEPARTMENT to require a VARIANCE; ^{Pf} or

(h) Sprouting seeds or beans.^{Pf}

(11) **Reduced Oxygen Packaging Without a Variance, Criteria.**

(a) Except for a FOOD ESTABLISHMENT that obtains a VARIANCE as specified under 40-7-1-.12 (10), a FOOD ESTABLISHMENT that PACKAGES TIME/TEMPERATURE CONTROL FOR SAFETY FOOD using a REDUCED OXYGEN PACKAGING method shall control the growth and toxin formation of **Clostridium botulinum** and the growth of **Listeria monocytogenes**.^P

(b) Except as specified under (f) of this section, a FOOD ESTABLISHMENT that PACKAGES TIME/TEMPERATURE CONTROL FOR SAFETY FOOD using a REDUCED OXYGEN PACKAGING method shall implement a HACCP PLAN that contains the information specified under 40-7-1-.39(4)(c) and (d) and that:^{Pf}

1. Identifies the FOOD to be PACKAGED;^{Pf}

2. Except as specified under (c) - (e) of this section, requires that the PACKAGED FOOD shall be maintained at 5°C (41°F) or less and meet at least one of the following criteria:^{Pf}

(i) Has an A_w of 0.91 or less,^{Pf}

(ii) Has a pH of 4.6 or less,^{Pf}

(iii) Is a MEAT or POULTRY product cured at a FOOD PROCESSING PLANT regulated by the USDA using substances specified in 9 CFR 424.21, Use of food ingredients and sources of radiation, and is received in an intact PACKAGE,^{Pf} or

(iv) Is a FOOD with a high level of competing organisms such as raw MEAT, raw POULTRY, or raw vegetables;^{Pf}

3. Describes how the PACKAGE shall be prominently and conspicuously labeled on the principal display panel in bold type on a contrasting background, with instructions to:^{Pf}

(i) Maintain the FOOD at 5°C (41°F) or below,^{Pf} and

(ii) Discard the FOOD if within thirty (30) calendar days of its PACKAGING if it is not served for on-PREMISES consumption, or consumed if served or sold for off-PREMISES consumption;^{Pf}

4. Limits the refrigerated shelf life to no more than thirty (30) calendar days from PACKAGING to consumption, except the time the product is maintained frozen, or the original manufacturer's "sell by" or "use by" date, whichever occurs first;^P

5. Includes operational procedures that:

(i) Prohibit contacting READY-TO-EAT FOOD with bare hands as specified under 40-7-1-.10 (1)(b),^{Pf}

(ii) Identify a designated work area and the method by which:^{Pf}

(I) Physical barriers or methods of separation of raw FOODS and READY-TO-EAT FOODS minimize cross contamination,^{Pf} and

(II) Access to the processing EQUIPMENT is limited to responsible trained personnel familiar with the potential HAZARDS of the operation,^{Pf} and

(iii) Delineate cleaning and SANITIZATION procedures for FOOD-CONTACT SURFACES,^{Pf} and

6. Describes the training program that ensures that the individual responsible for the REDUCED OXYGEN PACKAGING operation understands the:^{Pf}

- (i) Concepts required for a safe operation,^{Pf}
- (ii) EQUIPMENT and facilities,^{Pf} and
- (iii) Procedures specified under Subparagraph (b)5 of this section and 40-7-1-.39 (4)(c) and (d).^{Pf}

7. Is provided to the DEPARTMENT prior to implementation as specified under 40-7-1-.39 (3)(b).

(c) *Except for FISH that is frozen before, during, and after PACKAGING and bears a label indicating it is to be kept frozen until time of use, a FOOD ESTABLISHMENT may not PACKAGE FISH using a REDUCED OXYGEN PACKAGING method.*^P

(d) Except as specified under (c) and (f) of this section, a FOOD ESTABLISHMENT that PACKAGES TIME/TEMPERATURE CONTROL FOR SAFETY FOOD using a cook-chill or sous vide process shall:

1. Provide to the DEPARTMENT prior to implementation, a HACCP PLAN that contains the information as specified under 40-7-1-.39 (4)(c) and (d);^{Pf}

2. Ensure the FOOD is:

(i) Prepared and consumed on the PREMISES, or prepared and consumed off the PREMISES but within the same business entity with no distribution or sale of the PACKAGED product to another business entity or the CONSUMER,^{Pf}

(ii) Cooked to heat all parts of the FOOD to a temperature and for a time as specified under 40-7-1-.11 (1)(a), (b), and (c);^P

(iii) Protected from contamination before and after cooking as specified under 40-7-1-.10 (1) - (25) and 40-7-1-.11 (1) - (9);^P

(iv) Placed in a PACKAGE with an oxygen barrier and sealed before cooking, or placed in a PACKAGE and sealed immediately after cooking and before reaching a temperature below 57°C (135°F);^P

(v) Cooled to 5°C (41°F) in the sealed PACKAGE or bag as specified under 40-7-1-.12 (4) and:^P

(I) Cooled to 1°C (34°F) within forty-eight (48) hours of reaching 5°C (41°F) and held at that temperature until consumed or discarded within thirty (30) days after the date of PACKAGING;^P

(II) Held at 5°C (41°F) or less for no more than seven (7) days, at which time the FOOD must be consumed or discarded;^P or

(III) Held frozen with no shelf life restriction while frozen until consumed or used.^P

(vi) Held in a refrigeration unit that is equipped with an electronic system that continuously monitors time and temperature and is visually examined for proper operation twice daily,^{Pf}

(vii) If transported off-site to a satellite location of the same business entity, equipped with verifiable electronic monitoring devices to ensure that times and temperatures are monitored during transportation,^{Pf} and

(viii) Labeled with the product name and the date PACKAGED;^{Pf} and

3. Maintain the records required to confirm that cooling and cold holding refrigeration time/temperature parameters are required as part of the HACCP PLAN and:

(i) Make such records available to the DEPARTMENT upon request,^{Pf} and

(ii) Hold such records for at least six (6) months;^{Pf} and

4. Implement written operational procedures as specified under Subparagraph (b)5 of this section and a training program as specified under Subparagraph (b)6 of this section.^{Pf}

(e) Except as specified under (f) of this section, a FOOD ESTABLISHMENT that PACKAGES cheese using a REDUCED OXYGEN PACKAGING method shall:

1. Limit the cheeses PACKAGED to those that are commercially manufactured in a FOOD PROCESSING PLANT with no ingredients added in the FOOD ESTABLISHMENT and that meet the Standards of Identity as specified in 21 CFR 133.150 Hard cheeses, 21 CFR 133.169 Pasteurized process cheese or 21 CFR 133.187 Semisoft cheeses;^P

2. Have a HACCP PLAN that contains the information specified under 40-7-1-.39 (4)(c) and (d) and as specified under (b)1, (b)3(i), (b)5 and (b)6 of this section;^{Pf}

3. Labels the PACKAGE on the principal display panel with a "use by" date that does not exceed thirty (30) days from its packaging or the original manufacturer's "sell by" or "use by" date, whichever occurs first;^{Pf} and

