

**4626.0295 REFILLING RETURNABLES. 3-304.17**

A. Except as specified in this part, empty containers returned to a food establishment for cleaning and refilling with food must be cleaned and refilled in a regulated food processing plant.<sup>p1</sup>

B. A take-home food container returned to a food establishment may be refilled at a food establishment with food if the food container is:

(1) designed and constructed for reuse and in accordance with the requirements specified under parts 4626.0450, 4626.0505, and 4626.0515;<sup>p1</sup>

(2) one that was initially provided by the food establishment to the consumer, either empty or filled with food by the food establishment, for the purpose of being returned for reuse; and

(3) subject to the following steps before being refilled with food:

(a) cleaned as specified under parts 4626.0840 to 4626.0885;

(b) sanitized as specified under parts 4626.0900 to 4626.0905;<sup>p1</sup> and

(c) visually inspected by a food employee to verify that the container, as returned, meets the requirements under parts 4626.0450 to 4626.0470, 4626.0490, and 4626.0515.<sup>p1</sup>

C. A take-home food container returned to a food establishment may be refilled at a food establishment with a beverage if:

(1) the beverage is not TCS food;

(2) the design of the container and of the rinsing equipment and the nature of the beverage, when considered together, allow effective cleaning at home or in the food establishment;

(3) facilities for rinsing before refilling returned containers with fresh, hot water that is under pressure and not recirculated are provided as part of the dispensing system;

(4) the consumer-owned container returned to the food establishment for refilling is refilled for sale or service only to the same consumer; and

(5) the container is refilled by:

(a) an employee of the food establishment; or

(b) the owner of the container if the beverage system includes a contamination-free transfer process as specified under part 4626.0575, items A, B, and D, that cannot be bypassed by the container owner.

D. Consumer-owned, personal take-out beverage containers, such as thermally insulated bottles, nonspill coffee cups, promotional beverage glasses, and vinegar and oil containers, may be refilled by employees or the consumer if refilling is a contamination-free process as specified under part 4626.0575, items A, B, and D.

E. Consumer-owned containers that are not food-specific may be filled at a water vending machine or system.

**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*

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