

**4626.0020 1-201.10 STATEMENT OF APPLICATION AND LISTING OF TERMS.**

Subpart 1. **Applicability.** For purposes of parts 4626.0010 to 4626.1870, the following terms have the meanings given them.

Subp. 2. **Additive.**

A. "Food additive" has the meaning given in the Federal Food, Drug, and Cosmetic Act, United States Code, title 21, section 321, subsection (s), and Code of Federal Regulations, title 21, section 170.3.

B. "Color additive" has the meaning given in the Federal Food, Drug, and Cosmetic Act, United States Code, title 21, section 321, subsection (t), and Code of Federal Regulations, title 21, section 70.3.

Subp. 3. **Adulterated.** "Adulterated" has the meaning given in Minnesota Statutes, section 31.121.

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

Subp. 5. **a<sub>w</sub>.** "a<sub>w</sub>" means water activity.

Subp. 6. **Beverage.** "Beverage" means a liquid for drinking, including water.

Subp. 7. **Bottled drinking water.** "Bottled drinking water" means water that is sealed in bottles, packages, or other containers and offered for sale for human consumption, including bottled mineral water.

Subp. 8. **Bulk food.** "Bulk food" has the meaning given in Minnesota Statutes, section 31.80, subdivision 2.

Subp. 9. **C.** "C" means Celsius.

Subp. 10. **Certification number.** "Certification number" means a unique combination of letters and numbers assigned by a shellfish control authority to a molluscan shellfish dealer according to the National Shellfish Sanitation Program.

Subp. 11. **CIP.** "CIP" means cleaned in place by circulating or flowing by mechanical means through a piping system a detergent solution, water rinse, and sanitizing solution onto or over equipment surfaces that require cleaning, including the method used, in part, to clean and sanitize a frozen dessert machine.

CIP does not include cleaning band saws, slicers, mixers, or other equipment that are subjected to in-place manual cleaning without the use of a CIP system.

Subp. 11a. **Clean.** "Clean" means free from insects, vermin, and debris and free from physical, chemical, and microbial substances discernible by ordinary sight or touch, by ultraviolet light, or by artificial light.

Subp. 12. **Commercial game animal.**

A. "Commercial game animal" means an animal, the products of which are food, that is not:

(1) cattle, sheep, swine, goat, or other equine regulated in Code of Federal Regulations, title 9, parts 301 to 335;

(2) poultry regulated in Code of Federal Regulations, title 9, part 381; or

(3) fish as defined in subpart 29.

B. Commercial game animal includes:

(1) farmed cervidae as defined in Minnesota Statutes, section 35.153, subdivision 3;

(2) ratitae as defined in Minnesota Statutes, section 17.453, subdivision 3;

or

(3) llama as defined in Minnesota Statutes, section 17.455, subdivision 2.

Subp. 13. **Comminuted.** "Comminuted" means reduced in size by methods including chopping, flaking, grinding, or mincing.

Comminuted products include:

A. gefilte fish, gyros, ground beef, sausage, and other fish or meat products that are reduced in size and restructured or reformulated; and

B. sausages made from two or more meats and other mixtures of two or more types of meat that have been reduced in size and combined.

Subp. 14. **Common dining area.** "Common dining area" means a central location in a group residence where people gather to eat at mealtime.

Common dining area does not include a kitchenette or dining area located within a resident's private living quarters.

Subp. 15. **Confirmed disease outbreak.** "Confirmed disease outbreak" means a foodborne disease outbreak when laboratory analysis of appropriate specimens identifies a causative organism and epidemiological analysis implicates the food as the source of the illness.

Subp. 16. **Consumer.** "Consumer" means a person who is a member of the public, takes possession of food, is not functioning in the capacity of an operator of a food establishment or food processing plant, and does not offer the food for resale.

Subp. 17. **Cook and chill operation.** "Cook and chill operation" means a process that uses a plastic bag filled with hot cooked food from which air has been expelled and closed with a plastic or metal crimp.

