

10.15.03

Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 15 FOOD

Chapter 03 Food Service Facilities

**Authority: Health-General Article, 18-102, 21-211, 21-234, 21-235, and 21-304;
Agriculture Article, §4-311; Annotated Code of Maryland**

10.15.03.01

.01 Scope.

A. Pursuant to the authority conferred upon the Secretary of Health and Mental Hygiene by Health-General Article, § 18-102, 21-211, 21-234, and 21-304, Annotated Code of Maryland, the following regulations governing food service facilities in the State are hereby established as minimum requirements of the Secretary of Health and Mental Hygiene.

B. These regulations and COMAR 10.15.04 establish the standards of the Department of Health and Mental Hygiene's part of a program jointly administered with the Department of Agriculture to control Salmonella serotype enteritidis in shell eggs and egg-producing chickens. Standards relating to the control of Salmonella serotype enteritidis are also contained in COMAR 15.04.01 and 15.11.11, pursuant to the authority conferred upon the Secretary of Agriculture.

C. This chapter is not intended to govern the food service operations in a child care center as defined in Family Law Article, § 5-570, Annotated Code of Maryland, or a family day care home as defined in Family Law Article, § 5-501, Annotated Code of Maryland, unless the food service operation is conducted in conjunction with another institution that is governed by this chapter.

10.15.03.02

.02 Definitions.

A. In this chapter, the following definitions apply in the interpretation and enforcement of the regulations.

B. Terms Defined.

(1) "Acceptable" means agreeable to the use or presence of equipment or a practice when standards are not developed or when developed standards are inappropriate, as determined by the approving authority.

(2) "Adulterated food" means food which has been produced, prepared, packed, or held under insanitary conditions that reasonably would be expected to have contaminated it or which violate the requirements of the Maryland Food, Drug, and Cosmetic Act.

(3) "Approved" means in conformance with appropriate standards and good public health practice as determined by the approving authority.

(4) "Approving authority" means the Secretary of Health and Mental Hygiene, or the Secretary's designee.

(5) "Barrier" means a safety factor of a physical, biological, or chemical nature which retards or prevents the growth of microorganisms which are infectious or toxigenic.

(6) "Bona fide nonprofit organization" means an organization having official documentation from the United States Internal Revenue Service that the organization has current tax-exempt nonprofit status.

(7) "Commercially sterile food" means food which has been processed and packaged so that the food is free of:

(a) Viable microorganisms, including spores, that may endanger the health of food consumers; and

(b) Microorganisms that cause spoilage of the food under nonrefrigerated conditions of storage and distribution.

(7-1) Comminuted.

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

(b) "Comminuted" includes:

(i) Fish or meat products that are reduced in size and restructured or reformulated, such as gefilte fish, formed roast beef, gyros, ground beef, and sausage; and

(ii) A mixture of two or more types of meat that have been reduced in size and combined, such as sausages made from two or more meats.

(8) "Condiment" means a food or seasoning used to enhance the flavor of another food, including mustard, ketchup, mayonnaise, relish, salt, pepper, sugar, and chutney.

(9) "Consumer" means a person who purchases or otherwise acquires shell eggs or other food.

(10) "Corrosion-resistant materials" means those materials that have and maintain sanitary surface characteristics under the influence of prolonged contact with food, normal use of cleaning compounds and sanitizing solutions, and other conditions of the environment.

(11) "Critical control point" means a specific step or process in the food-related operations of a food service facility where the potential exists for:

- (a) Microorganisms or toxins to contaminate food;
- (b) Microorganisms or toxins to survive a heat process; or
- (c) Microorganisms to multiply to potentially dangerous numbers or to produce a toxin.

(12) "Critical items" means:

- (a) Obtaining food from approved sources;
- (b) Protecting raw and ready-to-eat food from all adulteration, spoilage, and contamination;
- (c) Restricting food workers with infection or diarrhea as appropriate, in accordance with COMAR 10.06.01, and ensuring that all food workers wash hands thoroughly before touching food;
- (d) Properly cooling and refrigerating potentially hazardous foods and providing sufficient refrigeration equipment;
- (e) Holding potentially hazardous foods at proper hot and cold temperatures and providing sufficient hot-holding and cold-holding equipment;
- (f) Adequately cooking and reheating potentially hazardous foods and providing sufficient cooking and reheating equipment;
- (g) Providing potable hot and cold running water; or
- (h) Discharging sewage properly from the facility.

(13) "Department" means the Department of Health and Mental Hygiene, or the Department's designee.

(14) "Detention order" means a written notification by the approving authority to the person in charge of a food service facility to hold or retain specific foods pending

approving authority determination that the food is not likely to cause food-borne illness, or is not spoiled or adulterated.

(15) "Easily cleanable" means that surfaces are readily accessible and constructed in such a way and of a material and finish that residue can be effectively removed by routine cleaning methods.

(16) "Egg carton" means a container holding up to 36 shell eggs, including overwrapped cartons and sleeves, that is used to pack shell eggs for distribution or sale to a consumer.

(17) "Egg case" means a container that is not a carton and that is used to pack shell eggs for distribution or sale to a consumer. An egg case may contain either loose shell eggs or cartons of shell eggs.

(18) "Employee" means the license holder, an individual having supervisory or management duties, a person on the payroll, a volunteer, a person performing work under contractual agreement, or any other person working in a food service facility.

(19) Equipment.

(a) "Equipment" means an item, other than a utensil, used in the storage, preparation, display, washing, and transportation of food,

(b) "Equipment" includes a stove, oven, hood, slicer, grinder, mixer, scale, meat block, table, food shelf, refrigerator, freezer, sink, ice maker, and any other similar item used in the operation of a food service facility.

(c) "Equipment" does not include a fork lift truck or a dolly.

(20) "Excluded organization" means a volunteer fire company or bona fide nonprofit fraternal, civic, war veterans', religious, or charitable organization or corporation that does not serve food to the public more often than 4 days per week, except that once a year an organization may serve food to the public for up to 14 consecutive days.

(21) "Food" means a raw, cooked, or processed edible substance or ingredient of that substance, used or intended for use or for sale, in whole or in part, for human consumption, including ice and beverages.

(22) "Food-contact surfaces" means those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces which may drain back onto surfaces normally in contact with food.

(23) "Food-processing plant" means a place used for, or in connection with, the commercial manufacturing, preparing, processing, packaging, canning, freezing, storing, distributing, labeling, or holding of food for human consumption.

(24) Food Service Facility.

(a) "Food service facility" means:

(i) A restaurant, coffee shop, cafeteria, short order cafe, luncheonette, tavern, sandwich stand, soda fountain, retail market, or retail bakery outlet;

(ii) A food operation in an industry, institution, hospital, club, school, camp, church, catering kitchen, commissary, or a similar place in which food or drink is prepared for sale or for service on the premises or elsewhere;

(iii) Any other operation where food is served or provided for the public with or without charge.

(b) "Food service facility" does not include a:

(i) Kitchen in a private home where food is prepared at no charge for guests in the home, for guests at a social gathering, or for service to unemployed, homeless, or any other disadvantaged populations; or

(ii) Food preparation or serving area where only nonpotentially hazardous food is prepared or served only by an excluded organization.

(25) "Hazard analysis" means an on-site examination of a food service operation to identify critical control points and to establish control measures that will ensure that the end product food is safe for consumption.

(26) Health Care Facility.

(a) "Health care facility" means:

(i) A hospital, as defined in Health-General Article, §19-301, Annotated Code of Maryland;

(ii) A related institution, as defined in Health-General Article, §19-301, Annotated Code of Maryland;

(iii) An ambulatory surgical facility or center which is any entity or part of the entity that operates primarily for the purpose of providing surgical services to patients not requiring hospitalization and seeks reimbursement from third-party payers as an ambulatory surgical facility or center;

(iv) An inpatient facility that is organized primarily to help in the rehabilitation of disabled individuals, through an integrated program of medical and other services provided under competent professional supervision;

(v) A home health agency, as defined in Health-General Article, §19-401, Annotated Code of Maryland;

(vi) A hospice, as defined in Health-General Article, §19-901, Annotated Code of Maryland; and

(vii) Any other health institution, service, or program for which Health-General Article, Title 19, Subtitle 1, Part I, Annotated Code of Maryland, requires a certificate of need.

(b) "Health care facility" does not include:

(i) A hospital or related institution that is operated, or is listed and certified by the First Church of Christ Scientist, Boston, Massachusetts;

(ii) A kidney disease treatment facility, as defined by rule or regulation of the United States Department of Health and Human Services;

(iii) The kidney disease treatment stations and services provided by or on behalf of a hospital or related institution; or

(iv) The office of one or more private physicians, podiatrists, or dentists, regardless of whether the office is eligible or receives reimbursement from third-party payers as an ambulatory surgical facility or center, if that office provides services only within a single medical or surgical subspecialty, including ophthalmology, as determined by the Health Resources Planning Commission in COMAR 10.24.01.03G(1)(a), the office is used only for the physician's patients or patients of the group, and the office includes not more than four surgical suites.

(27) "Hermetically sealed container" means a package of food which is designed and sealed to keep out air and microorganisms.

(28) "License" means the authority to operate a food service facility or a special food service facility within the State in accordance with this chapter.

(29) "Loose eggs" means shell eggs not contained in a carton.

(30) "Lot designation" means a method of specifying the conditions under which shell eggs are packed or packaged which enables the packer and the approving authority to trace the eggs to the flock that produced the eggs.

(31) "Misbranded" means food or a container of food which has on it or accompanying it written, printed, or graphic matter which is false or misleading or which violates the requirements of the Maryland Food, Drug and Cosmetic Act.

(32) "Mobile food service facility" means a food service facility which is a mechanically, electrically, manually, or otherwise propelled vehicle operating on land or water.

(33) "Non-potentially hazardous food" means food named or described in §B(41)(b).

(34) "Operator" means a person with general authority and supervisory responsibility for the overall conditions and functions of a food service facility.

(35) "Package" means a bottle, can, carton, bag, or wrapped container.

(36) "Packer" means a person who places shell eggs in the original case, carton, or container that is used to hold eggs for distribution or sale to a consumer.

(37) "Person" means an individual, firm, partnership, company, corporation, trustee, association, institution, cooperative enterprise, or publicly owned or privately owned entity.

(38) "Person in charge" means the individual present in a food service facility who is the supervisor of the food service facility at the time of inspection.

(39) "pH" means the symbol for the negative logarithm of the hydrogen ion concentration which is the degree of acidity or alkalinity of a solution. Values from 0 up to 7 indicate acidity, and values above 7 up to 14 indicate alkalinity. The value for pure distilled water, regarded as neutral, is 7.

(40) "Portable" means:

(a) Easily moved equipment which is one of the following:

(i) Small in size and weighs 80 pounds or less when in use,

(ii) Mounted on casters, gliders, or rollers,

(iii) Provided with a mechanical means of safely tilting for cleaning; and

(b) Equipment which has one of the following:

(i) No utility connection,

(ii) A utility connection that disconnects quickly,

(iii) A flexible utility connection line long enough to permit the equipment to be moved for thorough cleaning.

(41) Potentially Hazardous Food.

(a) "Potentially hazardous food" means, except as provided in §B(41)(b), a natural or synthetic food or food ingredient which is:

(i) Capable of supporting the rapid and progressive growth of infectious or toxigenic microorganisms, the growth of *Clostridium botulinum*, or the production of pathogenic microbial toxins; and

(ii) Of animal origin and is raw or has been heat-treated, or of plant origin and has been heat-treated or is raw seed sprouts.