4. Discards the REDUCED OXYGEN PACKAGED cheese if it is not sold for off-PREMISES consumption or consumed within thirty (30) calendar days of its PACKAGING.^{Pf}

(f) A HACCP PLAN is not required when a FOOD ESTABLISHMENT uses a REDUCED OXYGEN PACKAGING method to PACKAGE TIME/TEMPERATURE CONTROL FOR SAFETY FOOD that is always:

1. Labeled with the production time and date,

2. *Held at 5°C (41°F) or less during refrigerated storage, and*
3. *Removed from its PACKAGE in the FOOD ESTABLISHMENT within forty-eight (48) hours after PACKAGING.*

Authority: O.C.G.A. Secs. 26-2-1, *et seq.*

Rule 40-7-1-.13 Food: Food Identify, Presentation, and Labeling

(1) **Standards of Identity.** PACKAGED FOOD shall comply with standard of identity requirements in 21 CFR 131-169 and 9 CFR 319 Definitions and standards of identity or composition, and the general requirements in 21 CFR 130 - Food Standards: General and 9 CFR 319 Subpart A - General.

(2) **Honestly Presented.**

(a) FOOD shall be offered for human consumption in a way that does not mislead or misinform the CONSUMER.

(b) FOOD or COLOR ADDITIVES, colored overwraps, or lights may not be used to misrepresent the true appearance, color, or quality of a FOOD.

(3) **Food Labels.**

(a) FOOD PACKAGED in a FOOD ESTABLISHMENT, shall be labeled as specified in LAW, including 21 CFR 101 - Food labeling, and 9 CFR 317 Labeling, marking devices, and containers.

(b) Label information shall include:

1. The common name of the FOOD, or absent a common name, an adequately descriptive identity statement;
2. If made from two (2) or more ingredients, a list of ingredients and sub-ingredients in descending order of predominance by weight, including a declaration of artificial colors, artificial flavors and chemical preservatives, if contained in the FOOD;
3. An accurate declaration of the net quantity of contents;
4. The name and place of business of the manufacturer, packer, or distributor; and
5. The name of the FOOD source for each MAJOR FOOD ALLERGEN contained in the FOOD unless the FOOD source is already part of the common or usual name of the respective ingredient.^{Pf}
6. Except as exempted in the Federal Food, Drug, and Cosmetic Act § 403(q)(3) - (5), nutrition labeling as specified in 21 CFR 101 - Food Labeling and 9 CFR 317 Subpart B Nutrition Labeling.
7. For any salmonid FISH containing canthaxanthin or astaxanthin as a COLOR ADDITIVE, the labeling of the bulk FISH container, including a list of ingredients, displayed on the retail container or by other written means, such as a counter card, that discloses the use of canthaxanthin or astaxanthin.

(c) Bulk FOOD that is available for CONSUMER self-dispensing shall be prominently labeled with the following information in plain view of the CONSUMER:

1. The manufacturer's or processor's label that was provided with the FOOD; or
2. A card, sign, or other method of notification that includes the information specified under Subparagraphs (b)1, 2, and 6 of this section.

(d) *Bulk, unPACKAGED FOODS such as bakery products and unPACKAGED FOODS that are portioned to CONSUMER specification need not be labeled if:*

1. *A health, nutrient content, or other claim is not made;*
2. *There are no state or local LAWS requiring labeling; and*
3. *The FOOD is manufactured or prepared on the PREMISES of the FOOD ESTABLISHMENT or at another FOOD ESTABLISHMENT or a FOOD PROCESSING PLANT that is owned by the same PERSON and is regulated by the FOOD regulatory agency that has jurisdiction.*

(e) Expiration Dates. It shall be unLAWful to sell or offer for sale, at retail or wholesale, the following FOOD items past the EXPIRATION DATE stated on the label:

1. EGGS cannot be offered or held for sale after the EXPIRATION DATE, according to DEPARTMENTAL Rules 40-3-1-.01(e) 1.
2. Infant Formula.
 - (i) Each and every container of liquid or powdered infant formula made from two or more ingredients and represented as or intended as a replacement or supplement for milk, shall conspicuously show in common and express terms the calendar month and year after which the product is not to be sold or used for human consumption.
 - (ii) The EXPIRATION DATE, or the date after which the product is not to be sold or used for human consumption, shall be determined by the manufacturer based on empirical data or other verifiable scientific means.
 - (iii) If the Commissioner or his authorized agent has prohibited the sale of a product still within date, after notice, the manufacturer shall for each and every brand, variety, or formulation of infant formula intended to be sold or offered for sale in Georgia, submit scientific data establishing the EXPIRATION DATE to comply with Section (e)1(ii) of this regulation. Such data shall include, but is not limited to, physical, nutritional, and chemical properties. In the absence of empirical data on any specific formulation, the manufacturer shall provide such scientific data to reasonably substantiate the EXPIRATION DATE. If the data submitted does not, in the opinion of the Commissioner, justify the EXPIRATION DATE, the Commissioner shall prohibit the sale of the product until a new

EXPIRATION DATE consistent with data is applied to the FOOD product.

(iv) Each and every shipping carton, container and CONSUMER package shall in like manner show the calendar month and year after which the product is not to be sold or used. This section will be complied with if the information is not contained on the shipping carton, container, and CONSUMER package, but is easily legible by virtue of the transparency of the outer wrapper or container.

(v) Any manufacturer, distributor, dealer, or other PERSON who offers for sale or sells infant formula not showing an EXPIRATION DATE or who offers for sale or sells infant formula on a date after the EXPIRATION DATE shown shall be deemed to be offering for sale a product unfit for FOOD.

(vi) Knowingly filing with the Commissioner incorrect or unverifiable data or placing an EXPIRATION DATE upon a shipping carton, container or any CONSUMER package, which date is inconsistent with the data filed with the Commissioner, shall be deemed to be misbranding under part 26-2-28 of the Georgia Food Act provided, however, that it shall not be deemed misbranded if the EXPIRATION DATE shown is an earlier date than the filed data would warrant.

(vii) Special Formulation. The provisions of this regulation shall not apply to any special formulation manufactured on request of any licensed physician for the express purpose of meeting dietary needs of a specific individual.

3. Milk, covered under the Grade "A" Pasteurized Milk Ordinance (PMO), and adopted by reference in DEPARTMENTAL Chapter 40-2-15.

4. Shucked oysters, covered by the Interstate Shellfish Sanitation Conference (ISSC) National Shellfish Sanitation Program Guide For The Control of Molluscan Shellfish (Model Ordinance) and adopted by reference in DEPARTMENTAL Rules 40-7-12-.19.

5. TIME/TEMPERATURE CONTROL FOR SAFETY FOOD, or any FOOD that is labeled "keep refrigerated," cannot be offered or held for sale past the stated EXPIRATION DATE. Nor can the EXPIRATION DATE be modified or lengthened by the use of these products as an ingredient in another FOOD product.

