

**CHAPTER 4625**  
**DEPARTMENT OF HEALTH**  
**FOOD AND BEVERAGE ESTABLISHMENTS**

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**REQUIREMENTS FOR LODGING ESTABLISHMENTS****4625.0100 DEFINITIONS.**

Subpart 1. **Approved.** The term "approved" shall mean acceptable to the commissioner following the commissioner's determination as to conformity with established public health practices.

Subp. 2. **Clean.** The term "clean" shall mean the absence of dirt, grease, rubbish, garbage, and other offensive, unsightly, or extraneous matter.

Subp. 3. **Commissioner.** The term "commissioner" shall mean the commissioner of health and the Minnesota Department of Health, which terms shall be synonymous.

Subp. 4. **Good repair.** The term "good repair" shall mean free of corrosion, breaks, cracks, chips, pitting, excessive wear and tear, leaks, obstructions, and similar defects so as to constitute a good and sound condition.

Subp. 5. **Usable floor space.** The term "usable floor space" means all floor space in a sleeping room not occupied by closets, toilet rooms, shower, or bathrooms.

**Statutory Authority:** *MS s 144.08; 144.12 subd 1; 157.01 to 157.14; 327.10 to 327.67*

**History:** *17 SR 1279*

#### **4625.0200 SCOPE.**

Parts 4625.0100 to 4625.2300 shall be applicable to all lodging establishments, such as hotels, motels, lodging houses, and resorts as defined in Minnesota Statutes, chapter 157.

**Statutory Authority:** *MS s 144.08; 144.12 subd 1; 157.01 to 157.14; 327.10 to 327.67*

#### **4625.0300 SANITATION REQUIREMENTS.**

The construction, operation, maintenance, and equipment of lodging establishments shall be regulated as follows in parts 4625.0400 to 4625.2200.

**Statutory Authority:** *MS s 144.08; 144.12 subd 1; 157.01 to 157.14; 327.10 to 327.67*

#### **4625.0400 BUILDING REQUIREMENTS.**

Every building, structure, or enclosure used to provide lodging accommodations for the public shall be kept in good repair, and so maintained as to promote the health, comfort, safety, and well-being of persons accommodated.

**Statutory Authority:** *MS s 144.08; 144.12 subd 1; 157.01 to 157.14; 327.10 to 327.67*

#### **4625.0500 FLOOR REQUIREMENTS.**

The floors of all guest rooms, hallways, bathrooms, store rooms, and all other spaces used or traversed by guests shall be of such construction as to be easily cleaned, shall be smooth, and shall be kept clean and in good repair. Cleaning of floors shall be so done as to minimize the raising of dust and the exposure of guests thereto. The requirements of this part shall not prevent the use of rugs, carpets, or natural stone which can be kept clean. Abrasive strips for safety purposes may be used wherever deemed necessary to prevent accidents.

**Statutory Authority:** *MS s 144.08; 144.12 subd 1; 157.01 to 157.14; 327.10 to 327.67*

#### **4625.0600 WALL AND CEILING REQUIREMENTS.**

The walls and ceilings of all rooms, halls, and stairways shall be kept clean and in good repair. Studs, joists, or rafters shall not be left exposed except when suitably finished and kept clean.

**Statutory Authority:** *MS s 144.08; 144.12 subd 1; 157.01 to 157.14; 327.10 to 327.67*

#### **4625.0700 SCREENING REQUIREMENTS.**

When flies, mosquitoes, and other insects are prevalent, all outside doors, windows, and other outer openings shall be screened; provided that such screening shall not be required for rooms deemed by the commissioner to be located high enough in the upper stories of the building as to be free of such insects, or in such areas where other effective means are provided to prevent their entrance.

**Statutory Authority:** *MS s 144.08; 144.12 subd 1; 157.01 to 157.14; 327.10 to 327.67*

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**4625.0800 LIGHTING AND VENTILATION REQUIREMENTS.**

All rooms and areas used by patrons and guests and all other rooms or spaces in which lighting and ventilation, either natural or artificial, are essential to the efficiency of the business operation shall be well lighted and ventilated.

An area shall be considered well ventilated when excessive heat, odors, fumes, vapors, smoke, or condensation is reduced to a negligible level and barely perceptible to the normal senses. During seasons when weather conditions require tempering of makeup air, adequate equipment shall be provided to temper the makeup air. Every gas-fired or oil-fired room heater and water heater shall be vented to the outside air.

**Statutory Authority:** *MS s 144.08; 144.12 subd 1; 157.01 to 157.14; 327.10 to 327.67*

**4625.0900 SPACE REQUIREMENTS.**

Every room occupied for sleeping purposes by one person shall contain at least 70 square feet of usable floor space, and every room occupied for sleeping purposes by more than one person shall contain not less than 60 square feet of usable floor space for each occupant thereof. Under no circumstances shall there be provided less than 400 cubic feet of air space per occupant. Beds shall be spaced at least three feet apart when placed side by side. No sleeping quarters shall be provided in any basement having more than half its clear floor to ceiling height below the average grade of the adjoining ground.

**Statutory Authority:** *MS s 14.05; 144.08; 144.12; 157.01 to 157.14; 327.10 to 327.67*

**History:** *15 SR 1597*

**4625.1000 BEDDING AND LINEN REQUIREMENTS.**

All beds, bunks, cots, and other sleeping places provided for guests in hotels, motels, resorts, and lodging houses shall be supplied with suitable pillow slips and under and top sheets. All bedding including mattresses, quilts, blankets, pillows, sheets, spreads, and all bath linen shall be kept clean. No bedding including mattresses, quilts, blankets, pillows, bed and bath linen shall be used which are worn out or unfit for further use. Pillow slips, sheets, and bath linen after being used by one guest shall be washed before they are used by another guest, a clean set being furnished each succeeding guest. For any guest occupying a guest room for an extended period of time, a fresh set of sheets and pillow slips shall be furnished at least once each week, and at least two clean towels shall be furnished each day, except that the proprietor will not be responsible for the sheets, towels, pillow slips, and bath linen furnished by a guest.

**Statutory Authority:** *MS s 144.08; 144.12 subd 1; 157.01 to 157.14; 327.10 to 327.67*

**4625.1100 ROOM FURNISHING REQUIREMENTS.**

All equipment, fixtures, furniture, and furnishings, including windows, draperies, curtains, and carpets, shall be kept clean and free of dust, dirt, vermin, and other contaminants, and shall be maintained in good order and repair.

**Statutory Authority:** *MS s 144.08; 144.12 subd 1; 157.01 to 157.14; 327.10 to 327.67*

**4625.1200 TOILET REQUIREMENTS.**

Every hotel, motel, and lodging house shall be equipped with adequate and conveniently located water closets for the accommodation of its employees and guests. Water closets, lavatories, and bathtubs or showers shall be available on each floor when not provided in each individual room. Toilet, lavatory, and bath facilities shall be provided in the ratio of one toilet and one lavatory for every ten occupants, or fraction thereof, and one bathtub or shower for every 20 occupants, or fraction thereof. Toilet rooms shall be well ventilated by natural or mechanical methods. The doors of all toilet rooms serving the public and employees shall be self-closing. Toilets and bathrooms shall be kept clean and in good repair and shall be well lighted and ventilated. Hand-washing signs shall be posted in each toilet room used by employees. Every resort shall be equipped with adequate and convenient toilet facilities for its

employees and guests. If privies are provided they shall be separate buildings and shall be constructed, equipped, and maintained in conformity with the standards of the commissioner and shall be kept clean.

**Statutory Authority:** *MS s 144.08; 144.12 subd 1; 157.01 to 157.14; 327.10 to 327.67*

#### **4625.1300 WATER SUPPLY.**

A safe adequate supply of water shall be provided. The water supply system shall be located, constructed, and operated in accordance with the rules of the commissioner. After September 30, 1980, the temperature of hot water which is provided in any public area or guest room, including but not limited to lavatories, bathtubs, or showers, shall not exceed 130 degrees Fahrenheit (approximately 55 degrees Celsius).

**Statutory Authority:** *MS s 144.08; 144.12 subd 1; 157.01 to 157.14; 327.10 to 327.67*

#### **4625.1400 HAND-WASHING REQUIREMENTS.**

All lavatories for public use or furnished in guest rooms at hotels, motels, lodging houses, and resorts shall be supplied with hot and cold running water and with soap. Scullery sinks should not be used as hand-washing sinks.

In the case of separate housekeeping cabins at resorts not supplied with running hot water, equipment shall be provided for heating water in the cabin.

Individual or other approved sanitary towels or warm-air dryers shall be provided at all lavatories for use by employees or the public.

**Statutory Authority:** *MS s 144.08; 144.12 subd 1; 157.01 to 157.14; 327.10 to 327.67*

#### **4625.1500 EATING UTENSILS AND DRINKING VESSELS PROVIDED IN GUEST ROOMS.**

After each usage, all multiuse eating utensils and drinking vessels shall be thoroughly washed in hot water containing a suitable soap or synthetic detergent, rinsed in clean water, and effectively subjected to a bactericidal process approved by the commissioner. Approved facilities for manual dishwashing shall consist of a three-compartment sink with stacking and drainboards at each end. All mechanical dishwashing machines shall conform to Standard Number 3 of the National Sanitation Foundation, dated April 1965.

All dishes, glasses, utensils, and equipment after washing and bactericidal treatment shall be permitted to drain and air dry.

Single-service utensils or vessels as defined in part 4625.2400, subpart 20 must be handled in a sanitary manner. Such utensils may not be reused.

**Statutory Authority:** *MS s 144.08; 144.12 subd 1; 157.01 to 157.14; 327.10 to 327.67*

#### **4625.1600 WASTE DISPOSAL.**

All liquid wastes shall be disposed of in an approved public sewerage system or in a sewerage system which is designed, constructed, and operated in accordance with the rules of the Minnesota Pollution Control Agency parts 7080.0010 to 7080.0200.

Prior to removal, all garbage and refuse in storage shall be kept in watertight, nonabsorbent receptacles which are covered with close-fitting, fly-tight lids. All garbage, trash, and refuse shall be removed from the premises frequently to prevent nuisance and unsightly conditions, and shall be disposed of in a sanitary manner. All garbage receptacles shall be kept clean and in good repair.

**Statutory Authority:** *MS s 144.08; 144.12 subd 1; 157.01 to 157.14; 327.10 to 327.67*

#### **4625.1700 INSECT AND RODENT CONTROL.**

Every hotel, motel, lodging house, and resort shall be so constructed and equipped as to prevent the entrance, harborage, or breeding of flies, roaches, bedbugs, rats, mice, and all other insects and vermin, and specific means necessary, for the elimination of such pests such

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as cleaning, renovation, or fumigation shall be used. The commissioner may order the facility to hire an exterminator licensed by the state to exterminate pests when:

A. the infestation is so extensive that it is unlikely that a nonprofessional can eradicate the pests effectively; or

B. the extermination method of choice can only be carried out by a licensed exterminator; or

C. upon reinspection, it is found that an establishment has not been brought into compliance with a prior order to rid the establishment of pests.

**Statutory Authority:** *MS s 144.08; 144.12 subd 1; 157.01 to 157.14; 327.10 to 327.67*

**4625.1800 PERSONNEL HEALTH AND CLEANLINESS.**

No person shall resume work after visiting the toilet without first thoroughly washing his or her hands.

Personnel of hotels, motels, lodging houses, and resorts may be required to undergo medical examination to determine whether or not they are cases or carriers of a communicable disease.

**Statutory Authority:** *MS s 144.08; 144.12 subd 1; 157.01 to 157.14; 327.10 to 327.67*

**History:** *17 SR 1279*

**4625.1900 CLEANLINESS OF PREMISES.**

The premises of all hotels, motels, lodging houses, and resorts shall be kept clean and free of litter or rubbish.

**Statutory Authority:** *MS s 144.08; 144.12 subd 1; 157.01 to 157.14; 327.10 to 327.67*

**4625.2000 FIRE PROTECTION.**

All lodging establishments shall provide suitable fire escapes which shall be kept in good repair and accessible at all times. Hallways shall be marked and exit lights provided; fire extinguishers shall be provided and shall be recharged annually and kept accessible for use. No sleeping quarters shall be maintained in rooms which do not have unobstructed egress to the outside or to a central hall leading to a fire escape. All fire protection measures shall be in accordance with requirements of the state fire marshal.

**Statutory Authority:** *MS s 144.08; 144.12 subd 1; 157.01 to 157.14; 327.10 to 327.67*

**4625.2100 PLUMBING AND SWIMMING POOLS.**

All new plumbing in hotels, motels, lodging houses, and resorts, and all plumbing reconstructed or replaced after January 1, 1968, must be designed, constructed, and installed in conformity with chapter 4715 of the Minnesota Plumbing Code.