(b) Exception. The following foods are not potentially hazardous:

(i) Hard-boiled shell eggs with shell intact which have been air-cooled;

(ii) Foods with a water activity (a_w) value of 0.85 or less;

(iii) Foods with a hydrogen ion concentration (pH) level of 4.6 or below;

(iv) Foods in unopened hermetically sealed containers which have been commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution; or

(v) Foods for which laboratory evidence demonstrates that rapid and progressive growth of infectious and toxigenic microorganisms, the growth of *Clostridium botulinum*, or the production of pathogenic microbial toxins cannot occur.

(42) "Poultry" means domestic birds which are raised for meat or eggs.

(43) "PPM" means parts per million.

(44) "Premises" means the physical food service facility and the contiguous land or property under the control of the operator or the licensee.

(45) "Principal display panel" means the part of a label that is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale.

(46) "Priority assessment" means an evaluation of the potential risk for a food-borne illness to occur in a food service facility using a given set of parameters as established by the Department in Regulation .17A(2).

(47) "Reconstitute" means restoring water or other liquid to a food product which has been dehydrated.

(48) "Reduced oxygen package" means a sealed package of food which has had the internal air removed and which may or may not have a controlled gas mixture added. The term applies to vacuum packing, modified atmosphere packaging, and controlled atmosphere packaging.

(49) "Refrigerated food" means a finished food which is not shelf stable and which shall be maintained under proper refrigeration conditions at all times to retard the growth of spoilage or pathogenic microorganisms and to prevent the production of microbial toxins.

(50) "Refuse" means solid waste, trash, garbage, or rubbish.

(51) "Registration" means the process by which the Department of Agriculture grants the authority to a packer to provide shell eggs for human consumption within the State.

(52) "Registration number" means the number that the Department of Agriculture assigns a packer.

(53) "Safe temperatures", as applied to potentially hazardous food, means food temperatures of 45°F or below, and 140°F or above.

(54) "Sanitization" means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for a sufficient period of time to destroy vegetative cells of pathogenic bacteria and to reduce substantially the number of other microorganisms.

(55) "Secretary" means the Secretary of Health and Mental Hygiene or the Secretary's designee.

(56) "Sewage" means liquid waste containing animal or vegetable matter and includes all human and animal excreta.

(57) "Shell eggs" means raw eggs produced by chickens for human consumption.

(58) "Shellfish" means all edible species of oysters, clams, and mussels, either shucked, in the shell, fresh or frozen, and whole or in part. Scallops are not included.

(59) "Shellstock" means shellfish in the shell.

(50) "Single-service article" means an eating utensil or a cup, plate, stirrer, napkin, straw, toothpick, container, lid, place mat, napkin, wrapping material, or packaging material, including a bag and a similar article, which is designed, fabricated, and intended by the manufacturer for one-time use and is given to the ultimate consumer.

(61) "Single-use article" means a bulk food container or a utensil, including a formed aluminum pie pan, jar, plastic bucket, bread wrapper, number 10 can, or a similar item intended by the manufacturer for one-time use by the preparer of the food.

(62) "Special food service facility" means a temporary food service facility or a mobile food service facility belonging to one of the following four classes:

(a) "Class I" means those facilities operating from a fixed location or a mobile unit, which handle or sell only sealed, prewrapped or prepackaged food or drink in the original sealed container or wrapping, and do not prepare, wrap, or package any food or drink on the premises or within the mobile unit;

(b) "Class II" means those facilities operating from a fixed location for a temporary period, which handle or sell any food or drink other than in a sealed package, or which prepare, package, or wrap any food or drink on the premises;

(c) "Class III" means those facilities operating from a mobile unit, which handle or sell any food or drink other than in a package, or which prepare, package, or wrap any food or drink within the mobile unit;

(d) "Class IV" means those facilities operating from a mobile unit, which handle or sell sealed, prewrapped or prepackaged food or drink in the original sealed package, and do not prepare, wrap, or package any food or drink within the mobile unit except for the preparing and dispensing of coffee or tea.

(63) "Tableware" means all multi-use eating and drinking utensils, including knives, forks, and spoons.

(64) "Temporary food service facility" means a food service facility which operates during a period of time of not more than 14 consecutive days at a fixed location in conjunction with a fair, carnival, public exhibition, construction project, recreational facility, or similar gathering.

(65) "Utensil" means tableware or a food-contact implement used in the storage, preparation, dispensing, or service of food.

(66) "Vendable food" means food prepared for dispensing from a vending machine.

(67) Vending Machine.

(a) "Vending machine" means a self-service device into which insertion of a coin, paper currency, token, card, or key dispenses unit servings of food either packaged or unpackaged, without the necessity of replenishing the device between each vending operation.

(b) "Vending machine" includes a self-service dispenser equipped for coin, paper currency, token, card, or key operation and optional manual operation.

(68) "Warewashing" means the cleaning and sanitizing of food-contact surfaces of equipment or utensils.

(69) "Water activity" means the ratio of the water vapor pressure of a food to the vapor pressure of pure water at the same temperature. It is an index of the available, free moisture in food and may be represented by the symbol a_w .

10.15.03.03

.03 Food Supplies.

A. General. Food shall be wholesome and free from spoilage, filth, or other contamination, and shall be safe for human consumption. Food shall be obtained from sources that comply with all laws relating to food and food labeling. The use of hermetically sealed food that was not prepared in a food processing establishment is prohibited.

B. Milk and Milk Products.

(1) All milk and milk products, including fluid milk, other fluid dairy products, and manufactured milk products, shall be produced, processed, stored, transported, and distributed in accordance with the provisions of COMAR 10.15.06, Production, Processing, Transportation, Storage, and Distribution of Milk.

(2) Reconstituted dry milk and dry milk products may only be used in instant desserts and whipped products, or for cooking and baking purposes.

(3) It shall be unlawful to sell or serve milk except as provided in this section.

C. Frozen Desserts. All frozen desserts such as ice cream, soft frozen desserts, ice milk, sherbets, ices, and mix shall be manufactured and sold in accordance with the provisions of COMAR 10.15.05, Manufacture, Labeling, Transportation and Sale of Frozen Desserts.

D. Shellfish and Crab Meat. All shellfish and crabmeat shall be processed, handled, and packed in accordance with the provisions of COMAR 10.15.07 and 10.15.02, Crab Meat.

E. Meat and Meat Products. Meat and meat products shall have been inspected for wholesomeness under an official regulatory program. The approving authority may accept other sources which are in his opinion satisfactory and which are in compliance with applicable State and local laws and regulations.

F. Poultry and Poultry Meat Products. Poultry and poultry meat products shall have been inspected for wholesomeness under an official regulatory program. The approving authority may accept other sources which are in his opinion satisfactory and which are in compliance with applicable State and local laws and regulations.

G. Eggs and Egg Products.

(1) Except as provided in §G(2) of this regulation, a person operating a food service facility shall use only clean, whole Grade A eggs with shell intact and without cracks, or pasteurized eggs or egg products.

(2) A person operating a food service facility shall use only pasteurized eggs or pasteurized egg products when:

(a) Shell eggs, that have been removed from their shells, are combined in a container and not cooked immediately;

(b) Any part of a shell egg is consumed;

(c) Foods are prepared with shell eggs that are not heated adequately to kill *Salmonella* serotype enteritidis; or

(d) A shell egg is served that is not heated adequately to kill *Salmonella* serotype enteritidis.

(3) Notwithstanding the requirements in §G(2) of this regulation, a person operating a food service facility, except for a health care facility, shall prepare shell eggs or foods containing shell eggs to a temperature of 145°F for at least 15 seconds for immediate service unless an individual consumer requests preparation of a shell egg or a food containing shell eggs in a style such as raw, poached, or fried which needs to be prepared at a temperature less than 145°F for at least 15 seconds in order to comply with the request.

(4) A person operating a food service facility shall store, display, and transport shell eggs in the refrigerated area of a unit whose temperature is 45°F or less.

(5) A person operating a food service facility shall accept deliveries of, use, or provide to the consumer only shell eggs which are:

(a) Produced by flocks that are certified to be in compliance with COMAR 15.11.11;

(b) Supplied by a registered packer as provided for in COMAR 15.04.01; and

(c) Labeled in accordance with §G(7) of this regulation.

(6) If *Salmonella* serotype enteritidis is isolated from any of the reactor birds as determined by testing procedures contained in COMAR 15.11.11, a food service facility may not accept delivery of, use, or provide to a consumer shell eggs from those flocks, unless the eggs have been pasteurized or otherwise heat-treated to kill *Salmonella* serotype enteritidis.

(7) A person operating a food service facility shall accept deliveries of, use, or provide to the consumer only cartons of eggs or cartons into which eggs are packed and cases of eggs that are labeled in the following manner:

(a) The information required in §G(7)(c), (d), and (f) of this regulation shall be:

(i) Printed in a color which contrasts with the background; and

(ii) Legibly stamped in permanent ink.

(b) The information required on a carton or case of shell eggs shall be printed as follows:

(i) Except for the net quantity, which shall be printed in minimum type size letters in accordance with Regulation .25, Table 1, grade term and size (weight) classification, which shall be printed in minimum type size block letters 3/8 inch high, and the information placed within an official USDA identification stamp, letters on a carton shall be at least 1/16 inch high; and

(ii) Except for that information placed within an official USDA identification stamp, all letters on a case shall be at least 3/8 inch high.

(c) The following information shall be printed on the principal display panel of each egg carton and shall be printed on each case of loose shell eggs:

(i) The identification of the product as eggs;

(ii) A notice requiring that the eggs be refrigerated;

(iii) The net quantity expressed in terms of weight or numerical count;

(iv) The size (weight) classification of the eggs; and

(v) The grade term of eggs.

(d) The following information shall be printed on each carton of shell eggs, each carton into which shell eggs are packed, and each case of loose shell eggs:

(i) The packer's registration number;

(ii) The name and address of the packer or distributor; and

(iii) The lot designation.

(e) A full view egg carton shall contain the information required in §G(7)(c) and (d) of this regulation, except that the information required in §G(7)(c)(ii) of this regulation need not appear on the principal display panel.

(f) A case of cartons of shell eggs shall be labeled with the following information:

(i) The identification of the product as eggs;

(ii) A notice requiring that the eggs be refrigerated; and

(iii) The eggs' grade term and size (weight) classification.

(g) The information required on a case of loose shell eggs as provided for in §G(7)(c) and (d) of this regulation and the information required on a case of cartons of shell eggs as provided for in §G(6)(f) of this regulation shall appear on either end of the case where the handles are located.

(8) A person operating a food service facility shall provide to a consumer only loose shell eggs for which:

(a) A placard which plainly and conspicuously displays the eggs' grade term, size classification, and lot designation is placed on or near the eggs;

(b) Cartons labeled in accordance with §G(7)(b)(i), (c), and (d)(i) and (ii) of this regulation are provided; and

(c) Records are maintained at the food service facility as required in Regulation .10B.

(9) The information required in §G(8)(a) of this regulation shall be in legible printing in block letters not less than 3/8 inch in height. The grade term and size classification may not be abbreviated. The minimum size of this placard shall be 4 1/2 inches by 6 inches.

(10) A person may not abbreviate grade term and size (weight) classification on a carton.

H. Bakery products shall have been prepared in the food service facility or in a food processing establishment. The approving authority may accept other sources which are in his opinion satisfactory and which are in compliance with applicable State and local laws and regulations.

10.15.03.04

.04 Food Protection.

A. General.

(1) While being stored, prepared, displayed, served, sold, or transported, food shall be protected at all times from contamination.

(2) Conveniently located refrigeration facilities, hot food storage and display facilities, and effective insulated facilities, shall be provided as needed to assure the maintenance of

all food at required temperatures during storage, preparation, transportation, display, and service. All hot and cold food storage facilities used for the storage of perishable food shall be provided with an indicating thermometer graduated at 2°F intervals. Thermometers shall be located in the coldest area of equipment where hot foods are stored and in the warmest area of equipment where cold foods are stored. All thermometers shall be of a type and so situated that they can be easily read.

