INDIANA DEPARTMENT OF HEALTH

Retail Food Establishment Sanitation Requirements

Title 410 IAC 7-26

Effective April 16, 2025

PREFACE

The Indiana Department of Health is authorized by law to ensure that foods are safe, wholesome and sanitary; regulated products are honestly and accurately represented; and these products are in compliance with the state laws and regulations. The following rule 410 IAC 7-26, Retail Food Establishment Sanitation Requirements, is designed to provide a more comprehensive approach to protecting the consumer from contaminated food and foodborne illness.

Foodborne illness in the United States is a major cause of personal distress, preventable death and avoidable economic burden.

For many victims, foodborne illness results in discomfort or lost time from the job. For some, especially children under the age of 5, adults older than 65, and those with impaired immune systems, foodborne illness is more serious and may be life threatening.

It is a shared responsibility of the food industry and the government to ensure that food provided to the consumer is safe and does not become a vehicle in a disease outbreak or in the transmission of communicable disease. This shares responsibility extends to ensuring that consumer expectations are met and that food is unadulterated, prepared in a clean environment, and honestly presented.

Accordingly, the provisions of the rule provide a system of prevention and overlapping safeguards designed to minimize foodborne illness, such as ensuring employee health, active managerial controls, safe food, and acceptable levels of sanitation for retail food establishment premises.

This rule addresses risk factor controls identified by the Centers for Disease Control (CDC) and Prevention as contributors to foodborne illness and injury. The factors include unsafe sources, inadequate cooking, improper holding, contaminated equipment, and poor personal hygiene.

Outside of risk factors, the CDC has further established public health interventions to continue their efforts to prevent with foodborne illness or injury. Public health interventions include Person-In-Charge demonstration of knowledge, employee health controls, controlling hands as a vehicle of contamination, time/temperature parameters for pathogen control, and the use of consumer advisories.

The rule is designed to emphasize the areas of food safety that are considered Priority and if not properly followed, will be more likely than others to result in food contamination, illness or other environmental hazard. Each section in this rule describes which subsections are Priority, Priority foundation, and CORE.

In the future, the rule is anticipated to undergo revision more frequently with the objective of staying abreast of current science and industry trends. It is recommended to refer to the Indiana Administrative Code should you have any questions or would like to verify this source.

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Chapter 1 Purpose and Definitions

410 IAC 7-26-1 "Applicability"
Sec. 1. The definitions in this rule apply throughout this rule.

410 IAC 7-26-2 "Accredited program" defined
Sec. 2. (a) "Accredited program" means a food protection manager certification program that has been evaluated and listed by an accrediting agency as conforming to national standards for organizations that certify individuals.
(b) The term refers to the certification process and is a designation based on an independent evaluation of factors, such as:
(1) the sponsor's mission;
(2) organizational structure;
(3) staff resources;
(4) revenue sources;
(5) policies;
(6) public information regarding program scope, eligibility requirements, recertification, discipline, and grievance procedures; and
(7) test development and administration.
(c) The term does not refer to training functions or educational programs.

410 IAC 7-26-3 "Acid foods" defined
Sec. 3. "Acid foods" means foods that have a natural pH of 4.6 or below.

410 IAC 7-26-4 "Acidified foods" defined
Sec. 4. (a) "Acidified foods" means foods, other than alcoholic beverages, with a finished equilibrium pH of 4.6 or above and an a_w greater than eighty-five hundredths (0.85), intentionally altered by adding an acid or acids, or acid foods, to reach a finished equilibrium pH of 4.6 or below and an a_w greater than eighty-five hundredths (0.85).
(b) This term does not include:
(1) acid foods that contain small amounts of other foods having a pH over 4.6, but will result in a product with finished equilibrium pH that does not significantly differ from that of the predominant acid or acid food; and
(2) foods that are stored, distributed, and retailed under refrigeration.

410 IAC 7-26-5 "Additive" defined
Sec. 5. "Additive" means a food or color additive**.**

410 IAC 7-26-6 "Adulterated" defined
Sec. 6. "Adulterated" has the meaning set forth in IC 16-42-1 and IC 16-42-2.

410 IAC 7-26-7 "Approved" defined
Sec. 7. "Approved" means acceptable to the regulatory authority based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.

410 IAC 7-26-8 "Asymptomatic" defined
Sec. 8. (a) "Asymptomatic" means without obvious symptoms and includes not showing or producing indications of a disease or other medical condition, such as an individual infected with a pathogen but not exhibiting or producing any signs or symptoms of vomiting, diarrhea, or jaundice.
(b) The term includes not showing symptoms because symptoms have resolved or subsided, or because symptoms never manifested.

410 IAC 7-26-9 "A_w" defined
Sec. 9. "a_w" means water activity as follows:
(1) A measure of the free moisture in a food.
(2) The quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature.

410 IAC 7-26-10 "Balut" defined
Sec. 10. "Balut" means an embryo inside a fertile egg that has been incubated for a period sufficient for the embryo to reach a specific stage of development after which it is removed from incubation before hatching.

410 IAC 7-26-11 "Beverage" defined
Sec. 11. "Beverage" means a liquid for drinking, including water.

410 IAC 7-26-12 "Bottled drinking water" defined
Sec. 12. "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.

410 IAC 7-26-13 "Catering" defined
Sec. 13. "Catering" means preparing food in an approved retail food establishment and may include transporting the food for service and consumption at some other site.

410 IAC 7-26-14 "Certified food protection manager" defined
Sec. 14. "Certified food protection manager" has the meaning set forth in IC 16-42-5.2-4.

410 IAC 7-26-15 "Certification number" defined
Sec. 15. "Certification number" means the unique identification number issued by the shellfish control authority to each dealer for each location.

410 IAC 7-26-16 "CFR" defined
Sec. 16. "CFR" means the Code of Federal Regulations.

410 IAC 7-26-17 "Cleaned in place" or "CIP" defined
Sec. 17. (a) "Cleaned in place" or "CIP" means cleaned in place by the circulation or flowing by mechanical means through a piping system of a detergent solution, water rinse, and sanitizing solution onto or over equipment surfaces that require cleaning, such as the method used, in part, to clean and sanitize a frozen dessert machine.
(b) The term does not include the cleaning of equipment, such as band saws, slicers, or mixers subjected to in-place manual cleaning without the use of a CIP system.

410 IAC 7-26-18 "Color additive" defined
Sec. 18. "Color additive" has the meaning set forth in 21 U.S.C. 321(t) and 21 CFR 70.3(f).

410 IAC 7-26-19 "Commingle" defined
Sec. 19. "Commingle" means the act of combining different lots of shellfish.

410 IAC 7-26-20 "Comminuted" defined
Sec. 20. "Comminuted" means reduced in size by methods, including chopping, flaking, grinding, or mincing. The term includes the following:
(1) Fish or meat products that are reduced in size and restructured or reformulated, such as the following:
(A) Ground beef.
(B) Sausage.
(C) Gefilte fish.
(D) Gyros.
(2) A mixture of at least two (2) types of meat that have been reduced in size and combined, such as sausages made from at least two (2) meats.

410 IAC 7-26-21 "Commissary" defined
Sec. 21. "Commissary" means a registered catering establishment, restaurant, or any retail food establishment in which food, food containers, or food supplies are:
(1) kept;
(2) handled;
(3) prepared;
(4) packaged; or
(5) stored;
from which meals are catered and mobile retail food establishments or pushcarts are serviced.

410 IAC 7-26-22 "Conditional employee" defined
Sec. 22. "Conditional employee" means a potential food employee to whom a job offer is made, conditional on responses to subsequent medical questions or examinations designed to identify potential food employees who may be suffering from a disease that can be transmitted through food, and done in compliance with Title 1 of the Americans with Disabilities Act of 1990.

410 IAC 7-26-23 "Confirmed disease outbreak" defined
Section 23. "Confirmed disease outbreak" means a foodborne disease outbreak in which laboratory analysis of appropriate specimens identifies a causative agent and epidemiological analysis implicates the food as the source of the illness.

410 IAC 7-26-24 "Consumer" defined
Sec. 24. "Consumer" means a person who is a member of the public who:
(1) takes possession of food;
(2) is not functioning in the capacity of an operator of a retail food establishment or food processing plant; and
(3) does not offer the food for resale.

410 IAC 7-26-25 "Core item" or "CORE" defined
Sec. 25. (a) "Core item" means a provision in this rule whose application of which usually relates to:
(1) general sanitation;

(2) operational control
(3) sanitation standard operating procedures;
(4) facilities or structures
(5) equipment design; or
(6) general maintenance.

(b) The term is an item that is denoted in this rule with the notation of “CORE”.

410 IAC 7-26-26 "Corrosion-resistant material" defined

Sec. 26. "Corrosion resistant material" means a material that maintains acceptable surface cleanability characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and sanitizing solutions, and other conditions of the use environment.

410 IAC 7-26-27 "Counter-mounted equipment" defined

Sec. 27. "Counter mounted equipment" means equipment that is not portable and is designed to be mounted off the floor on a table, counter, or shelf.

410 IAC 7-26-28 "Critical control point" defined

Sec. 28. "Critical control point" means a point or procedure in a specific food system where loss of control may result in an unacceptable health risk.

410 IAC 7-26-29 "Critical limit" defined

Sec. 29. "Critical limit" means the highest or lowest value to which a physical, biological, or chemical parameter must be controlled at a critical control point to lower the risk that the identified food safety hazard may occur.

410 IAC 7-26-30 "Cut leafy greens" defined

Sec. 30. "Cut leafy greens" means fresh leafy greens whose leaves have been cut, shredded, sliced, chopped, or torn.

410 IAC 7-26-31 "Dealer" defined

Sec. 31. "Dealer" means a person authorized by a shellfish control authority for the activities of:
(1) shellstock shipper;
(2) shucker-packer;
(3) repacker;
(4) reshipper; or
(5) depuration processor;
of molluscan shellfish, according to the provisions of the National Shellfish Sanitation Program.

410 IAC 7-26-32 "Department" defined

Sec. 32. "Department" means the Indiana department of health or its authorized representative.

410 IAC 7-26-33 "Disclosure" defined

Sec. 33. "Disclosure" means a written statement that clearly identifies the animal derived foods that are, or can be ordered, raw, undercooked, or without otherwise being processed to eliminate pathogens, or items that contain an ingredient that is raw, undercooked, or without otherwise being processed to eliminate pathogens.

410 IAC 7-26-34 "Drinking water" defined

Sec. 34. (a) "Drinking water" means water that meets the requirements of 327 IAC 8.

(b) The term is traditionally known as potable water.

(c) The term includes water, except where the term used means the water is not potable, such as the following:
(1) Boiler water.
(2) Mop water.
(3) Rainwater.
(4) Wastewater.
(5) Nondrinking water.

410 IAC 7-26-35 "Dry storage" defined

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 35. "Dry storage" means a room or an area designated for storing packaged or containerized bulk food that is not a TCS food and dry goods, such as single-service items.

410 IAC 7-26-36 "Easily cleanable" defined

Sec. 36. (a) "Easily cleanable" means a characteristic of a surface that:
(1) allows effective removal of soil by normal cleaning methods;
(2) is dependent on the material, design, construction, and installation of the surface; and
(3) varies with the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants

into food based on the surface's approved placement, purpose, and use.

(b) The term includes a tiered application of the criteria that qualify the surface as easily cleanable as specified under subsection (a) to different situations in which varying degrees of cleanability are required, such as the:

(1) appropriateness of stainless steel for a food preparation surface as opposed to the lack of need for stainless steel to be used for floors or for tables used for consumer dining; or

(2) need for a different degree of cleanability for a utilitarian attachment or accessory in the kitchen as opposed to a decorative attachment or accessory in the consumer dining area.

410 IAC 7-26-37 "Easily movable" defined

Sec. 37. "Easily movable" means:

(1) portable, mounted on casters, gliders, or rollers, or provided with a mechanical means to safely tilt a unit of equipment for cleaning; and

(2) having:

(A) no utility connection;

(B) a utility connection that disconnects quickly; or

(C) a flexible utility connection line of sufficient length to allow the equipment to be moved for cleaning the equipment and adjacent area.

410 IAC 7-26-38 "Egg" defined

Sec. 38. (a) "Egg" means the shell egg of an avian species, such as:

(1) chickens;
(2) ducks;
(3) geese;
(4) turkeys;
(5) quail;
(6) guinea; or
(7) ratites.

(b) The term does not include:

(1) a balut;
(2) the egg of a reptile species, such as alligators; or
(3) an egg product.

410 IAC 7-26-39 "Egg product" defined

Sec. 39. (a) "Egg product" means all, or a portion of, the contents found inside an egg, separated from the shell and pasteurized in a food processing plant, with or without added ingredients and intended for human consumption, such as dried, frozen, or liquid eggs.

(b) The term does not include food that contains eggs only in a relatively small proportion, such as cake mixes.

410 IAC 7-26-40 "Employee" defined

Sec. 40. "Employee" means any of the following:

(1) A person in charge.
(2) A food employee.
(3) A person having supervisory or management duties.
(4) A person on the payroll.
(5) A family member.
(6) A volunteer.
(7) A person performing work under a contractual agreement.
(8) Any other person working in a retail food establishment.

410 IAC 7-26-41 "EPA" defined

Sec. 41. "EPA" means the United States Environmental Protection Agency.

410 IAC 7-26-42 "Equipment" defined

Sec. 42. (a) "Equipment" means an article that is used in the operation of a retail food establishment, such as the following:

(1) A freezer.
(2) A grinder.
(3) A hood.
(4) An ice maker.
(5) A meat block.
(6) A mixer.
(7) An oven.
(8) A reach-in refrigerator.
(9) A scale.
(10) A sink.
(11) A slicer.
(12) A stove.

(13) A table.
(14) A temperature measuring device for food or ambient air.
(15) A vending machine.
(16) A warewashing machine.

(b) The term does not include items used for handling or storing large quantities of packaged foods received from a supplier in a cased or overwrapped lot, such as the following:

(1) Hand trucks.
(2) Forklifts.
(3) Dollies.
(4) Pallets.
(5) Racks.
(6) Skids.

410 IAC 7-26-43 "Exclude" defined

Sec. 43. "Exclude" means to prevent a person from working as a food employee or entering a retail food establishment as an employee.

410 IAC 7-26-44 "FDA" defined

Sec. 44. "FDA" means the U.S. Food and Drug Administration.

410 IAC 7-26-45 "Fish" defined

Sec. 45. (a) "Fish" means fresh or saltwater finfish, crustaceans, and other aquatic life, including:

(1) alligators;
(2) frogs;
(3) aquatic turtles;
(4) jellyfish;
(5) sea cucumbers;
(6) sea urchins; and
(7) mollusks;

other than birds, insects, or mammals, if that animal life is intended for human consumption.

(b) The term includes the following:

(1) The roe of any fish.
(2) An edible human food product derived, in whole or in part, from fish, including fish that have been processed in any manner.

410 IAC 7-26-46 "Food" defined

Sec. 46. (a) "Food" has the meaning set forth in IC 16-18-2-135.

(b) The term includes raw, cooked, or processed edible substances, ice, beverages, an ingredient used or intended for use or for sale, in whole or in part, for human consumption, or chewing gum.

410 IAC 7-26-47 "Food additive" defined

Sec. 47 "Food additive" has the meaning set forth in 21 U.S.C. 321(s) and 21 CFR 170.3(e)(1).

410 IAC 7-26-48 "Foodborne disease outbreak" defined

Sec. 48. "Foodborne disease outbreak" means the occurrence of:

(1) at least two (2) cases of a similar illness resulting from ingesting a common food; or
(2) a single case of an illness from botulism or chemical poisoning.

410 IAC 7-26-49 "Food-contact surface" defined

Sec. 49. "Food contact surface" means the surface of equipment or a utensil:

(1) with which food normally comes into contact; or
(2) from which food may drain, drip, or splash:
    (A) into a food; or
    (B) onto a surface normally in contact with food.

410 IAC 7-26-50 "Food employee" defined

Sec. 50. "Food employee" means an individual working with unpackaged food, food equipment or utensils, or food contact surfaces.

410 IAC 7-26-51 "Food processing plant" defined

Sec. 51. (a) "Food processing plant" means a commercial operation, such as:

(1) a wholesale food establishment regulated under IC 16-42-5 and 410 IAC 7-21;
(2) a dairy operation regulated under IC 15-18-1; and
(3) a livestock or poultry operation regulated under IC 15-17-5;

that manufactures, packages, labels, or stores food for human consumption and does not provide food directly to a consumer.

(b) The term does not include a home based vendor under IC 16-42-5.3, or a retail food establishment as defined under section

105 of this rule, unless the retail food establishment is conducting wholesale activities as specified in 410 IAC 7-21 or under a variance.

410 IAC 7-26-52 "Game animal" defined

Sec. 52. (a) "Game animal" means an animal, the product of which is food for human consumption that is not:

(1) regulated as a livestock or poultry product under IC 15-17-5;

(2) fish as defined in section 45 of this rule; and

(3) possessed or raised in violation of state or federal law.

(b) The term includes non-farm raised animals, including deer, bison, quail, rabbit, or elk.

410 IAC 7-26-53 "Grade A Standards" defined

Sec. 53. "Grade A standards" means the requirements of the United States Public Health Service, FDA Grade A Pasteurized Milk Ordinance, and FDA Grade A Condensed and Dry Milk Ordinance with which certain fluid and dry milk, and milk products, comply.

410 IAC 7-26-54 "HACCP plan" defined

Sec. 54. "HACCP plan" means a written document that delineates the formal procedures for following the Hazard Analysis and Critical Control Point principles developed by the National Advisory Committee on Microbiological Criteria for Foods.

410 IAC 7-26-55 "Handwashing sink" defined

Sec. 55. "Handwashing sink" means:

(1) a lavatory;

(2) a basin or vessel for washing;

(3) an automatic handwashing facility;

(4) a wash basin; or

(5) a plumbing fixture;

especially placed for use in personal hygiene and designed for washing the hands.

410 IAC 7-26-56 "Hazard" defined

Sec. 56. "Hazard" means a biological, chemical, or physical property that may cause an unacceptable consumer health risk.

410 IAC 7-26-57 "Health practitioner" defined

Sec. 57. "Health practitioner" means a physician licensed to practice medicine, or if allowed by law, a nurse practitioner, physician assistant, or similar medical professional.

410 IAC 7-26-58 "Hermetically sealed container" defined

Sec. 58. "Hermetically sealed container" means a container 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.

410 IAC 7-26-59 "Highly susceptible population" defined

Sec. 59. "Highly susceptible population" means persons who are more likely than others in the general population to experience foodborne disease because they are:

(1) immunocompromised, preschool age children, or older adults; and

(2) obtaining food at a facility that provides services, including custodial care, health care, or assisted living, such as a child or an adult day care center, kidney dialysis center, hospital, nursing home or nutritional or socialization services, such as a senior center.

410 IAC 7-26-60 "Imminent health hazard" defined

Sec. 60. "Imminent health hazard" means a significant threat or danger to health that is considered to exist when there is enough evidence to show that a product, a practice, a circumstance, or an event creates a situation that requires immediately correcting or ending operations to prevent injury or illness based on the:

(1) number of potential injuries or illnesses; and

(2) nature, severity, and duration of the anticipated injury or illness.

410 IAC 7-26-61 "Injected" defined

Sec. 61. "Injected" means manipulating meat to which a solution has been introduced into its interior by processes referred to as injecting, pump marinating, or stitch pumping.

410 IAC 7-26-62 "In-shell product" defined

Sec. 62. "In-shell product" means nonliving, processed shellfish with one (1) or both shells present.