Subp. 18. **Corrosion-resistant material.** "Corrosion-resistant material" means a material that maintains acceptable surface cleanability characteristics under prolonged influence of food contact, the normal use of cleaning compounds and sanitizing solutions, and other conditions of the use environment.

Subp. 19. **Critical control point.** "Critical control point" means a point or procedure in a specific food system where loss of control may result in an unacceptable health risk.

Subp. 20. **Critical item.**

A. "Critical item" means a part of the Code that, if in noncompliance, is more likely than other violations to contribute to food contamination, illness, or environmental degradation.

B. A part that is denoted in the Code with an asterisk (\*) is a critical item.

C. An asterisk (\*) after a headnote indicates that all of the provisions within that part are critical for enforcement purposes unless otherwise indicated by being followed by a superscripted letter <sup>N</sup>. A superscripted <sup>N</sup> indicates that the provision directly preceding the designation is noncritical for enforcement purposes and is excluded from the critical designation of the part as a whole.

Subp. 21. **Drinking water.** "Drinking water" means water from a source that meets chapters 4720 and 4725 and Code of Federal Regulations, title 40, part 141.

Drinking water includes the term water except the terms boiler water, mop water, rainwater, wastewater, nondrinking water, and other terms that connote that the water is not potable.

Subp. 22. **Dry storage area.** "Dry storage area" means a room or area designated for storing packaged or containerized bulk food that is not potentially hazardous and dry goods, including single-service items.

Subp. 23. **Easily cleanable.** "Easily cleanable" means a characteristic of a surface that:

A. allows effective removal of soil by normal cleaning methods; and

B. is dependent on the material, design, construction, and installation of the surface.

Subp. 24. **Easily movable.** "Easily movable" means:

A. weighing 14 kilograms (30 pounds) or less, mounted on casters, gliders, or rollers, or provided with a mechanical means requiring no more than 14 kilograms (30 pounds) of force to safely tilt a unit of equipment for cleaning; and

B. having no utility connection, a utility connection that disconnects quickly, or a flexible utility connection line of sufficient length to allow the equipment to be moved for cleaning of the equipment and adjacent area.

Subp. 25. **Employee.** "Employee" means a licensee, person in charge, person having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement, or other person working in a food establishment.

Subp. 26. **Equipment.** "Equipment" means a freezer, grinder, hood, ice maker, meat block, mixer, oven, reach-in refrigerator, scale, sink, slicer, stove, table, temperature measuring device for ambient air, vending machine, warewashing machine, or other article that is used in the operation of a food establishment.

Equipment does not include hand trucks, forklifts, dollies, pallets, racks, skids, or other items used for handling or storing large quantities of packaged foods that are received from a supplier in a cased or overwrapped lot.

Subp. 27. **Extensive remodeling.** "Extensive remodeling" means an addition or change to the physical facility, a major equipment addition, or an equipment installation that results from changes in the menu.

Extensive remodeling does not include redecorating, cosmetic refurbishing, altering seating design, or reducing seating capacity.

Subp. 28. **F.** "F" means Fahrenheit.

Subp. 29. **Fish.** "Fish" means fresh or saltwater finfish, mollusks, crustaceans, alligators, frogs, aquatic turtles, jellyfish, sea cucumbers, sea urchins, roe, and other forms of aquatic animal life other than birds or mammals, if the animal life is intended for human consumption.

Fish includes an edible human food product derived in whole or in part from fish, including fish that have been processed in any manner.

Subp. 30. **Food.** "Food" means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.

Subp. 31. **Foodborne disease outbreak.**

A. "Foodborne disease outbreak" means an incident, except as specified in item B, when:

(1) two or more persons experience a similar illness after ingestion of a common food; and

(2) epidemiological analysis implicates the food as the source of the illness.

B. Foodborne disease outbreak includes a single case of illness from botulism or chemical poisoning.

Subp. 32. **Food cart.** "Food cart" has the meaning given in Minnesota Statutes, section 157.15, subdivision 6.