B. Temperatures.

- (1) Except for shell eggs as addressed in §B(3) of this regulation, all potentially hazardous foods shall be kept at safe temperatures, except during necessary periods of preparation and service.
- (2) When placed on display for service, except for shell eggs as addressed in §B(3) of this regulation, cold foods shall be prechilled to a temperature of 45°F or below and may not exceed 55°F at any time during display. When the temperature exceeds 55°F, the food will be discarded as garbage.
- (3) Shell eggs shall be kept at an ambient air temperature of 45°F or less.
- (4) Whenever meat, poultry, or fish are broken down into smaller contents, or ground, they shall be kept at or below 55°F during the operation.
- (5) Frozen food shall be kept at or below 0°F in storage, display, and transportation. A food service facility may not accept frozen food upon delivery when the product temperature exceeds 0°F. Potentially hazardous frozen food shall be thawed:
 - (a) In refrigerated units so the temperature of the food does not exceed 45°F;
 - (b) Under potable running water of a temperature of 70°F or below, with sufficient water velocity to agitate and float off loose food particles;
 - (c) In a microwave oven only when the food will be immediately transferred to conventional cooking facilities as part of a continuous cooking process or when the entire uninterrupted cooking process takes place in the microwave oven;
 - (d) As part of the conventional cooking process; or
 - (e) By any other method satisfactory to the approving authority.
- (6) All ingredients used in the preparation of potentially hazardous vendable food, including the bread used in the preparation of potentially hazardous sandwiches, shall be at a temperature of 45°F or below at the time the ingredients are combined. In the process of preparation, all ingredients going into a potentially hazardous vendable food shall be kept at or below 50°F. Immediately after preparation, all potentially hazardous vendable food shall be refrigerated to a temperature of 45°F or below and so stored in the

refrigerator as to permit free circulation of cold air and in such manner as to prevent contamination.

(7) Potentially hazardous vendable foods which require temperature control and which are prepared for off-premises consumption shall be plainly labeled to indicate the need for temperature control. The proper temperature shall be maintained during storage, display, and transit.

(8) Fresh Bakery Products.

(a) Fresh bakery products, such as baked custards, pumpkin pies, cheesecakes, and other similar baked items may be stored or displayed for sale in food service facilities without meeting the temperature requirements of potentially hazardous foods provided that these products originate from an approved food-processing establishment meeting the requirements set forth in COMAR 10.15.04.30.

(b) Food service facilities may not sell or offer for sale, for human consumption, these products following expiration of the sell-by date.

(c) These bakery products shall remain in their original unbroken packages until purchased by the consumer. Products removed from the package shall meet the temperature requirements for potentially hazardous foods.

(d) All unpackaged potentially hazardous baked products in food service facilities shall meet the temperature requirements for potentially hazardous food.

C. Preparation.

(1) Convenient and suitable utensils, such as forks, knives, tongs, spoons, or scoops shall be provided and used to minimize handling of food at all stages of food preparation. In retail markets, separate utensils and work surfaces shall be provided for the cutting of poultry. Prepared or ready-to-eat foods may not come in contact with cutting or processing of raw poultry, meat, or seafood.

(2) All raw fruits and vegetables shall be washed thoroughly before being cooked or served.

(3) Potentially hazardous food, requiring cooking, shall be cooked to heat all parts of the food to a temperature of 145°F for at least 15 seconds, with the exception of the foods described in §C(4)—(6) of this regulation.

(4) Stuffings, poultry, and stuffed meats and poultry shall be heated throughout, to a minimum temperature of 165°F for at least 15 seconds, with no interruption of the initial cooking process.

(5) Pork, comminuted fish and meats, and eggs that are not prepared as specified in Regulation .03G(3) of this chapter shall be cooked to heat all parts of the food to a temperature of 155°F for at least 15 seconds.

(6) Potentially hazardous foods that were cooked and then refrigerated shall be heated rapidly to 165°F minimum throughout before being placed in a hot food storage facility. Hot food-holding equipment may not be used for the rapid heating of potentially hazardous foods.

(7) Metal stem-type, numerically scaled, indicating thermometers accurate to $\pm 2^\circ\text{F}$ shall be provided and used to assure attainment of proper internal cooking temperatures of all potentially hazardous foods.

(8) Meat salads, poultry salads, potato salads, egg salads, cream-filled pastries, and other potentially hazardous prepared food shall be prepared where applicable from chilled products with a minimum of manual contact. To promote rapid cooling, sandwich mix, salad mixtures, chopped and boned, and leftover foods shall be stored in the refrigerator in shallow pans not over 3 inches in food depth or by other acceptable methods.

(9) Upon the request of an operator, the Secretary may approve cooking times and temperatures other than those specified in this section, if the Secretary determines that the times and temperatures are as effective in killing food-borne pathogens as the times and temperatures specified in this section.

D. Storage.

(1) Containers of food shall be stored above the floor, 18 inches or higher for exposed food, on clean racks, dollies, or other clean surfaces in a manner as to be protected from splash and other contamination except:

(a) Metal pressurized beverage containers may be stored on the floor, provided that the floor area is maintained in a clean condition.

(b) Cased food packaged in cans, glass, or other waterproof containers, not subject to floor moisture, may be stored on the floor for temporary sale displays, provided that the floor area is maintained in a clean condition. This storage may not interfere with aisle space or traffic patterns and may not afford harborage for rodents or insects.

(2) Food not subject to further washing or cooking before serving shall be stored in a manner as to be protected against contamination.

(3) Packaged food may not be stored in contact with water or undrained ice.

E. Display and Service.

(1) When unwrapped food that does not require further preparation is placed on display in food operations, including smorgasbords, buffets, and cafeterias, it shall be protected against contamination by food (sneeze) guards or other effective methods acceptable to the approving authority.

(2) Tongs, forks, spoons, picks, spatulas, scoops, and other suitable utensils shall be provided and shall be used by employees to reduce manual contact with food to a minimum. For self-service by customers, similar implements shall be provided.

(3) Dispensing scoops, spoons, and dippers used in serving frozen desserts and other foods shall be stored, between uses, either in an approved running-water dipper well, or in a manner approved by the approving authority.

(4) Sugar, condiments, seasonings, and dressings for self-service shall be provided only in individual packages or dispensed by methods that protect the food. A food (sneeze) guard is considered to be a type of sanitary protector.

(5) Portions of food once served to a customer may not be served again. However, wrapped food, other than potentially hazardous food, which is still wholesome and has not been unwrapped, may be re-served.

F. Transportation.

(1) The requirements for storage, display, and general protection against contamination, as contained in these requirements, shall apply in the transporting of all food from a food service facility to another location for service or catering operations. Except for shell eggs which shall be kept at an ambient air temperature at 45°F or less, all potentially hazardous food shall be kept at 45°F or below, or 140°F or above, during transportation.

(2) During its transportation from a food service facility to another location, food shall be in covered containers or completely wrapped or packaged so as to be protected from contamination.

G. Poisonous or Toxic Materials.

(1) Only those poisonous or toxic materials that are required to maintain sanitary conditions in an establishment and to sanitize equipment and utensils, shall be allowed in any areas used in connection with food. This does not apply to packaged products offered for retail sale.

(2) All containers of poisonous or toxic materials shall be prominently and distinctively marked or labeled for easy identification of contents.

(3) When not in use, poisonous or toxic materials shall be stored in cabinets which are used for no other purpose, or in a place which is outside the food storage, food preparation, and cleaned equipment and utensil storage rooms. Bactericides and cleaning

compounds may not be stored in the same cabinet or area of the room with insecticides, rodenticides, or other poisonous materials.

(4) Bactericides, cleaning compounds, or other compounds intended for use on food-contact surfaces, may not be used in a manner as to leave a toxic residue on surfaces, or to constitute a hazard to employees or customers.

(5) Poisonous compounds, such as insecticides and rodenticides, in powdered form, shall have a distinctive color so as not to be mistaken for food.

(6) Poisonous materials may not be used in a way so as to contaminate food, equipment, or utensils, or to constitute other hazards to employees or customers.

(7) Medications may not be stored in food storage, preparation, processing, or service areas.

(8) First aid supplies shall be stored in a way that prevents contamination of food or food-contact surfaces.

(9) Upon the request of an operator, the Secretary may approve cooking times and temperatures other than those specified in this section, if the Secretary determines that the times and temperatures are as effective in killing foodborne pathogens as the times and temperatures specified in this section.

10.15.03.05

.05 Personnel.

A. Health and Disease Controls.

(1) Disease Control. While affected with a disease in a communicable form, or while a carrier of a disease, or while afflicted with boils, infected wounds, or an acute respiratory infection, a person may not work in a food service facility in an area and capacity in which there is a likelihood of transmission of disease to patrons or to fellow employees, either through direct contact or through contamination of food or food-contact surfaces with pathogenic organisms.

(2) Reporting. The manager or person in charge of the establishment shall notify the approving authority when any employee of a food service facility is known to have or is suspected of having a disease in a communicable form.

B. Cleanliness.

(1) Handwashing.

(a) All employees handling exposed foods or food-contact surfaces shall wash their hands and exposed arm areas thoroughly with soap and warm water before starting work, and shall wash hands during work hours as often as required to remove soil and contamination, particularly after using toilet facilities.

(b) The hands of all employees shall be kept clean while engaged in handling exposed food and food-contact surfaces.

(c) Employees handling exposed food and food-contact surfaces shall keep their fingernails clean and neatly trimmed.

(2) Clothing.

(a) The outer garments of persons engaged in handling food or food-contact surfaces shall be reasonably clean.

(b) Hair nets, caps, or other effective hair restraints shall be used by employees engaged in the preparation of food, service of food, and utensil washing, in order to keep hair from food and food-contact surfaces.

(3) Tobacco. Employees may not use tobacco in any form while engaged in food preparation or service, or while in equipment and utensil washing or food preparation areas. Designated locations in these areas may be approved by the approving authority for smoking, where no contamination hazards will result. Employees shall wash hands before returning to work.

(4) Other Practices. Employees shall maintain personal cleanliness and shall conform to food hygienic practices during all working periods.

10.15.03.06

.06 Food Equipment and Utensils.

A. Sanitary Design, Construction, and Installation of Equipment and Utensils.

(1) Design, Construction, and Materials.

(a) All new equipment shall meet design standards of these regulations. These design standards are the same as the applicable standards of the National Sanitation Foundation, Ann Arbor, Michigan; Commercial Refrigeration Manufacturers' Association; and Bakery Industry Sanitation Standards Committee or other applicable standards acceptable to the approving authority. If these standards are in conflict with State laws, codes, regulations, or publications, the State laws, codes, regulations, or publications shall take precedence.

(b) All equipment and utensils shall be durable under normal conditions and operations, resistant to denting, buckling, pitting, chipping, crazing, and excessive wear, and capable of withstanding repeated scrubbing, scouring, and the corrosive action of food, cleaning, and sanitizing agents.

(c) Food-contact surfaces of equipment and utensils shall be:

(i) Smooth, free of breaks, open seams, cracks, chips, pits, and similar imperfections;

(ii) In good repair; and

(iii) Easily cleanable.

(d) Materials used as food-contact surfaces of equipment and utensils shall be corrosion resistant, relatively nonabsorbent and nontoxic. The corrosion resistant requirements may not preclude the use of cast iron as a food-contact material, if the surface is to be heated.

(e) Food-contact surfaces of equipment and utensils shall be free of difficult-to-clean internal corners and crevices.

(f) Lubricated bearings and gears of equipment shall be constructed so that unsafe lubricants cannot contaminate the food or food-contact surfaces.

(g) Food-contact surfaces, unless designed for in-place cleaning, shall be accessible for manual cleaning and for inspection either:

(i) Without being disassembled;

(ii) By disassembling without the use of tools; or

(iii) By easy disassembling with the use of only simple tools kept available near the equipment, such as a mallet, a screwdriver, or an open-end wrench.