410 IAC 7-26-63 "Intact meat" defined

Sec. 63. "Intact meat" means a cut of whole muscle that has not undergone:

(1) comminution;

(2) mechanical tenderization;

(3) vacuum tumbling with solutions;

(4) reconstruction;
(5) cubing; or
(6) pounding.

410 IAC 7-26-64 "Juice" defined

Sec. 64. (a) "Juice" means the aqueous liquid expressed or extracted from:

(1) at least one (1) fruit or vegetable;
(2) purées of the edible portions of at least one (1) fruit or vegetable; or
(3) a concentrate of a liquid or purée.

(b) The term does not include, for purposes of HACCP, liquids, purées, or concentrates not used as beverages or ingredients of beverages.

410 IAC 7-26-65 "Kitchenware" defined

Sec. 65. "Kitchenware" means food preparation and storage utensils.

410 IAC 7-26-66 "Law" defined

Sec. 66. "Law" means applicable state and federal statutes and regulations and local ordinances.

410 IAC 7-26-67 "Linens" defined

Sec. 67. "Linens" means fabric items, such as the following:

(1) Cloth hampers.
(2) Cloth napkins.
(3) Table cloths.
(4) Wiping cloths.
(5) Work garments, including cloth gloves.

410 IAC 7-26-68 "Leafy greens" defined

Sec. 68. (a) "Leafy greens" includes the following:

(1) Iceberg lettuce.
(2) Romaine lettuce.
(3) Leaf lettuce.
(4) Butter lettuce.
(5) Baby leaf lettuce (e.g., immature lettuce or microgreens).
(6) Escarole.
(7) Endive.
(8) Spring mix.
(9) Spinach.
(10) Cabbage.
(11) Kale.
(12) Arugula.
(13) Chard.

(b) The term does not include herbs, such as cilantro or parsley.

410 IAC 7-26-69 "Major food allergen" defined

Sec. 69. (a) "Major food allergen" includes the following:

(1) Milk.
(2) Eggs.
(3) Fish, such as bass, flounder, or cod.
(4) Crustacean shellfish, such as crab, lobster, or shrimp.
(5) Tree nuts, such as almonds, pecans, or walnuts.
(6) Wheat.
(7) Peanuts.
(8) Soybeans.
(9) Sesame.
(10) A food ingredient that contains protein derived from the foods listed in subdivisions (1) through (9).

(b) The term does not include:

(1) highly refined oil derived from a food specified in subdivision (a)(1) through (a)(9) or an ingredient derived from the highly refined oil; or
(2) an ingredient that is exempt under the petition or notification process specified in the Food Allergen Labeling and Consumer Protection Act of 2004.

410 IAC 7-26-70 "Meat" defined

Sec. 70. (a) "Meat" means the part of the muscle of any livestock that is skeletal or found in the tongue, diaphragm, heart, or esophagus, with or without the accompanying and overlying fat, and the portions of bone, skin, sinew, nerve, and blood vessels that:

(1) normally accompany the muscle tissue; and

(2) are not separated from it in the process of dressing.
(b) The term includes flesh of animals used as food, including the dressed flesh of:
(1) cattle;
(2) swine;
(3) sheep;
(4) goats;
(5) farm raised cervidae;
(6) bison;
(7) ratites; or
(8) other edible animals, except fish, poultry, and game animals, as defined in section 161 of this rule.
(c) The term does not include products that:
(1) contain meat or other parts of a carcass only in a relatively small proportion; or
(2) historically have not been considered by consumers as products of the meat food industry, and are exempted from the definition as a meat food product by the state veterinarian under conditions the state veterinarian prescribes to ensure the meat or other parts of the carcass contained in the product are not:
(A) adulterated; or
(B) represented as meat food products.

410 IAC 7-26-71 "Mechanically tenderized meat" defined
Sec. 71. (a) "Mechanically tenderized meat" means manipulating meat by piercing with a set of:
(1) needles;
(2) pins;
(3) blades; or
(4) any mechanical device;
which breaks up muscle fiber and tough connective tissue, to increase tenderness.
(b) The term includes:
(1) injection;
(2) scoring; and
(3) processes that may be referred to as:
(A) blade tenderizing;
(B) jaccarding;
(C) pinning; or
(D) needling.

410 IAC 7-26-72 "mg/L" defined
Sec. 72. "mg/L" means milligrams per liter, which is the metric equivalent of parts per million.

410 IAC 7-26-73 "Micro market" defined
Sec. 73. "Micro market" has the meaning set forth in IC 16-42-5-32.

410 IAC 7-26-74 "Misbranded" defined
Sec. 74. "Misbranded" has the meaning set forth in IC 16-42-1, IC 16-42-2, and 410 IAC 7-5.

410 IAC 7-26-75 “Mobile retail food establishment” defined
Sec. 75. "Mobile retail food establishment" has the meaning set forth in IC 16-42-5.1-2.

410 IAC 7-26-76 "Molluscan shellfish" defined
Sec. 76. (a) "Molluscan shellfish" means any edible species of fresh or frozen:
(1) oysters;
(2) clams;
(3) mussels; or
(4) scallops;
or edible portions thereof, except when the scallop product consists only of the shucked adductor muscle.
(b) The term includes shellstock, shucked shellfish, and in-shell products.

410 IAC 7-26-77 "Non-continuous cooking" defined
Sec. 77. (a) "Noncontinuous cooking" means the cooking of food in a retail food establishment using a process in which the initial heating of food is intentionally halted so that it may be cooled and held for complete cooking at a later time before sale or service.
(b) The term does not include cooking procedures that only involve temporarily interrupting or slowing an otherwise continuous cooking process.

410 IAC 7-26-78 "Outdoor food operation" defined
Sec. 78. (a) "Outdoor food operation" means a permanently installed or portable extension of a retail food establishment that operates for the purpose of storing, preparing, serving, packaging, or otherwise handling of food.
(b) The term includes any of the following:
(1) Barbeque pits, smokers, or grills on the premise of the permitted retail food establishment.

(2) Food service sites or kiosks in amusement parks, theme parks, zoos, outdoor exhibitions, or athletic facilities.
(3) Use of garage doors that open on any of the walls of a permanent structure.
(4) A movable cooking operation that is conducted on equipment suitably designed and maintained for use outdoors and operated in conjunction with a permanent retail food establishment.

(c) The term does not include:
(1) a temporary food establishment;
(2) a mobile food establishment; or
(3) a retail food establishment when:
(A) the only food handling activity is serving food per an individual order from an enclosed indoor facility; or
(B) outdoor equipment that consists only of enclosed, secured storage units, such as a walk-in cooler.

410 IAC 7-26-79 "Packaged" defined

Sec. 79. (a) "Packaged" means:
(1) bottled;
(2) canned;
(3) cartoned;
(4) bagged; or
(5) wrapped;
whether packaged in a retail food establishment or food processing plant.

(b) The term does not include wrapped or placed in a carry-out container to protect the food during service or delivery to the consumer, by a food employee, on consumer request.

410 IAC 7-26-80 "Person" defined

Sec. 80. "Person" has the meaning set forth in IC 16-18-2-274.

410 IAC 7-26-81 "Person in charge" defined

Sec. 81. "Person in charge" means the individual present at a retail food establishment who is responsible for the operation at the time of inspection.

410 IAC 7-26-82 "Personal care items" defined

Sec. 82. (a) "Personal care items" means items or substances that may be poisonous, toxic, or a source of contamination and are used to maintain or enhance a person's health, hygiene, or appearance.

(b) The term includes the following items:
(1) Medicines.
(2) First aid supplies.
(3) Cosmetics.
(4) Toiletries, such as toothpaste and mouthwash.

410 IAC 7-26-83 "pH" defined

Sec. 83. "pH" means 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 seven 7, which is considered neutral.

410 IAC 7-26-84 "Physical facilities" defined

Sec. 84. "Physical facilities" means the structure and interior surfaces of a retail food establishment, including floors, walls, ceilings, and accessories, such as the following:
(1) Soap and towel dispensers.
(2) Attachments, such as the following:
(A) Light fixtures.
(B) Heating or air conditioning system vents.

410 IAC 7-26-85 "Plumbing fixture" defined

Sec. 85. "Plumbing fixture" means a receptacle or device that:
(1) is permanently or temporarily connected to the water distribution system of the premises and demands a supply of water from the system; or
(2) discharges used water, waste materials, or sewage directly or indirectly to the drainage system of the premises.

410 IAC 7-26-86 "Plumbing system" defined

Sec. 86. "Plumbing system" means the following:
(1) The water supply and distribution pipes.
(2) Plumbing fixtures and traps.
(3) Soil, waste, and vent pipes.
(4) Water-treating equipment.
(5) Sanitary and storm sewers and building drains, including their respective:
(A) connections;
(B) devices; and

(C) appurtenances;
within the premises.

410 IAC 7-26-87 "Poisonous or toxic materials" defined

Sec. 87. "Poisonous or toxic materials" means substances not intended for ingestion and are included in 5 categories, as follows:

(1) Cleaners and sanitizers, which include cleaning and sanitizing agents, and agents such as the following:

(A) Caustics.
(B) Acids.
(C) Drying agents.
(D) Polishes.
(E) Other chemicals.

(2) Pesticides, except sanitizers, which include substances such as insecticides and rodenticides.

(3) Substances necessary for the operation and maintenance of the establishment, such as non-food grade lubricants and personal care items that may be deleterious to health.

(4) Substances that are not necessary for the operation and maintenance of the establishment and are on the premises for retail sale, such as petroleum products and paints.

(5) Restricted use pesticide.

410 IAC 7-26-88 "Poultry" defined

Sec. 88. "Poultry" means the following:

(1) Chickens.
(2) Turkeys.
(3) Ducks.
(4) Geese.
(5) Guineas.
(6) Ratites.
(7) Squab.
(8) Any other amenable avian species regulated under IC 15-17-5.

410 IAC 7-26-89 "ppm" defined

Sec. 89. "ppm" means parts per million, which is equivalent to milligrams per liter (mg/L).

410 IAC 7-26-90 "Premises" defined

Sec. 90. "Premises" means the physical facility, its contents, and the:

(1) contiguous land or property under the control of the retail food establishment; or

(2) land or property not described under subdivision (1) if its facilities and contents are under the control of the owner or operator of the retail food establishment and may impact personnel, facilities, or operations, if a retail food establishment is only 1 component of a larger operation, such as a:

(A) health care facility;
(B) hotel;
(C) motel;
(D) institution;
(E) school;
(F) recreational camp; or
(G) prison.

410 IAC 7-26-91 "Primal cut" defined

Sec. 91. "Primal cut" means a basic major cut into which carcasses and sides of meat are separated, such as a:

(1) beef round;
(2) pork loin;
(3) lamb flank; or
(4) veal breast.

410 IAC 7-26-92 "Priority item" or "P" defined

Sec. 92. (a) "Priority item" means a provision in this rule whose application of which contributes directly to the elimination, prevention, or reduction to an acceptable level of hazards associated with foodborne illness or injury and there is no other provision that more directly controls the hazard.

(b) The term includes items with a quantifiable measure to show control of hazards such as cooking, reheating, cooling, and handwashing.

(c) The term is an item that is denoted in this rule with the notation of "P".

410 IAC 7-26-93 "Priority foundation item" or "Pf" defined

Sec. 93. (a) "Priority foundation item" means a provision in this rule whose application supports, facilitates, or enables at least one (1) priority item.

(b) The term includes an item that requires the purposeful incorporation of specific actions, equipment, or procedures by industry management to attain control of risk factors that contribute to foodborne illness or injury, such as personnel training, infrastructure

or necessary equipment, HACCP plans, documentation or record keeping, and labeling.
(c) The term is an item that is denoted in this code with the notation of "Pf".

410 IAC 7-26-94 "Public water system" defined
Sec. 94. "Public water system" has the meaning set forth in 327 IAC 8.

410 IAC 7-26-95 "Ratite" defined
Sec. 95. "Ratite" means a domesticated large flightless bird, such as an emu, an ostrich, or a rhea.

410 IAC 7-26-96 "Ready-to-eat food" defined
Sec. 96. (a) "Ready-to-eat food" means food that:
(1) is in a form that is edible without additional preparation to achieve food safety, as specified under section 198(a) through 198(c) of this rule, section 199 of this rule, or section 203 of this rule, including food that may receive additional preparation for palatability or aesthetic, epicurean, gastronomic, or culinary purposes;
(2) is a raw or partially cooked animal food and the consumer is advised as specified in section 198(d) of this rule; or
(3) is prepared in accordance with a variance that is granted as specified in section 198(d) of this rule.
(b) The term includes, but is not limited to, the following:
(1) Raw animal food that is cooked as specified under sections 198 or 199 of this rule, or frozen as specified under section 203 of this rule.
(2) Raw fruits and vegetables that are washed as specified under section 179 of this rule.
(3) Plant foods that are cooked for hot holding, as specified under section 200 of this rule.
(4) TCS food that is cooked to the temperature and time required for the specific food under sections 198 through 201 of this rule, and cooled as specified in section 211 of this rule.
(5) Plant food for which further washing, cooking, or other processing is not required for food safety and from which:
(A) rinds;
(B) peels;
(C) husks; or
(D) shells;
if naturally present, are removed.
(6) Substances derived from plants, such as:
(A) spices;
(B) seasonings; or
(C) sugar.
(7) Bakery items, such as:
(A) bread;
(B) cakes;
(C) pies;
(D) fillings; or
(E) icing;
for which further cooking is not required for food safety.
(8) The following products produced in accordance with USDA guidelines and have received a lethality treatment for pathogens:
(A) Dry, fermented sausages, such as dry salami or pepperoni.
(B) Salt-cured meat and poultry products, such as prosciutto ham, country cured ham, and Parma ham.
(C) Dried meat and poultry products, such as jerky or beef sticks.
(9) Foods manufactured according to 21 CFR 113.
(c) The term does not include the following:
(1) Commercially packaged food that bears a manufacturer's cooking instructions.
(2) Food for which the manufacturer has provided information that it has not been processed to control pathogens.

410 IAC 7-26-97 "Reduced oxygen packaging" defined
Sec. 97. (a) "Reduced oxygen packaging" means:
(1) the reduction of the amount of oxygen in a package by:
(A) removing oxygen;
(B) displacing oxygen and replacing it with another gas or combination of gases; or
(C) otherwise controlling the oxygen content to a level below that normally found in the atmosphere (approximately twenty-one percent (21%) at sea level); and
(2) a process as specified in subdivision (1) that involves a food for which the hazards Clostridium botulinum or Listeria monocytogenes require control in the final packaged form.
(b) The term includes any of the following:
(1) Vacuum packaging, in which air is removed from a package of food and the package is hermetically sealed so that a vacuum remains inside the package.
(2) Modified atmosphere packaging, in which the atmosphere of a package of food is modified so that its composition is different from air, but the atmosphere may change over time due to the permeability of the packaging material or the respiration of the food. Modified atmosphere packaging includes:
(A) reduction in the proportion of oxygen;

(B) total replacement of oxygen; or

(C) an increase in the proportion of other gases, such as carbon dioxide or nitrogen.

(3) Controlled atmosphere packaging, in which the atmosphere of a package of food is modified so that until the package is opened, its composition is different from air, and continuous control of that atmosphere is maintained, such as by using oxygen scavengers, or a combination of total replacement of oxygen, nonrespiring food, and impermeable packaging material.

(4) Cook chill packaging, in which cooked food is hot filled into impermeable bags that are then sealed or crimped closed. The bagged food is rapidly chilled and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens.

(5) Sous vide packaging, in which raw or partially cooked food is vacuum packaged in an impermeable bag, cooked in the bag, rapidly chilled, and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens.

410 IAC 7-26-98 "Refuse" defined

Sec. 98. "Refuse" means solid waste not carried by water through the sewage system.

410 IAC 7-26-99 "Regulatory authority" defined

Sec. 99. "Regulatory authority" means the local, state, or federal enforcement body or authorized representative having jurisdiction over a retail food establishment.

410 IAC 7-26-100 "Reminder" defined

Sec. 100. "Reminder" means a written statement concerning the health risk of consuming animal foods raw, undercooked, or without otherwise being processed to eliminate pathogens.

410 IAC 7-26-101 "Re-service" defined

Sec. 101. "Reservice" means the transfer of food that is unused and returned by a consumer, after being served or sold and in the possession of the consumer, to another person.

410 IAC 7-26-102 "Restrict" defined

Sec. 102. "Restrict" means to limit the activities of a food employee so that there is no risk of transmitting a disease that is transmissible through food, and the food employee does not work with:

(1) exposed food;

(2) clean equipment, utensils, or linens; or

(3) unwrapped single-service or single-use articles.

410 IAC 7-26-103 "Restricted egg" defined

Sec. 103. "Restricted egg" has the meaning set forth in 370 IAC 1-3-4.

410 IAC 7-26-104 "Restricted use pesticide" defined

Sec. 104. "Restricted use pesticide" means the meaning set forth in IC 15-16-4-373.

410 IAC 7-26-105 "Retail food establishment" defined

Sec. 105. (a) "Retail food establishment" means any building, room, basement, or vehicle of transport that does the following:

(1) Stores, prepares, packages, repackages, serves, or vends food directly to the consumer, or otherwise provides food for human consumption, such as:

(A) a restaurant;

(B) a catering operation, if the operation provides food directly to a consumer;

(C) a conveyance used to transport people;

(D) a market, including, but not limited to;

(i) a grocery store;

(ii) a convenience store;

(iii) a micro market; or

(iv) a vending location;

(E) a mobile retail food establishment;

(F) an institution and its satellite or catered feeding location, such as:

(i) hospice services under IC 16-25-3;

(ii) a health care facility as defined in IC 16-18-2-161;

(iii) a health facility as defined in IC 16-18-2-167;

(iv) a child care facility operated under IC 12-13-5 and 470 IAC 3;

(v) a housing with services facility operating under IC 12-10-15;

(vi) a correctional facility; or

(vii) an educational facility; or

(G) a food bank.

(2) Relinquishes possession of food to a consumer directly, or indirectly through a delivery service, such as home delivery of grocery orders or restaurant takeout orders, or delivery service provided by common carriers.

(b) The term includes the following:

(1) An element of a retail food establishment, such as:

(A) a transportation vehicle operated by a food employee;

(B) a central preparation facility that supplies a vending location, mobile retail food establishment, or satellite feeding location unless the vending or feeding location is separately permitted by the regulatory authority; or

(C) an outdoor food operation.

(2) An operation that is conducted in:

(A) a mobile;

(B) a stationary;

(C) a temporary;

(D) a permanent;

(E) an indoor; or

(F) an outdoor;

facility or location, where consumption is on or off the premises and regardless of whether there is a charge for the food.

(c) The term does not include the following:

(1) An establishment that offers only prepackaged foods that are not TCS.

(2) A person who offers only whole, uncut produce.

(3) A food processing plant.

(4) A bed and breakfast establishment operated under IC 16-41-31 and 410 IAC 7-15.5.

(5) A private home, whether or not it receives catered or home delivered food.

(6) A dwelling where food is prepared on the premises by the occupants, free of charge, for their consumption or for consumption by their guests.

(7) A gathering of individuals at a venue of an organization that is organized for educational purposes in a nonpublic educational setting or for religious purposes, if:

(A) the individuals separately or jointly provide or prepare, free of charge, and consume their own food or that of others attending the gathering; and

(B) the gathering is for a purpose of the organization, including:

(i) funerals;

(ii) wedding receptions;

(iii) christenings;

(iv) bar or bat mitzvahs;

(v) baptisms;

(vi) communions; and

(vii) other events or celebrations sponsored by the organization.