(4) Other Forms of Information.

(a) If required by LAW, CONSUMER warnings shall be provided.

(b) FOOD ESTABLISHMENT or manufacturers' dating information on FOODS may not be concealed or altered.

(5) Consumption of Animal Foods that are Raw, Undercooked, or Not Otherwise Processed to Eliminate Pathogens.

(a) Except as specified in 40-7-1-.11 (1)(c) and Subparagraph 40-7-1-.11 (1)(d) 4, if an animal FOOD such as beef, EGGS, FISH, lamb, pork, POULTRY, or shellfish is served or sold raw, undercooked, or without otherwise being processed to eliminate pathogens, either in READY-TO-EAT form or as an ingredient in another READY-TO-EAT FOOD, the LICENSE HOLDER shall inform CONSUMERS of the significantly increased RISK of consuming such FOODS by way of a DISCLOSURE and REMINDER, as specified in (b) and (c) of this section using brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written means.^{Pf}

(b) DISCLOSURE shall include:

1. A description of the animal-derived FOODS, such as "oysters on the half shell - raw oysters," "raw-EGG Caesar salad," and "hamburgers - can be cooked to order",^{Pf} or
2. Identification of the animal-derived FOODS by asterisking them to a footnote that states that the items are served raw or undercooked, or contain - or may contain - raw or undercooked ingredients.^{Pf}

(c) REMINDER shall include asterisking the animal-derived FOODS requiring DISCLOSURE to a footnote that states:

1. Regarding the safety of these items, written information is available upon request,^{Pf}
2. Consuming raw or undercooked MEATS, POULTRY, seafood, shellfish, or EGGS may increase your RISK of foodborne illness;^{Pf} or
3. Consuming raw or undercooked MEATS, POULTRY, seafood, shellfish, or EGGS may increase your RISK of foodborne illness, especially if you have certain medical conditions.^{Pf}

Authority: O.C.G.A. Secs. 26-2-1, *et seq.*

Rule 40-7-1-.18 Equipment, Utensils, and Linens: Numbers and Capacities

(1) **Cooling, Heating, and Holding Capacities.** EQUIPMENT for cooling and heating FOOD, and holding cold and hot FOOD, shall be sufficient in number and capacity to provide FOOD temperatures as specified under 40-7-1-.08 through 40-7-1-.14 .^{Pf}

(2) **Manual Warewashing, Sink Compartment Requirements.**

(a) Except as specified in (c) of this section, a sink with at least three (3) compartments shall be provided for manually washing, rinsing, and SANITIZING EQUIPMENT and UTENSILS.^{Pf}

(b) Sink compartments shall be large enough to accommodate immersion of the largest EQUIPMENT and UTENSILS. If EQUIPMENT or UTENSILS are too large for the WAREWASHING sink, a WAREWASHING machine or alternative EQUIPMENT as specified in (c) of this section shall be used.^{Pf}

(c) *Alternative manual WAREWASHING EQUIPMENT may be used when there are special cleaning needs or constraints and its use is APPROVED. Alternative manual WAREWASHING EQUIPMENT may include:*

1. *High-pressure detergent sprayers;*
2. *Low- or line-pressure spray detergent foamers;*
3. *Other task-specific cleaning EQUIPMENT;*
4. *Brushes or other implements;*
5. *2-compartment sinks as specified under (d) and (e) of this section; or*
6. *Receptacles that substitute for the compartments of a multicompartment sink.*

(d) Before a 2-compartment sink is used:

1. The LICENSE HOLDER shall have its use APPROVED; and
2. The LICENSE HOLDER shall limit the number of KITCHENWARE items cleaned and SANITIZED in the 2-compartment sink, and shall limit WAREWASHING to batch operations for cleaning KITCHENWARE such as between cutting one type of raw MEAT and another or cleanup at the end of a shift, and shall:
 - (i) Make up the cleaning and SANITIZING solutions immediately before use and drain them immediately after use, and
 - (ii) Use a detergent-SANITIZER to SANITIZE and apply the detergent-SANITIZER in accordance with the manufacturer's label instructions and as specified under 40-7-1-.20 (15), or

(iii) Use a hot water SANITIZATION immersion step as specified under 40-7-1-.21 (10)(c).

(e) A 2-compartment sink may not be used for WAREWASHING operations where cleaning and SANITIZING solutions are used for a continuous or intermittent flow of KITCHENWARE or TABLEWARE in an ongoing WAREWASHING process.

(3) **Drainboards.** Drainboards, UTENSIL racks, or tables large enough to accommodate all soiled and cleaned items that may accumulate during hours of operation shall be provided for necessary UTENSIL holding before cleaning and after SANITIZING.

(4) **Ventilation Hood Systems, Adequacy.** Ventilation hood systems and devices shall be sufficient in number and capacity to prevent grease or condensation from collecting on walls and ceilings.

(5) **Clothes Washers and Dryers.**

(a) Except as specified in (b) of this section, if work clothes or LINENS are laundered on the PREMISES, a mechanical clothes washer and dryer shall be provided and used.

(b) *If on-PREMISES laundering is limited to wiping cloths intended to be used moist, or wiping cloths are air-dried as specified under 40-7-1-.24 (2), a mechanical clothes washer and dryer need not be provided.*

(6) **Utensils, Consumer Self-Service.** A FOOD dispensing UTENSIL shall be available for each container displayed at a CONSUMER self-service unit such as a buffet or salad bar.^{Pf}

(7) **Food Temperature Measuring Devices.**

(a) FOOD TEMPERATURE MEASURING DEVICES shall be provided and readily accessible for use in ensuring attainment and maintenance of FOOD temperatures as specified under 40-7-1-.08 through 40-7-1-.14 .^{Pf}

(b) A TEMPERATURE MEASURING DEVICE with a suitable small-diameter probe that is designed to measure the temperature of thin masses shall be provided and readily accessible to accurately measure the temperature in thin FOODS such as MEAT patties and FISH filets.^{Pf}

(8) **Temperature Measuring Devices, Manual and Mechanical Warewashing.**

(a) In manual WAREWASHING operations, a TEMPERATURE MEASURING DEVICE shall be provided and readily accessible for frequently measuring the washing and SANITIZING temperatures.^{Pf}

(b) In hot water mechanical WAREWASHING operations, an irreversible registering temperature indicator shall be provided and readily accessible for measuring the UTENSIL surface temperature.^{Pf}

(9) **Sanitizing Solutions, Testing Devices.** A test kit or other device that accurately measures the concentration in MG/L of SANITIZING solutions shall be provided.^{Pf}

(10) Cleaning Agents and Sanitizers, Availability.

(a) Cleaning agents that are used to clean EQUIPMENT and UTENSILS as specified under 40-7-1-.21 shall be provided and available for use during all hours of operation.

(b) Except for those that are generated on-site at the time of use, chemical SANITIZERS that are used to sanitize EQUIPMENT and UTENSILS as specified under 40-7-1-.22 shall be provided and available for use during all hours of operation.