All public pools and facilities must be located, constructed, and operated in conformity with parts 4717.0150 to 4717.3975.

**Statutory Authority:** *MS s 144.05; 144.08; 144.12; 144.123; 145A.02; 157.01 to 157.14; 327.10 to 327.67*

**History:** *19 SR 1419; 19 SR 1637*

**4625.2200 SANITARY DISPENSING OF ICE.**

Subpart 1. **Scope of rule.** Any lodging establishment which makes ice available in public areas, including but not limited to lobbies, hallways, and outdoor areas shall restrict access to such ice in accordance with the following provisions.

Subp. 2. **Newly constructed structures.** After September 1, 1979, any newly constructed lodging establishment which installs ice-making equipment, and any existing lodging establishment which installs or replaces ice-making equipment, shall install only automatic dispensing, sanitary ice-making, and storage equipment in areas to which the public has access. Any such establishment may install open-type ice bins only if the ice therefrom is dispensed in the manner provided in subpart 3.

Subp. 3. **Existing structures.** After December 31, 1984, any existing lodging establishment which has not converted to automatic dispensing ice-making and storage equipment shall no longer permit unrestricted public access to open-type ice bins, and shall dispense ice to guests only by having employees give out prefilled, individual sanitary containers of ice, or by making available prefilled, disposable, closed bags of ice.

**Statutory Authority:** *MS s 144.08; 144.12 subd 1; 157.01 to 157.14; 327.10 to 327.67*

#### **4625.2300 INITIAL AND RENEWAL LICENSE FEES, LICENSE EXPIRATION DATES.**

Subpart 1. **Fee schedule.** License applications for lodging establishments as defined in part 4625.0100 must be accompanied by a fee of \$75 plus \$4 per room, up to a maximum total fee of \$475.

Subp. 2. **Expiration date.** Initial and renewal lodging establishment licenses shall be issued for the calendar year for which application is made and shall expire on December 31 of such year.

Subp. 3. **License renewals.** License renewals shall be obtained on an annual basis. License renewal applications shall be submitted to the commissioner of health on forms provided no later than December 31 of the year preceding the year for which application is made.

Subp. 4. **Penalty fee.** A penalty fee of \$20 shall be added to the amount of the license fee if the application has not reached the office of the commissioner of health before January 31, or in the case of a new business, 30 days after opening the business.

Subp. 5. **Reduced license fee.** From and after October 1 of each year, the license fee for new establishments or new operators shall be one-half of the appropriate annual license fee plus any penalty which may be required.

**Statutory Authority:** *MS s 144.05; 144.122; 157.03; 327.16*

**History:** *10 SR 1687; 13 SR 1652; 18 SR 827*

#### **4625.2355 VARIANCE TO RULES RELATING TO LODGING ESTABLISHMENTS.**

The commissioner shall grant a variance to parts 4625.0400 to 4625.0600; 4625.0900; 4625.1200 to 4625.1600; 4625.2000, except the last sentence; and 4625.2200 only according to the procedures and criteria specified in parts 4717.7000 to 4717.7050.

**Statutory Authority:** *MS s 14.05*

**History:** *15 SR 1597*

**4625.2400** [Repealed, 13 SR 2862]

### **REQUIREMENTS FOR FOOD AND BEVERAGE ESTABLISHMENTS**

#### **4625.2401 DEFINITIONS.**

Subpart 1. **Scope.** For purposes of parts 4625.2401 to 4625.7801, the following terms have the meanings given them.

Subp. 2. **Adulterated.** "Adulterated" means the condition of a food if it bears or contains any poisonous or deleterious substance for which no safe tolerance has been established or in excess of such tolerance if one has been established; if it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for human consumption; if it has been processed, prepared, packed, or held under insanitary conditions, where it may have been rendered injurious to health; if it is in whole or in part the product of a diseased animal, or an animal which has died otherwise than by slaughter; or if its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health.

Subp. 3. **Approved.** "Approved" means acceptable to the commissioner according to applicable standards in parts 4625.2401 to 4625.7801 and good public health practices.

Subp. 4. **Clean.** "Clean" means free from insects, vermin, and debris and free from physical, chemical, and microbial substances discernible by ordinary sight or touch, by ultra-

violet light, by artificial light, and by the safranin-o dye test or by microscopic or microbiological examination.

Subp. 5. **Closed.** "Closed" means fitted snugly together leaving no openings large enough to permit the entrance of vermin.

Subp. 6. **Commissary.** "Commissary" means a catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged, or stored.

Subp. 7. **Commissioner.** "Commissioner" means the commissioner of health or a designee.

Subp. 8. **Corrosion-resistant materials.** "Corrosion-resistant materials" means materials which maintain their original surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and bactericidal solution, and other conditions-of-use environment.

Subp. 9. **Department.** "Department" means the Minnesota Department of Health.

Subp. 10. **Easily cleanable.** "Easily cleanable" means surfaces which are readily accessible and made of such materials and finish and so fabricated that residue may be effectively removed by ordinary cleaning methods.

Subp. 11. **Embargo.** "Embargo" means the withholding of food, equipment, utensils, or clothing from sale or use in any establishment licensed as a restaurant, boarding house, or place of refreshment until approval is given by the commissioner for such sale or use.

Subp. 12. **Employee.** "Employee" means a person working in a food or beverage service establishment who transports food or food containers, who engages in food preparation or service, or who comes in contact with any food utensils or equipment.

Subp. 13. **Equipment.** "Equipment" means stoves, ovens, ranges, hoods, slicers, mixers, meatblocks, tables, counters, refrigerators, freezers, ice machines, sinks, dishwashing machines, steam tables, and similar items other than utensils used in the operation of a food or beverage service establishment.

Subp. 14. **Food.** "Food" means any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.

Subp. 15. **Food and beverage service establishments.** "Food and beverage service establishments" means establishments defined in Minnesota Statutes, chapter 157, and includes drive-ins, bars, taverns, drive-in cafes, clubs, lodges, eating facilities at resorts, schools, day care facilities, children's camps, fairs, circuses, carnivals, churches, and public buildings, except as exempted by Minnesota Statutes, section 157.14, and all other businesses and establishments where meals, lunches, or drinks are served.

Subp. 16. **Food-contact surface.** "Food-contact surface" means surfaces of equipment and utensils with which food normally comes in contact, and surfaces from which food may drain, drip, or splash back onto surfaces normally in contact with food.

Subp. 17. **Garbage.** "Garbage" means discarded material resulting from the handling, processing, storage, preparation, serving, and consumption of food.

Subp. 18. **Hermetically sealed container.** "Hermetically sealed container" means a container designed and intended to be secure against the entry of microorganisms and to maintain the commercial sterility of its content after processing.

Subp. 19. **Itinerant food service.** "Itinerant food service" means a food service establishment that is disassembled and moved from location to location, remaining no more than 14 consecutive days at any one place.

Subp. 20. **Kitchenware.** "Kitchenware" means all multiuse utensils other than tableware.

Subp. 21. **Law.** "Law" includes federal regulations, state statutes and rules, and local ordinances.

Subp. 22. **Limited food service establishment.** "Limited food service establishment" means a food establishment serving only prepackaged food for example, frozen pizza and sandwiches which receive no more than heat treatment.

Subp. 23. **Mobile food service.** "Mobile food service" means a food service establishment that is a vehicle mounted unit, either motorized or trailered, and readily movable with-

out disassembling, for transport to another location and remaining for no more than 14 consecutive days at any one place.

**Subp. 24. National sanitation foundation standard.** "National sanitation foundation standard" means a standard issued and recommended by the National Sanitation Foundation for equipment used in food establishments. The standards are published by the National Sanitation Foundation, 3475 Plymouth Road, P.O. Box 1468, Ann Arbor, Michigan 48106. The standards listed in parts 4625.3701, subpart 2, item A, and 4625.3801, subpart 6, items D and F, are incorporated by reference and are available through the Minitex interlibrary loan system. The standards are not subject to frequent change.

**Subp. 25. Packaged.** "Packaged" means bottled, canned, cartoned, or securely wrapped.

**Subp. 26. Perishable food.** "Perishable food" means a food of the type or in the condition that may spoil.

**Subp. 27. Person in charge.** "Person in charge" means the individual present in a food service establishment who is the apparent supervisor of the food service establishment at the time of inspection. If no individual is the apparent supervisor, then any employee present is the person in charge.

**Subp. 28. Potable water.** "Potable water" means water of a quality and from a source of supply and system operated, located, and constructed in accordance with the department rules relating to public water supplies, water wells, and plumbing installations.

**Subp. 29. Potentially hazardous food.** "Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, mollusk, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include clean, whole, uncracked, odor-free, shell eggs or foods which have a pH level of 4.6 or below or a water activity (aW) value of 0.85 or less.

**Subp. 30. Push cart.** "Push cart" means a nonself-propelled vehicle limited to serving nonpotentially hazardous foods or commissary-wrapped food maintained at proper temperatures, or limited to the preparation and serving of frankfurters and other precooked ready-to-eat link sausages.

**Subp. 31. Reconstituted.** "Reconstituted" means dehydrated food products recombined with water or other liquids.

**Subp. 32. Safe material.** "Safe material" means articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in becoming a component or otherwise affecting the characteristics of any food. If materials used are food additives or color additives as defined in the Federal Food, Drug and Cosmetic Act, United States Code, title 21, section 321, they are safe only if they are used in conformity with regulations established pursuant to the act, as provided by United States Code, title 21, section 348 or 376. Other materials are safe only if, as used, they are not food additives or color additives as defined in United States Code, title 21, section 321, and are used in conformity with all applicable regulations of the United States Food and Drug Administration.

**Subp. 33. Safe temperatures.** "Safe temperatures" as applied to potentially hazardous food, means temperatures of 40 degrees Fahrenheit (four degrees centigrade) or below, and 150 degrees Fahrenheit (66 degrees centigrade) or above.

**Subp. 34. Sanitization.** "Sanitization" means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on utensils and equipment.

**Subp. 35. Sealed.** "Sealed" means free of cracks or other openings that permit the entry or passage of moisture.

**Subp. 36. Single-service articles.** "Single-service articles" means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, placemats, napkins, doilies, wrapping materials, toothpicks, and similar articles intended for one-time, one-person use and then discarded.

**Subp. 37. Smooth.** "Smooth" means having an even surface, free of cracks, chips, open seams, rust, corrosion, breaks, pits, checks, and ridges.



Subp. 38. **Special event food stand.** "Special event food stand" means a food service used in conjunction with celebrations or special events, used not more than twice annually, and remaining no more than 14 consecutive days at any one location.

Subp. 39. **Tableware.** "Tableware" means multiuse eating and drinking utensils, including flatware.

Subp. 40. **Utensils.** "Utensils" means any kitchenware, tableware, dishes, glassware, cutlery, pots, pans, and containers used in the storage, preparation, transportation, or service of food.

Subp. 41. **Wholesome.** "Wholesome" means sound, healthful, clean, unadulterated, and in all ways fit for human consumption.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862*

**4625.2500** [Repealed, 13 SR 2862]

**4625.2501 SCOPE.**

Parts 4625.2401 to 4625.7801 apply to all food and beverage service establishments, such as restaurants, boarding houses, and places of refreshment, as defined in Minnesota Statutes, chapter 157, and in parts 4625.2401 to 4625.7801, whether or not a license is required under Minnesota Statutes, section 157.03.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862*

**4625.2600** [Repealed, 13 SR 2862]

**4625.2601 ADMINISTRATION.**

Subpart 1. **Food samples.** Samples of food may be collected without cost and examined by the commissioner as often as may be necessary for the enforcement of parts 4625.2401 to 4625.7801.

Subp. 2. **Embargo.** The commissioner may embargo and forbid the sale of, or cause to be removed or destroyed, any food that is unwholesome or adulterated; prepared, processed, handled, packaged, transported, or stored in an unwholesome manner; unfit for human consumption; or otherwise prohibited by law. Equipment and utensils, which do not meet the requirements of parts 4625.2401 to 4625.7801, may be embargoed. Equipment and utensils must be released from the embargo upon notification of the commissioner by the person in charge of modification of the equipment or utensils to meet the requirements of parts 4625.2401 to 4625.7801 and after inspection of the utensils and equipment by the commissioner.

Subp. 3. **Condemnation.** The commissioner may condemn and cause to be removed any food, equipment, clothing, or utensils found in a food establishment, the use of which would not comply with parts 4625.2401 to 4625.7801, or which is being used in violation of parts 4625.2401 to 4625.7801 and also may condemn and cause to be removed any equipment, clothing, or utensils which by reasons of dirt, filth, extraneous matter, insects, corrosion, open seams, or chipped or cracked surfaces is unfit for use.