(8) A vehicle used to:

(A) transport food solely for distribution to the needy, either free of charge or for a nominal donation; or

(B) deliver only food described in IC 16-42-5.3.

(9) A vehicle not operated by a food employee that is used to:

(A) deliver non-TCS food;

(B) deliver TCS food directly from the retail food establishment into the possession or control of the consumer within two (2) hours of the time the food leaves temperature control; or

(C) deliver TCS food into the possession or control of the consumer in a sealed package that allows the consumer to determine the package has been tampered with and is in a temperature self-controlled container.

(10) A private gathering of individuals who separately or jointly provide or prepare and consume their own food or that of others attending the gathering, regardless of whether the gathering is held on public or private property.

(11) Except for food prepared by a for-profit entity, a venue of the sale of food prepared for the organization:

(A) that is organized for:

(i) religious purposes; or

(ii) educational purposes in a nonpublic educational setting;

(B) that is exempt from taxation under Section 501 of the Internal Revenue Code; and

(C) that offers the food for sale to the final consumer at an event held for the benefit of the organization;

unless the food is being provided in a restaurant or a cafeteria with an extensive menu of prepared foods.

(12) Except for food prepared by a for-profit entity, an Indiana nonprofit organization that:

(A) is organized for civic, fraternal, veterans, or charitable purposes;

(B) is exempt from taxation under Section 501 of the Internal Revenue Code; and

(C) offers food for sale to the final consumer at an event held for the benefit of the organization;

if the events conducted by the organization take place for not more than fifteen (15) days in a calendar year.

(13) A person that:

(A) is a home based vendor or an individual vendor that sells food products that meet the requirements of IC 16-42-5.3; or

(B) is the holder of a farm winery permit under IC 7.1-3-12-5 or a brewer's permit under IC 7.1-3-2-7(5) if the requirements of IC 16-42-5-30 are met.

410 IAC 7-26-106 "Risk" defined

Sec. 106. "Risk" means the likelihood that an adverse health effect will occur within a population as a result of a hazard in food.

410 IAC 7-26-107 "Safe material" defined

Sec. 107. "Safe material" means:

(1) an article manufactured from or composed of materials that may not reasonably be expected to result, directly or

indirectly, in their becoming a component or otherwise affecting the characteristics of any food;
(2) an additive that is used as specified in 21 U.S.C. 350i; or
(3) other materials that are not food or color additives and are used in conformity with applicable regulations of the FDA.

410 IAC 7-26-108 "Sanitization" defined
Sec. 108. "Sanitization" means the application of cumulative heat or chemicals on cleaned food contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of 5 logs, which is equal to a 99.999% reduction of representative disease microorganisms of public health importance.

410 IAC 7-26-109 "Sealed" defined
Sec. 109. "Sealed" means free of cracks or other openings that allow the entry or passage of moisture.

410 IAC 7-26-110 "Service animal" defined
Sec. 110. "Service animal" has the meaning set forth in IC 16-32-3-1.5.

410 IAC 7-26-111 "Servicing area" defined
Sec. 111. (a) "Servicing area" means an operating base location to which an element of a retail food establishment, such as a mobile retail food establishment or transportation vehicle, returns regularly for support functions, such as the following:
(1) Vehicle and equipment cleaning.
(2) Discharging liquid or solid wastes.
(3) Refilling water tanks and ice bins.
(4) Boarding food.
(b) Except as specified in subsection (a), food preparation is not allowed in servicing area unless it is a registered commissary.

410 IAC 7-26-112 "Sewage" defined
Sec. 112. "Sewage" means liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.

410 IAC 7-26-113 "Shellfish control authority" defined
Sec. 113. "Shellfish control authority" means a state, federal, foreign, tribal, or other government entity legally responsible for administering a program that includes certification of molluscan shellfish harvesters and dealers for interstate commerce.

410 IAC 7-26-114 "Shellstock" defined
Sec. 114. "Shellstock" means live molluscan shellfish in the shell.

410 IAC 7-26-115 "Shiga toxin-producing Escherichia coli" or "STEC" defined
Sec. 115. (a) "Shiga toxin-producing Escherichia coli" or "STEC" means any Escherichia coli capable of producing Shiga toxins, also called verocytotoxins.
(b) The term includes STEC infections that can be asymptomatic or may result in a spectrum of illness ranging from mild nonbloody diarrhea, to hemorrhagic colitis (i.e., bloody diarrhea), to hemolytic uremic syndrome, which is a type of kidney failure.

(c) Examples of serotypes of STEC include:
(1) E. coli O157:H7;
(2) E. coli O157:NM;
(3) E. coli O26:H11;
(4) E. coli O145:NM;
(5) E. coli O103:H2; and
(6) E. coli O111:NM.
(d) The term is sometimes referred to as VTEC (verocytotoxigenic E. coli) or EHEC (Enterohemorrhagic E. coli). EHEC are a subset of STEC that can cause hemorrhagic colitis or hemolytic uremic syndrome.

410 IAC 7-26-116 "Shucked shellfish" defined
Sec. 116. "Shucked shellfish" means molluscan shellfish that have both shells removed.

410 IAC 7-26-117 "Single-service articles" defined
Sec. 117. "Single-service articles" means tableware, carry-out utensils, and other items, such as:
(1) bags;
(2) containers;
(3) placemats;
(4) stirrers;
(5) straws;
(6) toothpicks;
(7) cup lids or covers, or both; and
(8) wrappers;
designed and constructed for one (1) time, one (1) person use after which they are intended for discard.

410 IAC 7-26-118 "Single-use articles" defined

Sec. 118. (a) "Single-use articles" means utensils and bulk food containers designed and constructed to be used once and discarded.

(b) The term includes items, such as:

(1) wax paper;
(2) butcher paper;
(3) plastic wrap;
(4) formed aluminum food containers;
(5) jars;
(6) plastic tubs or buckets;
(7) bread wrappers;
(8) pickle barrels;
(9) ketchup bottles; and
(10) number ten (10) cans;

that do not meet the materials, durability, strength, and cleanability specifications under sections 226, 236, and 238 of this rule for multi-use utensils.

410 IAC 7-26-119 "Slacking" defined

Sec. 119. "Slacking" means the process of moderating the temperature of a food, such as allowing a food to gradually increase from a temperature of -10^0F to 25^0F in preparation for deep fat frying, or to facilitate even heat penetration during the cooking of previously frozen food, such as shrimp, frozen potatoes, or other vegetables.

410 IAC 7-26-120 "Smooth" defined

Sec. 120. "Smooth" means:

(1) a food contact surface having a surface free of pits and inclusions with a cleanability equal to or exceeding that of 100 grit number 3 stainless steel;
(2) a non-food contact surface of equipment having a surface equal to that of commercial grade hot-rolled steel free of visible scale; and
(3) a floor, wall, or ceiling having an even or level surface with no roughness or projections that render it difficult to clean.

410 IAC 7-26-121 "Special process" defined

Sec. 121. "Special process" means any food preparation method, process, or procedure that requires:

(1) specific food safety controls that are different from the conventional preparation of TCS foods; or
(2) the use of specialized equipment where its design is normally used by a food processing plant;

when the final products are reasonably likely to cause food related illness or injury without preventive and systematic food safety hazard controls, such as product testing and an approved HACCP plan.

410 IAC 7-26-122 "Tableware" defined

Sec. 122. "Tableware" includes:

(1) eating, drinking, and serving utensils for table use;
(2) hollowware, including:
    (A) bowls;
    (B) cups;
    (C) serving dishes; and
    (D) tumblers; and
(3) plates.

410 IAC 7-26-123 "Temperature measuring device" defined

Sec. 123. "Temperature measuring device" means:

(1) a thermometer;
(2) a thermocouple;
(3) a thermistor;
(4) a temperature sensitive tape; or
(5) any other device;

that indicates the temperature of food, air, or water.

410 IAC 7-26-124 "Temporary food establishment" defined

Sec. 124. "Temporary food establishment" means a retail food establishment that operates in conjunction with a single event or celebration:

(1) for a period of not more than 14 consecutive days; or
(2) while at the Indiana State Fair.

410 IAC 7-26-125 "Time/temperature control for safety food" or "TCS" defined

Sec. 125. (a)"Time/temperature control for safety food" or "TCS food" has the meaning set forth in IC 16-18-2-351.7. A food is considered to be a TCS food if, because of the interaction of its a_w and pH values, it is designated as product assessment required in Table A or B as follows:

Table A. Interaction of pH and a_w for control of spores in food heat-treated to destroy vegetative cells and later packaged			
a_w values	pH values		
	4.6 or less	> 4.6 - 5.6	> 5.6
≤0.92	non-TCS food*	non-TCS food	non-TCS food
>0.92 - .95	non-TCS food	non-TCS food	PA**
>0.95	non-TCS food	PA	PA

Table B. Interaction of pH and a_w for control of vegetative cells and spores in food not heat-treated or heat-treated but not packaged				
a_w values	pH values			
	<4.2	4.2 – 4–6	>4.6 - 5.0	>5.0
<0.88	non-TCS food*	non-TCS food	non-TCS food	non-TCS food
0.88 - 0.90	non-TCS food	non-TCS food	non-TCS food	PA**
>0.90 - 0.92	non-TCS food	non-TCS food	PA	PA
>0.92	non-TCS food	PA	PA	PA

410 IAC 7-26-126 "Tobacco product" defined
Sec. 126. "Tobacco product" has the meaning set forth in 21 U.S.C. 321(rr).

410 IAC 7-26-127 "USDA" defined
Sec. 127. "USDA" means the United States Department of Agriculture.

410 IAC 7-26-128 "Utensil" defined
Sec. 128. "Utensil" means a food contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of food, such as the following:

(1) Kitchenware or tableware that is multi-use, single-service, or single-use.
(2) Gloves used in contact with food.
(3) Temperature sensing probes of food temperature measuring devices.
(4) Probe-type price or identification tags used in contact with food.

410 IAC 7-26-129 "Variance" defined
Sec. 129. "Variance" means a written document issued by the department on demonstration of good cause by the person requesting the variance that authorizes a waiver, modification, or deviation from at least one (1) of the state rules concerning food handling machinery or sanitary standards for the operation of food establishments.

410 IAC 7-26-130 "Vending machine" defined
Sec. 130. "Vending machine" has the meaning set forth in IC 16-42-5-32(c).

410 IAC 7-26-131 "Vending machine location" defined
Sec. 131. "Vending machine location" means the:

(1) room;
(2) enclosure;
(3) space; or
(4) area;

where at least one (1) vending machine is installed and operated, and includes the storage areas and areas on the premises used to service and maintain the vending machines.

410 IAC 7-26-132 "Warewashing" defined
Sec. 132. Warewashing" means the cleaning and sanitizing of food contact surfaces of equipment and utensils.

410 IAC 7-26-133 "Whole-muscle, intact beef " defined
Sec. 133. "Whole-muscle, intact beef" means whole-muscle beef that is not:

(1) injected;
(2) mechanically tenderized;
(3) reconstructed; or
(4) scored and marinated;

from which beef steaks may be cut.

Chapter 2 Management and Personnel

Supervision

410 IAC 7-26-134 Assignment of supervision responsibility

Sec. 134. (a) The owner or operator of a retail food establishment shall have a person in charge present at the retail food establishment during all hours of operation.

(b) For purposes of this section, a violation of subsection (a) is a Pf item.

410 IAC 7-26-135 Demonstration of knowledge

Sec. 135. (a) Based on the risks of foodborne illness or injury inherent to a food operation, during inspections, the person in charge shall demonstrate to the regulatory authority knowledge of foodborne disease prevention, application of the HACCP principles, and the requirements of this rule.

The person in charge shall demonstrate this knowledge by either of the following:

(1) Having a certified food protection manager who has shown proficiency of required information through a certificate as defined by IC 16-42-5.2-3.7.

(2) If a retail food establishment is exempt from IC 16-42-5.2, the demonstration of knowledge shall be met by:

(A) compliance with this rule by having no violations of priority items during the current inspection; or

(B) responding correctly to the inspector's questions as they relate to the specific food operation. The areas of knowledge include the following:

(i) Describing the relationship between the prevention of foodborne disease and personal hygiene of a food employee.

(ii) Explaining the responsibility of the person in charge for preventing transmission of foodborne disease by a food employee who has a disease or medical condition that may cause foodborne disease.

(iii) Describing the symptoms associated with the diseases that are transmissible through food.

(iv) Explaining the significance of the relationship between maintaining the time and temperature of TCS food and the prevention of foodborne illness.

(v) Explaining the hazards involved in the consumption of raw or undercooked meat, poultry, eggs, and fish.

(vi) Stating the required food temperatures and times for safe cooking of TCS food, including meat, poultry, eggs, and fish.

(vii) Stating the required temperatures and times for the safe refrigerated storage, hot holding, cooling, and reheating of TCS food.

(viii) Describing the relationship between the prevention of foodborne illness and the management and control of:

(AA) cross-contamination;

(BB) hand contact with ready-to-eat foods;

(CC) hand washing; and

(DD) maintaining the retail food establishment in a clean condition and in good repair.

(ix) Describing foods identified as major food allergens and the symptoms that a major food allergen could cause in a sensitive individual who has an allergic reaction.

(x) Explaining the relationship between food safety and providing equipment that is as follows:

(AA) Sufficient in number and capacity.

(BB) Properly designed, constructed, located, installed, operated, maintained, and cleaned.

(xi) Explaining correct procedures for cleaning and sanitizing utensils and food contact surfaces of equipment.

(xii) Identifying the source of water used and measures taken to ensure that it remains protected from contamination, such as providing protection from backflow and precluding the creation of cross-connections.

(xiii) Identifying poisonous or toxic materials in the retail food establishment and the procedures necessary to ensure that they are safely stored, dispensed, used, and disposed of under this rule.

(xiv) Identifying critical control points in the operation from purchasing through sale or service that when not controlled may contribute to the transmission of foodborne illness, and explaining the steps taken to ensure these points are controlled under the requirements of this rule.

(xv) Explaining the details of how the person in charge and food employees comply with the HACCP plan if a plan is required by law, this rule, or an agreement between the regulatory authority and the establishment.

(xvi) Explaining the responsibilities, rights, and authorities assigned by this rule to the:

(AA) food employee;

(BB) conditional employee;

(CC) person in charge; and

(DD) regulatory authority.

(xvii) Explaining how the person in charge, food employees, and conditional employees comply with reporting responsibilities and exclusion or restriction of employees.

(b) For purposes of this section, a violation of subsection (a) is a Pf item.

410 IAC 7-26-136 Duties of the person in charge

Sec. 136. (a) The person in charge of a retail food establishment shall ensure the following:

(1) Retail food establishment operations are not conducted in a private home or a room used as living or sleeping quarters as specified under section 427 of this rule.

(2) Individuals unnecessary to the retail food establishment operation are not allowed in the food preparation, food storage, or warewashing areas, but brief visits and tours may be authorized by the person in charge if steps are taken to ensure that:

(A) exposed food;

(B) clean equipment, utensils, and linens; and

(C) unwrapped single-service and single-use articles;

are protected from contamination.

(3) Employees and other persons, such as delivery and maintenance persons and pesticide applicators, entering the food preparation, food storage, and warewashing areas shall comply with this rule.

(4) Employees are effectively cleaning their hands by routinely monitoring the employees' handwashing.

(5) Employees are visibly observing foods as they are received to determine that the foods are:

(A) from approved sources;

(B) delivered at the required temperatures;

(C) protected from contamination;

(D) unadulterated; and

(E) accurately presented;

by routinely monitoring the employees' observations and periodically evaluating foods after they are received.

(6) Employees have a method for verifying that foods delivered to the retail food establishment during nonoperating hours are:

(A) from approved sources;

(B) placed into appropriate storage locations so the foods are:

(i) maintained at the required temperatures; and

(ii) protected from contamination;

(C) unadulterated; and

(D) accurately presented.

(7) Employees are properly cooking TCS food, being particularly careful in cooking those foods known to cause severe foodborne illness and death, such as eggs and comminuted meats, through daily oversight of the employees' routine monitoring of the cooking temperatures using appropriate temperature measuring devices, properly scaled and calibrated, as specified under sections 246 and section 302(b) of this rule.

(8) Employees are using proper methods to rapidly cool TCS foods that are not held hot or for consumption within 4 hours, through daily oversight of the employees' routine monitoring of food temperatures during cooling.

(9) Employees are properly maintaining the temperatures of TCS foods during hot and cold holding through daily oversight of the employees' routine monitoring of food temperatures.

(10) Food employees are properly maintaining the temperature of TCS foods during thawing through daily oversight of the food employees routine monitoring of food temperatures.

(11) Consumers who order raw or partially cooked ready-to-eat foods of animal origin are informed as specified under section 223 of this rule that the food is not cooked sufficiently to ensure its safety.

(12) Employees are properly sanitizing cleaned multi-use equipment and utensils before they are reused, through routine monitoring of solution temperature and exposure time for hot water sanitizing, and chemical concentration, pH, temperature, and exposure time for chemical sanitizing.

(13) Consumers are notified that clean tableware is to be used when they return to self-service areas, such as salad bars and buffets, as specified under section 187 of this rule.

(14) Except when approval is obtained from the department as specified in section 173(e) of this rule, employees are preventing cross-contamination of ready-to-eat food from unwashed hands and are properly using suitable utensils, such as:

(A) deli tissue;

(B) spatulas;

(C) tongs;

(D) single-use gloves; or

(E) dispensing equipment.

(15) Food employees are properly trained in food safety, including food allergy awareness, as it relates to their assigned duties. Food allergy awareness includes describing foods identified as major food allergens and the symptoms that a major food allergen could cause in a sensitive individual who has an allergic reaction.

(16) Food employees and conditional employees are informed in a verifiable way of their responsibility to report under this rule, to the person in charge, information about their health and activities as they relate to diseases that are transmissible through food, as specified under section 137(a) of this rule.

(17) Written procedures and plans, where specified by this rule and as developed by the retail food establishment, are maintained and implemented as required.

(b) For purposes of this section, a violation of subsections (a) is a Pf item.

Employee Health

410 IAC 7-26-137 Responsibility of owner, person in charge and employees

Sec. 137. (a) The owner or operator of a retail food establishment 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 that are transmissible through food. A food employee or conditional employee shall report the information in a way that allows the person in charge to reduce the risk of foodborne disease transmission, including providing additional necessary information, such as the date of onset of symptoms and an illness, or a diagnosis without symptoms, if the food employee or conditional employee:

Reportable symptoms

(1) has any of the following symptoms:

(A)Vomiting.

(B) Diarrhea.

(C) Jaundice.

(D) A sore throat with fever.