Authority: O.C.G.A. Secs. 26-2-1, *et seq.*

Rule 40-7-1-.26 Water, Plumbing, and Waste: Plumbing System

(1) APPROVED.

(a) A PLUMBING SYSTEM and hoses conveying water shall be constructed and repaired with APPROVED materials according to LAW.^P

(b) A water filter shall be made of SAFE MATERIALS.^P

(2) Approved System and Cleanable Fixtures.

(a) A PLUMBING SYSTEM shall be designed, constructed, and installed according to LAW.^P

(b) A PLUMBING FIXTURE such as a HANDWASHING SINK, toilet, or urinal shall be EASILY CLEANABLE.

(3) Handwashing Sink, Installation.

(a) A HANDWASHING SINK shall be equipped to provide water at a temperature of at least 38°C (100°F) through a mixing valve or combination faucet.^{Pf}

(b) A steam mixing valve may not be used at a HANDWASHING SINK.

(c) A self-closing, slow-closing, or metering faucet shall provide a flow of water for at least fifteen (15) seconds without the need to reactivate the faucet.

(d) An automatic handwashing facility shall be installed in accordance with manufacturer's instructions.

(4) **Backflow Prevention, Air Gap.** An air gap between the water supply inlet and the flood level rim of the PHYSICAL FACILITIES, EQUIPMENT, or nonFOOD EQUIPMENT shall be at least twice the diameter of the water supply inlet and may not be less than 25 mm (1 inch).^P

(5) **Backflow Prevention Device, Design Standard.** A backflow or backsiphonage prevention device installed on a water supply system shall meet American Society of Sanitary Engineering (A.S.S.E.) standards for construction, installation, maintenance, inspection, and testing for that specific application and type of device.^P

(6) **Conditioning Device, Design.** A water filter, screen, and other water conditioning device installed on water lines shall be designed to facilitate disassembly for periodic servicing and cleaning. A water filter element shall be of the replaceable type.

(7) Handwashing Sinks.

(a) Except as specified in (b) and (c) of this section, at least one (1) HANDWASHING SINK, a number of HANDWASHING SINKS necessary for their convenient use by EMPLOYEES in areas specified under 40-7-1-.26 (12), and not fewer than the number of HANDWASHING SINKS required by LAW shall be provided.^{Pf}

(b) If APPROVED and capable of removing the types of soils encountered in the FOOD operations involved, automatic handwashing facilities may be substituted for HANDWASHING SINKS in a FOOD ESTABLISHMENT that has at least one (1) HANDWASHING SINK.

(c) If APPROVED, when FOOD exposure is limited and HANDWASHING SINKS are not conveniently available, such as in some mobile FOOD ESTABLISHMENTS or at some VENDING MACHINE LOCATIONS, EMPLOYEES may use chemically treated towelettes for handwashing.

(8) Toilets and Urinals. At least one (1) toilet, and not fewer than the toilets required by LAW, shall be provided. If authorized by LAW and urinals are substituted for toilets, the substitution shall be done as specified in LAW.

(9) Service Sink.

(a) At least one (1) service sink or one (1) curbed cleaning facility equipped with a floor drain shall be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water and similar liquid waste.

(b) Toilets and urinals may not be used as a service sink for the disposal of mop water and similar liquid waste.

(10) Backflow Prevention Device, When Required. A PLUMBING SYSTEM shall be installed to preclude backflow of a solid, liquid, or gas contaminant into the water supply system at each point of use at the FOOD ESTABLISHMENT, including on a hose bibb if a hose is attached or on a hose bibb if a hose is not attached and backflow prevention is required by LAW, by:

(a) Providing an air gap as specified under 40-7-1-.26 (4);^P or

(b) Installing an APPROVED backflow prevention device as specified under 40-7-1-.26 (5).^P

(11) Backflow Prevention Device, Carbonator.

(a) If not provided with an air gap as specified under 40-7-1-.26 (4), a dual check valve with an intermediate vent preceded by a screen of not less than 100 mesh to 25.4 mm (100 mesh to 1 inch) shall be installed upstream from a carbonating device and downstream from any copper in the water supply line.^P

(b) A dual check valve attached to the carbonator need not be of the vented type if an air gap or vented backflow prevention device has been otherwise provided as specified under (a) of this section.

(12) Handwashing Sinks. A HANDWASHING SINK shall be located:

(a) To allow convenient use by EMPLOYEES in FOOD preparation, FOOD dispensing, and WAREWASHING areas;^{Pf} and

(b) In, or immediately adjacent to, toilet rooms.^{Pf}

(13) **Backflow Prevention Device, Location.** A backflow prevention device shall be located so that it may be serviced and maintained.

(14) **Conditioning Device, Location.** A water filter, screen, and other water conditioning device installed on water lines shall be located to facilitate disassembly for periodic servicing and cleaning.

(15) **Using a Handwashing Sink.**

(a) A HANDWASHING SINK shall be maintained so that it is accessible at all times for EMPLOYEE use.^{Pf}

(b) A HANDWASHING SINK may not be used for purposes other than handwashing.^{Pf}

(c) An automatic handwashing facility shall be used in accordance with manufacturer's instructions.^{Pf}

(16) **Prohibiting a Cross Connection.**

(a) A PERSON may not create a cross connection by connecting a pipe or conduit between the DRINKING WATER system and a nonDRINKING WATER system or a water system of unknown quality.^P

(b) The piping of a nonDRINKING WATER system shall be durably identified so that it is readily distinguishable from piping that carries DRINKING WATER.^{Pf}

(17) **Scheduling Inspection and Service for a Water System Device.** A device such as a water treatment device or backflow preventer shall be scheduled for inspection and service in accordance with manufacturer's instructions and as necessary to prevent device failure based on local water conditions. Records demonstrating inspection and service shall be maintained by the PERSON IN CHARGE.^{Pf}

(18) **Water Reservoir of Fogging Devices, Cleaning.**

(a) A reservoir that is used to supply water to a device such as a produce fogger shall be:

1. Maintained in accordance with manufacturer's specifications;^P and
2. Cleaned in accordance with manufacturer's specifications or according to the procedures specified under (b) of this section, whichever is more stringent.^P

(b) Cleaning procedures shall include at least the following steps and shall be conducted at least once a week:

1. Draining and complete disassembly of the water and aerosol contact parts;^P
2. Brush-cleaning the reservoir, aerosol tubing, and discharge nozzles with a suitable detergent solution;^P

3. Flushing the complete system with water to remove the detergent solution and particulate accumulation;^P and

4. Rinsing by immersing, spraying, or swabbing the reservoir, aerosol tubing, and discharge nozzles with at least 50 MG/L hypochlorite solution.^P

(19) **System Maintained in Good Repair.** A PLUMBING SYSTEM shall be:

(a) Repaired according to LAW;^P and

(b) Maintained in good repair.

