

**4626.0040 RESPONSIBILITY OF LICENSEE; PERSON IN CHARGE; FOOD EMPLOYEES; AND CONDITIONAL EMPLOYEES. 2-201.11**

A. The licensee shall require food employees and conditional employees to report to the person in charge information about their health and activities as they relate to diseases transmissible through food. A food employee or conditional employee shall report the information in a manner that allows the person in charge to reduce the risk of foodborne disease transmission, including providing necessary additional information, such as the date of onset of symptoms and an illness, or of a diagnosis without symptoms, if the food employee or conditional employee:

(1) has any of the following symptoms:

(a) vomiting;<sub>p1</sub>

(b) diarrhea;<sub>p1</sub>

(c) jaundice;<sub>p1</sub>

(d) sore throat with fever;<sub>p1</sub> or

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

i. on the hands or wrists, unless an impermeable cover such as a finger cot or bandage protects the lesion and a single-use glove is worn over the impermeable cover;<sub>p1</sub>

ii. on exposed portions of the arms, unless the lesion is protected by an impermeable cover;<sub>p1</sub> or

iii. on other parts of the body, unless the lesion is covered by a dry, durable, tight-fitting bandage;<sub>p1</sub>

(2) has an illness diagnosed by a health practitioner due to, or is known to be infected with:

(a) norovirus;<sub>p1</sub>

(b) hepatitis A virus;<sub>p1</sub>

(c) *Salmonella* spp.;<sub>p1</sub>

(d) *Shigella* spp.;<sub>p1</sub>

(e) Shiga toxin-producing *Escherichia coli*;<sub>p1</sub> or

(f) other enteric bacterial, viral, or parasitic pathogens;<sub>p1</sub> or

(3) has been exposed to, or is the suspected source of, a probable or confirmed disease outbreak within the last 30 days.<sub>p1</sub>

B. The person in charge shall notify the regulatory authority of a food employee known to be infected with:

- (1) norovirus;<sub>p1</sub>
- (2) hepatitis A virus;<sub>p1</sub>
- (3) *Salmonella* spp.;<sub>p1</sub>
- (4) *Shigella* spp.;<sub>p1</sub>
- (5) Shiga toxin-producing *Escherichia coli*;<sub>p1</sub> or
- (6) other enteric bacterial, viral, or parasitic pathogens.<sub>p1</sub>

C. The person in charge shall record all reports of diarrhea or vomiting made by food employees and report those illnesses to the regulatory authority at the specific request of the regulatory authority.<sub>p1</sub>

D. The person in charge shall notify the regulatory authority of any complaint from a consumer having or suspected of having:

- (1) diarrhea or vomiting;<sub>p1</sub>
- (2) norovirus;<sub>p1</sub>
- (3) hepatitis A virus;<sub>p1</sub>
- (4) *Salmonella* spp.;<sub>p1</sub>
- (5) *Shigella* spp.;<sub>p1</sub>
- (6) Shiga toxin-producing *Escherichia coli*;<sub>p1</sub> or
- (7) other enteric bacterial, viral, or parasitic pathogens.<sub>p1</sub>

E. A food employee or conditional food employee shall:

- (1) report to the person in charge the information specified in item A;<sub>p1</sub> and
- (2) comply with exclusions and restrictions specified in part 4626.0045.<sub>p1</sub>

**Statutory Authority:** *MS s 31.101; 31.11; 144.05; 144.07; 144.08; 144.12; 157.011*

**History:** *23 SR 519; 43 SR 295*

**Published Electronically:** *January 2, 2019*