(E) A lesion containing pus, such as a boil or an 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 stall, protects the lesion and a single-use glove is worn over the impermeable cover;

(ii) on exposed portions of the arms, unless the lesion is protected by an impermeable cover; or

(iii) on other parts of the body, unless the lesion is covered by a dry, durable, tight fitting bandage;

Reportable diagnosis

(2) has an illness diagnosed by a health practitioner due to:

(A) norovirus;

(B) hepatitis A virus;

(C) shigella spp.;

(D) STEC;

(E) typhoid fever; or

(F) Salmonella (nontyphoidal);

Reportable past illness

(3) had typhoid fever, diagnosed by a health practitioner, within the past 3 months, without having received antibiotic therapy, as determined by the health practitioner;

Reportable history of exposure

(4) has been exposed to, or is the suspected source of, a confirmed disease outbreak, because the food employee or conditional employee consumed or prepared food implicated in the outbreak, or consumed food at an event prepared by a person who is infected or ill with:

(A) norovirus within the past 48 hours of the last exposure;

(B) STEC or Shigella spp. within the past 3 days of the last exposure;

(C) typhoid fever within the past 14 days of the last exposure; or

(D) hepatitis A virus within the past 30 days of the last exposure; or

Reportable history of exposure

(5) has been exposed by attending or working in a setting where there is a confirmed disease outbreak, or living in the same household as, and knows about, an individual who works or attends a setting where there is a confirmed disease outbreak, or living in the same household as, and knows about, an individual diagnosed with an illness caused by:

(A) norovirus within the past 48 hours of the last exposure;

(B) STEC or Shigella spp. within the past 3 days of the last exposure;

(C) typhoid fever caused by Salmonella Typhi within the past 14 days of the last exposure; or

(D) hepatitis A virus within the past 30 days of the last exposure.

Responsibility of person in charge to notify the regulatory authority

(b) The person in charge shall notify the regulatory authority when a food employee is:

(1) jaundiced; or

(2) diagnosed with an illness due to a pathogen as specified under subsection (a)(2)(A) through (a)(2)(F).

Responsibility of the person in charge to prohibit a conditional employee from becoming a food employee

(c) The person in charge shall ensure that a conditional employee:

(1) who exhibits or reports a symptom, or reports a diagnosed illness as specified under subsection (a)(1) through (a)(3), is prohibited from becoming a food employee until the conditional employee meets the criteria for the specific symptoms or diagnosed illness as specified under section 139 of this rule; and

(2) who will work as a food employee in a retail food establishment that serves as a highly susceptible population as defined in section 59 of this rule and reports a history of exposure as specified under subsection (a)(4) and (a)(5), is prohibited from becoming a food employee until the conditional employee meets the criteria as specified under section

139(a)(9) of this rule.

Responsibility of the person in charge to exclude or restrict

(d) The person in charge shall ensure that a food employee who exhibits or reports a symptom, or reports a diagnosed illness or history of exposure as specified under subsection (a)(1) through (a)(5) is:

(1) excluded as specified under section 138(a)(1) through 138(a)(3) of this rule, section 138(a)(4)(A) through 138(a)(6)(A) of this rule, and section 138(a)(7) or 138(a)(8)(A) of this rule, and in compliance with the provisions specified under section 139(a)(1) through 139(a)(8) of this rule; or

(2) restricted as specified under section 138(a)(4)(B), 138(a)(5)(B), 138(a)(6)(B), and 138(a)(8)(B) of this rule, or section 138(a)(9) or 138(a)(10) of this rule, and in compliance with the provisions specified under section 139(a)(4) through 139(a)(10) of this rule.

Responsibility of food employees and conditional employees to report

(e) A food employee or conditional employee shall report to the person in charge the information as specified under subsection (a).

Responsibility of food employees to comply

(f) A food employee shall:

(1) comply with an exclusion as specified under section 138(a)(1) through 138(a)(3) of this rule, section 138(a)(4)(A) through 138(a)(6)(A) of this rule, and section 138(a)(7) or 138(a)(8)(A) of this rule, and with the provisions specified under section 139(a)(1) through 139(a)(8) of this rule; or

(2) comply with a restriction as specified under section 138(a)(4)(B) through 138(a)(6)(B) of this rule, or section 138(a)(7), 138(a)(8)(B), 138(a)(8), 138(a)(9), or 138(a)(10) of this rule, and comply with the provisions specified under section 139(a)(4) through 139(a)(10) of this rule.

(g) For purposes of this section, a violation of subsection (a), (c), (d), or (f) is a P item.

(h) For purposes of this section, a violation of subsection (b) or (e) is a Pf item.

410 IAC 7-26-138 Exclusions and restrictions

Symptomatic with vomiting or diarrhea

Section 138. (a) The person in charge shall exclude or restrict a food employee in accordance with the following conditions:

(A) *Except when the symptom is from a noninfectious condition, such as pregnancy related illness or Crohn's disease, exclude a food employee if the food employee is:*

(A) symptomatic with vomiting or diarrhea; or

(B) symptomatic with vomiting or diarrhea and diagnosed with an infection from Norovirus, Shigella spp., Salmonella (nontyphoidal), or Shiga Toxin Producing E. Coli (STEC).

Jaundiced or diagnosed with Hepatitis A infection

(2) Exclude a food employee who is**:**

(A) jaundiced and the onset of jaundice occurred within the last 7 calendar days, *unless the food employee provides to the person in charge written medical*
documentation from a health practitioner specifying that the jaundice is not caused by hepatitis A virus or other fecal-orally transmitted infection;

(B) diagnosed with an infection from hepatitis A virus within 14 calendar days from the onset of any illness symptoms, or within 7 calendar days of the onset of jaundice; or

(C) diagnosed with an infection from hepatitis A virus without developing symptoms.

Diagnosed or reported previous illness with Typhoid Fever

(3) Exclude a food employee who is diagnosed with *Typhoid fever*, or reports having had *Typhoid fever* within the past 3 months as specified under section 137(a)(3) of this rule.

Diagnosed with an asymptomatic infection from Norovirus

(4) If a food employee is diagnosed with an infection from Norovirus and is asymptomatic:

(A) exclude the food employee who works in a retail food establishment serving a highly susceptible population; or

(B) restrict the food employee who works in a retail food establishment not serving a highly susceptible population.

Diagnosed with Shigella spp. infection and asymptomatic

(5) If a food employee is diagnosed with an infection from *Shigella* spp. and is asymptomatic:

(A) exclude the food employee who works in a retail food establishment serving a highly susceptible population; or

(B) restrict the food employee who works in a retail food establishment not serving a highly susceptible population.

Diagnosed with STEC and asymptomatic

(6) If a food employee is diagnosed with an infection from STEC and is asymptomatic:

(A) exclude the food employee who works in a retail food establishment serving a highly susceptible population; or
(B)restrict the food employee who works in a retail food establishment not serving a highly susceptible population.

Diagnosed with nontyphoidal Salmonella and asymptomatic

(7) If a food employee is diagnosed with an infection from Salmonella (nontyphoidal) and is asymptomatic, restrict the food employee from working at all retail food establishment.

Symptomatic with sore throat with fever

(8) If a food employee is ill with symptoms of acute onset of sore throat with fever:
(A) exclude the food employee who works in a retail food establishment serving a highly susceptible population; or
(B) restrict the food employee who works in a retail food establishment not serving a highly susceptible population.

Symptomatic with uncovered infected wound or pustular boil

(9) If a food employee is infected with a skin lesion containing pus such as a boil or infected wound that is open or draining and not properly covered as specified under section 137(a)(1)(E) of this rule, restrict the food employee.

Exposed to foodborne pathogen and works in food establishment serving HSP

(10) If a food employee is exposed to a foodborne pathogen as specified under sections 137(a)(4)(A) through (D) or sections 137(a)(5)(A) through (D) of this rule, restrict the food employee who works in a retail food establishment serving a highly susceptible population.

(b) For purposes of this section, a violation of subsection (a) is a P item.

410 IAC 7-26-139 Removal of exclusions and restrictions

Section 139. (a) The person in charge shall adhere to the following conditions when removing, adjusting, or retaining the exclusion or restriction of a food employee:

(1) Except when a food employee is diagnosed with Typhoid fever or an infection from hepatitis A virus*:*

Removing exclusion for food employee who was symptomatic and not diagnosed

(A) reinstate a food employee who was excluded as specified under section 138(a)(1)(A) of this rule if the food employee:
(i) is asymptomatic for at least 24 hours; or
(ii) provides to the person in charge written medical documentation from a health practitioner that states the symptom is from a noninfectious condition;

Norovirus diagnosis

(B) if a food employee was diagnosed with an infection from Norovirus and excluded as specified under section 138(a)(1)(B) of this rule:

Adjusting exclusion for food employee who was symptomatic and is now asymptomatic

(i) restrict the food employee, who is asymptomatic for at least 24 hours and works in a retail food establishment not serving a highly susceptible population, until the conditions for reinstatement specified under clauses (a)(4)(A) or (a)(4)(B) are met; or

Retaining exclusion for food employee who was asymptomatic and is now asymptomatic and works in food establishment serving HSP

(ii) retain the exclusion for the food employee, who is asymptomatic for at least 24 hours and works in a retail food establishment that serves a highly susceptible population, until the conditions for reinstatement as specified under clauses (a)(4)(A) or (a)(4)(B) are met;

Shigella spp. diagnosis

(C) if a food employee was diagnosed with an infection from *Shigella* spp. and excluded as specified under section 138(a)(1)(B) of this rule:

Adjusting exclusion for food employee who was symptomatic and is now asymptomatic

(i) restrict the food employee, who is asymptomatic for at least 24 hours and works in a retail food establishment not serving a highly susceptible population, until the conditions for reinstatement as specified under clauses (a)(5)(A) or (a)(5)(B) are met; or

Retaining exclusion for food employee who was asymptomatic and is now asymptomatic

(ii) retain the exclusion for the food employee, who is asymptomatic for at least 24hours and works in a retail food establishment that serves a highly susceptible population, until the conditions for reinstatement as specified under clauses (a)(5)(A) or (a)(5)(B) are met;

STEC diagnosis

(D) if a food employee was diagnosed with an infection from a STEC and excluded as specified under section 138(a)(1)(B) of this rule:

Adjusting exclusion for food employee who was symptomatic and is now asymptomatic

(i) restrict the food employee, who is asymptomatic for at least 24 hours and works in a retail food establishment not serving a highly susceptible population, until the conditions for reinstatement as specified under clauses (a)(6)(A) or (a)(6)(B) are met; or

Retaining exclusion for food employee who was symptomatic and is now asymptomatic and works in food establishment serving HSP

(ii) retain the exclusion for the food employee, who is asymptomatic for at least 24hours and works in a retail food establishment that serves a highly susceptible population, until the conditions for reinstatement as specified under clauses (a)(6)(A) or (a)(6)(B) are met; or

Nontyphoidal Salmonella diagnosis

(E) if a food employee was diagnosed with an infection from Salmonella (nontyphoidal) and excluded as specified under section 138(a)(1)(B) of this rule:

Adjusting exclusion for food employee who was symptomatic and is now asymptomatic

(i) restrict the food employee, who is asymptomatic for a least 30 days until the conditions for reinstatement as specified in clauses (a)(7)(A) or (a)(7)(B) are met; or

Retaining exclusion for food employee that remains symptomatic

(ii) retain the exclusion for the food employee who is symptomatic, until conditions for reinstatement as specified under clauses (a)(7)(A) or (a)(7)(B) are met.

Hepatitis A virus or jaundice diagnosis - removing exclusions

(2) Reinstate a food employee with a hepatitis A virus or jaundice diagnosis, who was excluded as specified under section 138(a)(2) of this rule, if the person in charge obtains approval from the regulatory authority and 1 of the following conditions is met:

(A)The food employee has been jaundiced for more than 7 calendar days.

(B)The anicteric food employee has been symptomatic with symptoms other than jaundice for more than 14 calendar days.

(C) The food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee is free of a hepatitis A virus infection.

Typhoid fever diagnosis - removing exclusions

(3) Reinstate a food employee with *Typhoid fever*, who was excluded as specified under section 138(a)(3) of this rule if:

(A) the person in charge obtains approval from the regulatory authority; and

(B) the food employee provides to the person in charge written medical documentation from a health practitioner that states the food employee is free from *Typhoid fever*.

Norovirus diagnosis - removing exclusion or restriction

(4) Reinstate a food employee with a Norovirus diagnosis, who was excluded as specified under sections 138(a)(1)(B) or 138(a)(4)(A) of this rule or who was restricted under section 138(a)(4)(B) of this rule if the person in charge obtains approval from the regulatory authority and 1of the following conditions is met:

(A) The excluded or restricted food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee is free of a Norovirus infection.

(B) The food employee was excluded or restricted after symptoms of vomiting or diarrhea resolved, and more than 48 hours have passed since the food employee became asymptomatic,

(C) The food employee was excluded or restricted and did not develop symptoms and more than 48 hours have passed since the food employee was diagnosed.

Shigella spp. diagnosis - removing exclusion or restriction

(5) Reinstate a food employee with a Shigella spp. Diagnosis, who was excluded as specified under sections 138(a)(1)(B) or 138(a)(5)(A) of this rule or who was restricted under section 138 (a)(5)(B) of this rule if the person in charge obtains approval from the regulatory authority and one of the following conditions is met:

(A) The excluded or restricted food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee is free of a *Shigella* spp. infection based on test results showing 2 consecutive negative stool specimen cultures that are taken:

(i) not earlier than 48 hours after discontinuance of antibiotics; and

(ii) at least 24 hours apart.

(B) The food employee was excluded or restricted after symptoms of vomiting or diarrhea resolved, and more

than 7 calendar days have passed since the food employee became asymptomatic.

(C) The food employee was excluded or restricted and did not develop symptoms and more than 7 calendar days have passed since the food employee was diagnosed.

STEC diagnosis - removing exclusion or restriction

(6) Reinstate a food employee with a STEC diagnosis, who was excluded or restricted as specified under sections 138(a)(1)(B) or 138(a)(6)(A) of this rule or who was restricted under section 138(a)(6)(B) of this rule if the person in charge obtains approval from the regulatory authority and 1 of the following conditions is met:

(A) The excluded or restricted food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee is free of an infection from STEC based on test results that show two (2) consecutive negative stool specimen cultures that are taken:

(i) not earlier than 48 hours after discontinuance of antibiotics; and

(ii) at least 24 hours apart.

(B) The food employee was excluded or restricted after symptoms of vomiting or diarrhea resolved and more than 7 calendar days have passed since the food employee became asymptomatic.

(C) The food employee was excluded or restricted and did not develop symptoms and more than 7days have passed since the food employee was diagnosed.

Nontyphoidal Salmonella - removing exclusion or restriction

(7) Reinstate a food employee diagnosed with Salmonella (nontyphoidal), who was excluded as specified under sections 138(a)(1)(B) of this rule or who was restricted as specified in section 138(a)(7) of this rule if the person in charge obtains approval from the regulatory authority and 1of the following conditions is met:

(A) The excluded or restricted food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee is free of a Salmonella (nontyphoidal) infection based on test results showing 2 consecutive negative stool specimen cultures that are taken:

(i) not earlier than 48hours after discontinuance of antibiotics; and

(ii) at least 24 hours apart.

(B) The food employee was restricted after symptoms of vomiting or diarrhea resolved, and more than 30 days have passed since the food employee became asymptomatic.

(C) The food employee was excluded or restricted and did not develop symptoms and more than 30 days have passed since the food employee was diagnosed.

Sore throat with fever - removing exclusion or restriction

(8) Reinstate a food employee with a sore throat with fever, who was excluded or restricted as specified under sections 138(a)(8)(A) or 138(a)(8)(B) of this rule if the food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee meets 1 of the following conditions:

(A) Has received antibiotic therapy for S*treptococcus pyogenes* infection for more than 24 hours.

(B) Has at least 1 negative throat specimen culture for S*treptococcus pyogenes* infection.

(C) Is otherwise determined by a health practitioner to be free of a Streptococcus pyogenes infection.

Uncovered infected wound or pustular boil - removing restriction

(9) Reinstate a food employee who was restricted as specified under section 138(a)(9) of this rule if the skin, infected wound, cut, or pustular boil is properly covered with 1 of the following:

(A) An impermeable cover such as a finger cot or stall and a single-use glove over the impermeable cover if the infected wound or pustular boil is on the hand, finger, or wrist.

(B) An impermeable cover on the arm if the infected wound or pustular boil is on the arm.

(C) A dry, durable, tight-fitting bandage if the infected wound or pustular boil is on another part of the body.

Exposure to foodborne pathogen and works in food establishment serving HSP - removing restriction

(10) An employee who *works in a retail food establishment serving a highly susceptible population* that was restricted due to the condition specified under section 138(a)(10) of this rule may be reinstated when:

Norovirus

(A) After the food employee was exposed to Norovirus:

(i) more than 48hours have passed since the last day the food employee was potentially exposed; or

(ii) more than 48 hours have passed since the food employee's household contact became asymptomatic.

Shigella spp. or STEC

(B) After the food employee was exposed to *Shigella* spp. or STEC:

(i) more than 3 calendar days have passed since the last day the food employee was potentially exposed; or

(ii) more than 3 calendar days have passed since the food employee's household contact became asymptomatic.

Typhoid fever (S. Typhi)

(C) After the food employee was exposed to *Typhoid fever* (caused by Salmonella Typhi):

(i) more than 14 calendar days have passed since the last day the food employee was potentially exposed; or

(ii) more than 14 calendar days have passed since the food employee's household contact became asymptomatic.

Hepatitis A

(D) After the food employee was exposed to Hepatitis A virus:

(i) the food employee is immune to hepatitis A virus infection because of a prior illness from hepatitis A;

(ii) the food employee is immune to hepatitis A virus infection because of vaccination against hepatitis A;

(iii) the food employee is immune to hepatitis A virus infection because of Immunoglobulin G (IgG) administration;

(iv) more than 30 calendar days have passed since the last day the food employee was potentially exposed;

(v) more than 30 calendar days have passed since the food employee's household contact became jaundiced; or

(vi) the food employee does not use an alternative procedure that allows bare hand contact with ready-to-eat food until at least 30) days after the potential exposure, as specified in item (a)(10)(D)(iv) and (a)(10)(D)(v), and the food employee receives additional training about:

(A) Hepatitis A symptoms and preventing the transmission of infection;

(B) proper handwashing procedures; and

(C) protecting ready-to-eat food from contamination introduced by bare hand contact.

(b) For purposes of this section, a violation of subsection (a) is a P item.

Personal Cleanliness

410 IAC 7-26-140 Personal cleanliness clean condition hands and arms

Sec. 140. (a) Food employees shall keep their hands and exposed portions of their arms clean.

(b) For purposes of this section, a violation of subsection (a) is a P item.

410 IAC 7-26-141 Hand cleaning and drying procedure

Sec. 141. (a) Except as specified in subsection (d), food employees shall clean their hands and exposed portions of their arms, including surrogate prosthetic devices for hands or arms, for at least 20 seconds, using a cleaning compound in a handwashing sink that is equipped as specified under section 347 of this rule and sections 429 through 433 of this rule.

(b) Food employees shall use the following cleaning procedures in the order stated to clean their hands and exposed portions of their arms, including surrogate prosthetic devices for hands and arms:

(1) Rinse under clean, running warm water.

(2) Apply an amount of cleaning compound recommended by the cleaning compound manufacturer.

(3) Rub together vigorously for at least 10 to 15 seconds while:

(A) paying particular attention to removing soil from underneath the fingernails during the cleaning procedure; and

(B) creating friction on the surfaces of the hands and arms, or surrogate prosthetic devices for hands and arms, finger tips, and areas between the fingers.

(4) Thoroughly rinse under clean, running warm water.

(5) Immediately follow the cleaning procedure with thorough drying using a method as specified under section 430 of this rule.

(c) To avoid recontaminating their hands or surrogate prosthetic devices, food employees may use disposable paper towels or similar clean barriers when touching surfaces, such as manually operated faucet handles on a handwashing sink or the handle of a restroom door.

(d) If approved and capable of removing the types of soils encountered in the food operations involved, an automatic handwashing facility may be used by food employees to clean their hands and exposed portions of their arms or surrogate prosthetic devices.

(e) For purposes of this section, a violation of subsection (a) or (b) is a P item.