Authority: O.C.G.A. Secs. 26-2-1, *et seq.*

Rule 40-7-1-.36 Poisonous or Toxic Materials: Operational Supplies and Applications

(1) **Separation.** POISONOUS OR TOXIC MATERIALS shall be stored so they cannot contaminate FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES by:

(a) Separating the POISONOUS OR TOXIC MATERIALS by spacing or partitioning;^P and

(b) Locating the POISONOUS OR TOXIC MATERIALS in an area that is not above FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE -SERVICE or SINGLE-USE ARTICLES. *This paragraph does not apply to EQUIPMENT and UTENSIL cleaners and SANITIZERS that are stored in WAREWASHING areas for availability and convenience if the materials are stored to prevent contamination of FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES.*^P

(2) **Restriction.**

(a) Only those POISONOUS OR TOXIC MATERIALS that are required for the operation and maintenance of a FOOD ESTABLISHMENT, such as for the cleaning and SANITIZING of EQUIPMENT and UTENSILS and the control of insects and rodents, shall be allowed in a FOOD ESTABLISHMENT.^{Pf}

(b) *Paragraph (a) of this section does not apply to PACKAGED POISONOUS OR TOXIC MATERIALS that are for retail sale.*

(3) **Conditions of Use.** POISONOUS OR TOXIC MATERIALS shall be:

(a) Used according to:

1. LAW and these Regulations,
2. Manufacturer's use directions included in labeling, and, for a pesticide, manufacturer's label instructions that state that use is allowed in a FOOD ESTABLISHMENT,^P
3. The conditions of certification, if certification is required, for use of the pest control materials,^P and
4. Additional conditions that may be established by the DEPARTMENT; and

(b) Applied so that:

1. A HAZARD to EMPLOYEES or other PERSONS is not constituted,^P and
2. Contamination - including toxic residues due to drip, drain, fog, splash or spray - on FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES is prevented, and, for a RESTRICTED USE PESTICIDE, this is achieved by:^P

- (i) Removing the items,^P
- (ii) Covering the items with impermeable covers,^P or
- (iii) Taking other appropriate preventive actions,^P and
- (iv) Cleaning and SANITIZING EQUIPMENT and UTENSILS after the application.^P

(c) A RESTRICTED USE PESTICIDE shall be applied only by an applicator certified as defined in 7 USC 136 Definitions, (e) Certified Applicator, of the Federal Insecticide, Fungicide, and Rodenticide Act, or a PERSON under the direct supervision of a certified applicator.^{Pf}

(4) **Poisonous or Toxic Material Containers.** A container previously used to store POISONOUS OR TOXIC MATERIALS may not be used to store, transport, or dispense FOOD.^P

(5) **Sanitizers, Criteria.** Chemical SANITIZERS, including chemical sanitizing solutions generated on-site, and other chemical antimicrobials applied to FOOD-CONTACT SURFACES shall:

- (a) Meet the requirements specified in 40 CFR 180.940 Tolerance exemptions for active and inert ingredients for use in antimicrobial formulations (Food-contact surface sanitizing solutions),^P or
- (b) Meet the requirements as specified in 40 CFR 180.2020 Pesticide Chemicals Not Requiring a Tolerance or Exemption from Tolerance-Non-food determinations.^P

(6) **Chemicals for Washing, Treatment, Storage, and Processing Fruits and Vegetables, Criteria.** Chemicals, including those generated on-site, used to wash or peel raw, whole fruits and vegetables shall:

- (a) Be an APPROVED FOOD ADDITIVE listed for this intended use in 21 CFR 173,^P or
- (b) Be generally recognized as safe (GRAS) for this intended use,^P or
- (c) Be the subject of an effective food contact notification for this intended use – only effective for the manufacturer or supplier identified in the notification,^P and
- (d) Meet the requirements in 40 CFR 156 Labeling Requirements for Pesticide and Devices.^P

(7) **Boiler Water Additives, Criteria.** Chemicals used as boiler water ADDITIVES shall meet the requirements specified in 21 CFR 173.310 Boiler water additives.^P

(8) **Drying Agents, Criteria.** Drying agents used in conjunction with SANITIZATION shall:

- (a) Contain only components that are listed as one of the following:

1. Generally recognized as safe for use in FOOD as specified in 21 CFR 182 - Substances Generally Recognized as Safe, or 21 CFR 184 -Direct Food Substances Affirmed as Generally Recognized as Safe,^P
2. Generally recognized as safe for the intended use as specified in 21 CFR 186 - Indirect Food Substances Affirmed as Generally Recognized as Safe,^P
3. Generally recognized as safe for the intended use as determined by experts qualified in scientific training and experience to evaluate the safety of substances added, directly or indirectly, to FOOD as described in 21 CFR 170.30 Eligibility for classification as generally recognized as safe (GRAS),^P
4. Subject of an effective Food Contact Notification as described in the Federal Food Drug and Cosmetic Act (FFDCA) Section 409(h),^P
5. APPROVED for use as a drying agent under a prior sanction as described in the Federal Food Drug and Cosmetic Act (FFDCA) § 201(s)(4);^P
6. Specifically regulated as an indirect FOOD ADDITIVE for use as a drying agent as specified in 21 CFR Parts 174-178,^P or
7. APPROVED for use as a drying agent under the threshold of regulation process established by 21 CFR 170.39 Threshold of regulation for substances used in food-contact articles;^P and

(b) When SANITIZATION is with chemicals, the approval required under Subparagraph (a)5 or (a)7 of this section or the regulation as an indirect FOOD ADDITIVE required under Subparagraph (a)6 of this section, shall be specifically for use with chemical SANITIZING solutions.^P

(9) **Incidental Food Contact, Criteria.** Lubricants shall meet the requirements specified in 21 CFR 178.3570 Lubricants with incidental food contact, if they are used on FOOD-CONTACT SURFACES, on bearings and gears located on or within FOOD-CONTACT SURFACES, or on bearings and gears that are located so that lubricants may leak, drip, or be forced into FOOD or onto FOOD-CONTACT SURFACES.^P

(10) **Restricted Use Pesticides, Criteria.** RESTRICTED USE PESTICIDES specified under 40-7-1-.36 (3)(c) shall meet the requirements specified in 40 CFR 152 Subpart I- Classification of Pesticides.^P

(11) **Rodent Bait Stations.** Rodent bait shall be contained in a covered, tamper-resistant bait station.^P

(12) **Tracking Powders, Pest Control and Monitoring.**

(a) Except as specified in (b) of this section, a tracking powder pesticide may not be used in a FOOD ESTABLISHMENT.^P

(b) If used, a nontoxic tracking powder such as talcum or flour may not contaminate FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES.

(13) Restriction and Storage.