Subp. 4. **Tag.** The commissioner may place a tag to indicate the embargo or the condemnation upon food, equipment, utensils, or clothing. No person shall remove the tag except under the direction of the commissioner.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862*

**4625.2650** [Repealed, 15 SR 1597]

**4625.2655 VARIANCE TO RULES RELATING TO FOOD AND BEVERAGE ESTABLISHMENTS.**

The commissioner shall grant a variance to parts 4625.2901 to 4625.7801, except parts 4625.2660; 4625.3601; 4625.3801, subpart 1; 4625.3901, subpart 3; 4625.4101, subpart 1; 4625.4301; 4625.4401; 4625.4601; 4625.5101, subpart 7; 4625.5601; 4625.5701;

4625.6101, subparts 3 and 7; 4625.6601; 4625.6701; 4625.7101, subpart 7; 4625.7601; and 4625.7701 only according to the procedures and criteria specified in parts 4717.7000 to 4717.7050.

**Statutory Authority:** *MS s 14.05*

**History:** *15 SR 1597*

#### **4625.2660 INITIAL AND RENEWAL LICENSE FEES, LICENSE EXPIRATION DATES.**

Subpart 1. **Fee schedule.** Initial and renewal license applications for food and beverage establishments as defined in part 4625.2401 must be accompanied by the applicable fee as determined from items A to G. The average number of employees must be computed in accordance with Minnesota Statutes, section 157.03:

- A. one to four employees, \$106;
- B. five to ten, \$175;
- C. 11 to 20, \$245;
- D. 21 to 30, \$295;
- E. 31 to 40, \$365;
- F. 41 and over, \$430; and

G. limited food or beverage establishments that sell only prepackaged foods that receive heat treatment and are served in the package, mobile units, or itinerant and special event stands serving food or beverages for 14 days or less in any single location, \$106.

Subp. 1a. **Construction; remodeling.** An initial license application for food and beverage establishments as defined in part 4625.2401 must be accompanied by a fee of \$150 for review of the construction or remodeling plans as required under part 4625.2701. When an establishment is extensively remodeled, a fee of \$150 must accompany the remodeling plans required under part 4625.2701. Neither an initial license plan review fee nor a remodeling plan review fee shall be required for a limited food service establishment as defined in part 4625.2401, subpart 22, that is not a mobile food service as defined in part 4625.2401, subpart 23. Extensive remodeling means an addition or change to the physical facility, or making a major equipment addition. Extensive remodeling does not include redecorating, cosmetic refurbishing, or altering seating design or capacity.

Subp. 2. **Expiration date.** Initial and renewal food and beverage establishment licenses shall be issued for the calendar year for which application is made and shall expire on December 31 of such year.

Subp. 3. **License renewals.** License renewals shall be obtained on an annual basis. License renewal applications shall be submitted to the commissioner of health on forms provided by it no later than December 31 of the year preceding the year for which application is made.

Subp. 4. **Penalty fee.** A penalty fee of \$20 shall be added to the amount of the license fee if the license renewal application has not reached the commissioner of health before January 31 of the year for which the license is to be issued, or in the case of a new business, 30 days after the opening the business.

Subp. 5. **Reduced license fee.** From and after October 1 of each year, the license fee for new establishments or operators shall be one-half of the appropriate annual license fee plus any penalty which may be required.

**Statutory Authority:** *MS s 144.05; 144.122; 157.03; 327.16*

**History:** *L 1977 c 305 s 39; 10 SR 1687; 13 SR 1652; 18 SR 827*

**NOTE:** This part was formerly numbered 4625.5000. It was renumbered editorially.

**4625.2700** [Repealed, 13 SR 2862]

#### **4625.2701 PLAN REVIEW OF FUTURE CONSTRUCTION.**

Whenever a food or beverage service establishment is constructed or extensively remodeled and whenever an existing structure is converted to use as a food or beverage service establishment under Minnesota Statutes, section 157.03, properly prepared plans and speci-

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fications for the construction, remodeling, or conversion must be submitted to the commissioner for review and approval before construction, remodeling, or conversion is begun. The plans and specifications must indicate the proposed layout, arrangement, plumbing specifications, construction materials of work areas, and the type and model number of proposed fixed equipment and facilities. The plans and specifications, submitted in duplicate and drawn to scale, must be legible and complete in all details.

The commissioner shall approve the plans and specifications if they meet the requirements of parts 4625.2401 to 4625.7801 and report the findings within 30 days of the date that plans are received.

The facility must be constructed and finished in conformance with the approved plans.

The department shall inspect the food or beverage service establishment before the start of operation to determine compliance with the approved plans and specifications.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862*

**4625.2800** [Repealed, 13 SR 2862]**4625.2801 MISREPRESENTATION OF FOOD.**

The person in charge of any food or beverage service establishment shall not in any way misrepresent food or beverages offered to the public. Practices which constitute misrepresentation include:

- A. the sale of adulterated food;
- B. the substitution of food items of lesser quality, or food different from items as advertised;
- C. making statements giving incorrect or deceptive points of origin;
- D. making misleading statements of size, number, weight, or price; and
- E. not meeting standards of identity prescribed by law for certain foods.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862*

**4625.2900** [Repealed, 13 SR 2862]**4625.2901 EMERGENCY FIRST AID FOR CHOKING.**

A food service establishment which is not an itinerant, mobile, special event, or limited food service establishment must post a chart illustrating the use of an emergency first aid procedure approved by the commissioner, to relieve a patron with a restricted airway. The illustration must be posted in the food preparation area where all employees may easily see it.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862*

**4625.3000** [Repealed, 13 SR 2862]**4625.3001 MINNESOTA CLEAN INDOOR AIR ACT.**

The person in charge of a food and beverage establishment shall make adequate provisions to meet the requirements of the Minnesota Clean Indoor Air Act, Minnesota Statutes, sections 144.411 to 144.417, and chapter 4620.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862*

**4625.3100** [Repealed, 13 SR 2862]**4625.3101 ITINERANT, MOBILE FOOD SERVICES OR PUSHCARTS, AND SPECIAL EVENT FOOD STANDS.**

Itinerant, mobile food services or pushcarts, and special event food stands must comply with all provisions of parts 4625.2401 to 4625.7801 which are applicable to their operation. The establishments and units must be operated in an approved manner. If necessary to protect

the public health, the commissioner shall impose additional requirements to protect against health hazards related to the conduct of their operation and shall prohibit the sale or giveaway of some or all potentially hazardous foods. When no health hazard is likely to result, the commissioner may modify specific requirements for physical facilities.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862*

**4625.3200** [Repealed, 13 SR 2862]

**4625.3201 FOOD AND FOOD HANDLING.**

**Subpart 1. Food sources and supplies.** Food must be in a sound condition, free from spoilage, filth, or other contamination and must be safe for human consumption. Food must be obtained from sources that comply with laws relating to food and food labeling and approved by the commissioner of health or agriculture. The use, storage, or serving of food in hermetically sealed containers not prepared in a food processing plant licensed by the United States Department of Agriculture, Food and Drug Administration, or Minnesota Department of Agriculture, and other food not prepared in a licensed food establishment is prohibited.

**Subp. 2. Special requirements.** Fluid milk and fluid milk products used or served must be pasteurized and must meet the Grade A quality standards in Minnesota Statutes, chapter 32. Fluid milk and fluid milk products must be served to the consumer in individual, unopened, commercially filled original containers not exceeding one pint in capacity, or drawn from a commercially filled container stored in a mechanically refrigerated bulk milk dispenser. Where a bulk dispenser for milk and milk products is not available and portions of less than one-half pint are required for mixed drinks, cereal, or dessert service, milk and milk products may be poured from a commercially filled container of not more than one-half gallon capacity. Nondairy creaming or whitening agents must be provided in an individual service container or drawn from a refrigerated dispenser designed for such service. Dry milk, dry milk products, and nondairy product substitutes may be used in instant dessert and whipped products or for cooking, baking, manufacturing, and processing purposes only.

**Subp. 3. Variance for certain establishments.** A variance covering dispensing of milk or milk products to the consumer in food services such as day care centers, boarding and lodging houses, and children's camps may be granted to permit milk to be poured from a commercially filled container of not more than one gallon capacity into the drinking vessel.

**Subp. 4. Frozen foods.** All frozen dairy foods such as ice cream, frozen custards, ice milk, milk sherbet, fruit or ice sherbet, yogurt, and frozen malted milk must meet requirements in Minnesota Statutes, chapter 32.

**Subp. 5. Shellfish.** Fresh and frozen shucked shellfish, like oysters, clams, or mussels, must be packed in nonreturnable packages identified with the name and address of the original shell stock processor, shucker-packer, or repacker, and the interstate certification number issued according to United States Code, title 42, section 243, and Code of Federal Regulations, title 21, section 1240.60. Shell stock and shucked shellfish must be kept in the container in which they were received until they are used. Each container of unshucked shell stock, like oysters, clams, or mussels, must be identified by an attached tab that states the name and address of the original shell stock processor, the kind and quality of shell stock, and an interstate certification number issued by the state or foreign shellfish control agency.

**Subp. 6. Meat.** All meat and meat products received, kept, or used in any manner in a food establishment must be officially identified as having been inspected by the United States Department of Agriculture in accordance with the Federal Meat Inspection Act, United States Code, title 21, sections 601 to 691. Products upon which any official identification is lost by reason of processing must be identified by the name and location of the processor.

**Subp. 7. Poultry.** All poultry and poultry meat products must be clean, wholesome, free from spoilage and adulteration, and must be processed in a food establishment meeting the requirements established in the Poultry Products Inspection Act, United States Code, title 21, sections 451 to 469. Only clean whole eggs, with shell intact and without cracks or checks, or pasteurized liquid, frozen, or dry eggs or pasteurized dry egg products must be used, except that hard-boiled, peeled eggs, commercially prepared and packaged may be used. Liquid,

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frozen, and dry eggs and egg products may be used only for cooking, baking, manufacturing, and processing purposes.

Subp. 8. **Lubricants.** Only food grade lubricants of a safe material must be used on equipment designed to receive lubrication of bearings and gears on or within food-contact surfaces.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862*

4625.3300 [Repealed, 13 SR 2862]

## 4625.3301 FOOD PROTECTION.

Subpart 1. **Protection generally.** Food must be protected from potential contamination including:

- A. dusts, insects, rodents, and other vermin;
- B. unclean equipment, work surfaces, utensils, and facilities;
- C. unnecessary or improper handling;
- D. coughs and sneezes;
- E. flooding, drainage, and overhead leakage or drippage; and
- F. utensils or equipment which have not been given bactericidal treatment.

Adequate and approved protection of all food must be provided after delivery and while being stored, prepared, displayed, served, or sold in food establishments or transported between establishments.

Subp. 2. **Emergency occurrences.** In the event of a fire, flood, power outage, or other event that might result in the contamination of food, or that might prevent potentially hazardous food from being held at required temperatures, the person in charge shall immediately contact the department. Upon receiving notice of this occurrence, the department must take action that is necessary to protect the public health.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862*

4625.3400 [Repealed, 13 SR 2862]

## 4625.3401 TEMPERATURE MAINTENANCE.

Subpart 1. **Potentially hazardous foods.** The internal temperature of all potentially hazardous foods must be maintained at 40 degrees Fahrenheit (four degrees centigrade) or below, or 150 degrees Fahrenheit (66 degrees centigrade) or above, except during preparation. Potentially hazardous foods requiring refrigeration after preparation must be rapidly cooled to an internal temperature of 40 degrees Fahrenheit (four degrees centigrade) or below within four hours after removal from the heating or hot holding device. Frozen food must be kept frozen and should be stored at an internal temperature of zero degrees Fahrenheit (minus 18 degrees centigrade) or below.

Subp. 2. **Storage facilities.** Adequate, properly designed, and conveniently located mechanical refrigeration or hot food storage facilities must be provided to ensure the maintenance of potentially hazardous food at required temperatures. Each storage facility must be provided with a numerically scaled temperature indicating device accurate to plus or minus three degrees Fahrenheit (plus or minus two degrees centigrade) located to measure the air temperature in the warmest part of the refrigeration facility or the coldest part of the hot holding facility. Temperature indicating devices must be securely fastened and located to be easily readable. Where it is impractical to install fixed temperature indicating devices on equipment such as cold table tops, steam tables, processing lines, kettles, heat lamps, or portable transport carriers, a product thermometer of metal stem type construction, numerically scaled, and accurate to plus or minus two degrees Fahrenheit (plus or minus one degree centigrade) must be provided and used to check internal food temperatures.

Subp. 3. **Poultry.** Poultry, poultry stuffings, stuffed meats, and stuffings containing meat must be cooked to heat all parts of the food to at least 165 degrees Fahrenheit (74 degrees centigrade) with no interruption of the cooking process.