410 IAC 7-26-142 When to wash hands

Sec. 142. (a) Food employees shall clean their hands and exposed portions of their arms as specified under section 141 of this rule immediately before engaging in food preparation, including working with exposed food, clean equipment and utensils, and unwrapped single-service and single-use articles and:

(1) after touching bare human body parts other than clean hands and clean, exposed portions of arms;

(2) after using the toilet room;

(3) after caring for or handling service animals or aquatic animals as specified in section 152(b) of this rule;

(4) except as specified in section 148(b) of this rule, after:

(A) coughing;

(B) sneezing;

(C) using a handkerchief or disposable tissue;

(D) using tobacco products;
(E) eating; or
(F) drinking;
(5) after handling soiled surfaces, equipment, or utensils;
(6) during food preparation, as often as needed to remove soil and contamination and prevent cross-contamination when changing tasks;
(7) when switching between working with raw food and ready-to-eat food;
(8) before putting gloves on to initiate a task that involves working with food; and
(9) after engaging in other activities that contaminate the hands.
(b) For purposes of this section, a violation of subsection (a) is a P item.

410 IAC 7-26-143 Where to wash hands
Sec. 143. (a) Food employees shall clean their hands in a handwashing sink and may not clean their hands:
(1) in a sink used for food preparation or warewashing; or
(2) in a service sink or curbed cleaning facility used for the disposal of mop water or similar liquid waste.
(b) For purposes of this section, a violation of subsection (a) is a Pf item.

410 IAC 7-26-144 Hand antiseptics
Sec. 144. (a) A hand antiseptic used as a topical application, a hand antiseptic solution used as a hand dip, or a hand antiseptic soap must be as follows:
(1) Comply with 1 of the following:
(A) Be an approved drug listed in the FDA publication Approved Drug Products with Therapeutic Equivalence Evaluations as an approved drug based on safety and effectiveness.
(B) Have active antimicrobial ingredients that are listed in the FDA monograph for over-the-counter Health-Care Antiseptic Drug Products as an antiseptic handwash.
(2) Consist only of components which the intended use of each component complies with one (1) of the following:
(A) A threshold of regulation exemption under 21 CFR 170.39.
(B) 21 CFR 178.
(C) A determination of generally recognized as safe (GRAS). Partial listings of substances with food uses that are GRAS may be found in 21 CFR 182, 21 CFR 184, or 21 CFR 186, and in the FDA's Inventory of GRAS Notices.
(D) A prior sanction listed under 21 CFR 181.
(E) A Food Contact Notification that is effective.
(3) Be applied only to hands that are cleaned as specified under section 141 of this rule.
(b) If a hand antiseptic or hand antiseptic solution used as a hand dip does not meet the criteria specified under subdivision (a)(2), use must be:
(1) followed by thorough hand rinsing in clean water before hand contact with food or by the use of gloves; or
(2) limited to situations that involve no direct contact with food by the bare hands.
(c) A hand antiseptic solution used as a hand dip must be maintained clean and at a strength equivalent to at least 100 ppm of chlorine.
(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a Pf item.

410 IAC 7-26-145 Fingernail maintenance
Sec. 145. (a) Food employees shall keep their fingernails trimmed, filed, and maintained so the edges and surfaces are cleanable and not rough.
(b) Unless wearing intact gloves in good repair, a food employee may not wear fingernail polish or artificial fingernails when working with exposed food.
(c) For purposes of this section, a violation of subsection (a) or (b) is a Pf item.

410 IAC 7-26-146 Jewelry prohibition
Sec. 146. (a) Except for a plain ring, such as a wedding band, food employees may not wear jewelry, including medical information jewelry on their arms and hands, while preparing food.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-147 Clean condition of outer clothing
Sec. 147. (a) Food employees shall wear clean outer clothing to prevent contamination of:
(1) food;
(2) equipment;
(3) utensils;
(4) linens; and
(5) single-service and single-use articles.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Food Contamination Prevention

410 IAC 7-26-148 Eating, drinking, or using tobacco products

Sec. 148. (a) Except as specified in subsection (b), an employee may chew gum, eat and drink food, or use any form of tobacco products only in designated areas where the contamination of:

(1) exposed food;
(2) clean equipment, utensils, and linens;
(3) unwrapped single-service and single-use articles; or
(4) other items needing protection;

cannot result.

(b) A food employee may drink from a closed beverage container if the container is handled to prevent contamination of:

(1) the employee's hands;
(2) the container;
(3) exposed food;
(4) clean equipment, utensils, and linens; and
(5) unwrapped single-service and single-use articles.

(c) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-149 Discharges from the eyes, nose, and mouth

Sec. 149. (a) Food employees experiencing persistent sneezing, coughing, or a runny nose that causes discharges from the eyes, nose, or mouth may not work with any of the following:

(1) Exposed food.
(2) Clean equipment, utensils, and linens.
(3) Unwrapped single-service and single-use articles.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-150 Use of bandages, finger cots, or finger stalls

Sec. 150. (a) If used, an impermeable cover, such as a bandage, finger cot, or finger stall located on the wrist, hand, or finger of a food employee working with exposed food, must be covered with a single-use glove.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-151 Effectiveness of hair restraint

Sec. 151. (a) Food employees shall wear hair restraints, such as hats, hair coverings or nets, beard restraints, and clothing that covers body hair, designed and worn to effectively keep their hair from contacting:

(1) exposed food;
(2) clean equipment, utensils, and linens; and
(3) unwrapped single-service and single-use articles.

(b) This section does not apply to food employees, such as counter staff who only serve beverages and wrapped or packaged foods, hostesses, and wait staff, if they present a minimal risk of contaminating:

(1) exposed food;
(2) clean equipment, utensils, and linens; and
(3) unwrapped single-service and single-use articles.

(c) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-152 Animal handling prohibition

Sec. 152. (a) Except as specified in subsection (b), food employees may not care for or handle animals that may be present, including patrol dogs, service animals, or pets that are allowed as specified in section 454(b)(2) through 454(b)(5) of this rule.

(b) Food employees with service animals may handle or care for their service animals and handle or care for fish in aquariums, or molluscan shellfish or crustacea in display tanks, if the food employees wash their hands as specified under sections 141 and 142(a)(3) of this rule.

(c) For purposes of this section, a violation of subsection (a) is a Pf item.

Responding to Contamination Events

410 IAC 7-26-153 Clean-up of vomiting and diarrheal events

Sec. 153. (a) A retail food establishment shall have written procedures for employees to follow when responding to vomiting or diarrheal events that involve the discharge of vomitus or fecal matter onto surfaces in the retail food establishment. The procedures must address the specific actions employees shall take to minimize the spread of contamination and the exposure of employees, consumers, food, and surfaces to vomitus or fecal matter.

(b) For purposes of this section, a violation of subsection (a) is a Pf item.

Chapter 3 Food

410 IAC 7-26-154 Food condition

Sec. 154. (a) Food must be safe, unadulterated, and, as specified under section 220 of this rule, honestly presented.
(b) Food may not be misbranded.
(c) For purposes of this section, a violation of subsection (a) or (b) is a P item.

Sources, Specifications, and Original Containers and Records

410 IAC 7-26-155 Food sources

Sec. 155. (a) Food must be obtained from sources that comply with law at least equivalent to Indiana law.
(b) Food prepared in a private home, including food prepared for sale under IC 16-42-5.3, may not be used or offered for human consumption in a retail food establishment.
(c) Packaged food must be labeled as specified:
(1) by law, including IC 16-42-1, IC 16-42-2, 21 CFR 101, 9 CFR 317, and 9 CFR 381; and
(2) in sections 159 and 169 of this rule.
(d) Fish, other than those specified in section 203(b) of this rule, intended for consumption in a raw or an undercooked form and allowed as specified in section 198(d) of this rule, may be offered for sale or service if they are:
(1) obtained from a supplier that freezes the fish as specified under section 203 of this rule; or
(2) frozen on the premises as specified under section 203 of this rule and records are retained as specified under section 204 of this rule.
(e) Whole-muscle intact beef steaks intended for consumption in an undercooked form without a consumer advisory as specified in section (c) of this rule must be:
(1) obtained from a food processing plant that does not mechanically tenderize, vacuum tumble with solutions, reconstruct, cube, or pound the whole-muscle intact beef steaks;
(2) deemed acceptable by the regulatory authority based on other evidence, such as written buyer specifications or invoices, that indicates the steaks meet the definition of whole-muscle intact beef; or
(3) if individually cut in a retail food establishment:
(A) cut from whole-muscle intact beef that is received from a food processing plant as specified in subdivision (e)(1) or identified as specified in subdivision (e)(2); and
(B) prepared so they remain intact.
(f) Meat and poultry that is not a ready-to-eat food and in a packaged form when it is offered for sale or otherwise offered for consumption must:
(1) be labeled to include safe handling instructions as specified in law, including 9 CFR 317.2(l) and 9 CFR 381.125(b); and
(2) meet applicable labeling requirements under IC 15-17-5.
(g) Eggs that have not been specifically treated to destroy all viable Salmonellae shall be labeled to include safe handling instructions as specified in law, including 21 CFR 101.17(h).
(h) For purposes of this section, a violation of subsection (a), (b), or (e)(3)(A) is a P item.
(i) For purposes of this section, a violation of subsection (c), (d), (e)(1), (e)(2), or (e)(3)(B) is a Pf item.
(j) For purposes of this section, a violation of subsection (f) or (g) is a CORE item.

410 IAC 7-26-156 Food in a hermetically sealed container

Sec. 156. (a) Food in a hermetically sealed container must be obtained from a food processing plant that is regulated by the food regulatory agency that has jurisdiction over the plant.
(b) For purposes of this section, a violation of subsection (a) is a P item.

410 IAC 7-26-157 Fluid milk and milk products

Sec. 157. (a) Fluid milk and milk products must be obtained from sources that comply with Grade A standards as specified in law.
(b) For purposes of this section, a violation of subsection (a) is a P item.

410 IAC 7-26-158 Fish

Sec. 158. (a) Except as specified in subsection (b), fish that are received for sale or service must be:
(1) commercially and legally produced, caught, or harvested; or
(2) approved by the department for sale or service.
(b) Recreationally caught fish may be prepared by a retail food establishment determined by the regulatory authority to be able to safely accommodate those fish, under the following conditions:
(1) The retail food establishment has a HACCP plan to assess the facility's capacity to handle the item without causing contamination of other food and food contact surfaces in the establishment.
(2) The owner of the retail food establishment agrees in advance to prepare the item for the fisher.
(3) The fish may be served only to the fisher and their guests at the table.
(c) For purposes of this section, a violation of subsection (a) or (b) is a P item.

410 IAC 7-26-159 Molluscan shellfish

Sec. 159. (a) Molluscan shellfish must be obtained from sources according to law and the requirements specified in the United States Department of Health and Human Services, Public Health Service, FDA National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish.

(b) Molluscan shellfish received in interstate commerce must be from sources listed in the Interstate Certified Shellfish Shippers List.

(c) For purposes of this section, a violation of subsection (a) or (b) is a P item.

410 IAC 7-26-160 Wild mushrooms

Sec. 160. (a) Mushroom species picked in the wild may not be offered, for sale or service by a retail food establishment, unless the following conditions are met:

(1) The mushroom species was obtained from a source where each mushroom is individually examined and determined to be safe by a mushroom identification expert.

(2) The mushroom species is accompanied by a legible label or other written documentation that provides the following:

(A) A taxonomic identity of each type of mushroom, including the scientific and common name of the mushroom species.

(B) The name, address, and contact information of the wild mushroom identifier and mushroom distributor.

(C) The qualifications and training of the identifier, specifically related to the wild mushroom identification.

(D) A statement of any common culinary hazards that may make the type of mushrooms unsafe to consume, such as "Do not cook" or "Should not be eaten uncooked".

(b) The documentation in subsection (a)(2) must be retained as paper or electronic records for at least one (1) year after the last date of sale of an identified group of wild mushrooms.

(c) This section does not apply to:

(1) cultivated mushroom species that are grown, harvested, and processed as a product of agriculture in an operation regulated by the regulatory authority with jurisdiction over the operation; or

(2) wild mushroom species if they are in packaged form and the product of a food processing plant regulated by the regulatory authority with jurisdiction over the plant.

(d) For purposes of this section, a violation of subsection (a) or (b) is a P item.

410 IAC 7-26-161 Game animals

Sec. 161. (a) If game animals are received for sale or service, they must be slaughtered and processed under a state or federal inspection program with requirements that are at least equal to the requirements of IC 15-17-5.

(b) This section does not apply to retail food establishments that only custom slaughter or process for a person a raw product of an animal species not subject to IC 15-17-5.

(c) For purposes of this section, a violation of subsection (a) is a P item.

Receiving

410 IAC 7-26-162 Specifications for receiving temperatures of food

Sec. 162. (a) Except as specified in subsection (b), refrigerated TCS food must be at a temperature not greater than forty-one (41) degrees Fahrenheit, or five (5) degrees Celsius when received.

(b) If a temperature other than forty-one (41) degrees Fahrenheit, or five (5) degrees Celsius, for a TCS food is specified by law governing its distribution, such as laws governing milk and molluscan shellfish, the food may be received at the specified temperature.

(c) Raw shell eggs shall be received in refrigerated equipment that maintains an ambient air temperature not greater than forty-five (45) degrees Fahrenheit, or seven (7) degrees Celsius.

(d) TCS food that is cooked to a temperature and for a time specified under sections 198, 199, or 200 of this rule and received hot must be at a temperature not less than one hundred thirty-five (135) degrees Fahrenheit, fifty-seven (57) degrees Celsius.

(e) A food labeled frozen and shipped frozen by a food processing plant must be received frozen.

(f) Upon receipt, TCS food must be free of evidence of previous temperature abuse.

(g) For purposes of this section, a violation of subsection (a), (c), or (d) is a P item.

(h) For purposes of this section, a violation of subsection (e) or (f) is a Pf item.

410 IAC 7-26-163 Food additives

Sec. 163. (a) Food may not contain unapproved food additives or additives that exceed amounts as specified in:

(1) 21 CFR 170 through 21 CFR 186;

(2) 9 CFR 424.21(b); or

(3) 40 CFR 180.

(b) For purposes of this section, a violation of subsection (a) is a P item.

410 IAC 7-26-164 Eggs

Sec. 164. (a) Raw, in-shell chicken eggs must be received clean and sound, and may not exceed the restricted egg tolerances for U.S. Consumer Grade B as specified in United States Standards, Grades, and Weight Classes for Shell Eggs, AMS 56.200 et seq., administered by the Agricultural Marketing Service of USDA to the extent these requirements are consistent with IC 16-42-11 and rules authorized by that law.

(b) Eggs that are not the product of a domesticated chicken must be received clean and sound from a source registered with a regulatory authority.
(c) For purposes of this section, a violation of subsection (a) or (b) is a P item.

410 IAC 7-26-165 Egg and milk products; pasteurized
Sec. 165. (a) Egg products must be obtained pasteurized.
(b) Fluid and dry milk and milk products shall:
(1) be obtained pasteurized; and
(2) comply with Grade A standards as specified in law.
(c) Frozen milk products, such as ice cream, must be obtained pasteurized as specified in 21 CFR 135.
(d) Cheese must be obtained pasteurized unless alternative procedures to pasteurization are specified in federal law.
(e) For purposes of this section, a violation of subsection (a), (b), (c), or (d) is a P item.

410 IAC 7-26-166 Packaging integrity
Sec. 166. (a) Food packages must be in good condition and protect the integrity of the contents so that the food is not exposed to adulteration or potential contaminants.
(b) For purposes of this section, a violation of subsection (a) is a Pf item.

410 IAC 7-26-167 Ice
Sec. 167. (a) Ice for use as a food, or a cooling medium for food, must be made from drinking water.
(b) For purposes of this section, a violation of subsection (a) is a P item.

410 IAC 7-26-168 Shellstock condition
Sec. 168. (a) When received by a retail food establishment, shellstock must be reasonably free of mud, dead shellstock, and shellstock with broken shells. Dead shellstock with badly broken shells must be discarded.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Molluscan Shellfish

410 IAC 7-26-169 Molluscan shellfish, packaging and identification
Sec. 169. (a) Except as specified in subdivision (b), molluscan shellfish must be obtained in nonreturnable packages or containers that bear a legible tag or label that identifies the:
(1) source, and are affixed by a dealer that depurates, packs, ships, or reships the molluscan shellfish, as specified in the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish (Model Ordinance); and
(2) "sell by" or "best if used by" date for shucked shellfish packages with a capacity of less than one-half gallon (1.89 L) or the date shucked for packages with a capacity of at least one-half gallon (1.89 L).
(b) When a two-tag harvester or dealer system is used, the dealer tag must meet the requirements identified in subsection (a)(1). When both the dealer and harvester tags appear on the container, the dealer's tag is not required to duplicate the information on the harvester's tag.
(c) A container of raw molluscan shellfish that does not bear a tag or label or bears a tag or label that does not contain all the information as specified under the Model Ordinance shall be subject to a hold order, or seizure and destruction, as allowed by law.
(d) For purposes of this section, a violation of subsection (a) is a Pf item.
(e) For purposes of this section, a violation of subsection (b) or (c) is a CORE item.

Juice

410 IAC 7-26-170 Juice treated; commercially processed
Sec. 170. (a) Prepackaged juice must be obtained:
(1) from a processor with a HACCP system as specified in 21 CFR 120; and
(2) pasteurized or otherwise treated to attain a 5-log reduction of the most resistant microorganism of public health significance as specified in 21 CFR 120.24.
(b) For purposes of this section, a violation of subsection (a)(1) is a Pf item.
(c) For purposes of this section, a violation of subsection (a)(2) is a P item.

Molluscan Shellfish Records, Labeling & Identification

410 IAC 7-26-171 Molluscan shellfish; original container
Sec. 171. (a) Except as specified in subsections (c), (d), and (e), molluscan shellfish may not be removed from the container in which they are received other than immediately before sale or preparation for service.
(b) Molluscan shellfish from one (1) tagged or labeled container may not be commingled with molluscan shellfish from another container with different certification numbers, harvest dates, or growing areas identified on the tag or label before being ordered by the consumer.
(c) For display purposes, shellstock and in-shell product may be removed from the container in which they are received, displayed on drained ice or held in a display container, and a quantity specified by a consumer may be removed from the display or display container and provided to the consumer if the:

(1) source of the shellstock or in-shell product on display is identified as specified under section 169 of this rule and recorded as specified under section 172 of this rule; and

(2) shellstock or in-shell product are protected from contamination.

(d) Shucked shellfish may be removed from the container in which they were received and held in a display container from which individual servings are dispensed upon a consumer's request if the:

(1) labeling information for the shellfish on display as specified under section 172 of this rule is retained and correlated to the date when, or dates during which, the shellfish are sold or served; and

(2) shellfish are protected from contamination.

(e) Shucked shellfish may be removed from the container in which they were received and repacked in consumer self-service containers if the:

(1) labeling information for the shellfish is on each consumer self-service container as specified under sections 159 and 221(a) of this rule, and section 221(b)(1) through 221(b)(5) of this rule;

(2) labeling information as specified under section 159 of this rule is retained and correlated with the date when, or dates during which, the shellfish are sold or served;

(3) labeling information and dates specified under subsection (d)(1) are maintained for ninety (90) days; and

(4) shellfish are protected from contamination.

(f) For purposes of this section, a violation of subsection (b) is a Pf item.

(g) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-172 Molluscan Shellfish; maintaining identification

Sec. 172. (a) Except as specified under subsection (d), molluscan shellfish tags or labels must remain attached to the container in which the shellstock are received until the container is empty.