(a) *Except for medicines that are stored or displayed for retail sale*, only those medicines that are necessary for the health of EMPLOYEES shall be allowed in a FOOD ESTABLISHMENT.^{Pf}

(b) Medicines that are in a FOOD ESTABLISHMENT for the EMPLOYEES' use shall be labeled as specified under 40-7-1-.35 (1) and located to prevent the contamination of FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES.^P

(14) Refrigerated Medicines, Storage. Medicines belonging to EMPLOYEES that require refrigeration and are stored in a FOOD refrigerator shall be stored in a package or container and kept inside a covered, leakproof container that is identified as a container for the storage of medicines.^P

(15) Storage - First Aid Supplies. First aid supplies that are in a FOOD ESTABLISHMENT for the EMPLOYEES' use shall be:

(a) Labeled as specified under 40-7-1-.35 (1);^{Pf} and

(b) Stored in a kit or a container that is located to prevent the contamination of FOOD, EQUIPMENT, UTENSILS, and LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES.^P

(16) Storage - Other Personal Care Items. Except as specified under 40-7-1-.36 (14) and 40-7-1-.36 (15), EMPLOYEES shall store their PERSONAL CARE ITEMS in facilities as specified under 40-7-1-.32 (11)(b).

Authority: O.C.G.A. Secs. 26-2-1, *et seq.*

Rule 40-7-1-.38 Compliance & Enforcement: Regulations Applicability

(1) Public Health Protection.

(a) The DEPARTMENT shall apply these Regulations to promote its underlying purpose, as specified in 40-7-1-.01 (2), of safeguarding public health and ensuring that FOOD is safe, unADULTERATED, and honestly presented when offered to the CONSUMER.

(b) In enforcing the provisions of these Regulations, the DEPARTMENT shall assess existing facilities or EQUIPMENT that were in use before the effective date of these Regulations based on the following considerations:

1. Whether the facilities or EQUIPMENT are in good repair and capable of being maintained in a sanitary condition;
2. Whether FOOD-CONTACT SURFACES comply with 40-7-1-.16 (1) - (9);
3. Whether the capacities of cooling, heating, and holding EQUIPMENT are sufficient to comply with 40-7-1-.18 (1); and
4. The existence of a documented agreement with the LICENSE HOLDER that the facilities or EQUIPMENT will be replaced as specified under 40-7-1-.40 (10)(g).

(2) Preventing Health Hazards, Provision for Conditions Not Addressed.

(a) If necessary to protect against public health HAZARDS or nuisances, the DEPARTMENT may impose specific requirements in addition to the requirements contained in these Regulations that are authorized by LAW.

(b) The DEPARTMENT shall document the conditions that necessitate the imposition of additional requirements and the underlying public health rationale. The documentation shall be provided to the LICENSE applicant or LICENSE HOLDER and a copy shall be maintained in the DEPARTMENT'S file for the FOOD ESTABLISHMENT.

(3) **Modifications and Waivers.** The DEPARTMENT may grant a VARIANCE by modifying or waiving the requirements of these Regulations if in the opinion of the DEPARTMENT a health HAZARD or nuisance will not result from the VARIANCE. If a VARIANCE is granted, the DEPARTMENT shall retain the information specified under 40-7-1-.38 (4) in its records for the FOOD ESTABLISHMENT.

(4) **Documentation of Proposed Variance and Justification.** Before a VARIANCE from a requirement of these Regulations 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 includes:

- (a) A statement of the proposed VARIANCE of these Regulations requirement citing relevant Regulation section numbers;^{Pf}

(b) An analysis of the rationale for how the potential public health HAZARDS and nuisances addressed by the relevant Regulation sections will be alternatively addressed by the proposal;^{Pf} and

(c) A HACCP PLAN, if required as specified under 40-7-1-.39 (3)(a), that includes the information specified under 40-7-1-.39 (4) as it is relevant to the VARIANCE requested.^{Pf}

(5) Conformance with Approved Procedures. If the DEPARTMENT grants a VARIANCE as specified in 40-7-1-.38 (3), or a HACCP PLAN is otherwise required as specified under 40-7-1-.39 (3), the LICENSE HOLDER shall:

(a) Comply with the HACCP PLANS and procedures that are submitted as specified under 40-7-1-.39 (4) and APPROVED as a basis for the modification or waiver;^P and

(b) Maintain and provide to the DEPARTMENT, upon request, records specified under 40-7-1-.39 (4)(d) and (e)3 that demonstrate that the following are routinely employed;

1. Procedures for monitoring the CRITICAL CONTROL POINTS,^{Pf}
2. Monitoring of the CRITICAL CONTROL POINTS,^{Pf}
3. Verification of the effectiveness of the operation or process,^{Pf} and
4. Necessary corrective actions if there is failure at a CRITICAL CONTROL POINT.^{Pf}

Authority: O.C.G.A. Secs. 26-2-1, *et seq.*

Rule 40-7-1-.39 Compliance and Enforcement: Plan Submission and Approval

(1) **When Plans Are Required.** A LICENSE applicant or LICENSE HOLDER shall submit to the DEPARTMENT properly prepared plans and specifications for review and approval before:

- (a) The construction of a FOOD ESTABLISHMENT;^{Pf}
- (b) The conversion of an existing structure for use as a FOOD ESTABLISHMENT;^{Pf} or
- (c) The remodeling of a FOOD ESTABLISHMENT or a change of type of FOOD ESTABLISHMENT or FOOD operation as specified under 40-7-1-.40 (5)(c) if the DEPARTMENT determines that plans and specifications are necessary to ensure compliance with these Regulations.^{Pf}

(2) **Contents of the Plans and Specifications.** The plans and specifications for a FOOD ESTABLISHMENT, including a FOOD ESTABLISHMENT specified under 40-7-1-.39 (3), shall include- as required by the DEPARTMENT based on the type of operation, type of FOOD preparation, and FOODS prepared - the following information to demonstrate conformance with Regulation provisions:

- (a) Description of FOOD products to be sold, held for sale, or processed for intended consumption by the end CONSUMER;
- (b) Planned FOOD service operations, including the following information:
 - 1. If the proposed FOOD service operations are to be conducted by the LICENSE applicant, or if the FOOD service operations will separately owned and operated;
 - 2. The approximate square footage of food preparation areas and CONSUMER seating areas utilized for the FOOD service operations;
- (c) Proposed layout, mechanical schematics, construction materials, and finish schedules;
- (d) Proposed EQUIPMENT types, manufacturers, model numbers, locations, dimensions, performance capacities, and installation specifications;
- (e) Evidence that standard procedures that ensure compliance with the requirements of these Regulations are developed or are being developed; and
- (f) Other information that may be required by the DEPARTMENT for the proper review of the proposed construction, conversion or modification, and procedures for operating a FOOD ESTABLISHMENT.

(3) **When a HACCP Plan is Required.**

- (a) Before engaging in an activity that requires a HACCP PLAN, a LICENSE applicant or LICENSE HOLDER shall submit to the DEPARTMENT for approval a properly prepared HACCP PLAN as specified under 40-7-1-.39 (4) and the relevant provisions of these Regulations if:

1. Submission of a HACCP PLAN is required according to LAW;
2. A VARIANCE is required as specified under Subparagraph 40-7-1-.11 (1)(d) 4, 40-7-1-.12 (10), or 40-7-1-.17 (23)(b);
3. The DEPARTMENT determines that a FOOD preparation or processing method requires a VARIANCE based on a plan submittal specified under 40-7-1-.39 (2), an inspectional finding, or a VARIANCE request.