Subp. 4. **Pork.** Pork and any food containing pork must be cooked to heat all parts of the food to at least 150 degrees Fahrenheit (66 degrees centigrade), or, if cooked in a microwave oven, to at least 170 degrees Fahrenheit (77 degrees centigrade).

Subp. 5. **Beef roasts.** Beef roasts must be cooked according to the following requirements:

A. When beef roasts under ten pounds (five kilograms) in weight are cooked in a still dry heat oven, the oven must be preheated to and held at an air temperature of at least 350 degrees Fahrenheit (177 degrees centigrade) throughout the process. If cooked in a convection oven, the oven must be preheated to and held at an air temperature of at least 325 degrees Fahrenheit (163 degrees centigrade) throughout the process.

B. When beef roasts of ten pounds (five kilograms) or over in weight are cooked in a dry heat oven, the oven must be preheated to and held at an air temperature of at least 250 degrees Fahrenheit (122 degrees centigrade) throughout the process.

C. In order to meet public health requirements for the processes in items A and B, the following table lists the minimum internal temperature of the beef roast for the minimum time the roast needs to be held at such temperature:

Minimum Holding Times For Beef Roasts  
At Various Internal Temperatures

Minimum internal temperature		Minimum holding time
Degrees Fahrenheit	Degrees Centigrade	Minutes
130	54.4	121
131	55.0	97
132	55.6	77
133	56.1	62
134	56.7	47
135	57.2	37
136	57.8	32
137	58.4	24
138	58.9	19
139	59.5	15
140	60.0	12
141	60.6	10
142	61.1	8
143	61.7	6
144	62.2	5

D. If cooked in a microwave oven, beef roasts must be cooked to an internal temperature of at least 145 degrees Fahrenheit (63 degrees centigrade).

Subp. 6. **Reheating.** Potentially hazardous foods that have been cooked and then refrigerated, if reheated, must be heated rapidly to 165 degrees Fahrenheit (74 degrees centigrade) or higher throughout before being served or before being placed in a hot food storage facility. Steam tables, bainmaries, warmers, and similar hot food holding facilities are prohibited for the rapid reheating of potentially hazardous foods.

Subp. 7. **Thawing potentially hazardous foods.** Potentially hazardous foods must be thawed in one of the following ways:

A. in refrigerated units at a temperature not to exceed 40 degrees Fahrenheit (four degrees centigrade);

B. under potable running water of a temperature of 70 degrees Fahrenheit (21 degrees centigrade) or below, and allowing the water to discharge directly to the drain;

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; or

D. as part of the conventional cooking process.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862*

**4625.3500** [Repealed, 13 SR 2862]

**4625.3501 PREPARATION, DISPLAY, AND SERVICE.**

Subpart 1. **Minimum manual contact.** Food must be prepared or processed with the least possible manual contact and in a manner that prevents cross-contamination of products. Only suitable utensils or equipment which have been cleaned, rinsed, and sanitized before use to prevent cross-contamination, must be used in food preparation.

Subp. 2. **Raw fruits and vegetables.** Raw fruits and vegetables must be thoroughly washed with potable water before being cooked or served.

Subp. 3. **Re-service.** Once food has been served to a consumer, it must not be served again, except that packaged food, other than potentially hazardous food, that is still packaged and is in sound condition may be re-served.

Subp. 4. **Shellfish.** Mollusks and crustacea, if served on the shell, must be served in the original shell. Reuse of shells for food service is prohibited.

Subp. 5. **Condiment dispensing.** Condiments, seasonings, and dressing for self-service use must be provided in individual packages, from dispensers, or from approved containers. Condiments provided for table or counter service must be individually portioned, except that catsup and other sauces may be served in the original container or pour-type dispenser. Sugar for consumer use must be provided in individual packages or in pour-type dispensers.

Subp. 6. **Dispensing utensils.** To avoid unnecessary manual contact with food, suitable dispensing utensils or equipment must be used by employees or provided to consumers who serve themselves. Between uses during service, dispensing utensils must be:

A. stored in the food with the dispensing utensil handle extended out of the food; or

B. stored clean and dry; or

C. stored in running water; or

D. stored either in a running water dipper well, or stored clean and dry in the case of dispensing utensils and malt collars used in preparing frozen desserts.

Subp. 7. **Display equipment.** Food on display must be protected from consumer contamination by the use of packaging or by the use of easily cleanable counter, serving line or salad bar food shields, display cases, or by other effective means. Adequate and sufficient hot or cold food facilities must be available to maintain the required temperature of potentially hazardous food on display.

Subp. 8. **Reuse of tableware.** Reuse of soiled tableware and single-service articles by self-service consumers returning to the service area for additional food must be prohibited. Beverage cups and glasses are exempt from this requirement.

Subp. 9. **Food transportation.** The requirements of temperature, storage, display, and those imposed for the protection of food against contamination, as contained in parts 4625.2401 to 4625.7801, must also apply in the transporting of food from one food establishment or other location to another food establishment or other location for delivery, service, or catering operations.

Subp. 10. **Storage.** Food, whether raw or prepared, if removed from the container or package in which it was obtained, must be stored in a clean, covered container. The container need not be covered during necessary periods of preparation or service. Container covers must be impervious and nonabsorbent, except that clean linens or napkins may be used for lining or covering bread or roll serving containers. Solid cuts of meat must be protected by being covered in storage, except that sides, quarters, or primal cuts of meat may be hung uncovered on clean hooks if no food product is stored beneath the meat.

Subp. 11. **Containers.** Containers of food must be stored a minimum of six inches above the floor in a manner that protects the food from splash and other contamination, and that permits easy cleaning of the storage area. Containers may be stored on dollies, racks, or pallets, provided the equipment is easily movable and constructed to allow for easy cleaning.

Food and containers of food must not be stored under exposed or unprotected sewer lines or similar sources of potential contamination. The storage of food in toilet rooms or vestibules is prohibited.

Subp. 12. **Cross-contamination.** Food not subject to further washing or cooking before serving must be stored in a way that protects it against cross-contamination from food requiring washing or cooking.

Subp. 13. **Packaged food.** Packaged food must not be stored in contact with water or undrained ice. Wrapped sandwiches must not be stored in direct contact with ice. Ice intended for human consumption must not be used for cooling stored food, food containers, or food utensils.

Subp. 14. **Bulk.** Bulk foods such as cooking oil, legumes, tubers, grains, syrup, salt, sugar, or flour and related derivative products not stored in the product container or package in which it was obtained, must be stored in a container identifying the food by common name.

Subp. 15. **Ice dispensing.** All ice must be manufactured only from potable water. Ice must be handled and transported in single-service containers, or in utensils which have been subjected to bactericidal treatment. Buckets, scoops, and ice containers, unless they are single-service utensils, must be made of a smooth, impervious material and designed to facilitate cleaning. They must be clean at all times. Canvas containers must not be used. If ice-crushers are used, they must be easily cleanable. They must be maintained in a clean condition, must be subject to bactericidal treatment and must be covered when not in use. Ice for consumer use must be dispensed with scoops or tongs from a properly protected storage device, or other ice self-dispensing utensils, through automatic single-service ice dispensing equipment, or be prepacked and portion controlled. Ice dispensing utensils must be stored on a clean surface or in the ice with the dispensing utensil's handle extended out of the ice. Between uses, ice transfer receptacles must be stored in a way that protects them from contamination.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862*

**4625.3600** [Repealed, 13 SR 2862]

#### **4625.3601 DISEASE PREVENTION AND CONTROL AND EMPLOYEE PRACTICES.**

Subpart 1. **Prohibited persons.** No person shall work in a food establishment in any capacity in which there is a likelihood of the person contaminating food or food-contact surfaces with pathogenic organisms or transmitting disease to other persons while:

A. infected with a disease in a communicable form that can be transmitted by foods;

B. while being a carrier of organisms that cause such a disease; or

C. while afflicted with a boil, an infected wound, or an acute respiratory infection.

Subp. 2. **Procedure when infection is suspected.** When the commissioner has reasonable cause to suspect the possibility of disease transmission from a food-service establishment employee, the commissioner shall secure an illness or morbidity history of the suspected employee or make such other investigation as may be indicated and take appropriate action. The commissioner may require any or all of the following measures:

A. the immediate exclusion of the employee from all food service establishments;

B. the immediate closure of the food service establishment concerned until, in the opinion of the commissioner, no further danger of disease outbreak exists;

C. restriction of the suspected employee's services to an area of the establishment where there would be no danger of transmitting disease; and

D. adequate medical and laboratory examinations of the suspected employee, or other employees, and any body discharges.

Subp. 3. **Clothing.** Employees shall wear clean outer garments. Hairnets, headbands, caps, or other hair restraints must be worn to prevent the contamination of food, utensils, and equipment. Hair spray is not an acceptable hair restraint.

Subp. 4. **Employee practices.** Employees shall comply with the following requirements:



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A. All employees shall thoroughly wash their hands and the exposed portions of their arms with soap and warm water in an approved handwashing facility before starting work, during work as often as is necessary to keep them clean, and after smoking, eating, drinking, or using the toilet. Employees shall keep their fingernails clean and trimmed, and maintain a high degree of personal cleanliness and conform to hygienic practices during all periods of duty.

B. Employees must not use tobacco in any form while on duty to handle, prepare, or serve food, or clean utensils and equipment in a food establishment. Employees must use tobacco only in designated locations approved by the department.

C. All employees shall consume food only in designated dining areas. An employee dining area must not be designated if consuming food in that location could cause contamination of other food, equipment, utensils, or other items needing protection.

D. Employees shall handle soiled equipment or utensils in a manner that minimizes contamination of their hands.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862*

**4625.3700** [Repealed, 13 SR 2862]

**4625.3701 EQUIPMENT AND FACILITIES PROVIDED.**

Subpart 1. **General.** A food establishment must have equipment, applicable to the operation conducted, which is designed, constructed, installed, located, and maintained according to parts 4625.2401 to 4625.7801.

Subp. 2. **Sanitary design, construction, and installation of equipment and utensils.** New and replacement equipment and utensils must be appropriate to the operation conducted and comply with the following:

A. All new and replacement equipment and utensils must be of such material, construction, and design as to be smooth, easily cleanable, resistant to wear, denting, buckling, pitting, chipping, and crazing; and capable of withstanding scrubbing, scouring, repeated corrosive action of cleaning compounds, and other normal conditions and operations.

B. Food contact surfaces must be nontoxic. Food-contact surfaces and surfaces which come in contact with food debris must be readily accessible for cleaning and inspection.

C. All equipment installed or placed in service after June 6, 1989, must comply with the following standards of the National Sanitation Foundation when applicable:

- (1) Standard No. 1, Soda Fountain and Luncheonette Equipment, June 1984;
- (2) Standard No. 2, Food Service Equipment, November 1987;
- (3) Standard No. 3, Spray Type Dishwashing Machines, June 1982;
- (4) Standard No. 4, Commercial Cooking and Hot Food Storage Equipment, June 1986;
- (5) Standard No. 5, Commercial Hot Water Generating Equipment, November 1983;
- (6) Standard No. 6, Dispensing Freezers, November 1982;
- (7) Standard No. 7, Food Service Refrigerator and Storage Freezers, November 1985;
- (8) Standard No. 8, Commercial Powered Food Preparation Equipment, November 1985;
- (9) Standard No. 12, Automatic Ice Making Equipment, November 1984;
- (10) Standard No. 13, Refuse Compactors and Compactor Systems, May 1985;
- (11) Standard No. 18, Manual Food and Beverage Dispensing Equipment, November 1987;
- (12) Standard No. 20, Commercial Bulk Milk Dispensing Equipment and Appurtenances, November 1985;
- (13) Standard No. 25, Vending Machines for Food and Beverage, November 1987;

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## FOOD AND BEVERAGE ESTABLISHMENTS 4625.3801

(14) Standard No. 26, Pot, Pan, and Utensil Washers, December 1980;

(15) Standard No. 29, Detergent and Chemical Feeders for Commercial Spray Type Dishwashing Machines, June 1982;

(16) Standard No. 35, Laminated Plastics for Surfacing Food Service Equipment, May 1985;

(17) Standard No. 51, Plastic Materials and Components Used in Food Equipment, May 1978;

(18) Standard No. 59, Food Carts, June 1986; and

(19) Criteria C-2, Special Equipment and/or Devices, November 1983.

D. Used equipment which has met or exceeded the requirements of the National Sanitation Foundation under earlier standards may be installed when the equipment is in good repair and does not constitute a health hazard as determined by the commissioner. Equipment in use at the time of adoption of parts 4625.2401 to 4625.7801 which does not fully meet item C may be continued in use only if it is in good repair, capable of being maintained in a sanitary condition, has food-contact surfaces that are nontoxic, and is approved by the commissioner.

E. All equipment must be kept in good repair and installed and maintained to facilitate its cleaning and the cleaning of adjacent areas.