(h) Equipment intended for in-place cleaning shall be so designed and constructed that:

(i) Cleaning and sanitizing solutions can be circulated throughout a fixed system;

(ii) Cleaning and sanitizing solutions will contact all interior surfaces;

(iii) The system is self-draining or otherwise completely evacuated;

(iv) Cleaning procedures result in thorough cleaning of the equipment.

(i) Surfaces of equipment not intended for contact with food, but which are exposed to splash, food debris, or otherwise require frequent cleaning, shall be reasonably smooth, washable, free of unnecessary ledges, projections, or crevices, readily accessible for

cleaning, and of such material and in such repair as to be readily maintained in a clean and sanitary condition.

(j) Cutting blocks and boards, and bakers' tables may be of hard maple or equivalent material which is nontoxic, smooth, and free of cracks, crevices, and open seams. Cutting boards shall be easily removable. Wicker or similarly woven breadbaskets, when suitably lined, may be used for unwrapped food.

(k) If soft solder or hard solder (silver solder) is used, it shall be composed of safe materials and be corrosion resistant.

(l) Single-service articles shall be made from nontoxic materials.

(2) Equipment Installation.

(a) Equipment which is placed on tables or counters, unless readily movable, shall be fixed or mounted on legs or feet at least 4 inches high, and shall be so installed as to facilitate the cleaning of the equipment and adjacent areas.

(b) Floor-mounted equipment shall be of special design acceptable to the approving authority, or the equipment shall be elevated at least 6 inches above the floor. The space between adjoining units, and between a unit and the adjacent wall, shall be closed unless exposed to seepage, in which event it shall be sealed; or sufficient space shall be provided to facilitate easy cleaning between, behind, and beside all the equipment.

(c) Aisles or working spaces between equipment, and between equipment and walls, shall be unobstructed and of sufficient width to permit employees to perform their duties without contamination of food or food-contact surfaces by clothing or personal contact.

(3) Existing Equipment. Equipment which was installed in a food service facility before the effective date of these regulations, and which does not meet fully all of the design and construction requirements of this section, shall be deemed acceptable if it is in good repair and capable of being maintained in a sanitary condition, and the food-contact surfaces are nontoxic. The equipment shall be located and installed to enable reasonable compliance with all of the requirements of the subsection pertaining to equipment installation, and all of the requirements pertaining to food protection.

(4) Emergency Replacement of Equipment. When an existing piece of equipment ceases to operate effectively in a food service facility and the unit cannot be immediately replaced with one which meets the requirements of § A(1) of this regulation, a unit which has not been approved may be used in the interim before the unit which meets the requirements of § A(1) is installed, provided the:

(a) Unit does not introduce a hazard to the operation and is capable of ensuring food safety until an approved unit is installed;

- (b) Unapproved unit functions in a manner equivalent to an approved unit to meet the demands of the food service facility during the interim period;
- (c) Food service facility limits food operations during the interim period so as not to exceed the limits of the emergency-use equipment capabilities;
- (d) Licensee or a representative of the food service facility notifies the approving authority of the situation the next working day and submits plans for permanent replacement of the failed unit to the approving authority within 10 working days; and
- (e) Unapproved unit is removed from the food service facility premises and an approved unit is installed within 30 working days from the day the plans for the permanent replacement are approved by the approving authority.

B. Cleanliness of Equipment and Utensils.

(1) Equipment and Utensil Cleanliness.

- (a) After each use, all tableware, kitchenware, and food-contact surfaces of equipment shall be thoroughly cleaned.
- (b) The cooking surfaces of grills, griddles, and similar cooking devices shall be cleaned at least once a day, and shall be free of encrusted grease deposits and other soil.
- (c) Nonfood-contact surfaces of all equipment used in the operation of a food service facility, including tables, counters, shelves, mixers, grinders, slicers, hoods, and fans, shall be cleaned frequently and shall be free of accumulations of dust, dirt, food particles, and other debris.
- (d) Wiping Cloths. Cloths used for wiping food spills on tableware such as plates or bowls being served to the consumer, shall be clean, dry and used for no other purpose. Moist cloths or sponges used for wiping food spills on kitchenware and food-contact surfaces of equipment shall be clean and rinsed frequently in one of the sanitizing solutions permitted in § B(3) of this regulation, and used for no other purpose. These cloths and sponges shall be stored in the sanitizing solution between uses. Moist cloths or sponges used for cleaning nonfood-contact surfaces of equipment such as counters, dining table tops, and shelves shall be clean and rinsed as specified above and used for no other purpose. These cloths and sponges shall be stored in the sanitizing solution between uses.
- (e) Detergents and abrasives shall be rinsed off food-contact surfaces.

(2) Equipment and Utensil Sanitization.

- (a) After each use, all tableware shall be sanitized. A spoon or other utensil that has been used for tasting food may not be reused until it has been cleaned and sanitized.

(b) All kitchenware and food-contact surfaces of equipment used in the preparation, service, display, or storage of potentially hazardous food shall be cleaned and sanitized after each use, and following any interruption of operations during which contamination of the food-contact surface is likely to have occurred. If equipment and utensils are used for the preparation of potentially hazardous food on a continuous or production-line basis, the food-contact surfaces of the equipment and utensils shall be cleaned and sanitized at intervals throughout the day on a schedule acceptable to the approving authority.

(3) Methods and Facilities for Washing and Sanitizing.

(a) All equipment and utensils shall be flushed or scraped and, when necessary, presoaked to remove large food particles and soil before they are washed.

(b) Effective concentrations of a suitable detergent shall be used in both manual and mechanical dishwashing.

(c) When manual dishwashing is employed, equipment and utensils shall be thoroughly washed in a detergent solution which is kept reasonably clean, and then shall be rinsed free of the solution. All utensils and the food-contact surfaces of all equipment shall be sanitized by one of the following methods:

(i) Immersion for at least 1/2 minute in clean hot water at a temperature of at least 170°F.

(ii) Immersion for a period of at least 1 minute in a sanitizing solution containing:

(aa) At least 50 ppm of available chlorine at a temperature not less than 75°F; or

(bb) At least 12.5 ppm of available iodine in a solution and a temperature of not less than 75°F.

(iii) Any other chemical-sanitizing agent or detergent-sanitizing agent which has been demonstrated to the satisfaction of the approving authority to be effective and nontoxic under use conditions, and for which a suitable field test is available. The sanitizing agents, in use solutions, shall provide the equivalent bactericidal effect of a solution containing at least 50 ppm of available chlorine at a temperature not less than 75°F.

(iv) A test kit or other device that accurately measures the parts per million concentration of the solution shall be provided and used.

(d) Equipment too large to treat by methods (i) and (ii), above, shall be treated:

(i) With live steam from a hose, in the case of equipment in which steam can be confined;

(ii) By rinsing with boiling water; or

(iii) By spraying or swabbing with a chemical sanitizing solution of at least twice the minimum strength required for the particular sanitizing solution when used for immersion sanitization.

(e) A three-compartment sink shall be provided and used wherever washing and sanitization of equipment or utensils are conducted manually. When a detergent-sanitizer is used, a two compartment sink is a minimum requirement. Single compartment utility sinks, such as cooks' and bakers' sinks, may be used for the rinsing of utensils.

(f) Sinks used for manual washing and sanitizing operations shall be of adequate length, width, and depth to accommodate the equipment and utensils, and each compartment of the sinks shall be supplied with hot and cold running water.

(g) When hot water is used as the sanitizing agent in manual operations, thermometers, accurate to $\pm 2^{\circ}\text{F}$, shall be provided convenient to the sink to permit frequent checks of the water temperature.

(h) Dish tables or integral drainboards, of adequate size for proper handling of soiled utensils before washing and for cleaned utensils following rinsing or sanitization, shall be provided, and shall be so located or constructed as not to interfere with the proper use of the dishwashing facilities. Drainboards may not be required for cooks' and bakers' rinse sinks.

(i) When spray-type dishwashing machines are used, the following additional requirements shall be met:

(i) Wash water shall be kept reasonably clean, and rinse water tanks shall be so protected by distance, baffles, or other effective means as to minimize the entry of wash water into the rinse water.

(ii) The flow pressure shall be not less than 15 or more than 25 pounds per square inch on the water line immediately adjacent to the final rinse control valve. A suitable gauge shall be provided immediately upstream from the final rinse control valve to permit checking the flow pressure of the final rinse water; except this does not apply to a pumped or recirculated final rinse.

(iii) The wash water temperature shall be at least 140°F and in single-tank conveyor machines shall be at least 160°F . When hot water is relied upon for sanitization, the final or fresh rinse water shall be at a temperature of at least 180°F at the entrance of the manifold. When a pumped rinse is provided, the water shall be at a temperature of at least 160°F .

(iv) Conveyors in dishwashing machines shall be accurately timed to assure proper exposure times in wash and rinse cycles.

(v) An easily readable thermometer which will indicate water temperature to an accuracy of $\pm 2^{\circ}\text{F}$ shall be provided in each tank of the dishwashing machine. In addition, a thermometer of equal accuracy shall be provided which will indicate the temperature of the final rinse water as it enters the manifold.

(vi) Jets, nozzles, and all other parts of each machine shall be maintained free of chemical deposits, debris, and other soil. Automatic detergent dispensers, if used, shall be kept in proper operating condition. All dishwashing machines shall be thoroughly cleaned following use, or as often as needed.

(vii) A pre-rinse device shall be provided for all machines.

(viii) Equipment and utensils shall be flushed or scraped, and when necessary, soaked, to remove large food particles and soil before being cleaned in a dishwashing machine. After flushing, scraping, or soaking, equipment and utensils shall be placed in racks, trays, or baskets, or on conveyors, so that food-contact surfaces are subject to the unobstructed application of detergent wash and clean rinse waters and so that there is free draining. Clean rinse water shall remove particulate matter and detergent residues.

(j) Dishwashing machines using chemicals for sanitization may be used provided that:

(i) The temperature of the wash water may not be less than 120°F ;

(ii) The wash water shall be kept clean;

(iii) Chemicals added for sanitization purposes shall be automatically dispensed;

(iv) Utensils and equipment shall be exposed to the final chemical sanitization rinse in accordance with the manufacturer's specifications for time and concentration;

(v) The chemical sanitizing rinse water may not be less than 75°F , or less than the temperature specified by the machine's manufacturer;

(vi) The chemical sanitizer used shall be approved by the approving authority and shall provide the equivalent bactericidal effect of a solution containing at least 50 ppm of available chlorine;

(vii) A test kit or other device that accurately measures the parts per million concentration of the sanitizing solution shall be available and used.

(k) Any other type of machine, device, or facilities and procedures may be approved by the approving authority for cleaning or sanitizing equipment and utensils, if it can be readily established that the machine, device, or facilities and procedures will routinely render equipment and utensils clean to sight and touch, and provide effective bactericidal treatment.

(4) Storage and Handling of Cleaned Equipment and Utensils.

(a) Food-contact surfaces of cleaned and sanitized equipment and utensils shall be handled in such a manner so as to be protected from contamination. Cleaned spoons, knives, and forks shall be picked up and touched only by their handles. Clean cups, glasses, and bowls shall be handled so that fingers and thumbs do not contact inside surfaces or lip-contact surfaces.

(b) Tableware shall be stored a minimum of 18 inches above floor level unless protected by doors or a metal or plastic enclosure.

(c) Cleaned, and cleaned and sanitized, portable equipment and utensils shall be stored above the floor in a clean, dry location, and suitable space and facilities shall be provided for storage so that food-contact surfaces are protected from splash, dust, and other contamination. The food-contact surfaces of fixed equipment also shall be protected from splash, dust, and other contamination. Utensils shall be air dried before being stored, or shall be stored in a self-draining position on suitably located hooks or racks constructed of corrosion resistant material. Wherever practicable stored containers and utensils shall be covered or inverted. Facilities for the storage of flatware (silverware) shall be provided and shall be designed and maintained to present the handle to the employee or customer.