Subp. 33. **Food-contact surface.** "Food-contact surface" means:

A. a surface of equipment or a utensil with which food normally comes into contact; or

B. a surface of equipment or a utensil from which food may drain, drip, or splash:

(1) into a food; or

(2) onto a surface normally in contact with food.

Subp. 34. **Food employee.** "Food employee" means an individual working with unpackaged food, food equipment or utensils, or food-contact surfaces.

Subp. 35. **Food establishment.**

A. "Food establishment" means an operation that:

(1) stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, including a restaurant, satellite or catered feeding location, market, grocery store, convenience store, special event food stand, school, boarding establishment, vending machine and vending location, institution, and retail bakery; or

(2) relinquishes possession of food to a consumer directly or indirectly through a delivery service, including the home delivery of grocery orders or restaurant takeout orders, and a delivery service that is provided by common carriers.

B. Food establishment includes:

(1) a transportation vehicle or central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is licensed by the regulatory authority;

(2) an operation that is conducted in a mobile, stationary, temporary, or permanent facility, location, or cart, regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food; and

(3) those food service operations within a hospital, nursing home, or boarding care home licensed under Minnesota Statutes, sections 144.50 to 144.56, that are not limited to patient or resident care.

C. Food establishment does not include:

(1) an establishment excluded from licensure under Minnesota Statutes, section 28A.15 or 31.56, or a wholesale food handler, wholesale food processor or manufacturer, or food broker as defined in Minnesota Statutes, section 28A.05, paragraphs (b) to (d);

(2) an establishment excluded under Minnesota Statutes, section 157.22;

(3) a food processing plant, wholesale food handler, or a custom operator as described in Code of Federal Regulations, title 9, section 303.1, paragraph (a), subparagraph (2), except:

(a) a custom processor as defined in Minnesota Statutes, section 28A.03, subdivision 8;

(b) a person engaged in custom processing as defined in Minnesota Statutes, section 31A.02, subdivision 5; or

(c) an animal food manufacturer as defined in Minnesota Statutes, section 31A.02, subdivision 8;

(4) a private home or other location that receives catered or home-delivered food when only invited guests are present; or

(5) a food service limited to patient or resident care within a hospital, nursing home, boarding care home, or supervised living facility licensed under Minnesota Statutes, sections 144.50 to 144.56, except for those operations subject to the rules and laws administered by the Minnesota Department of Agriculture.

Subp. 36. **Food processing plant.** "Food processing plant" means a commercial operation that manufactures, packages, labels, or stores food for human consumption and does not provide food directly to a consumer.

Food processing plant does not include a food establishment as defined in subpart 35.

Subp. 37. **Game animal.**

A. "Game animal" means an animal, the products of which are food, that is not cattle, sheep, swine, or goat regulated in Code of Federal Regulations, chapter 9, parts 301

to 335, poultry regulated in Code of Federal Regulations, chapter 9, part 381, or fish as defined in subpart 29.

B. Game animal includes:

(1) a reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, bear, and muskrat; an aquatic or nonaquatic bird including a wild duck, goose, quail, and pheasant; a nonaquatic reptile including a rattlesnake; and an aquatic mammal; and

(2) an exotic animal as defined in Code of Federal Regulations, title 9, section 1.1, including a lion, tiger, leopard, elephant, camel, antelope, anteater, kangaroo, water buffalo, and species of foreign domestic cattle, including ankole, gayal, and yak.

Subp. 38. **General use pesticide.** "General use pesticide" means a pesticide that is not classified by the Environmental Protection Agency for restricted use as specified in Code of Federal Regulations, title 40, section 152.175.

Subp. 39. **Group residence.** "Group residence" means a private or public housing corporation or institutional facility that provides living quarters and meals. Group residence includes a retirement home, a long-term health care facility, and other domiciles for unrelated persons.