F. All equipment must be located and installed in such a manner as to ensure that preparation and service will minimize the potential for cross-contamination and improper handling of the food. Lavatories, chef sinks, utility sinks, refrigeration equipment, hot food handling equipment, and preparation and processing tables must be provided and maintained and shall be convenient and adequate as approved by the commissioner for the purpose for which they were designed.

G. Aisles and working spaces between units of equipment and walls must be unobstructed and of sufficient width to permit employees to perform their duties readily without contamination of food or food-contact surfaces by clothing or personal contact. All easily movable storage equipment such as pallets, racks, and dollies must be positioned to provide accessibility to working areas.

H. When the food service in a day care center is limited to serving ten or fewer individuals, or where the main meals of the day are not prepared in the center, the commissioner may waive specific equipment requirements of this part to permit the substitution of certain domestic type equipment for commercial type equipment which complies with the standards of the National Sanitation Foundation prescribed in item C.

I. When the food service in a boarding and lodging house is limited to serving ten or fewer residents, or where the main meals of the day are not prepared in the facility, the commissioner may waive specific equipment requirements of these rules as stated in item H.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862; 17 SR 1279*

**4625.3800** [Repealed, 13 SR 2862]

### **4625.3801 CLEANING, SANITIZATION, AND STORAGE OF EQUIPMENT AND UTENSILS.**

Subpart 1. **General.** All utensils and equipment must be thoroughly cleaned, and food-contact surfaces of utensils and equipment must be given sanitization treatment and must be stored in such a manner as to be protected from contamination.

Subp. 2. **Cleaning frequency.** The equipment and utensils must meet the following cleaning requirements:

A. Tableware must be washed, rinsed, and sanitized after each use.

B. To prevent cross-contamination, kitchenware and food-contact surfaces of equipment must be washed, rinsed, and sanitized after each use and following any interruption of operations during which time contamination may have occurred.

C. Where equipment and utensils are used for the preparation of foods on a continuous or production-line basis, utensils and food-contact surfaces of equipment must be

washed, rinsed, and sanitized at intervals throughout the day and on a schedule based on food temperature, type of food, and amount of food particle accumulation.

D. The food-contact surfaces of kettles, grills, griddles, and similar cooking devices and the cavities and door seals of microwave ovens must be cleaned at least once a day, except that this shall not apply to hot oil cooking equipment and hot oil filtering systems. The food-contact surfaces of all cooking equipment must be kept free of encrusted grease deposits and other accumulated soil.

E. Nonfood-contact surfaces of equipment must be cleaned as often as is necessary to keep the equipment free of accumulation of dust, dirt, food particles, and other debris.

Subp. 3. **Oven utensils and equipment.** Utensils and equipment which routinely go into ovens for baking purposes and which are used for no other purpose are not required to be given bactericidal treatment; however, such utensils and equipment must be clean.

Subp. 4. **Wiping cloths.** Cloths used for wiping food spills on tableware, such as plates or bowls being served to the consumer, must be clean, dry, and used for no other purposes. Moist cloths used for wiping food spills on kitchenware and food-contact surfaces of equipment must be clean and rinsed frequently in an approved sanitizing solution. These cloths must be stored in sanitizing solution between uses. Moist cloths used for cleaning nonfood-contact surfaces of equipment such as counters, dining table tops, and shelves must be clean, rinsed, and used for no other purpose. These cloths must be stored in an approved sanitizing solution between uses.

Subp. 5. **Manual cleaning and sanitizing.** Manual cleaning and sanitizing must be done in the following manner:

A. For manual washing, rinsing, and sanitizing of utensils and equipment, a sink with not fewer than three compartments must be provided and used. Sink compartments must be large enough to permit the accommodation of the equipment and utensils, and each compartment of the sink must be supplied with hot and cold potable running water. Fixed equipment and utensils and equipment too large to be cleaned in sink compartments must be washed manually or cleaned through pressure spray methods.

B. Integral drain boards of adequate size must be provided at each end for proper handling of soiled utensils before washing and for cleaned utensils following sanitizing and must be located so as not to interfere with the proper use of the utensil washing facilities.

C. Equipment and utensils must be preflushed or prescraped and, when necessary, presoaked to remove gross food particles and soil.

D. Except for fixed equipment and utensils too large to be cleaned in sink compartments, manual washing, rinsing, and sanitizing must be conducted in the following manner.

(1) Sinks must be cleaned before use.

(2) Equipment and utensils must be thoroughly washed in the first compartment with a hot detergent solution that is kept clean.

(3) Equipment and utensils must be rinsed free of detergent and abrasives with clean water in the second compartment.

(4) Equipment and utensils must be sanitized in the third compartment in an approved manner.

E. The food-contact surfaces of all equipment and utensils must be sanitized by:

(1) immersion for at least one-half minute in clean, hot water at a temperature of at least 170 degrees Fahrenheit (77 degrees centigrade);

(2) immersion for at least one minute in a clean solution containing at least 50 parts per million, but no more than 200 parts per million, of available chlorine as a hypochlorite and at a temperature of at least 75 degrees Fahrenheit (24 degrees centigrade);

(3) immersion for at least one minute in a clean solution containing at least 12.5 parts per million, but not more than 25 parts per million, of available iodine and having a pH range which the manufacturer has demonstrated to be effective and at a temperature of at least 75 degrees Fahrenheit (24 degrees centigrade);

(4) immersion in a clean solution containing any other chemical sanitizing agent allowed under Code of Federal Regulations, title 21, section 178.1010, that will provide at least the equivalent bactericidal effect of a solution containing 50 parts per million of

available chlorine as a hypochlorite at a temperature of at least 75 degrees Fahrenheit (24 degrees centigrade) for one minute; or

(5) for equipment too large to sanitize by immersion, but in which steam can be confined, treatment with steam free from materials or additives other than those specified in Code of Federal Regulations, title 21, section 173.310.

Equipment too large to sanitize by immersion, must be rinsed, sprayed, or swabbed with a sanitizing solution of at least twice the required strength for that particular sanitizing solution.

F. When hot water is used for sanitizing, the following facilities must be provided and used:

(1) an integral heating device or fixture installed in, on, or under the sanitizing compartment of the sink capable of maintaining the water at a temperature of at least 170 degrees Fahrenheit (77 degrees centigrade);

(2) a numerically scaled indicating thermometer, accurate to plus or minus three degrees Fahrenheit (plus or minus two degrees centigrade) convenient to the sink for frequent checks of water temperature; and

(3) dish baskets of such size and design to permit complete immersion of the tableware, kitchenware, and equipment in the hot water.

G. When chemicals are used for sanitization, they must not have concentrations higher than the maximum permitted under Code of Federal Regulations, title 21, section 178.1010, and a test kit or other device that accurately measures the parts per million concentration of the solution must be provided and used.

Subp. 6. **Mechanical cleaning and sanitizing.** Mechanical cleaning and sanitizing must be done in the following manner:

A. Cleaning and sanitizing may be done by spray-type or immersion utensil washing machines or by any other type of machine or device if it is demonstrated that it thoroughly cleans, sanitizes equipment and utensils, and meets the requirements in the National Sanitation Foundation Standard No. 3. These machines and devices must be properly installed, and maintained in good repair. Machines and devices must be operated in accordance with manufacturers' instructions, and utensils and equipment placed in the machine must be exposed to all washing cycles. Automatic detergent dispensers, wetting agent dispensers, and liquid sanitizer injectors must be properly installed and maintained.

B. Drainboards must be provided and be of adequate size for the proper handling of soiled utensils before washing and for cleaned utensils following sanitization, and must be so located and constructed as not to interfere with the proper use of the dishwashing facilities. This does not preclude the use of easily movable dish tables for the storage of soiled utensils or the use of easily movable dish tables for the storage of clean utensils following sanitization.

C. Equipment and utensils must be flushed or scraped and, when necessary, soaked to remove gross food particles and soil before being washed in a dishwashing machine unless a prewash cycle is a part of the dishwashing machine operation. Equipment and utensils must be placed in racks, trays, or baskets, or on conveyors, in a way that food-contact surfaces are exposed to the unobstructed application of detergent wash and clean rinse water and that permits free draining.

D. Machines (single-tank, stationary-rack, door-type machines, and spray-type glass washers) using chemicals for sanitization may be used, provided that:

(1) wash water temperatures, addition of chemicals, rinse water temperatures, and chemical sanitizers used are in conformance with Standards Nos. 3 and 29 of the National Sanitation Foundation;

(2) a test kit or other device that accurately measures the parts per million concentration of the sanitizing solution must be available and used;

(3) containers for storing the sanitizing agent must be installed in such a manner as to ensure that operators maintain an adequate supply of sanitizing compound; and

(4) a visual or audible warning device must be provided for the operator to easily verify when the sanitizing agent is depleted.

E. Machines using hot water for sanitizing may be used provided that wash water and pumped rinse water must be kept clean and water must be maintained at not less than the temperature specified by the National Sanitation Foundation Standard No. 3, under which the machine is evaluated. A pressure gauge must be installed with a valve immediately adjacent to the supply side of the control valve in the final rinse line provided that this requirement must not pertain to a dishwashing machine with a pumped final rinse.

F. All utensil washing machines must be cleaned at least once per day or more frequently if required.

Subp. 7. **Equipment and utensil storage.** Cleaned and sanitized equipment and utensils must be handled in a way that protects them from contamination.

A. Spoons, knives, and forks must be touched only by their handles. Cups, glasses, bowls, plates, and similar items must be handled without contact with inside surfaces or surfaces that contact the user's mouth.

B. Utensils must be air dried before being stored or must be stored in a self-draining position.

C. Cleaned and sanitized utensils and equipment must be stored at least six inches above the floor in a clean, dry location in a way that protects them from contamination by splash, dust, and other means. The food-contact surfaces of fixed equipment must also be protected from contamination. Equipment and utensils must not be placed under exposed sewer lines.

D. Glasses and cups must be stored inverted. Other stored utensils must be covered or inverted, wherever practical. Facilities for the storage of knives, forks, and spoons must be designed and used to present the handle to the employee or consumer.

Subp. 8. **Single-service articles.** Single-service articles must have been manufactured, packaged, transported, stored, handled, and dispensed in a sanitary manner.

Subp. 9. **Prohibited storage area.** The storage of food equipment, utensils, or single-service articles in toilet rooms or vestibules is prohibited.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862*

**4625.3900** [Repealed, 13 SR 2862]

### **4625.3901 PHYSICAL FACILITIES AND SANITATION.**

Subpart 1. **Water supply.** Every food and beverage establishment must be provided with a supply of water which is adequate for the needs of the establishment. The water must be obtained from a public water supply system, or a source of supply and system which is located, constructed, and operated in accordance with rules governing public water supplies, chapter 4720 and water wells, chapter 4725.

Subp. 2. **Sewage.** All sewage, including liquid waste, must be disposed of to a public sewage system or to an approved individual sewage disposal system. Nonwater-carried sewage disposal facilities must be prohibited, except as permitted by the commissioner in remote areas or because of special situations.

When there is no public sewage system available, an individual sewage disposal system must be designed, located, constructed, and operated in accordance with Minnesota Pollution Control Agency rules, parts 7080.0010 to 7080.0240.

Itinerant, mobile, and special event food facilities may dispose of their liquid waste into receptacles for that purpose. This waste ultimately must be discharged into the public sewage system or otherwise disposed of in a manner which will not endanger any source of water supply, pollute any body of surface water, create a nuisance, or otherwise endanger the public health and safety.

Subp. 3. **Plumbing.** Plumbing must be sized, installed, and maintained to carry adequate quantities of water to required locations throughout the establishment, to prevent contamination of the water supply, and to convey sewage and liquid wastes adequately from the establishment to the sewage system so that it does not constitute a source of contamination of food, utensils, or equipment or create an unsanitary condition or nuisance.

Food service equipment such as refrigerators, ice makers, ice storage bins, and steam tables must not be directly connected to the sewer.

All new plumbing and all plumbing reconstructed or replaced after June 6, 1989, must be designed, constructed, and installed in conformity with the Minnesota Plumbing Code, parts 4715.0100 to 4715.5600.

**Subp. 4. Janitorial facilities.** Janitorial facilities including a janitorial utility sink or curbed cleaning facility must be provided. The facilities must not be located in food preparation, storage, or toilet rooms unless adequate separation or other protection has been provided. The janitorial facility may be located in a packaged goods' storeroom or employee toilet room.

The use of lavatories, utensil washing or equipment washing, or food preparation sinks for janitorial purposes is prohibited.

Janitorial equipment must be stored in an approved manner in the janitorial facility.