(d) The storage of food, food equipment, utensils, or single-service articles in toilet rooms or toilet room vestibules is prohibited.

(5) Single-Service Articles.

(a) Single-service articles shall be stored in closed cartons or containers which protect them from contamination.

(b) The articles shall be handled and dispensed in a manner as to prevent contamination of surfaces which come into contact with food or with the mouth of the user.

(c) Single-service articles shall be used only once.

10.15.03.07

.07 Sanitary Facilities and Control.

A. Water Supply.

(1) Supply.

(a) The water supply shall be adequate, of a safe, sanitary quality, and from an approved public or individual water supply system which is constructed, protected, operated, and maintained in conformance with applicable State and local laws, ordinances, and regulations. If approved by the approving authority, a nonpotable water supply system

may be permitted within the establishment for purposes such as air-conditioning and fire protection only if the system complies with § C(1)(b), below, and the nonpotable water supply is not used in a manner to bring it into contact, either directly or indirectly, with food, food equipment, or utensils.

(b) Hot and cold running water, under pressure, shall be provided in all areas where food is prepared, and where equipment and utensils are washed. Hot water is not required in produce-washing sinks in retail markets.

(c) Class III special food service facilities shall be equipped with water connections and operated only when connected to an approved water supply or equipped with an adequate supply of potable water under pressure. Those systems shall meet the requirements of the approving authority.

(2) Transporting and Dispensing Water.

(a) All water in Class II special food service facilities, if not piped into the facility directly from the source, shall be transported, handled, stored, and dispensed in a sanitary manner.

(b) Drinking water, if not dispensed through the water supply system of the food service facility shall be stored in a separate nonpressurized tank, reservoir, or other container, acceptable to the approving authority.

(3) Ice.

(a) Ice shall be:

(i) Made from water meeting the requirements of § A(1)(a), above, in an icemaking machine which is located, installed, operated, and maintained so as to prevent contamination of the ice; or

(ii) Obtained from a source approved by the approving authority.

(b) Ice shall be handled, transported, and stored in a manner as to be protected against contamination. If block ice is used, the outer surfaces shall be thoroughly rinsed to remove any soil before it is used for any purpose.

(c) If ice crushers are used, they shall be maintained in a clean and sanitary condition and shall be covered when not in use.

(d) If ice is used, approved containers and utensils shall be provided for storing and serving it in a sanitary manner. Ice buckets, other containers, and scoops, unless they are of the single service type, shall be of a smooth, impervious material, and designed to facilitate cleaning. They shall be kept clean, and shall be stored and handled in a sanitary

manner. Only sanitary containers shall be used for the transportation or storage of any ice used in the food service facility.

(e) Ice used once may not be reused.

B. Sewage Disposal.

(1) Water-Carried Sewage.

(a) All water-carried sewage shall be disposed by means of:

(i) A public sewerage system; or

(ii) An approved sewage disposal system which is constructed and operated in conformance with applicable State and local laws, ordinances, and regulations.

(2) Nonwater-Carried Sewage. Nonwater-carried sewage disposal facilities may be used, only where water-carried disposal methods have been determined by the approving authority to be impracticable. Under those conditions, only facilities which have been approved by the approving authority shall be used, and operation of these facilities shall be in conformance with applicable State and local laws, ordinances, and regulations.

C. Plumbing.

(1) General.

(a) All plumbing shall be sized, installed, and maintained in accordance with applicable State and local plumbing laws, ordinances, and regulations.

(b) The potable water supply piping may not be directly connected with any nonpotable water supply system whereby the nonpotable water can be drawn or discharged into the potable water supply system. The piping of any nonpotable water system shall be adequately and durably identified, as by distinctive yellow-colored paint, so that it is readily distinguishable from piping which carries potable water and may not be connected to equipment or have outlets in the food preparation area.

(c) The potable water system shall be installed in a manner to prevent back-siphonage.

(d) Class III special food service facilities shall be equipped with a waste receiving tank of adequate capacity unless connected to a proper waste disposal facility.

(2) Drains.

(a) Dishwashing machines, sinks, refrigerators, steam kettles, potato peelers, and similar types of equipment in which food, portable equipment, or utensils are placed, may not be directly connected to the drainage system. Each waste pipe from each vat of a sink shall

discharge into an open, accessible, individual waste sink, floor drain, or other suitable fixture which is properly trapped, vented, and with an approved air gap. When a dishwashing machine is located adjacent to a floor drain, the waste from the dishwashing machine shall be connected directly into the upstream side of the floor drain trap. Indirect connections of drain lines from other equipment used in preparation of food or washing of equipment and utensils shall be required by the approving authority when, in his opinion, the installation is such that backflow of sewage is likely to occur.

(b) Indirect waste connections shall be provided for drains, overflows, or relief vents from the water supply system.

(c) Drain lines from equipment may not discharge waste water in a manner that will permit the flooding of floors or the flowing of water across working or walking areas, or into difficult-to-clean areas.

(d) Traps for floor drains or other waste receptors associated with a food service and not in use as an indirect waste receptor shall be automatically primed or provided with a water seal at least 6 inches deep, as required by the approving authority.

(e) In newly constructed or remodeled facilities, soil or drain pipes located over food preparation, storage, display, serving, or dining areas are undesirable. When building design requires that soil or drain pipes be located over those areas, the installation shall be made with the least possible number of joints and shall be installed so as to connect to a vertical stack at the nearest wall or vertical building support. The construction shall be performed as follows:

(i) All openings through floors over those areas shall be provided with sleeves securely bonded to the floor construction and projecting not less than 3/4 inch above the top of the finished floor with the space between the sleeve and pipe or duct sealed.

(ii) Floor and shower drains installed above those areas shall be equipped with integral seepage pans.

(iii) Plumbing fixtures in rooms located above those areas shall be of the wall-mounted type, except bathtubs. Tubs shall have waste and overflow connections made above the floor and piped to a trap below the floor. All connections through the floor and to the trap shall conform with all other provisions of this regulation. Floor openings other than the sleeve for a waste pipe may not be permitted for tubs.

(iv) Drainpipes carrying acid or other corrosive waste products which require acid resistant pipe shall be of thermoplastic material with joints sealed by solvent cementing or thermal bonding.

(v) All other soil or drainpipes shall be galvanized steel or cast iron with screwed joints sealed by an approved method or copper tubes with soldered joints. Cleanouts shall be extended through the floor construction above.

(vi) All soil and drainpipes located above those areas shall be subjected to a standing water test of not less than 25 feet.

(vii) All piping subject to operation at temperatures that will form condensation on the exterior of the pipe shall be thermally insulated.

(viii) If pipes are run in a ceiling above those areas, the ceiling shall be of the removable type, or shall be provided with access panels in order to provide ready access for inspection of piping.

D. Toilet Facilities.

(1) General.

(a) Toilet facilities shall be adequate and conveniently located, and shall be accessible to the employees at all times.

(b) Toilet facilities shall be installed in accordance with applicable State and local laws, ordinances, and regulations.

(c) Water closets and urinals shall be of a sanitary design and readily cleanable.

(d) Toilet rooms shall be completely enclosed, and shall have self-closing doors. The doors may not be left open except during cleaning or maintenance.

(e) If the use of nonwater-carried sewage disposal facilities has been approved by the approving authority, these facilities shall be separate from the establishment.

(f) If toilet facilities are provided for patrons, the facilities shall meet the requirements of this subsection.

(2) Maintenance.

(a) Toilet facilities, including the toilet room and fixtures, shall be kept clean and in good repair, and free of objectionable odors.

(b) A supply of toilet tissue shall be provided at each toilet at all times. Easily cleanable receptacles shall be provided for waste materials, and receptacles in toilet rooms for women shall be covered. The receptacles shall be emptied at least once a day, and more frequently when necessary to prevent excessive accumulation of waste material.

E. Handwashing Facilities.

(1) General.

(a) Handwashing facilities shall be located in each food preparation, processing, and utensil washing area and in or adjacent to all toilet rooms, and shall be accessible at all times.

(b) Utensil washing vats or food preparation sinks may not be used as handwashing facilities.

(c) Lavatories shall be installed in accordance with applicable State and local laws, ordinances, and regulations, or in the absence of these, as approved by the approving authority.

(d) Each lavatory shall be provided with hot and cold or tempered running water. A mixing valve or combination faucet is required. Steam mixing valves are prohibited. Any slow closing or metering faucet used shall provide a flow of water for at least 15 seconds before the faucet has to be reactivated.

(2) Maintenance.

(a) An adequate supply of hand-cleaning soap or detergent shall be available at each lavatory. An adequate supply of individual towels, or an approved hand-drying device, shall be available and conveniently located near the lavatory. Common towels are prohibited. If disposable towels are used, waste receptacles shall be located conveniently near the handwashing facilities.

(b) Lavatories, soap dispensers, hand-drying devices, and all other components of the handwashing facilities shall be kept clean and in good repair.

F. Garbage and Rubbish Disposal.

(1) Containers.

(a) All garbage and rubbish containing food waste shall be kept in containers, constructed of durable metal or other approved types of material, which do not leak and do not absorb liquids.

(b) All containers shall be provided with tight-fitting lids or covers and, unless kept in a special vermin-proofed room or enclosure or in a waste refrigerator, shall be kept covered when stored or not in continuous use.

(c) After being emptied, each container shall be thoroughly cleaned on the inside and outside in a manner so as not to contaminate food, equipment, utensils, or food preparation areas. Brushes shall be provided for washing garbage containers and may not be used for any other purpose. Can-washing machines, steam-cleaning devices, or similar equipment may be used where the operation is large enough to warrant this type of equipment. Waste water from cleaning operations shall be disposed of as sewage.

(d) There shall be a sufficient number of containers to hold all of the garbage and rubbish containing food waste which accumulates between periods of removal from the premises.

(2) Storage.

(a) Garbage and rubbish containing food waste shall be stored so as to be inaccessible to vermin. All other rubbish shall be stored in a manner approved by the approving authority.

(b) Storage facilities shall be adequate for the proper storage of all garbage and rubbish.

(c) Storage areas shall be clean, and may not constitute a nuisance.

(d) Storage rooms or enclosures shall be constructed of easily cleanable, grease resistant, washable materials and shall be vermin-proofed. The floors, and the walls up to at least the level reached by splash or spray, shall be of grease resistant materials. Garbage containers outside the establishment shall be stored either on a grease resistant durable surface or on a rack which is at least 12 inches above the ground for a single bank of containers, or 18 inches above the ground for a multiple bank of containers.

(3) Food Waste Grinders. Food waste grinders shall be constructed and installed so as to comply with applicable State and local plumbing laws, ordinances, and regulations. Food waste grinders may not be connected to a sink drain when the sink is used for food or utensils since they will not meet indirect waste requirements.

(4) Disposal.

(a) All garbage and rubbish shall be disposed of daily, or as frequently as may be approved by the approving authority, and in a manner to prevent a nuisance.

(b) When garbage or combustible rubbish is burned on the premises, an approved incinerator shall be provided, and shall be operated in such a manner as to comply with applicable State and local regulations, laws, and ordinances, and so that it does not create a nuisance. Areas around incinerators shall be kept in a clean and orderly condition.

G. Vermin Control.

(1) General.

(a) Effective and approved control measures shall be used to eliminate the presence of rodents, flies, roaches, and other vermin on the premises.

(b) The premises shall be kept in a condition that will prevent the harborage of vermin.

(2) Screening.

(a) Openings to the outside shall be effectively protected against the entrance of insects by tight-fitting, self-closing doors, closed windows, screening, controlled air currents, or other means acceptable to the approving authority. Screening used on outside openings shall be tight-fitting and in good repair.