(b) The date when the last molluscan shellfish from the container is sold or served must be recorded on the tag, label, or invoice.

(c) The identity of the source of molluscan shellfish sold or served must be maintained by retaining product tags, labels, or invoices for ninety (90) calendar days from the date recorded on the tag, label, or invoice, as specified under subsection (b), by using an approved record keeping system that keeps the tags, labels, or invoice in chronological order correlated to the date that is recorded on the tag, label, or invoice, as specified under subsection (b).

(d) If shellstock, shucked shellfish, or in-shell product are removed from its tagged or labeled container the source, identification will be preserved by using a record under subsection (c).

(e) A certification number must be included on the shellfish tag. Each shellfish certification number must consist of a one (1) to five (5) digit Arabic number preceded by the two (2) letter state abbreviation, and followed by a two (2) letter abbreviation for the type of activity or activities the dealer is qualified to perform in accordance with this provision of the National Shellfish Sanitation Program using the terms in the following tables:

Table A. Certifications

ACRONYM	TERM
SP	Shucker Packer
RP	Repacker
SS	Shellstock Shipper
RS	Reshipper

Table B. Permits

ACRONYM	TERM
PHP	Post-Harvest Processing
AQ	Aquaculture
WS	Wet Storage

(f) For purposes of this section, a violation of subsection (a), (b), (c), (d), or (e) is a Pf item.

Protection From Contamination After Receiving

Preventing Contamination by Employees

410 IAC 7-26-173 Preventing contamination from hands by employees

Sec. 173. (a) Food employees shall wash their hands as specified under section 141 of this rule.

(b) Except when washing fruits and vegetables as specified under section 179 of this rule or as specified in subsections (d) and (e), food employees may not contact exposed, ready-to-eat food with their bare hands and shall use suitable utensils, such as:

(1) deli tissue;

(2) spatulas;

(3) tongs;

(4) single-use gloves; or

(5) dispensing equipment.

(c) Food employees shall minimize bare hand and arm contact with exposed food that is not in a ready-to-eat form.

(d) Subsection (b) does not apply to a food employee who contacts exposed, ready-to-eat food with bare hands at the time the ready-to-eat food is being added as an ingredient to a food that:

(1) contains a raw animal food and is to be cooked in the retail food establishment to heat all parts of the food to the minimum temperatures specified in section 198(a), 198(b), or 199 of this rule; or

(2) does not contain a raw animal food, but is to be cooked in the retail food establishment to heat all parts of the food to a temperature of at least one hundred forty-five (145) degrees Fahrenheit, sixty-three (63) degrees Celsius.

(e) Food employees not serving a highly susceptible population may contact exposed, ready-to-eat food with their bare hands if as follows:

(1) the owner or operator of a retail food establishment obtains prior approval from the regulatory authority;

(2) written procedures are maintained in the retail food establishment and made available to the regulatory authority upon request that include the following:

(A) For each bare hand contact procedure, a listing of the specific ready-to-eat foods touched by bare hands.

(B) Diagrams and other information showing that handwashing facilities, installed, located, equipped, and maintained as specified under sections 351, 356, 359, 429, 430, and 432 of this rule are in an easily accessible location and in close proximity to the work station where the bare hand contact procedure is conducted;

(3) a written employee health policy is maintained that details how the retail food establishment complies with sections 137, 138, and 139 of this rule, including the following:

(A) Documentation that food employees and conditional employees acknowledge that they are informed to report information about their health and activities as they relate to gastrointestinal symptoms and diseases that are transmittable through food as specified under section 137(a) of this rule.

(B) Documentation that food employees and conditional employees acknowledge their responsibilities as specified under section 137(e) and 137(f) of this rule.

(C) Documentation that the person in charge acknowledges the responsibilities as specified under section 137(b) through 137(d) of this rule, and sections 138 and 139 of this rule;

(4) documentation is maintained that food employees acknowledge that they have received training in all of the following:

(A) The risks of contacting the specific ready-to-eat foods with bare hands.

(B) Proper handwashing as specified under section 141 of this rule.

(C) When to wash their hands as specified under section 142 of this rule.

(D) Where to wash their hands as specified under section 143 of this rule.

(E) Proper fingernail maintenance as specified under section 145 of this rule.

(F) Prohibition of jewelry as specified under section 146 of this rule.

(G) Good hygienic practices as specified under sections 148 and 149 of this rule;

(5) documentation is maintained that hands are washed before food preparation and as necessary to prevent cross-contamination by food employees as specified under sections 140, 141, 142, and 143 of this rule during all hours of operation when the specific ready-to-eat foods are prepared;

(6) documentation is maintained that food employees contacting ready-to-eat food with bare hands use at least two (2) of the following control measures to provide additional safeguards to hazards associated with bare hand contact:

(A) Double handwashing.

(B) Nail brushes.

(C) A hand antiseptic after handwashing as specified under section 144 of this rule.

(D) Incentive programs, such as paid sick leave, that assist or encourage food employees not to work when they are ill.

(E) Other control measures approved by the department; and

(7) documentation is maintained that corrective action is taken when subsection (e)(1) through (e)(6) is not followed.

(f) For purposes of this section, a violation of subsection (b) is a P item.

(g) For purposes of this section, a violation of subsection (c) is a Pf item.

(h) For purposes of this section, a violation subsection (a) is a CORE item.

410 IAC 7-26-174 Preventing contamination when tasting

Sec 174. (a) A food employee may not reuse a utensil once it has been used to taste food that is to be sold or served.

(b) For purposes of this section, a violation of subsection (a) is a P item.

Preventing Food and Ingredient Contamination

410 IAC 7-26-175 Packaged and unpackaged food; separation, packaging, and segregation

Sec. 175. (a) Food must be protected from cross-contamination by the following:

(1) Separating raw animal foods during storage, preparation, holding, and display from:

(A) raw, ready-to-eat food, including other raw animal food, such as fish for sushi or molluscan shellfish, or other raw ready-to-eat food, such as fruits and vegetables;

(B) cooked ready-to-eat food; and

(C) fruits and vegetables before they are washed.

(2) Except when combined as ingredients, separating types of raw animal foods from each other, such as beef, fish, lamb, pork, and poultry during storage, preparation, holding, and display by:

(A) using separate equipment for each type, or arranging each type of food in equipment so that cross-contamination of one (1) type with another is prevented; and

(B) preparing each type of food at different times or in separate areas.

(3) Cleaning equipment and utensils as specified under section 307(a) of this rule and sanitizing as specified under section 318 of this rule.

(4) Except as specified in subsection (b) and under section 212(b)(2) of this rule, storing the food in packages, covered containers, or wrappings.

(5) Cleaning hermetically sealed containers of food of visible soil before opening.

(6) Protecting food containers that are received packaged together in a case or overwrap from cuts when the case or overwrap is opened.

(7) Storing damaged, spoiled, or recalled food being held in the retail food establishment as specified under section 441 of this rule.

(8) Separating fruits and vegetables before they are washed, as specified under section 179 of this rule, from ready-to-eat food.

(b) Subsection (a)(4) does not apply to the following:

(1) Whole, uncut, raw fruits and vegetables and nuts in the shell that require peeling or hulling before consumption.

(2) Primal cuts, quarters, or sides of raw meat or slab bacon that are hung on clean, sanitized hooks or placed on clean, sanitized racks.

(3) Whole, uncut, processed meats, such as country hams, and smoked or cured sausages that are placed on clean, sanitized racks.

(4) Food being cooled as specified under section 212(b)(2) of this rule.

(5) Shellstock.

(6) Frozen, commercially processed and packaged raw animal food may be stored or displayed with or above frozen, commercially processed and packaged, ready-to-eat food.

(c) For purposes of this section, a violation of subsection (a)(1)(A) through (a)(1)(C) or subsection (a)(2) is a P item.

(d) For purposes of this section, a violation of subsection (a)(3) through (a)(8) is a CORE item.

410 IAC 7-26-176 Food storage containers; identified with common name of food

Sec. 176. (a) Except for containers holding food that can be readily and unmistakably recognized, such as dry pasta, working containers holding food or food ingredients that are removed from their original packages for use in the retail food establishment, including:

(1) cooking oils;

(2) flour;

(3) herbs;

(4) potato flakes;

(5) salt;

(6) spices; and

(7) sugar;

must be identified with the common name of the food.

(b) For purposes of this section, a violation of subsection (a) is a core item.

410 IAC 7-26-177 Pasteurized eggs, substitute for raw eggs for certain recipes

Sec. 177. (a) Pasteurized eggs or egg products may be substituted for raw eggs in the preparation of foods, such as Caesar salad, hollandaise or Béarnaise sauce, mayonnaise, meringue, eggnog, ice cream, and egg-fortified beverages that are not:

(1) cooked as specified under section 198(a)(1) or 198(a)(2) of this rule; or

(2) included in section 198(d) of this rule.

(b) For purposes of this section, a violation of subsection (a) is a P item.

410 IAC 7-26-178 Protection from unapproved additives

Sec. 178. (a) As specified in section 163 of this rule, food must be protected from contamination that may result from the addition of:

(1) unsafe or unapproved food or color additives; and

(2) unsafe or unapproved levels of approved food and color additives.

(b) A food employee shall not:

(1) apply sulfiting agents to fresh fruits and vegetables intended for raw consumption or to a food considered to be a good source of vitamin B1; or

(2) except for grapes, serve or sell food specified under subdivision (1) that is treated with sulfiting agents before the retail food establishment receives the food.

(c) For purposes of this section, a violation of subsection (a) or (b) is a P item.

410 IAC 7-26-179 Washing fruits and vegetables

Sec. 179. (a) Except as specified in subsection (b), and except for whole, raw fruits and vegetables intended for washing by the consumer before consumption, raw fruits and vegetables must be thoroughly washed in water to remove soil and other contaminants before being cut, combined with other ingredients, cooked, served, or offered for human consumption in ready-to-eat form.

(b) Fruits and vegetables may be washed by using chemicals as specified under section 462 of this rule and a test kit or other device that accurately measures the active ingredient concentration of the fruit and vegetable wash solution may be used.

(c) Devices used for onsite generation of chemicals meeting the requirements specified in 21 CFR 173.315 for the washing of raw, whole fruits and vegetables shall be used in accordance with the manufacturer's instructions.

(d) For purposes of this section, a violation of subsection (a) is a CORE item.

(e) For purposes of this section, a violation of subsection (c) is a Pf item.

Preventing Contamination from Ice Used as a Coolant

410 IAC 7-26-180 Ice used as exterior coolant; prohibited as ingredient

Sec. 180. (a) After use as a medium for cooling the exterior surfaces of:

(1) food, such as melons or fish;

(2) packaged foods, such as canned beverages; or

(3) cooling coils and tubes of equipment;

ice may not be used as food.

(b) For purposes of this section, a violation of subsection (a) is a P item.

410 IAC 7-26-181 Storage or display of food in contact with water or ice

Sec. 181. (a) Packaged food may not be stored in direct contact with ice or water if the food is subject to the entry of water because of the nature of its packaging, wrapping, or container or its positioning in the ice or water.

(b) Except as specified in subsections (c) and (d), unpackaged food may not be stored in direct contact with undrained ice.

(c) The following may be immersed in ice or water:

(1) Whole, raw fruits or vegetables.

(2) Cut, raw vegetables, such as celery or carrot sticks or cut potatoes.

(3) Tofu.

(d) Raw poultry and fish received immersed in ice in shipping containers may remain in that condition while in storage awaiting preparation, display, service, or sale.

(e) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

Preventing Contamination from Equipment, Utensils, and Linens

410 IAC 7-26-182 Food contact with equipment and utensils

Sec. 182. (a) Food may only contact surfaces of:

(1) equipment and utensils that are cleaned as specified under sections 306 through 315 of this rule, and sanitized as specified under sections 316 through 318 of this rule;

(2) single-service and single-use articles;

(3) linens, such as cloth napkins, as specified under section 184 of this rule that are laundered as specified under sections 319 through 323 of this rule; or

(4) wood as specified under section 232(c) of this rule.

(b) For purposes of this section, a violation of subsection (a) is a P item.

410 IAC 7-26-183 In-use utensils; between-use storage

Sec. 183. (a) During pauses in food preparation or dispensing, food preparation and dispensing utensils shall be stored:

(1) except as specified under subdivision (2), in the food with their handles above the top of the food and container;

(2) in food that is not TCS food with their handles above the top of the food in containers or equipment that can be closed, such as bins of sugar, flour, or cinnamon;

(3) on a clean portion of the food preparation table or cooking equipment only if the in-use utensil and food contact surface of the food preparation table or cooking equipment is cleaned and sanitized at a frequency specified under sections 307 and 317 of this rule;

(4) in running water of sufficient velocity to flush particulates to the drain, if used with moist food, such as ice cream or mashed potatoes;

(5) in a clean, protected location if the utensils, such as ice scoops, are used only with a food that is not a TCS food; or

(6) in a container of water if the water is maintained at a temperature of at least one hundred thirty-five (135) degrees Fahrenheit, fifty-seven (57) degrees Celsius, and the container is cleaned at a frequency specified under section 307(d)(7) of this rule.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-184 Linens and napkins; use limitation

Sec. 184. (a) Linens, such as cloth napkins, may not be used in contact with food unless they are used to line a container for the service of foods and the linens and napkins are replaced each time the container is refilled for a new consumer.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-185 Wiping cloths; used for one purpose

Sec. 185. (a) Cloths in use for wiping food spills from tableware and carry-out containers that occur as food is being served must be:

(1) kept dry; and

(2) used for no other purpose.

(b) Cloths in use for wiping counters and other equipment surfaces must be:

(1) held between uses in a chemical sanitizer solution at a concentration specified under section 299 of this rule; and

(2) laundered daily as specified under section 320(d) of this rule.

(c) Cloths in use for wiping surfaces in contact with raw animal foods must be kept separate from cloths used for other purposes.

(d) Dry wiping cloths and the chemical sanitizing solutions specified in subsection (b)(1) in which wet wiping cloths are held between uses must be free of food debris and visible soil.

(e) Containers of chemical sanitizing solutions specified in subsection (b)(1) in which wet wiping cloths are held between uses must be stored off the floor and used in a manner that prevents contamination of food, equipment, utensils, linens, single-service, or single-use articles.
(f) Single-use disposable sanitizer wipes must be used in accordance with EPA approved manufacturer's label use instructions.
(g) For purposes of this section, a violation of subsections (a) through (f) is a CORE item.

410 IAC 7-26-186 Gloves; use limitation

Sec. 186. (a) If used, single-use gloves shall be:

(1) used for only one (1) task, such as working with ready-to-eat food or raw animal food;

(2) used for no other purpose; and

(3) discarded when:

(A) damaged or soiled; or

(B) interruptions occur in the operation.

(b) Except as specified in subsection (c), slash-resistant gloves used to protect the hands during operations requiring cutting shall be used in direct contact only with food that is subsequently cooked as specified under sections 198 through 207 of this rule, such as frozen food or a primal cut of meat.
(c) Slash-resistant gloves may be used with ready-to-eat food that will not be subsequently cooked if the slash-resistant gloves:

(1) have a smooth, durable, and nonabsorbent outer surface; or

(2) are covered with a smooth, durable, nonabsorbent glove, or a single-use glove.

(d) Cloth gloves may not be used in direct contact with food unless the food is subsequently cooked as required under sections 198 through 207 of this rule, such as frozen food or a primal cut of meat.
(e) For purposes of this section, a violation of subsection (a) is a P item.
(f) For purposes of this section, a violation of subsection (b), (c), or (d) is a CORE item.

410 IAC 7-26-187 Using clean tableware for second portions and refills

Sec. 187. (a) Except for refilling a consumer's drinking cup or container without contact between the pouring utensil and the lip contact area of the drinking cup or container, food employees may not use tableware, including single-service articles, soiled by the consumer, to provide second portions or refills.
(b) Except as specified in subsection (c), self-service consumers may not be allowed to use soiled tableware, including single-service articles, to obtain additional food from the display and serving equipment.
(c) Drinking cups and containers may be reused by self-service consumers if refilling is a contamination-free process as specified under section 251(a)(1), 251(a)(2), and 251(a)(4) of this rule.
(d) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

410 IAC 7-26-188 Refilling returnables

Sec. 188. (a) Except as specified in subsections (b) through (e), empty containers returned to a retail food establishment for cleaning and refilling with food must be cleaned and refilled in a regulated food processing plant.
(b) A take-home food container returned to a retail food establishment may be refilled with food if the container is:

(1) designed and constructed for reuse and in accordance with the requirements specified under sections 226 through 272 of this rule;

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

(3) returned to the retail food establishment by the consumer after use; and

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

(A) Cleaned as specified under sections 306 through 315 of this rule.

(B) Sanitized as specified under sections 316 through 318 of this rule.

(C) Visually inspected by a food employee to verify that the container, as returned, is in good condition and meets the requirements specified under sections 226 through 272 of this rule.

(c) A take-home food container returned to a retail food establishment may be refilled at the establishment with a beverage if:

(1) the beverage is not a TCS food;

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

(B) the owner of the container if the beverage system includes a contamination-free transfer process as specified under section 251(a)(1), 251(a)(2), and 251(a)(4) of this rule that cannot be bypassed by the container owner.

(d) Consumer owned, personal take-out beverage containers, such as:

(1) thermally insulated bottles;

(2) nonspill coffee cups; and

(3) promotional beverage glasses;

may be refilled by employees or the consumer if refilling is a contamination-free process as specified under section 251(a)(1), 251(a)(2), and 251(a)(4) of this rule.

(e) Consumer owned containers that are not food-specific may be filled at a water vending machine or system.
(f) For purposes of this section, a violation of subsection (a), (b)(1), (b)(4)(B), or (b)(4)(C) is a P item.

Preventing Contamination from the Premises

410 IAC 7-26-189 Food storage
Sec. 189. (a) Except as specified in subsections (b) and (c), food must be protected from contamination by storing the food as follows:
(1) In a clean, dry location.
(2) Where it is not exposed to splash, dust, or other contamination.
(3) At least six (6) inches (fifteen (15) centimeters) above the floor.
(b) Food in packages and working containers may be stored less than six (6) inches, fifteen (15) centimeters, above the floor on case lot handling equipment as specified under section 270 of this rule.
(c) Pressurized beverage containers, cased food in waterproof containers, such as bottles or cans, or milk containers in plastic crates may be stored on a floor that is clean and not exposed to floor moisture.
(d) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-190 Food storage; prohibited areas
Sec. 190. (a) Food may not be stored:
(1) in locker rooms;
(2) in toilet rooms;
(3) in dressing rooms;
(4) in garbage rooms;
(5) in mechanical rooms;
(6) under sewer lines not shielded to intercept potential drips;
(7) under leaking water lines, including leaking automatic fire sprinkler heads, or under lines on which water has condensed;
(8) under open stairwells; or
(9) in or under other sources of contamination.
(b) For purposes of this section, a violation of subsection (a)(2) is a Pf item.
(c) For purposes of this section, a violation of subsection (a)(1) or subsection (a)(3) through (a)(9) is a CORE item.

410 IAC 7-26-191 Vended food original container
Sec. 191. (a) TCS food dispensed through a vending machine must be in the package in which it was placed at the retail food establishment or food processing plant at which it was prepared.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-192 Preventing contamination during food preparation
Sec. 192. (a) During preparation, unpackaged food must be protected from environmental sources of contamination.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Preventing Contamination by Consumers

410 IAC 7-26-193 Contamination during food display
Sec. 193. (a) Except for nuts in the shell and whole, raw fruits and vegetables intended for hulling, peeling, or washing by the consumer before consumption, food on display must be protected from contamination by the use of:
(1) packaging;
(2) counter, service line, or salad bar food guards;
(3) display cases; or
(4) other effective means.
(b) For purposes of this section, a violation of subsection (a) is a P item.