**Subp. 5. Handwashing facilities.** Every food establishment, other than limited food establishments and mobile food units handling only prepackaged food must be provided with adequate, conveniently located, and approved handwashing facilities which are continually maintained with hot and cold running water, hand-cleansing soap or detergent, fingernail brushes, and single-service towels or hand-drying devices providing heated air. Handwashing facilities must be accessible to persons at all times in all areas where food is prepared or served, where utensils and equipment are cleansed or sanitized, in or immediately adjacent to toilet rooms or other areas designated by the commissioner. Sinks used for food preparation or for washing equipment or utensils must not be used for handwashing. Each handwashing sink must be provided with hot and cold water tempered by means of a mixing valve or combination faucet. Any self-closing, slow-closing, or metering faucet must be designed to provide a flow of water for at least 15 seconds without the need to reactivate the faucet. Steam-mixing valves are prohibited.

**Subp. 6. Toilet facilities.** Every food establishment, with the exception of itinerant, mobile, and special event food facilities, must be provided with conveniently located and approved toilet facilities for employees. These facilities must be kept clean and in good repair and free from flies, insects, and offensive odors. Toilet fixtures and seats must be of sanitary design and readily cleanable. The doors of all toilet rooms must be self-closing. Easily cleanable receptacles must be provided for waste materials. Toilet rooms used by women must have at least one covered waste receptacle. The number of toilet facilities must be determined by part 4715.1215 of the State Plumbing Code, and meet the requirements for sanitation fixtures in section 705 of the Uniform Building Code, as amended in part 1305.1900, and the requirements for handicapped accessibility in chapter 1340. Where the use of nonwater-carried sewage disposal facilities have been approved by the commissioner, the facilities must be separate from the establishment and in accordance with the standards of the commissioner.

**Statutory Authority:** *MS s 1031.101; 1031.221; 1031.301; 1031.621; 144.05; 144.12; 144.383; 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862; 17 SR 2773*

**4625.4000** [Repealed, 13 SR 2862]

#### **4625.4001 GARBAGE AND REFUSE DISPOSAL.**

Before disposal, all garbage and refuse must be kept in tight, nonabsorbent, insect proof, rodent proof, and fireproof containers. Containers must be kept covered with tight-fitting lids when filled, in storage, or not in continuous use. Containers need not be covered when stored in a special insect and rodent-proofed room or enclosure. All other refuse must be stored in containers, rooms, or areas in an approved manner. The rooms, enclosures, areas, and containers used must be adequate for the storage of all garbage and refuse accumulating on the premises between collections. Adequate cleaning facilities must be provided, and each container, room, or area shall be thoroughly cleaned after the emptying or removal of garbage and refuse. Containers designed with drains must have drain plugs maintained in

place at all times except during cleaning. All garbage and refuse must be disposed of with sufficient frequency and in such a manner as to prevent a nuisance.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** 13 SR 2862

**4625.4100** [Repealed, 13 SR 2862]

**4625.4101 INSECT, RODENT, AND ANIMAL CONTROL.**

Subpart 1. **General.** Effective measures must be taken to prevent the entrance, breeding, or presence of rodents, flies, cockroaches, and other vermin or insects on the premises. The premises must be kept in such condition as to prevent the harborage or feeding of insects or rodents.

Subp. 2. **Openings.** Outside openings must be effectively protected against the entrance of rodents. Outside openings must be protected against the entrance of insects by tight-fitting, self-closing doors, closed windows, screening, controlled air currents, or other means. Screen doors must be self-closing, and screens for windows, doors, skylights, transoms, intake and exhaust air ducts, and other openings to the outside must be tight-fitting and free of breaks. Screening materials must not be less than 16 mesh to the inch.

Subp. 3. **Animals.** Live animals, including birds and turtles, shall be excluded from within the food service operational premises and from adjacent areas under the control of the person in charge. This exclusion does not apply to edible fish, crustacea, mollusks, or to fish in aquariums. Patrol dogs accompanying security or police officers, or guide dogs accompanying sight-impaired persons or hearing-impaired persons shall be permitted in dining areas.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** 13 SR 2862

**4625.4200** [Repealed, 13 SR 2862]

**4625.4201 CONSTRUCTION AND MAINTENANCE OF PHYSICAL FACILITIES.**

Subpart 1. **Floors.** The floor surfaces of all food and beverage preparation, food storage, equipment and utensil washing, food service areas, waitress stations, dressing rooms, locker rooms, toilet rooms and vestibules, janitorial areas, kitchens, and bars must be constructed of smooth, durable, nonabsorbent, easily cleanable materials which resist the wear and abuse to which they are subjected. Appropriate materials include commercial grade vinyl composition tile, sheet vinyl, ceramic tile, quarry tile, terrazzo, or equivalent. Vinyl floor coverings must not be used in walk-in refrigeration units and storage freezers.

The junctures between walls and floors must be coved. Rugs and carpets may be used in dining rooms and hallways, provided that the floor coverings are kept clean. Abrasive strips also may be used wherever deemed necessary to prevent accidents.

Mats and duckboards must be of nonabsorbent, nonwood, grease resistant materials. The size, design, and construction of the materials must facilitate easy cleaning. Duckboards must not be used as storage racks.

All floors must be kept clean and in good repair, and the use of sawdust and similar material is not permitted. Floor drains must be provided in all rooms where floors are subject to flooding-type cleaning or where normal operations release or discharge water or other liquid wastes on the floor. The floors must be graded to drain.

Subp. 2. **Walls and ceilings.** The walls and ceilings of all rooms must be kept clean and in good repair. All walls of rooms or areas in which food is prepared, areas where utensils or hands are washed, toilet rooms, janitorial areas, laundry rooms, or garbage and refuse storage rooms must have easily cleanable, smooth, nonabsorbent, washable surfaces to the highest level of splash, spray, or abuse. Wall finishes must be resistant to the wear and abuse to which they are subject. Ceilings must be smooth and easily cleanable. The walls and ceilings must be finished in a light color. Concrete or pumice blocks used for interior wall construction in these locations must be finished and sealed to provide an easily cleanable surface.

Subp. 3. **Attachments.** Light fixtures, vent covers, wall-mounted fans, decorative materials, and similar equipment attached to walls and ceilings must be easily cleanable, and must be kept clean and in good repair.

**Subp. 4. Utility lines and pipes.** All utility lines and pipes such as electric, gas, water, sewage, and similar waste lines or services must be installed in the walls, under floors, or above ceilings to avoid unnecessary exposure to food equipment, walls, floors, or ceilings. Exposed utility service lines or pipes must be installed so they do not obstruct or prevent the easy cleaning of food equipment, floors, walls, and ceiling surfaces.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862*

**4625.4300** [Repealed, 13 SR 2862]

**4625.4301 LIGHTING.**

**Subpart 1. Lighting source and amount.** Permanently fixed artificial light sources must be installed to provide at least 20 foot candles of light on all food preparation surfaces and at equipment or utensil washing work levels.

A. Permanently fixed artificial light sources must be installed to provide, at a distance of 30 inches from the floor:

(1) at least 20 foot candles of light in utensil and equipment storage areas and in lavatory and toilet areas; and

(2) at least ten foot candles of light in walk-in refrigerating units, dry food storage areas, and in all other areas.

B. Subdued lighting in dining rooms and public access areas is permissible, provided that lighting meeting the requirements in item A, subitem (2), must be available during all clean-up operations.

**Subp. 2. Protective shielding.** Shielding or coating to protect against broken glass falling onto food must be provided for all artificial lighting fixtures located over, by, or within food storage, preparation, service, and display facilities, and facilities where utensils and equipment are cleaned and stored.

Infrared or other heat lamps must be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862*

**4625.4400** [Repealed, 13 SR 2862]

**4625.4401 VENTILATION.**

Rooms must have sufficient exhaust ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious or disagreeable odors, smoke, and fumes. All ventilation equipment and facilities, gas or oil fired room heaters, and water heaters must be designed, installed, and operated in accordance with the rules of the State Building Code Division and the Uniform Fire Code. Intake and exhaust air ducts must be maintained to prevent the entrance of dust, dirt, and other contaminating materials.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862*

**4625.4500** [Repealed, 13 SR 2862]

**4625.4501 DRESSING ROOMS AND LOCKER AREAS.**

**Subpart 1. Dressing rooms.** If employees routinely change clothes within the establishment, rooms or areas must be designated and used for that purpose. These designated rooms or areas must not be used for food preparation, storage, or service, or for utensil washing or storage.

**Subp. 2. Locker areas.** Adequate lockers or other suitable facilities must be provided and used for the orderly storage and security of employee clothing and other belongings. Lockers or other suitable facilities may be located only in the designated dressing rooms or areas containing only completely packaged food or packaged single-service articles.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862*

**4625.4600** [Repealed, 13 SR 2862]



**4625.4601 POISONOUS OR TOXIC MATERIALS.**

Subpart 1. **Materials permitted.** Food service establishments must have only those poisonous or toxic materials necessary for maintaining the establishment, cleaning and sanitizing equipment and utensils, and controlling insects and rodents.

Subp. 2. **Labeling of materials.** Containers of poisonous or toxic materials must be prominently and distinctly labeled, according to requirements in Code of Federal Regulations, title 7, section 162.10, and Minnesota Statutes, section 18B.14, for easy identification of contents.

Subp. 3. **Storage of materials.** Poisonous or toxic materials consist of the following categories:

- A. insecticides and rodenticides; and
- B. detergents, sanitizers, related cleaning or drying agents, caustics, acids, polishes, and other chemicals.

Materials in each of these two categories must be stored and physically located separate from each other. All poisonous or toxic materials must be stored in cabinets or in a similar physically separate place used for no other purpose. To preclude contamination, poisonous or toxic materials must not be stored above food, food equipment, utensils, or single-service articles, except that this requirement does not prohibit the convenient availability of detergents or sanitizers at utensil or dishwashing stations.

Subp. 4. **Use of materials.** Sanitizers, cleaning compounds, or other compounds intended for use on food-contact surfaces must not be used in a way that leaves a toxic residue on such surfaces or that constitutes a hazard to employees or other persons.

Poisonous or toxic materials must not be used in a way that contaminates food, equipment, or utensils, nor in a way other than in full compliance with the manufacturer's labeling.

Subp. 5. **Personal medications and first aid supplies.** Personal medications and first aid supplies must be stored to prevent them from contaminating food and food-contact surfaces.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862*

**4625.4700** [Repealed, 13 SR 2862]

**4625.4701 PREMISES.**

Subpart 1. **Housekeeping.** All parts of the food establishment and its premises must be kept neat, clean, and free of litter and refuse. Cleaning operations must be conducted in a manner as to minimize contamination of food and food-contact surfaces. Only articles necessary for the operation and maintenance of the food establishment must be stored on the premises. Traffic of unnecessary persons through the food preparation and utensil washing areas is prohibited. The walking and driving surfaces of all exterior areas where food is served must be kept clean, properly drained, and finished so as to facilitate maintenance and minimize dust. Pressurized tanks and compressed gas cylinders must be properly secured to prevent them from being accidentally knocked over.

Subp. 2. **Cleaning equipment storage.** Maintenance and cleaning tools such as brooms, mops, vacuum cleaners, and similar equipment must be maintained and stored in a way that does not contaminate food, utensils, equipment, or linens and must be stored in an orderly manner for the cleaning of that storage location.

Subp. 3. **Living areas.** No operation of a food establishment shall be conducted in any room used as living or sleeping quarters. Food service operations must be separated from any living or sleeping quarters by complete partitioning and solid, self-closing doors.

Subp. 4. **Laundry facilities.** Laundry facilities in a food establishment must be restricted to the washing and drying of linens, cloths, uniforms, and aprons necessary to the operation. If these items are laundered on the premises, an electric or gas dryer must be provided and used.

Separate rooms must be provided for laundry facilities except that such operations may be conducted in storage rooms containing only packaged foods or packaged single-service articles.

Subp. 5. **Linens and clothes storage.** Clean clothes and linens must be stored in a clean place and protected from contamination until used.

Soiled clothes and linens must be stored in nonabsorbent containers or washable laundry bags until removed for laundering.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862*

**4625.4800** [Repealed, 13 SR 2862]

**4625.4900** [Repealed, 13 SR 2862]

### REQUIREMENTS FOR ITINERANT FOOD SERVICE

#### 4625.4901 ITINERANT FOOD SERVICE ESTABLISHMENTS.

Subpart 1. **General.** An itinerant food service establishment must comply with all provisions of parts 4625.2401 to 4625.4701 that are applicable to their operation and must comply with parts 4625.4901 to 4625.5801. If necessary to protect the public health, the commissioner shall impose additional requirements to protect against health hazards related to the conduct of their operation and prohibit the sale or giveaway of some or all potentially hazardous foods. When no health hazard is likely to result, the commissioner may grant a variance or modify specific requirements of parts 4625.4901 to 4625.5801.