Subp. 40. **HACCP plan.** "HACCP plan" means a written document that delineates the formal procedures for following the hazard analysis critical control point principles developed by the National Advisory Committee on Microbiological Criteria for Foods.

Subp. 41. **Hazard.** "Hazard" means a biological, chemical, or physical property that may cause an unacceptable consumer health risk.

Subp. 42. **Hermetically sealed container.** "Hermetically sealed container" means a container that is designed and intended to be secure against the entry of microorganisms and, in the case of low acid canned foods, to maintain the commercial sterility of its contents after processing.

Subp. 43. **Imminent health hazard.** "Imminent health hazard" means a significant threat or danger to health that exists when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on:

A. the number of potential injuries; and

B. the nature, severity, and duration of the anticipated injury.

Subp. 44. **Injected.** "Injected" means having manipulated a meat so that infectious or toxigenic microorganisms may be introduced from its surface to its interior through tenderizing with deep penetration or injecting the meat with juices, which may be referred to as "injecting," "pinning," or "stitch pumping."

Subp. 45. **Kitchenware.** "Kitchenware" means food preparation and storage utensils.

Subp. 46. **License.** "License" means the authorization issued by the regulatory authority to a person to operate a food establishment.

Subp. 47. **Licensee.** "Licensee" means the person licensed by the regulatory authority who:

A. is the owner, the owner's agent, or other person legally responsible for the operation of the food establishment; and

B. possesses a valid license to operate a food establishment according to Minnesota Statutes, chapter 28A or 157.

Subp. 48. **Linens.** "Linens" means fabric items including cloth hampers, cloth napkins, tablecloths, wiping cloths, cloth gloves, and other work garments.

Subp. 49. **Mass gathering.** "Mass gathering" means an actual or reasonably anticipated assembly of more than 1,500 persons that will continue, or may reasonably be expected to continue, for more than ten consecutive hours and that is held in an open space or temporary structure especially constructed, erected, or assembled for the gathering.

Subp. 50. **Meat.** "Meat" means the flesh of animals used as food including the dressed flesh of cattle, swine, sheep, or goats and other edible animals, except fish, poultry, and wild game, that is offered for human consumption.

Subp. 51. **mg/L.** "mg/L" means milligrams per liter, which is the metric equivalent of parts per million (ppm).

Subp. 52. **Molluscan shellfish.** "Molluscan shellfish" means an edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions thereof, except when the scallop product consists only of the shucked adductor muscle.

Subp. 52a. **Noncritical item.**

A. "Noncritical item" means a part of the Code that, if in noncompliance, is less likely than other violations to contribute to food contamination, illness, or environmental degradation.

B. A part that is denoted in the Code without an asterisk (\*) after the headnote is a noncritical item.

C. A part designated as a critical item may have a provision within the part designated as a noncritical item. This is indicated by a superscripted letter <sup>N</sup> following the provision.

Subp. 53. **Packaged.** "Packaged" means bottled, canned, cartoned, securely bagged, or securely wrapped, whether packaged in a food establishment or a food processing plant.



Packaged does not include a wrapper, carry-out box, or other nondurable container used to containerize food to protect food during service and receipt of the food by the consumer.

Subp. 54. **Person.** "Person" means an association, corporation, individual, partnership, government, governmental subdivision or agency, or other legal entity.

Subp. 55. **Person in charge.** "Person in charge" means the individual present at a food establishment who is responsible for the operation at the time of inspection.

Subp. 56. **Personal care item.** "Personal care item" means an item or substance that may be poisonous, toxic, or a source of contamination and is used to maintain or enhance a person's health, hygiene, or appearance.

Personal care item includes medicines, first aid supplies, cosmetics, toothpaste, mouthwash, and other toiletries.

Subp. 57. **pH.** "pH" is the symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution. Values between 0 and 7 indicate acidity and values between 7 and 14 indicate alkalinity. The value for pure distilled water is 7, which is neutral.