(b) Screening material may not be less than 16-mesh to the inch or equivalent.

(c) Screen doors to the outer air shall be self-closing. Screens for windows, doors, skylights, transoms, and other openings to the outer air shall be tight-fitting and in good repair.

(3) Rodent Proofing. All openings to the outside shall be protected against the entrance of rodents.

10.15.03.08

.08 Other Facilities and Operations.

A. Floors, Walls, and Ceiling.

(1) Floors.

(a) All floors shall be kept clean and in good repair. Any materials on floors to prevent slipping shall, before usage, have the approval of the approving authority.

(b) The floors of all food preparation, food processing, food storage, and utensil washing rooms and areas, and walk-in refrigerators, dressing or locker rooms, and toilet rooms shall be constructed of smooth, durable, nonabsorbent, and easily cleanable materials such as concrete, quarry tile, ceramic tile, durable grades of linoleum or plastic, or tight wood impregnated with plastic. In areas subject to spilling or dripping of grease or fatty substances, floor covering shall be of grease resistant material. Floors of nonrefrigerated, dry-food storage areas are not required to be nonabsorbent.

(c) Floor drains shall be provided only in floors which are water-flushed for cleaning or which receive discharges of water or other fluid waste from equipment. These floors shall be graded to drain.

(d) In walk-in refrigerators or refrigerated rooms where there is need to flush the floors with water, the floors shall be graded to drain all parts of the floor to the outside through a waste-pipe, doorway or other opening, or shall be equipped with a floor drain.

(e) Carpeting may be used on the floors of interior dining areas. The carpeting shall be in good repair and kept clean.

(f) The walking and driving surfaces of all exterior areas of food service facilities shall be kept clean and free of debris, and shall be drained so that water will not accumulate.

Those areas shall be surfaced with concrete or asphalt, or with gravel or similar material effectively treated to facilitate maintenance and to minimize dust.

(g) Mats and duckboards, if used, shall be constructed to facilitate cleaning, and shall be kept clean. They shall be of a design and size that allows easy removal for cleaning.

(h) All concrete, quarry tile, or ceramic tile floors installed in food preparation, food storage, and utensil washing rooms and areas, and in walk-in refrigerators, dressing or locker rooms, and toilet rooms, shall provide a coved juncture between the floor and wall. In all cases, the juncture between the floor and wall shall be closed.

(2) Walls and Ceilings.

(a) All walls and ceilings, including doors, windows, skylights, and similar closures, shall be kept clean and in good repair.

(b) The walls of all food preparation, utensil washing, handwashing rooms or areas, shall have smooth, easily cleanable surfaces. Surfaces shall be grease resistant up to at least the highest level reached by splash or spray. Ceiling rafters shall be enclosed in food preparation, utensil washing, and garbage handling areas. Acoustical materials may be used on the ceiling.

(c) Wall covering materials, such as sheet metal, linoleum, plastic, and similar materials shall be so attached and sealed to the wall or ceiling as to leave no open spaces or cracks which would permit accumulation of grease or debris, or provide harborage for vermin.

(d) Exposed construction (that is, studs, joists, rafters) in walk-in refrigerated food storage areas, food preparation areas, equipment and utensil washing areas, and toilet rooms is prohibited. This construction is acceptable in dry food storage and other areas provided it is finished to provide a cleanable surface. When it is necessary that piping, conduit, and similar construction be located outside a wall, it shall be installed so that there is a minimum of 3/4-inch space between it and the wall.

(e) Light fixtures, decorative material, and similar equipment and material attached to walls or ceilings, shall be kept clean.

B. Lighting. At least 20 footcandles of light shall be required on all work surfaces in storage areas, food preparation areas, utensil washing areas, toilet rooms, locker rooms, and in garbage and rubbish storage areas. Sources of artificial light shall be provided and used to the extent necessary to provide the required amounts of light on these surfaces when in use and when being cleaned. At least 10 footcandles of light at a distance of 30 inches from the floor shall be required in all other areas, including dining areas during cleaning operations. Light bulbs and tubes shall be provided with a shield which will prevent broken glass from falling into food and utensils. Infrared or other heat lamps shall be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.

C. Ventilation.

(1) All rooms shall be adequately ventilated, and ventilation facilities shall be maintained and operated so that all areas are kept reasonably free from excessive heat, steam, condensation, vapors, smoke, or fumes. Effective air-recovery systems shall be used in the ventilation of these areas.

(2) All rooms, areas, and equipment from which aerosols, odors, fumes, or vapors may originate, shall be effectively vented to the outside air. When vented to the outside, the system may not create an unsightly, harmful or unlawful discharge.

(3) Ventilation hoods and devices shall be designed to prevent grease or condensate from dripping into food or onto food preparation surfaces.

(4) Intake air ducts shall be designed and maintained so as to prevent the entrance of dust, dirt, insects, or other contaminating materials.

(5) Hoods shall be provided where needed over cooking areas and over dishwashing equipment.

(6) Ventilation in toilet rooms shall be provided so that 2 cubic feet of air per minute per square foot of floor space is mechanically exhausted outside the building. Make-up air shall be provided by a method acceptable to the approving authority.

(7) If an existing building is converted for use as a food service facility and there is no feasible method to vent the toilet room to the exterior of the building, a ductless exhaust fan may be permitted. The following restrictions apply:

(a) The unit shall move 2 cubic feet of air per minute per square foot of floor area through the filter device;

(b) The unit shall be properly sized and installed;

(c) The unit shall be properly serviced and maintained according to the manufacturer's specifications.

D. Dressing Rooms and Lockers.

(1) Adequate facilities shall be provided for the orderly storage of employees' clothing and personal belongings. Dressing rooms or designated areas shall be provided when, as a routine procedure, employees change clothing within the facility. These designated areas shall be located outside of food preparation, serving, and utensil washing areas. The approving authority may approve such an area in a storage room.

(2) Adequate lockers within dressing rooms or areas, or other suitable facilities within dressing rooms, shall be provided and used for the storage of employees' coats, clothing, and personal belongings.

(3) Dressing rooms or areas, and lockers, shall be kept in a clean condition.

E. Housekeeping.

(1) General.

(a) The facility and all parts of the property used in connection with the operation of the facility shall be kept neat, clean, and free of litter and rubbish.

(b) The traffic of unnecessary persons through the food operation and utensil washing areas is prohibited.

(c) Operations connected with the facility may not be conducted in any room used as living or sleeping quarters.

(d) Adequate storage space for custodial equipment shall be provided. In new or extensively remodeled establishments at least one utility sink or curbed cleaning facility with a floor drain shall be provided and used for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mopwater or similar liquid wastes. The use of lavatories, utensil washing, or equipment washing or food preparation sinks for this purpose is prohibited.

(2) Dustless Cleaning. Vacuum cleaning, wet cleaning, or other dustless methods of floor and wall cleaning shall be used, or dust-arresting sweeping compounds and pushbrooms shall be employed, and all such cleaning, except emergency floor cleaning, shall be done during those periods when the least amount of food is exposed, such as after closing or between meals, and in a manner that will prevent contamination of food and food-contact surfaces.

(3) Storage of Linens and Clothes.

(a) Laundered cloths, napkins, and clothing shall be stored in a clean place until used.

(b) Nonabsorbent containers or laundry bags shall be provided, and damp or soiled linens and clothes shall be kept therein until removal for laundering.

(4) Live Birds and Animals. Live birds or animals may not be allowed in any area used for this storage, preparation, or serving of food, or for the cleaning or storage of utensils, in toilet rooms, employees' dressing rooms or areas, in vehicles used for transporting food, or in any other area of facility physically connected with the food-service establishment's operations. Guide dogs accompanying blind or deaf persons shall be permitted in customer service areas.

10.15.03.09

.09 Special Food Service Facilities.

A. Class I facilities shall comply with Regulations .01--.05 and .10--.25. Fixed premises or mobile units shall be kept clean and free of litter or rubbish. Single-service articles, if used, must be approved by the approving authority.

B. Class II facilities shall comply with Regulations .01--.06, .07A(2)(a) and (3), .07G, .08B, and .10--.25. Premises shall be kept clean and free of litter or rubbish. Class II facilities shall provide adequate and conveniently located toilet facilities for employees. If permanent toilet facilities are not available, temporary facilities shall be constructed and maintained according to the specification of the approving authority. Class II facilities shall provide an ample supply of potable water as specified by the approving authority. Class II facilities shall also provide adequate and convenient hand-washing facilities as specified by the approving authority. Waste water shall be disposed of in a manner approved by the approving authority.

C. Class III facilities shall meet all the requirements of these regulations except Regulation .07D, above.

D. Class IV facilities shall comply with Regulations .01--.05, .06B(1) and (5), and .10--.25. Class IV facilities shall provide an adequate supply of potable water under pressure. The waste receiving tank shall be capable of containing all wastes from the mobile unit. Plumbing shall be installed and maintained to prevent contamination of food, drink, food-bearing surfaces, and equipment through backflow or back siphonage. All wastes shall be held and disposed of in a manner satisfactory to the approving authority. Coffee and tea shall be served in single-service items only. The premises shall be kept clean and free of litter or rubbish. The presence of rodents and insects shall be eliminated.

10.15.03.10

.10 Egg Records.

A. A person operating a food service facility shall obtain an invoice or other equivalent record from the supplier for each delivery of shell eggs. The invoice or equivalent record shall contain the following information:

(1) Name and address of the seller and buyer;

(2) Date of delivery;

(3) Grade term and size (weight) classification of eggs delivered, which information shall be listed separately; and

(4) Quantity of eggs sold.

B. A person operating a food service facility and providing loose shell eggs to a consumer shall maintain a daily record that shows the lot designation of the shell eggs for each packer being distributed, offered for sale, or sold each day.

C. A person operating a food service facility shall keep the following records on file for a minimum of 90 days:

- (1) Invoices or other equivalent records; and
- (2) Daily records for loose shell eggs.

D. A person operating a food service facility and a person who is in charge or who has custody of records relating to the sale and purchase of shell eggs, on the request of the Department and after presentation of appropriate credentials by the Department, shall permit the Department to have access to, copy, and verify the records at any reasonable time.

10.15.03.11

.11 Excluded Organizations.

A. Health-General Article, § 21-304(a)(2)(i), Annotated Code of Maryland, gives the Department authority to establish minimum standards for food safety for food establishments operated by excluded organizations. Except as otherwise provided in this regulation, excluded organizations shall comply with Regulations .01----.05; .06A(1)(c)(i) and (l), and B; .07A, B, C(1)(a) and (d), D----G; .08A, B, C(1) and (3), D, E; and .10; .12H; .13-----.20; .21A(2)----(6); and .22-----.25.

B. Modified Standards.

(1) New Equipment.

(a) An excluded organization shall meet the design standards of this chapter for equipment, installed or replaced after the effective date of this regulation, that is:

- (i) Mechanical refrigeration equipment used to store potentially hazardous foods; and
- (ii) Mechanical dishwashing equipment.

(b) Except as provided in § B(1)(c) and (d) of this regulation, the design standards required by § B(1)(a) of this regulation shall be those set by the following documents which are incorporated by reference:

- (i) Standard Number 3, Commercial Spray-Type Dishwashing Machines, National Sanitation Foundation (Revised June, 1982);

(ii) Standard Number 7, Food Service Refrigerators and Storage Freezers, National Sanitation Foundation (Revised May, 1990) (Note: ETL Testing Laboratories, Inc. and Underwriters Laboratories, Inc. have both adopted the National Sanitation Foundation Standard Number 7 for Food Service Refrigerators and Storage Freezers); and

(iii) Voluntary Minimum Standards for Retail Food Store Refrigerators, Health and Sanitation (CRS-S1-78), Commercial Refrigerator Manufacturers Association (January, 1978).