Subp. 2. **Restricted operations.** This subpart applies to an itinerant food service establishment approved under subpart 1 to operate without complying with the requirements of parts 4625.4901 to 4625.5801.

A. The itinerant food service establishment must be located where it is protected from possible contamination; for example toilets, animal pens, garbage collection sites. It must be protected from dust and windblown particulates by location, treatment of ground surfaces, or by having the establishment enclosed.

B. The commissioner may restrict the type of food served or the method of food preparation based on equipment limitations, commissary facilities, or climatic conditions.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862*

**4625.5000** [Renumbered 4625.2660]

#### 4625.5001 CONSTRUCTION.

Subpart 1. **Work space.** Work spaces must be sized to permit unobstructed work activity. Equipment must be located to permit easy cleaning.

Subp. 2. **Floors.** The interior floor must be equivalent to one of the following:

A. solid concrete or asphalt; or

B. vinyl flooring or sealed wood.

Subp. 3. **Walls or enclosures.** The establishment must be capable of being fully enclosed on the sides and roof to provide protection against adverse weather. Canvas may be used. Solid interior surfaces must be finished with smooth, durable, nonabsorbent, easily cleanable material that resists the wear and abuse to which the surfaces are subjected. High gloss paint is the minimum acceptable finish.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862*

#### 4625.5101 EQUIPMENT.

Subpart 1. **General.** Food service equipment must comply with the applicable standards of the National Sanitation Foundation.

Subp. 2. **Refrigeration.** Mechanical refrigeration, containing a thermometer, is required for potentially hazardous foods such as meat, fish, poultry, milk, milk products, and eggs. A metal stem product thermometer with a range from zero degrees Fahrenheit (minus 18 degrees centigrade) to 220 degrees Fahrenheit (110 degrees centigrade) is required for

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measuring temperature of this food. Electricity must be provided to refrigeration units 24 hours a day when the food stand has been set in place for service.

Subp. 3. **Grills.** Charcoal grills are acceptable for cooking food as long as they are equipped with a lid and safe food temperatures are maintained.

Subp. 4. **Utensils.** Commercial food grade utensils must be used. Galvanized or soft plastic containers, wooden spoons, enamelware, paintbrushes, and similar materials are not acceptable. Garbage bags and garbage containers must not be used for covering or storing food.

Subp. 5. **Customer safety.** To help provide customer safety and prevent possible contamination by customers, food preparation and cooking areas must be protected by means of an impervious shield or by separation distances.

Subp. 6. **Handwashing facilities.** Handwashing facilities must be provided within the establishment. They must consist of:

A. soap, paper towels, and a water faucet or spigot that discharges into a waste line or holding vessel;

B. paper towels and a spray bottle containing a sanitizing solution of one teaspoon of household bleach to a gallon of water; or

C. moist towelettes when there is little or no food preparation.

Subp. 7. **Lighting.** All interior lights must be shielded or enclosed to prevent breakage. Lights used at night must not attract insects.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862*

## 4625.5201 DISHWASHING FACILITIES, PROCEDURES, AND EQUIPMENT CLEANING.

Subpart 1. **General.** Single service, disposable eating and drinking utensils must be used unless approved permanent dishwashing facilities are available at the site. Approved dishwashing facilities consisting of at least three sufficiently sized basins must be provided for washing equipment and utensils used for food preparation and cooking.

Subp. 2. **Drying.** Space must be provided for air drying utensils. Towel drying is not permitted.

Subp. 3. **Manual utensil washing.** The procedure for manual utensil washing is:

A. wash in warm, soapy water;

B. rinse in clear water; and

C. sanitize for at least one minute in a sanitizing solution of sufficient concentration using one tablespoon of household liquid bleach per two gallons of water, and allow to air dry.

Subp. 4. **Cleaning of equipment.** Food contact equipment that must be cleaned in place, like meat slicers or soft serve ice milk dispensers, must be sanitized using a solution equal to that listed in subpart 3, item C.

Subp. 5. **Wiping cloths.** Cloths used to wipe equipment and counters must be stored in a sanitizing solution between uses. The solution must equal that listed in subpart 3, item C.

Subp. 6. **Sanitizer test kits.** Test kits or strips for analyzing sanitizer strength must be available and used.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862*

## 4625.5301 FOOD, BEVERAGE, AND UTENSIL HANDLING AND STORAGE.

Subpart 1. **Food source.** All ice and food supplies must come from an approved commercial source. No home prepared food or food storage at home is permitted. Ice must be obtained only in chipped, crushed, or cubed form and in single-use safe plastic or wet-strength paper bag, filled and sealed at the point of manufacture. The ice must be held in these bags until it is dispensed in a way that protects it from contamination.

Subp. 2. **Temperatures.** Potentially hazardous food must be maintained at 40 degrees Fahrenheit (four degrees centigrade) or below, or 150 degrees Fahrenheit (66 degrees centigrade) or above.

Subp. 3. **Previously cooked foods.** If previously cooked food is reheated it must reach an internal temperature of at least 165 degrees Fahrenheit (75 degrees centigrade) throughout before being served. Any heated food left over at the end of the day must be discarded.

Subp. 4. **Storage.** Food and single service disposable utensils such as paper plates and plastic eating utensils must be clean, dry, covered, and kept at least six inches off the floor. Storage of packaged food in contact with water or undrained ice is prohibited. Wrapped sandwiches must not be stored in direct contact with ice.

Subp. 5. **Single service items and condiment dispensing.** Single service utensils and self-service food including condiments such as catsup, mustard, coffee whitener, and sugar must be individually packaged or be dispensed from an approved dispenser.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862*

#### 4625.5401 WATER SUPPLY.

Potable water must be obtained from an approved public water supply system. Water may not come from a residential well. If water is not provided under pressure at the establishment, it may be transported and stored in approved, cleanable, covered containers such as five- or ten-gallon coffee urns or nongalvanized beverage coolers containing spigots.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862*

#### 4625.5501 WASTEWATER AND REFUSE DISPOSAL.

Subpart 1. **Wastewater.** Wastewater must be discharged into an approved sanitary sewer system or a holding tank. Ground surface discharge is not permitted.

Subp. 2. **Refuse and garbage disposal.** Refuse must be deposited and stored so that it does not create a nuisance. Garbage containing food waste, if stored overnight or for extended periods of time, must be stored in tightly covered nonabsorbent containers.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862*

#### 4625.5601 INSECT CONTROL.

Effective insect control must be achieved through sanitation. If insecticides are used, they must be an approved type such as pyrethrins as the active ingredient, and used according to the manufacturer's directions. They must not be used when food or utensils are exposed. Intermittent spray dispensers and vapon strips must not be used.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862*

#### 4625.5701 EMPLOYEE PRACTICES.

Employees must comply with the following requirements:

A. Employees must maintain their hands in a clean and sanitary condition and wash hands immediately after going to the toilet, handling raw food, smoking, or otherwise soiling their hands.

B. Employees must not engage in food preparation or service activities if that person has a communicable disease, gastrointestinal illness, sore throat, or discharging wound.

C. Employees must not use tobacco in any form while on duty.

D. An employee's outer garments must be clean.

E. An employee must wear effective hair restraints such as hairnets, headbands, and caps while engaged in food preparation and service.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862*

#### 4625.5801 SAFETY.

Subpart 1. **Electrical.** Electrical service must comply with the Minnesota State Building Code Electrical Code, chapter 1315. Electrical lines must not be located in or near water.

Subp. 2. **Carbon dioxide.** Carbon dioxide and bottled gas cylinders must be secured by chains or other types of restraints.

Subp. 3. **Fire extinguisher.** A fire extinguisher with a minimum 2A 10B-C rating must be present if required by the fire marshal.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862*

### REQUIREMENTS FOR MOBILE FOOD SERVICES OR PUSHCARTS

#### 4625.5901 MOBILE FOOD SERVICES OR PUSHCARTS.

Subpart 1. **General.** Mobile food services or pushcarts must comply with all provisions of parts 4625.2401 to 4625.4701 which are applicable to their operation and must comply with parts 4625.5901 to 4625.6801. The commissioner may impose additional requirements to protect against health hazards related to the conduct of their operation and may prohibit the sale or giveaway of some or all potentially hazardous foods. When no health hazard is likely to result, the commissioner may grant a variance or modify specific requirements of parts 4625.5901 to 4625.6801 relating to physical facilities.

Subp. 2. **Restricted operations.** This subpart applies whenever a mobile food service or pushcart is approved under subpart 1 to operate without complying with all the requirements of parts 4625.5901 to 4625.6801.

A. The mobile food service or pushcart must be set in a location where it is not subject to flooding and is protected from possible contamination; for example toilets, animal pens, or garbage collection sites. It must be protected from dust and windblown particulates by location, treatment of ground surfaces, or by having the unit enclosed.

B. The commissioner may restrict the type of food served or the method of food preparation based on equipment limitations, commissary facilities, or climatic conditions.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862*

#### 4625.6001 CONSTRUCTION.

Subpart 1. **Work spaces.** Work spaces must be sized to permit unobstructed work activity. Equipment must be located to permit easy cleaning.

Subp. 2. **Floors.** The interior floor must be noncorrosive metal or be surfaced with vinyl flooring or equivalent.

Subp. 3. **Walls or enclosures.** The unit must be capable of being fully enclosed on the sides and roof to provide protection during adverse weather. Interior surfaces must be finished with smooth, durable, nonabsorbent, easily cleanable material that resists the wear and abuse to which the surfaces are subjected. High gloss paint is the minimum, acceptable finish.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862*

#### 4625.6101 EQUIPMENT.

Subpart 1. **General.** Food service equipment must comply with the applicable standards of the National Sanitation Foundation.

Subp. 2. **Refrigeration.** Mechanical refrigeration, containing a thermometer, is required for potentially hazardous foods such as meat, fish, poultry, milk, milk products, and eggs. A metal stem product thermometer with a range from zero degrees Fahrenheit (minus 18 degrees centigrade) to 220 degrees Fahrenheit (104 degrees centigrade) is required for measuring temperatures of this food. Electricity must be provided to refrigeration units 24 hours a day when the mobile food stand has been set in place for service.

Subp. 3. **Exhaust system.** When grease laden cooking vapor or condensation is generated in the cooking process, a mechanical exhaust system must be provided to prevent grease and condensation from collecting on walls and ceilings.

Subp. 4. **Utensils.** Commercial food grade utensils must be used. Galvanized or soft plastic containers, wooden spoons, enamelware, paintbrushes, and similar materials are not

acceptable. Garbage bags and garbage receptacles must not be used for covering or storing food.

Subp. 5. **Customer safety.** To help provide customer safety and prevent possible contamination by customers, food preparation and cooking areas must be protected by means of an impervious shield or by separation distances.

Subp. 6. **Handwashing facilities.** A handwashing sink supplied with hot and cold running water, soap, and paper towels must be provided in all units where food is prepared.

Subp. 7. **Lighting.** All interior lights must be shielded or enclosed to prevent breakage. Lights used at night must not attract flying insects.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862*

#### 4625.6201 DISHWASHING FACILITIES, PROCEDURES, AND EQUIPMENT CLEANING.

Subpart 1. **General.** Single service, disposable eating and drinking utensils must be used unless approved permanent dishwashing facilities are available in the mobile unit. Dishwashing facilities must be available and consist of at least a three compartment sink, either free standing or installed in a counter.

Subp. 2. **Drying.** Space must be provided for air drying utensils. Towel drying is not permitted.

Subp. 3. **Manual utensil washing.** The procedure to be used for manual utensil washing is:

A. wash in warm, soapy water;

B. rinse in clean water;

C. sanitize for at least one minute in a sanitizing solution of sufficient concentration, using one tablespoon of household bleach per two gallons of water; and

D. allow to air dry.

Subp. 4. **Cleaning equipment.** Food contact equipment that must be cleaned in place, like meat slicers or soft serve ice milk dispensers, must be sanitized using a solution equal to that listed in subpart 3, item C.

Subp. 5. **Wiping cloths.** Cloths used to wipe equipment and counters must be stored in a sanitizing solution between uses. The solution must equal that listed in subpart 3, item C.

Subp. 6. **Sanitizer test kits.** Test kits or strips for analyzing sanitizer strength must be available and used.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862*

#### 4625.6301 FOOD, BEVERAGE, AND UTENSIL HANDLING AND STORAGE.

Subpart 1. **Food source.** All ice and food supplies must come from an approved commercial source. No home prepared food or food stored at home is allowed. Food must be kept in a licensed commissary, stock truck, or within the unit. Ice must be cubed or crushed and be sealed in a bag at the point of manufacture. The ice must be held in these bags until it is dispensed in a way that protects it from contamination.

Subp. 2. **Temperatures.** Potentially hazardous food must be maintained at 40 degrees Fahrenheit (four degrees centigrade) or below, and 150 degrees Fahrenheit (66 degrees centigrade) or above. This includes periods when it is being transported.