410 IAC 7-26-194 Contamination of condiments
Sec. 194. (a) Condiments must be protected from contamination by being kept in:
(1) dispensers designed to provide protection;
(2) protected food displays provided with the proper utensils;
(3) original containers designed for dispensing; or
(4) individual packages or portions.
(b) Condiments at a vending machine or micro market location must be in individual packages or provided in dispensers that are filled at an approved location, such as the following:
(1) The retail food establishment that provides food to the vending machine location.
(2) A food processing plant regulated by the agency that has jurisdiction over the operation.
(3) An adequately equipped area located on the site of the vending machine or micro market location.
(c) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

410 IAC 7-26-195 Contamination at consumer self-service operations

Sec. 195. (a) Raw, unpackaged animal food, such as beef, lamb, pork, poultry, and fish may not be offered for consumer self-service. This section does not apply to:

(1) consumer self-service of ready-to-eat foods at buffets or salad bars that serve foods such as sushi or raw shellfish; or

(2) ready-to-cook individual portions for immediate cooking and consumption on the premises, such as:

(A) consumer cooked meats or consumer selected ingredients for Mongolian barbecue; or

(B) raw, frozen, shell-on shrimp or lobster.

(b) Consumer self-service operations for ready-to-eat foods shall be provided with suitable utensils or effective dispensing methods that protect the food from contamination.

(c) Consumer self-service operations, such as buffets and salad bars, shall be monitored by food employees trained in safe operating procedures.

(d) For purposes of this section, a violation of subsection (a) is a P item.

(e) For purposes of this section, a violation of subsection (b) or (c) is a Pf item.

410 IAC 7-26-196 Returned food; re-service or sale

Sec. 196. (a) Except as specified in subsection (b), after being served or sold and in the possession of a consumer, food that is unused or returned by the consumer may not be offered as food for human consumption.

(b) Except as specified under section 225(a)(7) of this rule, a container of food that is not a TCS food may be re-served from one (1) consumer to another if:

(1) the food is dispensed so that it is protected from contamination and the container is closed between uses, such as a narrow-neck bottle containing catsup, steak sauce, or wine; or

(2) the food, such as crackers, salt, or pepper, is in an unopened original package and maintained in sound condition.

(c) For purposes of this section, a violation of subsection (a) or (b) is a P item.

Preventing Contamination from Other Sources

410 IAC 7-26-197 Miscellaneous sources of contamination

Sec. 197. (a) Food must be protected from contamination that may result from a factor or source not specified under sections 173 through 196 of this rule or section 489 of this rule.

(b) For purposes of this section, a violation of subsection (a) is either a P, PF, or CORE item based on the regulatory authority's determination of whether or not the violation significantly contributes to food contamination, an illness, or an environmental health hazard.

Destruction of Organisms of Public Health Concern

410 IAC 7-26-198 Cooking of raw animal foods

Sec. 198. (a) Except as specified under subsections (b) through (d), raw animal foods, such as eggs, fish, meat, poultry, and foods containing these raw animal foods, must be cooked to heat all parts of the food to a temperature and for a time that complies with one (1) of the following methods based on the food that is being cooked:

(1) One hundred forty-five (145) degrees Fahrenheit, sixty-three (63) degrees Celsius, or above for fifteen (15) seconds for:

(A) raw eggs that are broken and prepared in response to a consumer's order and for immediate service; or

(B) fish and intact meat, except as specified under subdivisions (2) and (3).

(2) One hundred fifty-five (155) degrees Fahrenheit, sixty-eight (68) degrees Celsius, for seventeen (17) seconds or the temperature specified in the following chart that corresponds to the holding time for:

(A) ratites;

(B) meats that are not intact meats;

(C) fish if comminuted;

(D) game animals processed as specified in section 161(a) of this rule, if comminuted; or

(E) raw eggs that are not prepared as specified under subdivision (1)(A):

Minimum Temperature °F (°C)	Minimum Time
145 (63)	3 minutes
150 (66)	1 minute
158 (70)	< 1 second (instantaneous)

(3) One hundred sixty-five (165) degrees Fahrenheit, seventy-four (74) degrees Celsius, or above for less than one (1) second (instantaneous) for poultry, baluts, game animals, stuffed fish, stuffed meat, stuffed pasta, stuffed poultry, or stuffing containing fish, meat, or poultry.

(b) Whole meat roasts, including beef, corned beef, lamb, pork, and cured pork roasts, such as ham, must be cooked:

(1) in an oven that is preheated to the temperature specified for the roast's weight in the following chart and held at that temperature:

Oven Type	Oven Temperature Based on Roast Weight	
	Less than 10 lbs (4.5 kg)	10 lbs (4.5 kg) or More
Still Dry	350ºF (177ºC) or more	250ºF (121ºC) or more
Convection	325ºF (163ºC) or more	250ºF (121ºC) or more
High Humidity[1]	250ºF (121ºC) or less	250ºF (121ºC) or less
[1] Relative humidity greater than 90% for at least 1 hour as measured in the cooking chamber or exit of the oven; or in a moisture-impermeable bag that provides 100% humidity.		

or

(2) as specified in the following chart, to heat all parts of the food to a temperature and for the holding time that corresponds to that temperature:

Temperature °F (°C)	Time[1] in Minutes	Temperature °F (°C)	Time[1] in Seconds
130 (54.4)	112	147 (63.9)	134
131 (55.0)	89	149 (65.0)	85
133 (56.1)	56	151 (66.1)	54
135 (57.2)	36	153 (67.2)	34
136 (57.8)	28	155 (68.3)	22
138 (58.9)	18	157 (69.4)	14
140 (60.0)	12	158 (70.00)	0
142 (61.1)	8		
144 (62.2)	5		
145 (62.8)	4		
[1] *Holding time may include post-oven heat rise.*			

(c) A raw or an undercooked whole-muscle intact beef steak may be served or offered for sale in a ready-to-eat form if:

(1) the retail food establishment serves a population that is not a highly susceptible population;

(2) the steak is labeled to indicate that it meets the definition of "whole-muscle intact beef" as specified under section 155(e) of this rule; and

(3) the steak is cooked on both the top and bottom to a surface temperature of one hundred forty-five (145) degrees Fahrenheit (sixty-three (63) degrees Celsius) or above and a cooked color change is achieved on all external surfaces.

(d) A raw animal food or partially cooked food may be served or offered for sale upon consumer request or selection in a ready-to-eat form if either:

(1) all of the following are met:

(A) As specified under section 225(a)(3)(A) and 225(a)(3)(B) of this rule, the retail food establishment serves a population that is not a highly susceptible population.

(B) The food, if served or offered for service by consumer selection from a children's menu, does not contain comminuted meat.

(C) The consumer is informed as specified under section 223 of this rule that to ensure its safety, the food must be cooked as specified under subsection (a) or (b); or

(2) the department grants a variance from subsection (a) or (b) as specified in section 483 of this rule based on a HACCP plan that:

(A) is submitted by the owner or operator of the retail food establishment and approved as specified under section 483 of this rule;

(B) documents scientific data or other information showing that a lesser time and temperature regimen results in a safe food; and

(C) verifies that equipment and procedures for food preparation and training of food employees at the retail food establishment meet the conditions of the variance.

(e) For purposes of this section, a violation of subsection (a)(1), (a)(1)(A), (a)(1)(B), (a)(2), (a)(3), or (b)(2) is a P item.

(f) For purposes of this section, a violation of subsection (b)(1) is a Pf item.

410 IAC 7-26-199 Microwave cooking

Sec. 199. (a) Raw animal foods cooked in a microwave oven must be:

(1) rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat;

(2) covered to retain surface moisture;

(3) heated to a temperature of at least one hundred sixty-five (165) degrees Fahrenheit, seventy-four (74) degrees Celsius, in all parts of the food; and

(4) allowed to stand covered for two (2) minutes after cooking to obtain temperature equilibrium.

(b) For purposes of this section, a violation of subsection (a)(3) is a P item.

(c) For purposes of this section, a violation of subsection (a)(1), (a)(2), or (a)(4) is a CORE item.

410 IAC 7-26-200 Plant and TCS foods cooking for hot holding

Sec. 200. (a) Plant foods and any TCS foods not included under sections 198 and 199 of this rule that are cooked for hot holding must be cooked to a temperature of one hundred thirty-five (135) degrees Fahrenheit, fifty-seven (57) degrees Celsius.

(b) For purposes of this section, a violation of subsection (a) is a Pf item.

410 IAC 7-26-201 Non-continuous cooking of raw animal foods

Sec. 201. (a) Raw animal foods cooked using a noncontinuous cooking process must be:

(1) subject to an initial heating process that is not longer than sixty (60) minutes in duration;

(2) immediately after initial heating, cooled according to the time and temperature parameters specified for cooked TCS food under section 211(a) of this rule;

(3) after cooling, held frozen or cold, as specified for TCS food under section 213(a)(2) of this rule;

(4) before sale or service, cooked using a process that heats all parts of the food to a temperature and for a time as specified under section 198(a) through 198(c) of this rule;

(5) cooled according to the time and temperature parameters specified for cooked TCS food under section 211(a) of this rule if not:

(A) hot held as specified under section 213(a) of this rule;

(B) served immediately; or

(C) held using time as a public health control as specified under section 216 of this rule after complete cooking; and

(6) prepared and stored according to written procedures that:

(A) have obtained prior approval from the regulatory authority;

(B) are maintained in the retail food establishment and are available to the regulatory authority on request;

(C) describe how the requirements specified under subdivisions (1) through (5) are to be monitored and documented by the owner or operator of the retail food establishment, and the corrective actions to be taken if the requirements are not met;

(D) describe how the foods, after initial heating, but before complete cooking, are to be marked or otherwise identified as foods that must be cooked as specified under subdivision (4) before being offered for sale or service; and

(E) describe how the foods, after initial heating but before cooking as specified under subdivision (4) are to be separated from ready-to-eat foods as specified under section 175(a) of this rule.

(b) For purposes of this section, a violation of subsection (a)(1), (a)(2), (a)(3), (a)(4), or (a)(5) is a P item.

(c) For purposes of this section, a violation of subsection (a)(6) is a Pf item.

410 IAC 7-26-202 Manufacturer cooking instruction

Sec. 202. (a) Commercially packaged foods that bear a manufacturer's cooking instructions must be cooked according to those instructions before:

(1) use in ready-to-eat foods; or

(2) offered in unpackaged form for human consumption;

unless the manufacturer's instructions specify that the food may be consumed without cooking.

(b) Food for which the manufacturer has provided information that it has not been processed to control pathogens when used in ready–to–eat foods or offered for human consumption must be cooked according to a time and temperature appropriate for the food.

(c) For purposes of this section, a violation of subsection (a) or (b) is a P item.

410 IAC 7-26-203 Parasite destruction

Sec. 203. (a) Before service or sale in ready-to-eat form, raw, raw-marinated, partially cooked, or marinated-partially cooked fish must be:

(1) frozen and stored at a temperature of negative four (-4) degrees Fahrenheit, negative twenty (-20) degrees Celsius, or below for at least one hundred sixty-eight (168) hours, seven (7) days, in a freezer;

(2) frozen at negative thirty-one (-31) degrees Fahrenheit, negative thirty-five (-35) degrees Celsius, or below until solid, and stored at negative thirty-one (-31) degrees Fahrenheit, negative thirty-five (-35) degrees Celsius, for at least fifteen (15) hours; or

(3) frozen at negative thirty-one (-31) degrees Fahrenheit, negative thirty-five (-35) degrees Celsius, or below until solid, and stored at negative four (-4) degrees Fahrenheit, negative twenty (-20) degrees Celsius, or below for at least twenty-four (24) hours.

(b) Subsection (a) does not apply to the following:

(1) Molluscan shellfish.

(2) A scallop product consisting of only the shucked adductor muscle.

(3) Tuna of the following species:

(A) Thunnus alalunga.

(B) Thunnus albacares.
(C) Thunnus atlanticus.
(D) Thunnus maccoyii.
(E) Thunnus obesus.
(F) Thunnus thynnus.

(4) Aquacultured fish, such as salmon, that:

(A) if raised in open water, net-pens, or land-based operations, such as ponds or tanks; and
(B) are fed formulated feed, such as pellets, that contains no live parasites infective to the aquacultured fish.

(5) Fish eggs that have been removed from the skein and rinsed.

(c) For purposes of this section, a violation of subsection (a) is a P item.

410 IAC 7-26-204 Records; creation and retention

Sec. 204. (a) Except as provided in subsection (b), and as specified in section 203(b) of this rule, if raw, raw-marinated, partially cooked, or marinated-partially cooked fish are served or sold in ready-to-eat form, the person in charge shall record the freezing temperature and time to which the fish are subjected and retain the records of the retail food establishment for ninety (90) calendar days beyond the time of service or sale of the fish.

(b) If fish are frozen by a supplier, a written agreement or statement from the supplier stipulating that the fish supplied are frozen to a temperature and for a time specified under section 203 of this rule may be substituted for the records specified under subsection (a).

(c) If raw, raw-marinated, partially cooked, or marinated-partially cooked fish are served or sold in ready-to-eat form, and the fish are raised and fed as specified in section 203(b)(4) of this rule, a written agreement or statement from the supplier or aquaculturist stipulating that the fish were raised and fed as specified in section 203(b)(4) of this rule shall be obtained by the person in charge and retained in the records of the retail food establishment for ninety (90) calendar days beyond the time of service or sale of the fish.

(d) For purposes of this section, a violation of subsection (a) or (c) is a Pf item.

410 IAC 7-26-205 Preparation for immediate service

Sec. 205. (a) Cooked and refrigerated food prepared for immediate service in response to an individual consumer order, such as a roast beef sandwich au jus, may be served at any temperature.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Reheating

410 IAC 7-26-206 Reheating for hot holding

Sec. 206. (a) Except as specified under subsections (b), (c), and (e), TCS food that is cooked, cooled, and reheated for hot holding must be reheated so that all parts of the food reach a temperature of at least one hundred sixty-five (165) degrees Fahrenheit, seventy-four (74) degrees Celsius, for fifteen (15) seconds.

(b) Except as specified under subsection (c), TCS food reheated in a microwave oven for hot holding must be reheated so that all parts of the food reach a temperature of at least one hundred sixty-five (165) degrees Fahrenheit, seventy-four (74) degrees Celsius, and the food is rotated or stirred, covered, and allowed to stand covered for two (2) minutes after reheating.

(c) Ready-to-eat TCS food that has been commercially processed and packaged in a food processing plant that is inspected by the regulatory authority that has jurisdiction over the plant must be heated to a temperature of at least one hundred thirty-five degrees (135) Fahrenheit, fifty-seven (57) degrees Celsius, when reheated for hot holding.

(d) Reheating for hot holding as specified under subsections (a) through (c) must be done rapidly and when food is between forty-one (41) degrees Fahrenheit, five (5) degrees Celsius, and the temperatures specified under subsections (a) through (c) may not exceed two (2) hours.

(e) Remaining unsliced portions of meat roasts that are cooked as specified under section 198(b) of this rule may be reheated for hot holding using the oven parameters and minimum time and temperature conditions specified under section 198(b) of this rule.

(f) For purposes of this section, a violation of subsection (a), (b), (c), or (d) is a P item.

Juice

410 IAC 7-26-207 Treating juice; other methods

Sec. 207. (a) Juice packaged in a retail food establishment must be labeled as specified under section 221 of this rule.

(b) Treated juice must follow the HACCP plan as specified in section 486(a)(2) through 486(a)(5) of this rule to attain a 5-log reduction, which is equal to a ninety-nine and nine hundred ninety-nine thousandths percent (99.999%) reduction, of the most resistant microorganism of public health significance.

(c) Juices that have not been treated as described in subsection (b) must be labeled as specified under section 221 of this rule and 21 CFR 101.17(g), including bearing the following statement: "WARNING: This product has not been pasteurized and, therefore, may contain harmful bacteria that can cause serious illness in children, the elderly, and persons with weakened immune systems.".

(d) For purposes of this section, a violation of subsection (a) or (b) is a P item.

(e) For purposes of this section, a violation of subsection (c) is a Pf item.

Temperature and Time Control

410 IAC 7-26-208 Temperature control of frozen food

Sec. 208. (a) Stored frozen foods must be maintained frozen.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-209 Temperature control of slacking food

Sec. 209. (a) Frozen TCS food that is slacked to moderate the temperature must be held:

(1) under refrigeration that maintains the food temperature at forty-one (41) degrees Fahrenheit, five (5) degrees Celsius, or less; or

(2) at any temperature if the food remains frozen.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-210 Thawing of food

Sec. 210. (a) Except as specified in subdivision (4), TCS food must be thawed:

(1) under refrigeration that maintains the food temperature at not more than forty-one (41) degrees Fahrenheit, five (5) degrees Celsius;

(2) completely submerged under running water:

(A) at a water temperature not more than seventy (70) degrees Fahrenheit, twenty-one (21) degrees Celsius;

(B) with enough water velocity to agitate and float off loose particles in an overflow; and

(C) for a period that does not allow thawed portions of:

(i) ready-to-eat food to rise above forty-one (41) degrees Fahrenheit, five (5) degrees Celsius; or

(ii) a raw animal food requiring cooking as specified under section 198(a) and 198(b) of this rule to be above forty-one (41) degrees Fahrenheit, five (5) degrees Celsius, for more than four (4) hours, including the time:

(AA) the food is exposed to the running water and the time needed for preparation for cooking; or

(BB) it takes under refrigeration to lower the food temperature to forty-one (41) degrees Fahrenheit, five (5) degrees Celsius;

(3) as part of a cooking process if the food that is frozen is:

(A) cooked as specified under section 198(a), 198(b), 199, or 202 of this rule; or

(B) thawed in a microwave oven and immediately transferred to conventional cooking equipment, with no interruption in the process; or

(4) using any procedure if a portion of frozen ready-to-eat food is thawed and prepared for immediate service in response to an individual consumer's order.

(b) Reduced oxygen packaged fish that bears a label indicating it is to be kept frozen until time of use must be removed from the reduced oxygen environment:

(1) before thawing under refrigeration as specified in subsection (a)(1); or

(2) immediately after thawing completely using procedures specified in subsection (a)(2).

(c) For purposes of this section, a violation of subsection (a)(1) through (a)(3) is a Pf item.

(d) For purposes of this section, a violation of subsection (b) is a CORE item.

410 IAC 7-26-211 TCS food; cooling

Sec. 211. (a) Cooked TCS food must be cooled as follows:

(1) Within two (2) hours, from one hundred thirty-five (135) degrees Fahrenheit, fifty-seven (57) degrees Celsius, to seventy (70) degrees Fahrenheit, twenty-one (21) Celsius.

(2) Within a total of six (6) hours, from not more than one hundred thirty-five (135) degrees Fahrenheit, fifty-seven (57) degrees Celsius, to forty-one (41) degrees Fahrenheit, five (5) degrees Celsius.

(b) TCS food must be cooled within four (4) hours to forty-one (41) degrees Fahrenheit, five (5) degrees Celsius, or less if prepared from ingredients at ambient temperature, such as reconstituted foods and canned tuna.

(c) Except as specified under subsection (d), a TCS food received in compliance with laws allowing a temperature above forty-one (41) degrees Fahrenheit, five (5) degrees Celsius, during shipment from the supplier as specified in section 162(b) of this rule must be cooled within four (4) hours to not more than forty-one (41) degrees Fahrenheit, five (5) degrees Celsius.