(c) The approving authority may allow a special food service facility and a food service facility which serves food to disadvantaged populations to use mechanical dishwashing equipment that does not comply with National Sanitation Foundation standards if the equipment complies with the requirements stated in § B(2)(a)-----(d).

(d) The approving authority may allow a food service facility operated by an excluded organization to use refrigeration equipment that does not comply with National Sanitation Foundation or Commercial Refrigeration Manufacturer's Association standards provided:

(i) The equipment complies with the requirements stated in § B(2)(a)-----(d); and

(ii) A priority assessment conducted by the approving authority indicates that the cooling capacity of the refrigeration equipment controls the temperature of the food so that microorganisms do not multiply to potentially dangerous numbers or to produce a toxin.

(e) If the standards identified in § B(1)(b) are in conflict with State laws, codes, regulations, or publications, then the State laws, codes, regulations, or publications shall preempt these standards.

(2) Other New Equipment and Existing Equipment. Except as provided in § B(1), an excluded organization shall use equipment which:

(a) Is in good repair;

(b) Is capable of being maintained in a sanitary condition;

(c) Has nontoxic food-contact surfaces; and

(d) Accomplishes its intended and required function.

(3) Plumbing. A food service facility established or remodeled after the effective date of this regulation and operated by an excluded organization shall comply with all provisions of Regulation .07C.

C. Special Food Service Facilities.

(1) Class I Facilities. An excluded organization:

(a) Operating a Class I facility shall meet all the requirements listed in § A, B, and C(1) of this regulation, except that it need not comply with Regulations .06-----.08 of this chapter;

(b) Shall keep fixed premises or mobile units clean and free of litter or rubbish;

(c) Shall use single-service articles which are:

(i) Fabricated from nontoxic, clean material;

(ii) Stored in a clean dry area;

(iii) Protected from all contamination during storage and dispensing; and

(iv) Used only once.

(2) Class II Facilities. An excluded organization operating a Class II facility shall:

(a) Meet all the requirements listed in § A, B, and C(2) of this regulation, except that it need not comply with Regulations .07A(1) and (2)(b), B-----F, and .08A, C-----E;

(b) Keep premises clean and free of litter or rubbish;

(c) Provide adequate and conveniently located toilet facilities for employees, and if permanent toilet facilities are not available, provide temporary facilities and maintain them in a sanitary manner;

(d) Provide an ample supply of potable water;

(e) Provide adequate and convenient handwashing facilities; and

(f) Dispose of waste water in a sanitary manner.

(3) Class III Facilities. An excluded organization operating a Class III facility shall meet all the requirements listed in § A and B of this regulation, except that it need not comply with Regulation .07D.

(4) Class IV Facilities. An excluded organization operating a Class IV facility shall comply with the requirements of Regulation .09D, except that it need not comply with Regulations .12A-----G and .21A(1) and B.

10.15.03.12

.12 Licenses.

A. Except as provided in Health-General Article, § 21-305, Annotated Code of Maryland, a person who does not have a valid license issued by the approving authority may not operate a food service facility.

B. The operator of a food service facility shall apply for a license in accordance with Health-General Article, § 21-306 and 21-307, Annotated Code of Maryland.

C. A licensee shall display a valid certificate of licensure in a conspicuous place in the food service facility.

D. Except as provided in § E, a license may not be transferred from one person to another person or from one food service facility to another.

E. Upon the death of a licensee, the approving authority shall transfer a license to a deceased licensee's spouse, blood relative to the first degree of consanguinity, current officer, or surviving partner in that food service facility, who submits to the approving authority:

(1) An application in accordance with Health-General Article, § 21-306, Annotated Code of Maryland; and

(2) Written evidence establishing that the applicant's relationship with the deceased is at least one of the four relations named above.

F. The approving authority shall:

(1) Issue and renew licenses for the terms indicated in and in accordance with Health-General Article, § 21-309 and 21-310, Annotated Code of Maryland; and

(2) Issue a certificate of licensure for a temporary food service facility which states the location of the operation and the time period during which it is approved to operate.

G. The approving authority may deny an application for a food service facility in accordance with Health-General Article, § 21-311, Annotated Code of Maryland.

H. For the purpose of enforcing the regulations of this chapter, the Secretary may designate an agent of the Department of Agriculture as the Secretary's representative.

10.15.03.13

.13 Food Service Facility Inspection Parameters.

A. General.

(1) The approving authority shall assess, inspect, and evaluate each food service facility, and shall make as many additional evaluations and reevaluations as are necessary for the enforcement of this chapter.

(2) The minimum frequency of evaluation shall be conducted in accordance with Regulation .19.

B. Right to Inspect. An operator of a food service facility shall permit an authorized representative of the approving authority to enter a food service facility at a reasonable time, for the purpose of making inspections to determine compliance with this chapter. The operator shall permit a representative of the approving authority to examine the records of the facility to obtain pertinent information pertaining to food and supplies purchased, received, or used, and persons employed.

C. Report of Inspections.

(1) When an inspection of a food service facility is made, the approving authority shall:

(a) Record the results of the inspection on an inspection report form specified by the Department;

(b) Identify the conditions found which violate the provisions of this chapter;

(c) Identify a critical item violation separate from all other violations; and

(d) Furnish one copy of the inspection report to the person in charge of the facility.

(2) The completed inspection report form is a public document that shall be made available for public disclosure in accordance with State Government Article, § 10-611--10-628, Annotated Code of Maryland.

D. Trade Secrets.

(1) Except when the approving authority determines that an immediate and substantial danger to public health exists or during the investigation of a food-borne disease outbreak, the approving authority may not require the owner or manager of a food service facility to furnish or reveal any trade secrets regarding a food ingredient or recipe.

(2) A food service facility shall inform the approving authority of any information regarding a food ingredient or a recipe that the food service facility considers a trade secret.

(3) If a food service facility provides trade secret information to the approving authority, the approving authority shall maintain the confidentiality of the trade secret information in accordance with State Government Article, § 10-617, and Health-General Article, § 21-259, Annotated Code of Maryland.

10.15.03.14

.14 Food Service Facilities Outside the Jurisdiction of the Approving Authority.

A. A food service facility may sell within the State, food from a food facility outside the jurisdiction of the Department of Health and Mental Hygiene if the food facility conforms to the provisions of this chapter or to substantially equivalent provisions.

B. To determine the extent of compliance with this chapter or to substantially equivalent provisions, the approving authority may accept reports from responsible authorities in the jurisdiction where the food service facility is located.

10.15.03.15

.15 Choking Posters.

A food service facility which prepares food and provides seating for patrons shall post a diagram on the use of manual maneuvers to prevent asphyxiation due to choking in accordance with Health-General Article, § 21-326, Annotated Code of Maryland.

10.15.03.16

.16 Plan Review.

A. General. A food service facility shall submit plans and specifications for construction, remodeling, or alterations to a food service facility in accordance with Health-General Article, § 21-321, Annotated Code of Maryland.

B. Required Information to Comply with Hazard Analysis Requirements.

(1) At the time of the plan review submission described in § A, the operator or owner of a food service facility shall submit to the approving authority;

(a) A menu or other written description of the foods to be prepared or served; and

(b) The proposed type of food service system (that is, cook-serve, cook-hot hold-serve, cook-chill/freeze-thaw-reheat-hot hold-serve, etc.).

(2) The approving authority shall classify the proposed or remodeled food service facility as a high, moderate, or low priority facility, in accordance with the criteria set forth in Regulation .17B.

(3) At the time of the plan review submission, a high or moderate priority food service facility shall provide information to the approving authority showing that the food service

equipment needed to meet the requirements of the food service system is provided. Depending on the type of food service system, needed equipment may include:

- (a) Cooking equipment;
- (b) Equipment designed to chill hot food;
- (c) Cold-holding equipment;
- (d) Hot-holding equipment;
- (e) Reheating equipment.

(4) At the time of the plan review submission, a high or moderate priority food service facility shall provide drawings showing that the arrangement of work areas and the work flow plan are coordinated with the proposed food service system in order to minimize possible contamination or mishandling of food.

(5) At the time of the plan review submission, a high or moderate priority food service facility shall:

- (a) Identify the critical control points for menu items which have been identified by the Department as being frequently involved in food-borne illnesses;
- (b) Submit a written plan to control and monitor each critical control point;
- (c) Submit written procedures as to how to handle a food if the critical control point is not under control due to:
 - (i) Employee error,
 - (ii) Equipment malfunction,
 - (iii) Power failure;
- (d) Provide a written procedure for training a food service facility employee about the written plans described in § B(5)(b) and (c) of this regulation.

C. The approving authority may not approve any part of a plan proposed by a food service facility until all written information required in § B is submitted to the approving authority.

10.15.03.17

.17 Priority Assessment.

A. Procedure.

(1) The approving authority shall conduct a priority assessment of each food service facility to determine the degree of risk a food service facility poses for a food-borne disease occurrence. Priority assessment is an administrative procedure and generally does not necessitate a field visit to the food service facility.

(2) The parameters for priority assessment shall be based upon epidemiological data including types of food served, food handling operations conducted, number of meals prepared, and the population being served.

(3) The approving authority conducting a priority assessment shall:

(a) Consider the criteria set forth in § B;

(b) Review and update the priority assessment every 2 years; and

(c) Initially evaluate and categorize for priority assessment purposes all food service facilities within 1 year of the effective date of this regulation.

B. Classification. The approving authority shall classify food service facilities into one of the following priority assessment categories:

(1) High priority facilities, which are at high risk for a food-borne illness occurrence, shall include facilities that are described by one or more of the following:

(a) That served food to which a food-borne disease outbreak was traced within the 5 years immediately before the priority assessment,

(b) That serve groups of persons who are particularly susceptible to disease, for example, very young, aged, hospitalized, or otherwise compromised,

(c) That serve foods which have a history of being frequent vehicles of food-borne disease,

(d) Where potentially hazardous foods are prepared a day or more in advance of serving,

(e) That utilize any combination of two or more food preparation processes such as cooking, hot-holding, cooling, or reheating, over more than a 4-hour period;

(2) Moderate priority facilities, which are at moderate risk for a food-borne disease occurrence, shall include facilities that:

(a) Serve foods which are occasionally implicated in food-borne disease outbreaks, or

(b) Prepare food which is served within 4 hours of preparation;

(3) Low priority facilities, which are at low risk for a food-borne disease occurrence, shall include facilities that:

- (a) Serve foods which have rarely been reported as vehicles of disease,
- (b) Serve commercially packaged food directly to the consumer/customer, or
- (c) Handle or serve foods that are not potentially hazardous.

10.15.03.18

.18 Hazard Analysis.

A. General.

(1) Hazard analysis is an evaluation procedure which is conducted at the site of the food service facility.

(2) Except as provided in § A(6) of this regulation, the approving authority shall conduct a hazard analysis which identifies critical control points and determines monitoring procedures at all high priority facilities within 2 years of the effective date of this regulation.

(3) Except as provided in § A(6), the approving authority shall conduct a hazard analysis which identifies critical control points and determines monitoring procedures at all moderate priority facilities by using either a modified or thorough hazard analysis within 4 years of the effective date of this regulation.

(4) The approving authority need not conduct any hazard analysis of a low priority facility.

(5) The approving authority shall notify the owner, operator, or manager of a food service facility at least 72 hours in advance of a complete or modified hazard analysis evaluation that the hazard analysis is planned at the food service facility.

(6) The approving authority may apply to the Secretary for one or more extensions of time to comply with § A(2) and (3) of this regulation, by submitting documentation that the approving authority is unable to comply with the time limits set forth in § A(2) and (3) of this regulation. The request for an extension shall include:

- (a) The reason the extension is requested;
- (b) The number and percentage of high and moderate priority food service facilities which have had a hazard analysis completed;

(c) The number and percentage of high and moderate priority food service facilities for which a hazard analysis has not been completed; and

(d) A proposed schedule for completion of the hazard analysis for all remaining high and moderate priority food service facilities.