Subp. 58. **Physical facility.** "Physical facility" means the structure and interior surfaces of a food establishment including soap and towel dispensers and other accessories, light fixtures, heating or air conditioning system vents, and other attachments.

Subp. 59. **Plumbing fixture.** "Plumbing fixture" means a receptacle or device that:

A. is permanently or temporarily connected to the water distribution system of the premises and demands a supply of water from the system; or

B. discharges used water, waste materials, or sewage directly or indirectly to the drainage system of the premises.

Subp. 60. **Plumbing system.** "Plumbing system" means the water supply and distribution pipes; plumbing fixtures and traps; soil, waste, and vent pipes; sanitary and storm sewers and building drains, including their respective connections, devices, and appurtenances within the premises; and water-treating equipment.

Subp. 61. **Poisonous or toxic material.** "Poisonous or toxic material" means a substance that is not intended for ingestion and is included in one of the following four categories:

A. cleaners and sanitizers, including caustics, acids, drying agents, and polishes;

B. pesticides, including insecticides and rodenticides;

C. substances necessary for the operation and maintenance of the establishment, including non-food-grade lubricants and personal care items that may be deleterious to health; or

D. substances that are not necessary for the operation and maintenance of the establishment and are on the premises for retail sale including petroleum products and paints.

**Subp. 62. Potentially hazardous food.**

A. "Potentially hazardous food" means a food that is natural or synthetic and is in a form capable of supporting:

- (1) the rapid and progressive growth of infectious or toxigenic microorganisms;
- (2) the growth and toxic production of *Clostridium botulinum*; or
- (3) in raw shell eggs, the growth of *Salmonella enteritidis*.

B. Potentially hazardous food includes a food of animal origin that is raw or heat-treated, a food of plant origin that is heat-treated or consists of raw seed sprouts, cut melons, and garlic and oil mixtures that are not acidified or otherwise modified at a food processing plant in a way that results in mixtures that do not support growth as specified in item A.

C. Potentially hazardous food does not include:

- (1) an air-cooled hard-boiled egg with shell intact;
- (2) a food with an  $a_w$  value of 0.85 or less;
- (3) a food with a pH level of 4.6 or below when measured at 24 degrees C (75 degrees F);
- (4) a food, in an unopened hermetically sealed container, that is commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution;
- (5) a food for which laboratory evidence demonstrates that the rapid and progressive growth of infectious and toxigenic microorganisms or the growth of *Salmonella enteritidis* in eggs or *Clostridium botulinum* cannot occur, including a food that has an  $a_w$  and a pH that are above the levels specified in subitem (2) or (3) and that may contain a preservative, other barrier to the growth of microorganisms, or a combination of barriers that inhibit the growth of microorganisms; or
- (6) a food that may contain an infectious or toxigenic microorganism or chemical or physical contaminant at a level sufficient to cause illness, but that does not support the growth of microorganisms as specified in item A.

**Subp. 63. Poultry.** "Poultry" means any domesticated bird, including chickens, turkeys, ducks, geese, or guineas, whether live or dead.

Subp. 64. **Premises.** "Premises" means:

A. the physical facility, its contents, and the contiguous land or property under the control of the licensee; or

B. the physical facility, its contents, and the contiguous land or property and its facilities and contents that are under the control of the licensee that may impact food establishment personnel, facilities, or operations, if a food establishment is only one component of a health care facility, hotel, motel, school, recreational camp, prison, or other large operation.

Subp. 65. **Primal cut.** "Primal cut" means a basic major cut into which carcasses and sides of meat are separated.

Subp. 66. **Public water system.** "Public water system" means a system as defined in chapter 4720 and Code of Federal Regulations, title 40, section 141.2.

Subp. 67. **Ready-to-eat food.**

A. "Ready-to-eat food" means food that is in a form that is edible without washing, cooking, or additional preparation by the food establishment or the consumer and that is reasonably expected to be consumed in that form.

