

**4626.0447 FOOD SERVED TO A HIGHLY SUSCEPTIBLE POPULATION. 3-801.11**

In a food establishment that serves a highly susceptible population, the criteria in this part must be followed.

A. The following criteria apply to juice:

(1) for the purposes of this item only, children who are age 9 or less and receive food in a school, day care setting, or similar facility that provides custodial care are included as highly susceptible populations;

(2) prepackaged juice or a prepackaged beverage containing juice that bears a warning label as specified in Code of Federal Regulations, title 21, part 101, subpart A, section 101.17 (g), or a packaged juice or beverage containing juice that bears a warning label as specified in part 4626.0367, item B, must not be served or offered for sale;<sup>p1</sup> and

(3) unpackaged juice that is prepared on the premises for service or sale in a ready-to-eat form must be processed under a HACCP plan that contains the information in part 4626.1735, items C to E, and Code of Federal Regulations, title 21, part 120, subpart B, section 120.24.<sup>p1</sup>

B. Pasteurized eggs or egg products must be substituted for raw eggs in the preparation of:

(1) foods such as Caesar salad, hollandaise or Bearnaise sauce, mayonnaise, meringue, eggnog, ice cream, and egg-fortified beverages;<sup>p1</sup> and

(2) except as specified in item F, recipes in which more than 1 egg is broken and the eggs are combined.<sup>p1</sup>

C. The following foods may not be served or offered for sale in a ready-to-eat form:

(1) raw animal foods such as raw fish, raw marinated fish, raw molluscan shellfish, and steak tartare;<sup>p1</sup>

(2) a partially cooked animal food such as lightly cooked fish, rare meat, soft-cooked eggs that are made from raw eggs, and meringue;<sup>p1</sup> and

(3) raw seed sprouts.<sup>p1</sup>

D. Food employees may not contact ready-to-eat food as specified in part 4626.0225, item A.<sup>p1</sup>

E. Time only, as the public health control as specified in part 4626.0408, item D, may not be used for raw eggs.<sup>p1</sup>

F. Item B, subitem (2), does not apply if:

(1) the raw eggs are combined immediately before cooking for one consumer's serving at a single meal, cooked as specified in part 4626.0340, item A, subitem (1), and served immediately, such as an omelet, souffle, or scrambled eggs;

- (2) the raw eggs are combined as an ingredient immediately before baking and the eggs are thoroughly cooked to a ready-to-eat form, such as a cake, muffin, or bread; or
- (3) the preparation of the food is conducted under a HACCP plan that:
  - (a) identifies the food to be prepared;
  - (b) prohibits contacting ready-to-eat food with bare hands;
  - (c) includes specifications and practices that ensure:
    - i. *Salmonella* Enteritidis growth is controlled before and after cooking; and
    - ii. *Salmonella* Enteritidis is destroyed by cooking the eggs according to the temperature and time specified in part 4626.0340, item A, subitem (2);
  - (d) contains the information in part 4626.1735, item D, including procedures that:
    - i. control cross-contamination of ready-to-eat food with raw eggs; and
    - ii. delineate cleaning and sanitization procedures for food-contact surfaces; and
  - (e) describes the training program that ensures that the food employee responsible for the preparation of the food understands the procedures to be used.

G. Except as specified in item H, food may be re-served as specified in part 4626.0335, item B, subitems (1) and (2).

H. Food may not be re-served under the following conditions:

- (1) any food served to patients or clients who are under contact precautions in medical isolation, quarantine, or protective environment isolation may not be re-served to others outside; or
- (2) packages of food from any patients, clients, or other consumers must not be re-served to persons in protective environment isolation.

**Statutory Authority:** *MS s 31.101; 31.11; 144.07; 157.011*

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