(b) Before engaging in REDUCED OXYGEN PACKAGING without a VARIANCE as specified under 40-7-1-.12 (11), a LICENSE applicant or LICENSE HOLDER shall submit a properly prepared HACCP PLAN to the DEPARTMENT.

(4) **Contents of a HACCP Plan.** For a FOOD ESTABLISHMENT that is required under 40-7-1-.39 (3) to have a HACCP PLAN, the LICENSE applicant or LICENSE HOLDER shall submit to the DEPARTMENT a properly prepared HACCP PLAN that includes:

(a) General information such as the name of the LICENSE applicant or LICENSE HOLDER, the FOOD ESTABLISHMENT address, and contact information;

(b) A categorization of the types of TIME/TEMPERATURE CONTROL FOR SAFETY FOODS that are to be controlled under the HACCP Plan;^{Pf}

(c) A flow diagram or chart for each specific FOOD or category type that identifies:

1. Each step in the process;^{Pf}
2. The HAZARDS and controls for each step in the flow diagram or chart;^{Pf}
3. The steps that are CRITICAL CONTROL POINTS;^{Pf}
4. The ingredients, materials, and equipment used in the preparation of that FOOD;^{Pf} and
5. Formulations or recipes that delineate methods and procedural control measures that address the FOOD safety concerns involved.^{Pf}

(d) A CRITICAL CONTROL POINTS summary for each specific FOOD or category type that clearly identifies:

1. Each CRITICAL CONTROL POINT,^{Pf}
2. The CRITICAL LIMITS for each CRITICAL CONTROL POINT,^{Pf}
3. The method and frequency for monitoring and controlling each CRITICAL CONTROL POINT by the designated FOOD EMPLOYEE or the PERSON IN CHARGE,^{Pf}
4. the method and frequency for the PERSON IN CHARGE to routinely verify that the FOOD EMPLOYEE is following standard operating procedures and monitoring CRITICAL CONTROL POINTS,^{Pf}

5. Action to be taken by the designated FOOD EMPLOYEE or PERSON IN CHARGE if the CRITICAL LIMITS for each CRITICAL CONTROL POINT are not met,^{Pf} and

6. Records to be maintained by the PERSON IN CHARGE to demonstrate that the HACCP PLAN is properly operated and managed,^{Pf} and

(e) Supporting documents such as:

1. FOOD EMPLOYEE and supervisory training plan that addresses the FOOD safety issues of concern;^{Pf}

2. Copies of blank records forms that are necessary to implement the HACCP PLAN;^{Pf}

3. Additional scientific data or other information, as required by the DEPARTMENT, supporting the determination that FOOD safety is not compromised by the proposal.^{Pf}

(f) Any other information required by the DEPARTMENT.

(5) **Trade Secrets.** The DEPARTMENT shall treat as confidential, in accordance with LAW, information that meets the criteria specified in LAW for a trade secret and is contained on inspection report forms and in the plans and specifications submitted as specified under 40-7-1-.39 (2) and 40-7-1-.39 (4).

(6) **Preoperational Inspections.** The DEPARTMENT may conduct one or more preoperational inspections to verify that the FOOD ESTABLISHMENT is constructed and equipped in accordance with the APPROVED plans and APPROVED modifications of those plans, has established standard operating procedures as specified under 40-7-1-.39 (2)(e), and is in compliance with LAW and these Regulations.

Authority: O.C.G.A. Secs. 26-2-1, *et seq.*

Rule 40-7-1-.41 Compliance & Enforcement: Inspection and Correction of Violations

(1) **Establishing Inspection Interval.** Inspections shall be conducted as often as the DEPARTMENT deems necessary to insure compliance with these Regulations and at a minimum inspection frequency as established by DEPARTMENTAL policies and directives.

(2) **Performance - and Risk-Based.** Within the parameters specified in 40-7-1-.41 (1), the DEPARTMENT shall prioritize and conduct more frequent inspections based upon its assessment of a FOOD ESTABLISHMENT'S history of compliance with these Regulations and the establishment's potential as a vector of food borne illness by evaluating:

- (a) Past performance, for nonconformance with these Regulations or HACCP PLAN requirements that are PRIORITY ITEMS or PRIORITY FOUNDATION ITEMS;
- (b) Past performance, for numerous or repeat violations of these Regulations or HACCP PLAN requirements that are CORE ITEMS;
- (c) Past performance, for complaints investigated and found to be valid;
- (d) The HAZARDS associated with the particular FOODS that are prepared, stored, or served;
- (e) The type of operation including the methods and extent of FOOD storage, preparation, and service;
- (f) The number of people served; and
- (g) Whether the population served is a HIGHLY SUSCEPTIBLE POPULATION.

(3) **Access Allowed at Reasonable Times after Due Notice.** After the DEPARTMENT presents official credentials and provides notice of the purpose of and an intent to conduct an inspection, the PERSON IN CHARGE shall allow the DEPARTMENT to determine if the FOOD ESTABLISHMENT is in compliance with these Regulations by allowing access to the establishment, allowing inspection, and providing information and records specified in these Regulations and to which the DEPARTMENT is entitled according to LAW, during the FOOD ESTABLISHMENT'S hours of operation and other reasonable times.

(4) **Refusal, Notification of Right to Access, and Final Request for Access.** If a PERSON denies access to the DEPARTMENT, the DEPARTMENT shall:

- (a) Inform the PERSON that:
 - 1. The LICENSE HOLDER is required to allow access to the DEPARTMENT as specified under LAW and 40-7-1-.41 (3) of these Regulations,
 - 2. Access is a condition of the acceptance and retention of a FOOD ESTABLISHMENT LICENSE to operate as specified under 40-7-1-.40 (10)(f), and

3. If access is denied, an order issued by the appropriate authority allowing access, hereinafter referred to as an inspection order, may be obtained according to LAW; and

(b) Make a final request for access.

(5) **Refusal, Reporting.** If after the DEPARTMENT presents credentials and provides notice as specified under 40-7-1-.41 (3), explains the authority upon which access is requested, and makes a final request for access as specified in 40-7-1-.41 (4), the PERSON IN CHARGE continues to REFUSE access, the DEPARTMENT shall provide details of the denial of access on an inspection report form.

(6) **Inspection Order to Gain Access.** If denied access to a FOOD ESTABLISHMENT for an authorized purpose and after complying with 40-7-1-.41 (4), the DEPARTMENT may issue, or apply for the issuance of, an inspection order to gain access as provided in LAW.