B. Ready-to-eat food includes:

(1) unpackaged potentially hazardous food that is cooked to the temperature and time required for the specific food under parts 4626.0340 and 4626.0345;

(2) raw, washed, cut fruits and vegetables;

(3) whole, raw fruits and vegetables that are presented for consumption without the need for further washing; and

(4) other food presented for consumption for which further washing or cooking is not required and from which rinds, peels, husks, or shells are removed.

Subp. 68. **Reduced oxygen packaging.**

A. "Reduced oxygen packaging" means the reduction of the amount of oxygen in a package by mechanically evacuating the oxygen, displacing the oxygen with another gas or combination of gases, or otherwise controlling the oxygen content in a package to a level below that normally found in the surrounding atmosphere, which is 21 percent oxygen.

B. Reduced oxygen packaging includes methods that may be referred to as altered atmosphere, modified atmosphere, controlled atmosphere, low oxygen, and vacuum packaging including sous vide.

C. Reduced oxygen packaging does not include packaging that allows oxygen transmission of at least 7,200 cubic centimeters per square meter over a 24-hour period.

Subp. 69. **Refuse.** "Refuse" means solid waste not carried by water through the sewage system.

Subp. 70. **Regulatory authority.** "Regulatory authority" means the local, state, or federal enforcement body or authorized representative having jurisdiction over the food establishment.

Subp. 71. **Restricted use pesticide.** "Restricted use pesticide" means a pesticide product that contains the active ingredients specified in the Federal Insecticide, Fungicide, and Rodenticide Act, United States Code, title 7, sections 136 to 136y, and Code of Federal Regulations, title 40, section 152.175, and that is limited to use by a commercial applicator.

Subp. 72. **Retail bakery.** "Retail bakery" means a building or part of a building used to process, store, or sell bakery products directly to the consumer.

Subp. 73. **Retail food vehicle, portable structure, or cart.** "Retail food vehicle, portable structure, or cart" means a food establishment licensed under Minnesota Statutes, sections 28A.06 and 28A.07, that is a motor vehicle, portable structure, or nonmotorized cart where food and food products are:

- A. offered to the consumer;
- B. intended for off-premises consumption; and
- C. not subject to on-site preparation.

Subp. 74. **Safe material.** "Safe material" means:

- A. an article manufactured from or composed of materials that may not reasonably be expected to directly or indirectly become a component or otherwise affect the characteristics of a food;
- B. an additive that is used as specified in the Federal Food, Drug, and Cosmetic Act, United States Code, title 21, section 348 or 379e; or
- C. any other material that is not an additive and that is used in conformity with applicable regulations of the Food and Drug Administration.

Subp. 75. **Sanitization.** "Sanitization" means the application of cumulative heat or chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, yields a reduction of five logs, which is equal to a 99.999 percent reduction, of representative disease microorganisms of public health importance.

Subp. 76. **Sealed.** "Sealed" means free of cracks or other openings that allow the entry or passage of moisture.

Subp. 77. **Servicing area.** "Servicing area" means an operating base location to which a mobile food establishment or transportation vehicle returns regularly for

discharging liquid or solid wastes or refilling water tanks and ice bins, and where food, food equipment, and supplies for the business are stored.

Subp. 78. **Sewage.** "Sewage" means liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.

Subp. 78a. **Shellfish.** "Shellfish" means all edible species of oysters, clams, and mussels either shucked, in the shell, fresh or fresh frozen, whole or in part.

Subp. 79. **Shellstock.** "Shellstock" means raw, in-shell molluscan shellfish.

Subp. 80. **Shucked shellfish.** "Shucked shellfish" means molluscan shellfish that have one or both shells removed.

Subp. 81. **Single-service article.** "Single-service article" means a tableware, carry-out utensil, bag, container, placemat, stirrer, straw, toothpick, wrapper, or other item that is designed and constructed for one-time, one-person use.