(7) The Secretary shall respond to the approving authority's request for an extension of time within 30 days of the receipt of the request.

B. To conduct a hazard analysis, the approving authority shall:

(1) Observe, evaluate, measure, and identify food preparation processes to determine critical control points;

(2) Identify whether food preparation processes control temperature and contamination at the critical control points;

(3) Establish monitoring procedures at the food service facility to ensure that the food preparation processes at the critical control points are in compliance with this chapter; and

(4) Document in writing the results of the determinations made in § B(1) of this regulation.

C. Procedures for a Food Service Facility to Comply with Hazard Analysis Requirements. During the hazard analysis evaluation or promptly after that, the operator of a high or moderate priority food service facility shall:

(1) Submit to the approving authority a copy of the menu or other written description of the foods prepared or served by the food service facility;

(2) Submit to the approving authority procedures of the facility for controlling temperature and contamination in the preparation of potentially hazardous food; and

(3) Have readily available within the food preparation area the written procedures for controlling and monitoring the cooking, hot-holding, cooling, reheating, and refrigerated storage of potentially hazardous food at the facility.

10.15.03.19

.19 Frequency of Evaluation and Inspection.

A. The approving authority shall for each high priority food service facility:

(1) Conduct an initial hazard analysis.

(2) Conduct three inspections per year, one every trimester. Two inspections shall monitor critical items, and one shall be a complete environmental inspection. The initial hazard analysis shall be counted as one of the three inspections per year.

(3) In the case of a seasonal food service facility operation which is not a special food service facility, conduct one complete environmental inspection during each 4-month or less period during which the food service facility is in operation.

(4) In the case of a special food service facility, conduct one complete environmental inspection during each licensure period.

(5) Update the hazard analysis evaluation every 5 years, when there is a change of ownership, or when there is a substantial menu change.

B. The approving authority shall for each moderate priority food service facility:

(1) Conduct an initial hazard analysis.

(2) Conduct two inspections per year, one every 6 months. One inspection shall monitor critical items, and one inspection shall be a complete environmental inspection. The initial hazard analysis shall be counted as one of the two inspections per year.

C. The approving authority shall for each low priority food service facility conduct an environmental inspection once every 2 years.

10.15.03.20

.20 Time Period for Correction of Violations.

A. On the inspection report form, the approving authority shall specify a period of time for the correction of violations. A licensee or operator shall correct all:

(1) Violations of critical items immediately;

(2) Other violations within 30 days of the inspection;

(3) Other violations at a temporary food service facility within 24 hours of the inspection.

B. The approving authority may modify any specified time limit when a written schedule of compliance submitted by the operator of a food service facility assures an acceptable time for corrections, and there exists no immediate and substantial danger to the public health.

10.15.03.21

.21 Enforcement Procedures.

A. General.

(1) If the approving authority finds that a food service facility is in violation of any provision of this chapter, is in an unsanitary condition, or is not equipped properly, the approving authority shall notify the licensee of the food service facility:

(a) Of the specific findings;

(b) Of a specific, reasonable date by which the licensee shall correct the violations or deficiencies specified in the notice; and

(c) That if the licensee fails to correct the violation by the date specified, the approving authority may suspend or revoke the license.

(2) If the approving authority finds that a person is violating any provision of this chapter, the approving authority may have the person served with a written order pursuant to Health-General Article, § 21-318 or 21-261, Annotated Code of Maryland, which directs the person served to abate the violation within a time specified in the order.

(3) Except as otherwise provided in the Administrative Procedure Act, State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, the approving authority shall give a person served with an order an opportunity for a hearing. A person served with an order shall request a hearing, if a hearing is desired, by submitting to the approving authority that issued the order a written request for a hearing. To preserve the right to a hearing, a person shall submit this written request within 10 days of receipt of the order, or sooner if specified in the order.

(4) A person may request a hearing on any violation noted in an inspection report. A person shall request a hearing, if a hearing is desired, by submitting to the approving authority that made the inspection a written request for a hearing. To preserve the right to a hearing, a person shall submit this written request within 10 days of the inspection, or sooner if specified on the inspection. This time limit may not apply to a:

(a) Violator of a critical item; or

(b) Temporary food service facility.

(5) A person who violates a critical item or the licensee of a temporary food service facility shall request a hearing, if a hearing is desired, by submitting to the approving authority that made the inspection a written request for a hearing on any violation which requires immediate correction or requires correction within 24 hours. To preserve the right to a hearing, a person shall submit this written request within 24 hours of the inspection.

(6) If the approving authority determines upon inspection that an immediate and substantial danger to the public health which imperatively requires emergency action

exists at a food service facility operated by an excluded organization, the approving authority may seek injunctive relief as provided in Health-General Article, § 21-1214 and 21-1215, Annotated Code of Maryland.

B. Suspension or Revocation of a License.

(1) If the licensee of a food service facility fails or neglects to correct any violation within the specified time period, fails or neglects to comply with an approved written schedule of compliance, or fails or neglects to correct a critical item immediately, the approving authority shall initiate action to suspend or revoke the license of the food service facility.

(2) If a temporary food service facility does not correct all violations within 24 hours, the approving authority shall initiate action to suspend or revoke the license of the temporary food service facility.

(3) The approving authority shall comply with the provisions of the Administrative Procedure Act, State Government Article, Title 10, Subtitles 2 and 4, Annotated Code of Maryland, when taking any action to suspend or revoke a license.

(4) If the approving authority determines upon inspection that an immediate and substantial danger to the public health which imperatively requires emergency action exists at a food service facility, the approving authority may summarily suspend the license pursuant to State Government Article, § 10-405, Annotated Code of Maryland, and the food service facility shall cease immediately food service operations.

(5) Whenever a food service facility is required to cease immediately food service operations, the approving authority shall promptly give the licensee written notice of the suspension of the license, the reasons for the suspension, and an opportunity to be heard.

(6) Except as otherwise provided in the Administrative Procedure Act, State Government Article, Title 10, Subtitles 2 and 4, Annotated Code of Maryland, or in this regulation, before the approving authority takes any final action to suspend or revoke a license in accordance with Health-General Article, § 21-315, Annotated Code of Maryland, the approving authority shall give the person against whom the action is contemplated an opportunity for a hearing in accordance with Health-General Article, § 21-316, Annotated Code of Maryland. A person shall request a hearing, if a hearing is desired, by submitting to the approving authority that is taking the action a written request for a hearing. To preserve the right to a hearing, a person shall submit this written request within 10 days of the receipt of the notification of the action.

(7) Whenever a food service facility is required under the provisions of this section to cease operations, it may not resume operations until a reinspection shows that the condition or conditions responsible for the requirement to cease operations no longer exists. The approving authority may take appropriate steps to ensure that the licensee of the food service facility ceases the operation of the food service facility upon suspension or revocation of the license by:

(a) Taking and keeping physical possession of the certificate of licensure until the license becomes reinstated;

(b) Posting signs on the door of the facility stating that the license has been suspended or revoked by the Department of Health and Mental Hygiene; or

(c) Taking another measure within the law that will adequately ensure that the food service facility will not operate.

(8) A person whose license has been suspended or revoked may make application in writing at any time to the approving authority for a reinspection and reinstatement of the license.

10.15.03.22

.22 Food-Borne Disease Investigation and Control.

A. When the approving authority has reasonable cause to suspect the possibility of food-borne disease transmission from a food service facility employee, the approving authority shall secure a morbidity history of the suspected employee, or make other investigation as may be indicated, and take appropriate action. The approving authority may require the following measures:

(1) The immediate exclusion of the employee from all food service facilities;

(2) The immediate closing of the food service facility concerned until medical and epidemiological evidence shows that the likelihood of further food-borne disease transmission is low;

(3) Adequate medical and laboratory examinations of the employee or other employees, and their body discharges.

B. The approving authority shall investigate, report, and control an outbreak of food-borne disease in accordance with the provisions of COMAR 10.06.01, Communicable Diseases.

10.15.03.23

.23 Sampling, Detention, and Condemnation of Food.

A. The approving authority may sample and examine food as often as necessary for enforcement of this chapter.

B. The approving authority shall sample food in accordance with Health-General Article, § 21-249 and 21-251, Annotated Code of Maryland.

C. The approving authority may take action on any food in accordance with Health-General Article, § 21-211, 21-253, and 21-254, Annotated Code of Maryland.

10.15.03.24

.24 Penalties.

A person who violates any of the provisions of this chapter or refuses, neglects, or fails to comply with the provisions and requirements of this chapter is subject to penalties, fines, and imprisonment as set forth in Health-General Article, § 21-1214 and 21-1215, Annotated Code of Maryland.

10.15.03.25

.25 Table 1.

Minimum Type Size*	Area of Principal Display Panel
1/16 inch	5 square inches or less
1/8 inch	More than 5 square inches but not more than 25 square inches
3/16 inch	More than 25 square inches but not more than 100 square inches
1/4 inch	More than 100 square inches but not more than 400 square inches
1/2 inch	Over 400 square inches

*For the net quantity statements, the minimum type size is the smallest type size that is permitted based on the space available for labeling on the principal display panel. Determine the height of type of printing by measuring the height of the lower case letter "o" or its equivalent when mixed upper and lower case letters are used, or the height of the upper case letters when only upper case letters are used.

10.15.03

Administrative History

Effective date: January 1, 1976 (2:28 Md. R. 1669)

Regulations .01; .02K, N, X; .03A, B; .05B; .06D, G; .07A----C; .08B amended and .02Q-1 adopted effective December 19, 1983 (10:25 Md. R. 2268)

Regulation .02X adopted effective September 21, 1979 (6:19 Md. R. 1518)

Regulations .03B, .05B, .07E, and .09B, C amended effective September 21, 1979 (6:19 Md. R. 1518)

Chapter revised as an emergency provision effective August 2, 1989 (16:17 Md. R. 1882); adopted permanently effective December 25, 1989 (16:25 Md. R. 2710)

Regulation .01B amended effective February 15, 1993 (20:3 Md. R. 259)

Regulation .01C adopted effective March 4, 1991 (18:4 Md. R. 447)

Regulation .02 repealed and new Regulation .02 adopted effective March 4, 1991 (18:4 Md. R. 447)

Regulation .02B amended effective February 15, 1993 (20:3 Md. R. 259); October 6, 1997 (24:20 Md. R. 1403); July 27, 1998 (25:15 Md. R. 1191)

Regulation .03G amended effective March 4, 1991 (18:4 Md. R. 447); February 15, 1993 (20:3 Md. R. 259); October 6, 1997 (24:20 Md. R. 1403)

Regulation .04B and F amended effective February 15, 1993 (20:3 Md. R. 259)

Regulation .04C amended effective October 6, 1997 (24:20 Md. R. 1403)

Regulation .06A amended effective March 4, 1991 (18:4 Md. R. 447)

Regulation .09A, B, and D amended effective March 4, 1991 (18:4 Md. R. 447)

Regulation .10 amended effective March 4, 1991 (18:4 Md. R. 447); February 15, 1993 (20:3 Md. R. 259); October 6, 1997 (24:20 Md. R. 1403)

Regulation .11 repealed and new Regulation .11 adopted effective March 4, 1991 (18:4 Md. R. 447)

Regulation .11B and C amended effective February 15, 1993 (20:3 Md. R. 259)

Regulation .12 recodified to Regulation .25 effective March 4, 1991

Regulations .12-----24 adopted effective March 4, 1991 (18:4 Md. R. 447)

Regulation .18A amended effective February 15, 1993 (20:3 Md. R. 259)

Form DHMH 205 repealed effective March 4, 1991 (18:4 Md. R. 447)