(7) **Documenting Information and Observations.** The DEPARTMENT shall document on an inspection report form:

(a) Administrative information about the FOOD ESTABLISHMENT'S legal identity, street address, type of establishment and operation as specified under 40-7-1-.40 (5)(c), inspection date; and

(b) Specific factual observations of violative conditions or other deviations from these Regulations that require correction by the LICENSE HOLDER including:

1. Failure of the PERSON IN CHARGE to demonstrate the knowledge of food borne illness prevention, application of HACCP principles, and the requirements of these Regulations as specified under 40-7-1-.03 (2),

2. Failure of FOOD EMPLOYEES, CONDITIONAL EMPLOYEES, and the PERSON IN CHARGE to report a disease or medical condition as specified under 40-7-1-.04 (1)(b) and (d),

3. Nonconformance with PRIORITY ITEMS or PRIORITY FOUNDATION ITEMS of these Regulations,

4. Failure of the appropriate FOOD EMPLOYEES to demonstrate their knowledge of, and ability to perform in accordance with, the procedural, monitoring, verification, and corrective action practices required by the DEPARTMENT as specified under 40-7-1-.38 (5),

5. Failure of the PERSON IN CHARGE to provide records required by the DEPARTMENT for determining conformance with a HACCP PLAN as specified under Subparagraph 40-7-1-.39 (4)(d) 6, and

6. Nonconformance with CRITICAL LIMITS of a HACCP PLAN.

(8) Specifying Time Frame for Corrections. The DEPARTMENT shall specify on the inspection report form the time frame for correction of the violations as specified under 40-7-1-.41 (12), 40-7-1-.41 (14), and 40-7-1-.41 (16).

(9) Issuing Report and Obtaining Acknowledgment of Receipt.

(a) At the conclusion of the inspection and according to LAW, the DEPARTMENT shall provide a copy of the completed inspection report – either in hardcopy or via electronic delivery – and the notice to correct violations to the LICENSE HOLDER or to the PERSON IN CHARGE, and request a signed acknowledgment of receipt.

(b) LICENSED FOOD ESTABLISHMENTS shall post the most recent routine inspection report issued to their firm within seven (7) calendar days from the date of the inspection. Routine inspections carry the notation “Regular” under the Purpose of Inspection. The inspection shall be:

1. Prominently displayed in public view at all times, within fifteen (15) feet of the front or primary public door and between five (5) feet and seven (7) feet from the floor and in an area where it can be read at a distance of one (1) foot away; and

2. If the firm is operating at a location other than the LICENSED FOOD ESTABLISHMENT - for example, sales conducted at a farmers market or flea market - or for firms without a primary public door, such as mall kiosks under regulatory authority of the DEPARTMENT, the inspection report shall be posted at the point of sale and capable of being read at a distance of one (1) foot away.

3. It shall be considered a violation of these Regulations when:

(i) Posting an inspection report whose Purpose of Inspection is anything other than “Regular”; or

(ii) Having a “Regular” inspection report posted that is not the report generated following the completion of the most recent routine inspection, per the requirements of paragraph (b) above.

(10) Refusal to Sign Acknowledgment. The DEPARTMENT shall:

(a) Inform a PERSON who declines to sign an acknowledgment of receipt of inspectional findings as specified in 40-7-1-.41 (9) that:

1. An acknowledgment of receipt is not an agreement with findings,

2. Refusal to sign an acknowledgment of receipt will not affect the LICENSE HOLDER'S obligation to correct the violations noted in the inspection report within the time frames specified, and

3. A refusal to sign an acknowledgment of receipt is noted in the inspection report and conveyed to the DEPARTMENT'S historical record for the FOOD ESTABLISHMENT; and

(b) Make a final request that the PERSON IN CHARGE sign an acknowledgment receipt of inspectional findings.

(11) **Public Information.** Except as specified in 40-7-1-.39 (5), the DEPARTMENT shall treat the inspection report as a public document and shall make it available for disclosure to a PERSON who requests it as provided in LAW.

(12) **Ceasing Operations and Reporting.**

(a) Except as specified in (b) of this section, a LICENSE HOLDER shall immediately discontinue operations and notify the DEPARTMENT if an IMMINENT HEALTH HAZARD may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, SEWAGE backup, misuse of POISONOUS OR TOXIC MATERIALS, onset of an apparent food borne illness outbreak, gross insanitary occurrence or condition, or other circumstance that may endanger public health.^P

(b) *A LICENSE HOLDER need not discontinue operations in an area of an establishment that is unaffected by the IMMINENT HEALTH HAZARD.*

(c) *Considering the nature of the potential hazard involved and the complexity of the corrective action needed, the DEPARTMENT may agree to continuing operations in the event of an extended interruption of electrical or water service if:*

- 1. A written emergency operating plan has been APPROVED;*
- 2. Immediate corrective action is taken to eliminate, prevent, or control any FOOD safety risk and IMMINENT HEALTH HAZARD associated with the electrical or water service interruption; and*
- 3. The DEPARTMENT is informed upon implementation of the written emergency operating plan.*

(13) **Resumption of Operations.** If operations are discontinued as specified under 40-7-1-.41 (12) or otherwise according to LAW, the LICENSE HOLDER shall obtain approval from the DEPARTMENT before resuming operations.

(14) **Timely Correction.**

(a) Except as specified in (b) of this section, a LICENSE HOLDER shall at the time of inspection correct a violation of a PRIORITY ITEM or PRIORITY FOUNDATION ITEM of these Regulations and implement corrective actions for a HACCP PLAN provision that is not in compliance with its CRITICAL LIMIT.^{Pf}

(b) *Considering the nature of the potential HAZARD involved and the complexity of the corrective action needed, the DEPARTMENT may agree to or specify a longer time frame, not to exceed:*

- 1. Seventy-two (72) hours after the inspection, for the LICENSE HOLDER to correct violations of a PRIORITY ITEM; or*

2. Ten (10) calendar days after the inspection, for the LICENSE HOLDER to correct violations of a PRIORITY FOUNDATION ITEM or HACCP PLAN deviations.

(15) Verification and Documentation of Correction.

(a) After observing, at the time of inspection, a correction of a violation of a PRIORITY ITEM or PRIORITY FOUNDATION ITEM or a HACCP PLAN deviation, the DEPARTMENT shall enter the violation and information about the corrective action on the inspection report.

(b) As specified under 40-7-1-.41 (14)(b), after receiving notification that the LICENSE HOLDER has corrected a violation of a PRIORITY ITEM or PRIORITY FOUNDATION ITEM or HACCP PLAN deviation, or at the end of the specified period of time, the DEPARTMENT shall verify correction of the violation, document the information on an inspection report, and enter the report in the DEPARTMENT'S records.

(16) Time Frame for Correction.

(a) Except as specified in (b) of this section, the LICENSE HOLDER shall correct CORE ITEMS by a date and time agreed to or specified by the DEPARTMENT but no later than ninety (90) calendar days after the inspection.

(b) The DEPARTMENT may approve a compliance schedule that extends beyond the time limits specified under (a) of this section if a written schedule of compliance is submitted by the LICENSE HOLDER and no health HAZARD exists or will result from allowing an extended schedule for compliance.

Authority: O.C.G.A. Secs. 26-2-1, *et seq.*