Subp. 82. **Single-use article.**

A. "Single-use article" means a utensil or bulk food container designed and constructed to be used once and discarded.

B. Single-use article includes wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles, number 10 cans, and other items that do not meet the materials, durability, strength, and cleanability specifications contained in parts 4626.0450, 4626.0505, and 4626.0515 for multiuse utensils.

Subp. 83. **Slacking.** "Slacking" means the process of moderating the temperature of a food, including allowing a food to gradually increase from a temperature of -23 degrees C (-10 degrees F) to -4 degrees C (25 degrees F) in preparation for deep-fat frying or for even heat penetration during the cooking of previously block-frozen food.

Subp. 84. **Smooth.** "Smooth" means:

A. for a food-contact surface, free of pits and inclusions with a cleanability equal to or exceeding that of number 3 (100 grit) stainless steel;

B. for a non-food-contact surface of equipment, equal to the surface of commercial grade hot-rolled steel free of visible scale; or

C. for a floor, wall, or ceiling, even or level with no roughness or projections that render the surface difficult to clean.

Subp. 85. **Special event food stand.** "Special event food stand" has the meaning given in Minnesota Statutes, section 157.15, subdivision 14.

Subp. 86. **Support animal.** "Support animal" means a seeing eye dog or other trained animal that accompanies a person with a disability to assist in managing the disability and enables the person to perform functions that the person would otherwise be unable to perform.

Subp. 87. **Table-mounted equipment.** "Table-mounted equipment" means equipment that is not portable and is designed to be mounted off the floor on a table, counter, or shelf.

Subp. 88. **Tableware.** "Tableware" means eating, drinking, or serving utensils for table use including forks, knives, spoons, and other flatware; bowls, cups, serving dishes, tumblers, and other hollowware; and plates.

Subp. 89. **Temperature measuring device.** "Temperature measuring device" means a thermometer, thermocouple, thermistor, or other device that indicates the temperature of food, air, or water.

Subp. 90. **Temporary food establishment.** "Temporary food establishment" means a food establishment that is a mobile food unit, seasonal permanent food stand, or seasonal temporary food stand, as those terms are defined in Minnesota Statutes, section 157.15, subdivisions 9, 12a, and 13.

Subp. 91. **Utensil.** "Utensil" means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of food, including kitchenware or tableware that is multiuse, single-service, or single-use; gloves used in contact with food; and food temperature measuring devices.

Subp. 92. **Vending machine.** "Vending machine" means a self-service device that, upon insertion of a coin, paper currency, token, card, or key, dispenses unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation.

Subp. 93. **Vending machine location.** "Vending machine location" means a room, enclosure, space, or area where one or more vending machines are installed and operated and includes the storage and servicing areas on the premises that are used in conjunction with the vending machines.

Subp. 94. **Warewashing.** "Warewashing" means the cleaning and sanitizing of food-contact surfaces of equipment and utensils.

Subp. 95. **Water activity.** "Water activity" means a measure of the free moisture in a food, and is the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature.

Subp. 96. **Wild game animal.**

A. "Wild game animal" means:

(1) an animal defined as a protected wild animal in Minnesota Statutes, section 97A.015, subdivision 39; and

(2) an exotic animal as defined in Code of Federal Regulations, title 9, section 1.1, including a lion, tiger, leopard, elephant, camel, antelope, anteater, kangaroo, water buffalo, and species of foreign domestic cattle, including an ankole, gayal, and yak.

B. Wild game animal does not include:

(1) farmed cervidae as defined in Minnesota Statutes, section 35.153, subdivision 3;

(2) ratitae as defined in Minnesota Statutes, section 17.453, subdivision 3;  
or

(3) llama as defined in Minnesota Statutes, section 17.455, subdivision 2.

Subp. 97. \*. "\*" designates a critical item.

Subp. 98. <sup>N.</sup> "N" designates a noncritical item within a part that is designated as a critical item.

**Statutory Authority:** *MS s 31.101; 31.11; 144.05; 144.08; 144.12; 157.011*

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