Subp. 3. **Previously cooked foods.** Previously cooked food that is reheated must reach an internal temperature of at least 165 degrees Fahrenheit (74 degrees centigrade) throughout before being served. Heated food that is left over at the end of the day must be discarded.

Subp. 4. **Storage.** Food and single service disposable utensils such as paper plates and plastic eating utensils must be clean, dry, covered, and kept at least six inches off the floor. Storage of packaged food in contact with water of undrained ice is prohibited. Wrapped sandwiches must not be in direct contact with ice.

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Subp. 5. **Single service items and condiment dispensing.** Single service utensils and self-service food, including condiments, like catsup, coffee whitener, or sugar, must be individually packaged or dispensed from an approved dispenser.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** 13 SR 2862

## 4625.6401 WATER SUPPLY.

Subpart 1. **General.** Potable water must be obtained from an approved public water supply system. Water must not come from a residential well.

Subp. 2. **Holding tanks.** Each mobile food service requiring a water system must be equipped with a fresh water holding tank that can be drained and a hot water heater, both of which are sufficiently sized to meet water demand. The holding tank must be corrosion resistant, nontoxic, and free of seams. When in operation, a unit may be directly supplied with water from an external water system. The connecting hose must be capped and otherwise protected when it is disconnected so that it will not be contaminated by waste discharge, road dust, oil, or grease.

Subp. 3. **System sanitizing.** The total water system must be sanitized each year before the unit is put into service.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** 13 SR 2862

## 4625.6501 WASTEWATER AND REFUSE DISPOSAL.

Subpart 1. **Wastewater.** Wastewater must be discharged directly into an approved sanitary sewer system or to a holding tank which will subsequently be discharged into a sewer system. Discharge lines and connections must not be compatible with the water supply connections. The holding tank must be at least 15 percent larger than the fresh water storage tank. Ground surface discharge is not permitted.

Subp. 2. **Refuse and garbage disposal.** Refuse must be deposited and stored in a manner that will not tend to create a nuisance. Garbage containing food waste, if stored overnight or for extended periods of time, must be stored in tightly covered nonabsorbent containers.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** 13 SR 2862

## 4625.6601 INSECT CONTROL.

Effective insect control must be achieved through sanitation. If insecticides are to be used, they must be an approved type such as pyrethrins as the active ingredient, used according to the manufacturer's directions. They must not be used when food or utensils are exposed. Intermittent spray dispensers and vapon strips must not be used.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** 13 SR 2862

## 4625.6701 EMPLOYEE PRACTICES.

Employees must comply with the following requirements:

A. Employees must maintain their hands in a clean and sanitary condition and wash hands immediately after going to the toilet, handling raw food, smoking, or otherwise soiling their hands.

B. An employee must not engage in food preparation or service activities if that person has a communicable disease, gastrointestinal illness, sore throat, or discharging wound.

C. An employee must not use tobacco in any form while on duty.

D. An employee's outer garments must be clean.

E. An employee must wear effective hair restraints such as hairnets, headbands, and caps while engaged in food preparation and service.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** 13 SR 2862

**4625.6801 SAFETY.**

Subpart 1. **Electrical.** Electrical service must comply with the Minnesota State Building Code Electrical Code, chapter 1315. Electrical lines should not be located in or near water.

Subp. 2. **Carbon dioxide.** Carbon dioxide and bottled gas cylinders must be secured by chains or other types of restraints.

Subp. 3. **Fire extinguishers.** A fire extinguisher with a minimum 2A 10 B-C rating must be present if required by the fire marshal.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862*

**REQUIREMENTS FOR SPECIAL EVENT FOOD STANDS****4625.6901 SPECIAL EVENT FOOD STAND.**

Subpart 1. **General.** Special event food stands must comply with all provisions of parts 4625.2401 to 4625.4701 which are applicable to their operation and must comply with parts 4625.6901 to 4625.7801. If necessary to protect the public health, the commissioner shall impose additional requirements to protect against health hazards related to the conduct of their operation and shall prohibit the sale or giveaway of some or all potentially hazardous foods. When no health hazard is likely to result, the commissioner may grant a variance or modify specific requirements of parts 4625.6901 to 4625.7801.

Subp. 2. **Restricted operations.** This subpart applies whenever a special event food stand is approved under subpart 1 to operate without complying with all the requirements of parts 4625.6901 to 4625.7801.

A. The special event food stand must be located where it is not subject to flooding and is protected from possible contamination; for example toilets, animal pens, or garbage collection sites. It must be protected from dust and windblown particulates by location, treatment of ground surfaces, or by having the food stand enclosed.

B. The commissioner may restrict the type of food served or the method of food preparation based on equipment limitations, commissary facilities, or climatic conditions.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862*

**4625.7001 CONSTRUCTION.**

Subpart 1. **Work spaces.** Work spaces must be sized to permit unobstructed work activity. Equipment must be located to permit easy cleaning.

Subp. 2. **Floors.** The interior floor must be constructed of concrete, asphalt, tight wood, or other similar cleanable material kept in good repair. Dirt or gravel, when graded to drain, may be used as subflooring when covered with clean, removable platforms or duckboards, or covered with wood chips, shavings, or other suitable materials effectively treated to control dust.

Subp. 3. **Walls or enclosures.** The stand must provide protection during adverse weather by its construction or location. If it does not, then food activities must cease during periods of adverse weather. Interior surfaces must be finished with smooth, durable, nonabsorbent, easily cleanable material that resists the wear and abuse to which the surfaces are subjected. High gloss paint is the minimum, acceptable finish.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862*

**4625.7101 EQUIPMENT.**

Subpart 1. **General.** Food service equipment must be appropriately designed and sized for its use.

Subp. 2. **Refrigeration.** Mechanical refrigeration is required for potentially hazardous foods such as meat, fish, poultry, milk and milk products, and eggs. A metal stem product thermometer with a range from zero degrees Fahrenheit (minus 18 degrees centigrade) to



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220 degrees Fahrenheit (104 degrees centigrade) is required for measuring temperature of this food. Electricity must be provided to refrigeration units 24 hours a day when the special event food stand has been set in place for service. Insulated chests containing dry ice or frozen refrigerant packs may be used for items such as wieners and precooked sausages as long as required temperatures are maintained. A thermometer is required for each refrigerator and insulated chest.

Subp. 3. **Cooking equipment.** Electric skillets, roasters, propane stoves, and charcoal grills equipped with lids are acceptable for cooking food as long as safe food temperatures are maintained. Crock pots may not be used.

Subp. 4. **Utensils.** Commercial food grade utensils must be used. Galvanized or soft plastic containers, wooden spoons, enamelware, paintbrushes, and similar materials are not acceptable. Garbage bags and garbage receptacles must not be used for covering or storing food.

Subp. 5. **Customer safety.** To help provide customer safety and prevent possible contamination by customers, food preparation and cooking areas must be protected by an impervious shield or by separation distances.

Subp. 6. **Handwashing facilities.** Handwashing facilities shall be provided within the stand. They shall consist of:

A. soap, paper towels, and a water faucet or spigot that discharges into a waste line or holding vessel; or

B. paper towels and a spray bottle containing a germicidal solution, using one teaspoon of household bleach to a gallon of water; or

C. moist towelettes when there is little or no food preparation.

Subp. 7. **Lighting.** All interior lights must be shielded or enclosed to prevent breakage. Lights used at night must not attract flying insects.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862*

## 4625.7201 DISHWASHING FACILITIES, PROCEDURES, AND EQUIPMENT CLEANING.

Subpart 1. **General.** Single service, disposable eating and drinking utensils must be used unless approved permanent dishwashing facilities are available. Utensils are to be washed and sanitized immediately before the special event and as often as necessary during the event. Utensils may be washed off the site if approval is granted. When this is done, the clean utensils must be suitably covered with plastic wrap or placed in a covered container when transported. When utensils are not washed at the site, enough utensils must be provided so that if one becomes soiled or contaminated, a clean one is available.

Subp. 2. **Drying.** Space must be provided for air drying utensils. Towel drying is not permitted.

Subp. 3. **Manual utensil washing.** The procedure for manual utensil washing is:

A. wash in warm, soapy water;

B. rinse in clean water;

C. sanitize for at least one minute in a sanitizing solution of sufficient concentration, using one tablespoon of household bleach per two gallons of water; and

D. allow to air dry.

Subp. 4. **Cleaning equipment.** Food contact equipment that must be cleaned in place, like meat slicers or soft serve ice milk dispensers, must be sanitized using a solution equal to that listed in subpart 3, item C.

Subp. 5. **Wiping cloths.** Cloths used to wipe equipment and counters must be stored in a sanitizing solution between uses. The solution must equal that listed in subpart 3, item C.

Subp. 6. **Sanitizer test kits.** Test kits or strips for analyzing sanitizer strength must be available and used.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862*

**4625.7301 FOOD, BEVERAGE, AND UTENSIL HANDLING AND STORAGE.**

Subpart 1. **Food source.** All ice and food supplies must come from an approved commercial source. No home prepared food or food storage at home is permitted. Ice must be obtained only in chipped, crushed, or cubed form and in single-use safe plastic or wet-strength paper bags filled and sealed at the point of manufacture. The ice must be held in these bags until it is dispensed in a way that protects it from contamination. When preparation or hot and cold holding equipment are not adequate for the volume of food prepared, food preparation activities must take place in a facility which is in compliance with parts 4625.2401 to 4625.4701, such as a restaurant, school, fraternal organization kitchen, or church.

Subp. 2. **Temperature.** Potentially hazardous food must be maintained at 40 degrees Fahrenheit (four degrees centigrade) or below and 150 degrees Fahrenheit (66 degrees centigrade) or above, including periods when it is being transported.

Subp. 3. **Previously cooked foods.** Previously cooked food that is reheated must reach an internal temperature of at least 165 degrees Fahrenheit (74 degrees centigrade) throughout before being served. Any heated food that is left over at the end of the day must be discarded.

Subp. 4. **Storage.** Food and single service disposable utensils such as paper plates and plastic eating utensils must be clean, dry, covered, and kept at least six inches off the floor. Storage of packaged food in contact with water or undrained ice is prohibited. Wrapped sandwiches must not be stored in direct contact with ice. Canned, bottled, and other containerized beverages except milk may be chilled in ice.

Subp. 5. **Single service items and condiment dispensing.** Single service utensils and self-service food including condiments such as catsup, mustard, coffee whitener, and sugar must be individually packaged or be dispensed from an approved dispenser.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862*

**4625.7401 WATER SUPPLY.**

Potable water must be obtained from an approved public water supply system. Water must not come from a residential well. If water is not provided under pressure at the establishment, it may be transported and stored in approved, cleanable, covered containers such as five- or ten-gallon coffee urns or nongalvanized beverage coolers containing spigots.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862*

**4625.7501 WASTEWATER AND REFUSE DISPOSAL.**

Subpart 1. **Wastewater.** Wastewater must be discharged into an approved sanitary sewer system or a holding tank. Ground surface discharge is not permitted.

Subp. 2. **Refuse and garbage disposal.** Refuse and garbage must be deposited and stored in a manner that will not tend to create a nuisance. Garbage containing food waste if stored overnight or for extended periods of time must be stored in tightly covered nonabsorbent containers.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862*

**4625.7601 INSECT CONTROL.**

Effective insect control is to be achieved through sanitation. If insecticides are to be used, they must be an approved type such as pyrethrins as the active ingredient, used according to the manufacturer's directions. They must not be used when food or utensils are exposed. Intermittent spray dispensers and vapona strips must not be used.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862*

**4625.7701 EMPLOYEE PRACTICES.**

Employees must comply with the following requirements:

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A. Employees must maintain their hands in a clean and sanitary condition and wash hands immediately after going to the toilet, handling raw food, smoking, or otherwise soiling their hands.

B. Employees must not engage in food preparation or service activities if that person has a communicable disease, gastrointestinal illness, sore throat, or discharging wound.

C. An employee must not use tobacco in any form while on duty.

D. An employee's outer garments must be clean.

E. An employee must wear effective hair restraints such as hairnets, headbands, and caps while engaged in food preparation and service.

F. An adult shall be responsible for the operation of the stand and shall supervise children working in the stand.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862*

**4625.7801 SAFETY.**

Subpart 1. **Electrical.** Electrical service must comply with the Minnesota State Building Code Electrical Code, chapter 1315. Electrical lines should not be located in or near water.

Subp. 2. **Carbon dioxide.** Carbon dioxide and bottled gas cylinders must be secured by chains or other types of restraints.

Subp. 3. **Fire extinguishers.** A fire extinguisher with a minimum 2A 10 B-C rating must be present if required by the fire marshal.

**Statutory Authority:** *MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13*

**History:** *13 SR 2862*