(d) Raw shell eggs must be received as specified under section 162(c) of this rule and immediately placed in refrigerated equipment that maintains an ambient air temperature of not more than forty-five (45) degrees Fahrenheit, seven (7) degrees Celsius.

(e) For purposes of this section, a violation of subsection (a), (b), (c), or (d) is a P item.

410 IAC 7-26-212 Cooling methods

Sec. 212. (a) Cooling methods shall be conducted under the time and temperature criteria specified under section 211 of this rule by using at least one (1) of the following methods based on the type of food being cooled:

(1) Placing the food in shallow pans.

(2) Separating the food into smaller or thinner portions.

(3) Using rapid cooling equipment.

(4) Stirring the food in a container placed in an ice water bath.

(5) Using containers that facilitate heat transfer.

(6) Adding ice as an ingredient.

(7) Other effective methods.

(b) When placed in cooling or cold holding equipment, food containers in which food is being cooled must be:

(1) arranged in the equipment to provide maximum heat transfer through the container walls; and

(2) loosely covered, or uncovered if protected from overhead contamination as specified under section 189(a)(2) of this rule, during the cooling period to facilitate heat transfer from the surface of the food.

(c) For purposes of this section, a violation of subsection (a) is a Pf item.

(d) For purposes of this section, a violation of subsection (b) is a CORE item.

410 IAC 7-26-213 TCS food; hot and cold holding

Sec. 213. (a) Except during preparation, cooking, or cooling, or when time is used as the public health control as specified under section 216 of this rule, and except as specified under subsections (b) and (c), TCS food must be maintained:

(1) at not less than one hundred thirty-five (135) degrees Fahrenheit, fifty-seven (57) degrees Celsius, but roasts cooked to a temperature and for a time specified under section 198(b) of this rule, or reheated as specified in section 206(e) of this rule, may be held at not less than one hundred thirty (130) degrees Fahrenheit, fifty-four (54) degrees Celsius; or

(2) at forty-one (41) degrees Fahrenheit, five (5) degrees Celsius, or less.

(b) Raw shell eggs that have not been treated to destroy all viable Salmonellae must be stored in refrigerated equipment that maintains an ambient air temperature of forty-five (45) degrees Fahrenheit, seven (7) degrees Celsius, or less.

(c) TCS food in a homogenous liquid form may be maintained outside the temperature control requirements, as specified under subsection (a), while contained within specially designed equipment that complies with the design and construction requirements as specified under section 251(a)(5) of this rule.

(d) For purposes of this section, a violation of subsection (a) or (b) is a P item.

410 IAC 7-26-214 Ready-to-eat, TCS food; date marking

Sec. 214. (a) Except when packaging food using a reduced oxygen packaging method as specified under section 218 of this rule, and except as specified in subsection (e), refrigerated, ready-to-eat TCS food prepared on-premises and held in a retail food establishment for more than twenty-four (24) hours must be clearly marked to indicate the date or day by which the food must be consumed on the premises, sold, or discarded when held at a temperature of not more than forty-one (41) degrees Fahrenheit, five (5) degrees Celsius for a maximum of seven (7) days. The day of preparation is counted as day one (1).

(b) Except as specified in subsections (e) and (f), refrigerated, ready-to-eat TCS food prepared and packaged by a food processing plant must be clearly marked, at the time the original container is opened in a retail food establishment and if the food is held for more than twenty-four (24) hours, to indicate the date or day by which the food must be consumed on the premises, sold, or discarded, based on the temperature and time combinations specified in subsection (a) and the following apply:

(1) The day the original container is opened in the establishment is counted as day one (1).

(2) The day or date marked by the establishment may not exceed a manufacturer's use-by date if the manufacturer determined the use-by date based on food safety.

(c) A refrigerated, ready-to-eat TCS food or portion of a refrigerated TCS food that is subsequently combined with additional ingredients or portions of food must retain the date marking of the earliest or first prepared ingredient.

(d) A date marking system that meets the criteria stated in subsections (a) and (b) may include:

(1) using a method approved by the regulatory authority for refrigerated, ready-to-eat TCS food that is frequently rewrapped, such as lunchmeat or a roast, or for which date marking is impractical, such as soft serve mix or milk in a dispensing machine;

(2) marking the date or day of preparation, with a procedure to discard the food on or before the last date or day by which the food must be consumed on the premises, sold, or discarded as specified under subsection (a);

(3) marking the date or day the original container is opened in the establishment, with a procedure to discard the food on or before the last date or day by which the food must be consumed on the premises, sold, or discarded as specified under subsection (b); or

(4) using calendar dates, days of the week, color-coded marks, or other effective marking methods, provided the marking system is disclosed to the regulatory authority on request.

(e) Subsections (a) and (b) do not apply to:

(1) individual meal portions served or repackaged for sale from a bulk container on a consumer's request; or

(2) shellstock.

(f) Subsection (b) does not apply to the following foods prepared and packaged by a food processing plant inspected by a regulatory authority:

(1) Deli salads, such as:

(A) ham;

(B) seafood;

(C) chicken;

(D) egg;

(E) pasta;

(F) potato; and

(G) macaroni;

salad, manufactured in accordance with 21 CFR 117.

(2) Hard cheeses containing not more than thirty-nine percent (39%) moisture as defined in 21 CFR 133, such as:

(A) cheddar;

(B) gruyere;

(C) parmesan;

(D) parmigiano reggiano; and
(E) romano.

(3) Semisoft cheeses containing more than thirty-nine percent (39%) moisture, but not more than fifty percent (50%) moisture, as defined in 21 CFR 133, such as:
(A) blue;
(B) edam;
(C) gorgonzola;
(D) gouda; and
(E) monterey jack.

(4) Cultured dairy products as defined in 21 CFR 131, such as yogurt, sour cream, and buttermilk.

(5) Preserved fish products, such as pickled herring and dried or salted cod, and other acidified fish products defined in 21 CFR 114.

(6) Shelf stable, dry fermented sausages, such as pepperoni and genoa.

(7) Shelf stable salt-cured products, such as prosciutto and Parma (ham).

(g) For purposes of this section, a violation of subsection (a), (b), or (c) is a Pf item.

On-premises Preparation

410 IAC 7-26-215 Ready-to-eat, TCS food; disposition

Sec. 215. (a) A food specified in section 214(a) or 214(b) of this rule must be discarded if it:

(1) exceeds either of the temperature and time combinations specified in section 213(a), except for time the product is frozen;

(2) is in a container or package that does not bear a date or day; or

(3) is appropriately marked with a date or day that exceeds a temperature and time combination as specified in section 214(a) of this rule.

(b) Refrigerated, ready-to-eat TCS food prepared in a retail food establishment and dispensed through a vending machine with an automatic shutoff control must be discarded if it exceeds a temperature and time combination as specified in section 214(a) of this rule.

(c) For purposes of this section, a violation of subsection (a) or (b) is a P item.

410 IAC 7-26-216 Time as a public health control

Sec. 216. (a) Except as specified under subsection (d), if time without temperature control is used as the public health control for a working supply of TCS food before cooking, or for ready-to-eat TCS food displayed or held for sale or service:

(1) written procedures shall be prepared in advance, maintained in the retail food establishment, and made available to the regulatory authority on request that specify:
(A) methods of compliance with subsection (b)(1) through (b)(4) or subsection (c); and
(B) methods of compliance with section 211 of this rule for food that is prepared, cooked, and refrigerated before time is used as a public health control.

Time – maximum up to 4 hours

(b) The following apply if time without temperature control is used as the public health control for not more than four (4) hours:

(1) The food must have an initial temperature of not more than forty-one (41) degrees Fahrenheit, five (5) degrees Celsius, when removed from cold holding temperature control, or one hundred thirty-five (135) degrees Fahrenheit, fifty-seven (57) degrees Celsius, or greater when removed from hot holding temperature control.

(2) The food may have an initial temperature of not more than seventy (70) degrees Fahrenheit, twenty-one (21) degrees Celsius if:
(A) it is a ready-to-eat fruit or vegetable that after cutting is rendered a TCS food as defined in section 125 of this rule;
(B) it is a ready-to-eat, hermetically sealed food that after opening is rendered a TCS food as defined in section 125 of this rule;
(C) the food temperature does not exceed seventy (70) degrees Fahrenheit, twenty-one (21) degrees Celsius, within a maximum period of four (4) hours after the time it was rendered a TCS food; and
(D) the food is marked or otherwise identified to indicate the time that is four (4) hours past the time when the food is rendered a TCS food as specified in clauses (A) and (B).

(3) The food must be marked or otherwise identified to indicate the time that is four (4) hours past the point in time when the food is removed from temperature control.

(4) The food must be cooked and served, served at any temperature if ready-to-eat, or discarded within four (4) hours after the time when the food is removed from temperature control.

(5) Food in unmarked containers or packages, or marked to exceed a four (4) hour limit, must be discarded.

Time – maximum up to 6 hours

(c) The following apply if time without temperature control is used as the public health control for not more than six (6) hours:

(1) The food must have an initial temperature of forty-one (41) degrees Fahrenheit, five (5) degrees Celsius, or less when removed from temperature control, and the food temperature may not exceed seventy (70) degrees Fahrenheit twenty-one (21) degrees Celsius, within a maximum period of six (6) hours.

(2) The food must be monitored to ensure the warmest portion of the food does not exceed seventy (70) degrees Fahrenheit, twenty-one (21) degrees Celsius, during the six (6) hour period, unless an ambient air temperature is maintained that ensures the food does not exceed seventy (70) degrees Fahrenheit, twenty-one (21) degrees Celsius, during the six (6) hour holding period.

(3) The food must be marked or otherwise identified to indicate:

(A) the time when the food is removed from forty-one (41) degrees Fahrenheit, five (5) degrees Celsius, or less cold holding temperature control; and

(B) the time that is six (6) hours after the time when the food is removed from cold holding temperature control.

(4) The food must be:

(A) discarded if the temperature of the food exceeds seventy (70) degrees Fahrenheit, twenty-one (21) degrees Celsius; or

(B) cooked and served, served at any temperature if ready-to-eat, or discarded within not more than of six (6) hours after the time when the food is removed from at least forty-one (41) degrees Fahrenheit, five (5) degrees Celsius cold holding temperature control.

(5) Food in unmarked containers or packages, or marked with a time that exceeds the six (6) hour limit, must be discarded.

(d) A retail food establishment that serves a highly susceptible population may not use time as specified under subsections (a), (b), or (c) as the public health control for raw eggs.

(e) For purposes of this section, a violation of subsection (b)(1), (b)(4), (b)(5), (c)(1), (c)(4), or (c)(5) is a P item.

(f) For purposes of this section, a violation of subsection (a), (b)(3), (c)(2), or (c)(3) is a Pf item.

(g) For purposes of the section, a violation of subsections (b)(2) and (d) is a CORE item.

410 IAC 7-26-217 Specialized processing methods; variance requirement

Sec. 217. (a) An owner or operator of a retail food establishment must obtain a variance from the department as specified under section 483 of this rule before doing the following:

(1) Smoking food as a method of food preservation rather than as a method of flavor enhancement.

(2) Curing food.

(3) Using food additives or adding components, such as vinegar:

(A) as a method of food preservation rather than as a method of flavor enhancement; or

(B) as a method to render a TCS food so that it is no longer TCS.

(4) Packaging TCS food using a reduced oxygen packaging method, except where the growth of and toxin formation by Clostridium botulinum and the growth of Listeria monocytogenes are controlled as specified under section 218 of this rule.

(5) Operating a molluscan shellfish life-support system display tank used to store or display shellfish offered for human consumption.

(6) Sprouting seeds or beans.

(7) Freeze drying food.

(8) Fermenting food with or without a casing. A casing is a tubular container for sausage products made of either natural or artificial (synthetic) material.

(9) Preparing food by another method determined by the regulatory authority to be a special process that requires a variance.

(b) For purposes of this section, a violation of subsection (a) is a Pf item.

410 IAC 7-26-218 Criteria for reduced oxygen packaging without a variance

Sec. 218. (a) Except for a retail food establishment that obtains a variance as specified under section 217 of this rule, a retail food establishment that packages TCS food using a reduced oxygen packaging method shall control the growth and toxin formation of Clostridium botulinum and the growth of Listeria monocytogenes.

(b) Except as specified under subsection (f), a retail food establishment that packages TCS food using a reduced oxygen packaging method shall implement a HACCP plan that contains the information specified under section 486(a)(3) and 486(a)(4) of this rule and includes all the following:

(1) Identifies the food to be packaged.

(2) Except as specified under subsections (c) through (e), requires the packaged food must be maintained at not more than forty-one (41) degrees Fahrenheit, five (5) degrees Celsius and meet at least one (1) of the following criteria:

(A) Has an a_w of not more than 0.91.

(B) Has a pH of not more than 4.6.

(C) Is a meat or poultry product cured at a food processing plant regulated by the USDA using substances specified in 9 CFR 424.21 and is received in an intact package.

(D) Is a food with a high level of competing organisms, such as raw meat, poultry, or vegetables.

(3) Describes how the package shall be prominently and conspicuously labeled on the principal display panel in bold type on a contrasting background, with instructions to:

(A) maintain the food at forty-one (41) degrees Fahrenheit, five (5) degrees Celsius, or below; and

(B) discard the food within thirty (30) calendar days of its packaging if:

(i) it is not served for on-premises consumption; or

(ii) consumed if served or sold for off-premises consumption.

(4) Limits the refrigerated shelf life to not more than thirty (30) calendar days from packaging to consumption, except the time the product is maintained frozen, or the original manufacturer's "sell by" or "use by" date, whichever occurs first.

(5) Includes operational procedures that include all the following:

(A) Prohibit contacting ready-to-eat food with bare hands as specified under section 173 of this rule.

(B) Identify a designated work area and the method by which:

(i) physical barriers or methods of separation of raw foods and ready-to-eat foods minimize cross-contamination; and

(ii) access to the processing equipment is limited to responsible trained personnel familiar with the potential hazards of the operation.

(C) Delineate cleaning and sanitization procedures for food contact surfaces.

(6) Describes the training program that ensures that the individual responsible for the reduced oxygen packaging operation understands the:

(A) concepts required for a safe operation;

(B) equipment and facilities; and

(C) procedures specified under subdivision (5) and section 486(a)(3) and 486(a)(4) of this rule.

(7) Is provided to the regulatory authority before implementation as specified under section 485(b) of this rule.

Fish

(c) Except for fish that is frozen before, during, and after packaging and bears a label indicating it is to be kept frozen until time of use, a retail food establishment may not package fish using a reduced oxygen packaging method.

Cook-Chill or Sous Vide

(d) Except as specified under subsections (c) and (f), a retail food establishment that packages TCS food using a cook-chill or sous vide process shall do the following:

(1) Provide to the regulatory authority, before implementation, a HACCP plan that contains the information as specified under section 486(a)(3) and 486(a)(4) of this rule.

(2) Ensure the food is as follows:

(A) Prepared and consumed on the premises or prepared and consumed off the premises, but within the same business entity with no distribution or sale of the packaged product to another business entity or the consumer.

(B) Cooked to heat all parts of the food to a temperature and for a time as specified under section 198(a) through 198(c) of this rule.

(C) Protected from contamination before and after cooking as specified under sections 173 through 207 of this rule.

(D) Placed in a package with an oxygen barrier and sealed before cooking, or placed in a package and sealed immediately after cooking and before reaching a temperature below one hundred thirty-five (135) degrees Fahrenheit, fifty-seven (57) degrees Celsius.

(E) Cooled to forty-one (41) degrees Fahrenheit, five (5) degrees Celsius, in the sealed package or bag as specified under section 192 of this rule and:

(i) cooled to thirty-four (34) degrees Fahrenheit, one (1) degree Celsius, within forty-eight (48) hours of reaching forty-one (41) degrees Fahrenheit, five (5) degrees Celsius, and held at that temperature until consumed or discarded within thirty (30) days after the date of packaging;

(ii) held at forty-one (41) degrees Fahrenheit, five (5) degrees Celsius, for not more than seven (7) days, at which time the food must be consumed or discarded;

(iii) Cooled to thirty-four (34) degrees Fahrenheit, one (1) degree Celsius, within forty-eight (48) hours of reaching forty-one (41) degrees Fahrenheit, five (5) degrees Celsius, removed from refrigeration equipment that maintains a thirty-four (34) degrees Fahrenheit, one (1) degree Celsius, food temperature, and held at , forty-one (41) degrees Fahrenheit, five (5) degrees Celsius or less for not more than seven (7) days, not to exceed thirty (30) days from its date of packaging, at which time the food must be consumed or discarded; or

(iv) held frozen with no shelf life restriction while frozen until consumed or used.

(F) Held in a refrigeration unit equipped with an electronic system that continuously monitors time and temperature and is visually examined for proper operation twice daily.

(G) If transported off-site to a satellite location of the same business entity, equipped with verifiable electronic monitoring devices to ensure that times and temperatures are monitored during transportation.

(H) Labeled with the product name and the date packaged.

(3) Maintain the records required to confirm that cooling and cold holding refrigeration time and temperature parameters are required as part of the HACCP plan and:

(A) make those records available to the regulatory authority on request; and

(B) hold those records for at least six (6) months.

(4) Implement written operational procedures as specified under subsection (b)(5), and a training program as specified under subsection (b)(6).

Cheese

(e) Except as specified under subsection (f), a retail food establishment that packages cheese using a reduced oxygen packaging method shall do all the following:

(1) Limit the cheeses packaged to those that are commercially manufactured in a food processing plant, with no ingredients added in the retail food establishment and that meet the standards of identity as specified in 21 CFR 133.150, 21 CFR 133.169, or 21 CFR 133.187.

(2) Have a HACCP plan that contains the information specified under section 486(a)(3) and 486(a)(4) of this rule, and as specified under subsection (b)(1), (b)(3)(A), (b)(5), and (b)(6).
(3) Label the package on the principal display panel with a "use by" date that does not exceed thirty (30) days from its packaging, or the original manufacturer's "sell by" or "use by" date, whichever occurs first.
(4) Discard the reduced oxygen packaged cheese if it is not sold for off-premises consumption or consumed within thirty (30) calendar days of its packaging.
(f) A HACCP plan is not required when a retail food establishment uses a reduced oxygen packaging method to package TCS food that is always:
(1) labeled with the production time and date;
(2) held at forty-one (41) degrees Fahrenheit, five (5) degrees Celsius, or less during refrigerated storage; and
(3) removed from its package in the retail food establishment within forty-eight (48) hours after packaging.
(g) For purposes of this section, a violation of subsection (a), (b)(4), (c), (d)(2)(B), (d)(2)(C), (d)(2)(D), (d)(2)(E), or (e)(1) is a P item.
(h) For purposes of this section, a violation of subsection (b)(1), (b)(2), (b)(3), (b)(5), (b)(6), (d)(1), (d)(2)(A), (d)(2)(F), (d)(2)(G), (d)(2)(H), (d)(3), (d)(4), (e)(2), (e)(3), or (e)(4) is a Pf item.
(i) For purposes of this section, a violation of subsection (b)(7) is a CORE item.

Food Identity, Presentation, and On-Premises Labeling

410 IAC 7-26-219 Accurate representation of food using standards of identity

Sec. 219. (a) Packaged food must comply with standards of identity requirements in 21 CFR 131 through 21 CFR 169 and 9 CFR 319, and the general requirements in 21 CFR 130 and 9 CFR 319 Subpart A.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-220 Honest presentation of food

Sec. 220. (a) Food shall be offered for human consumption in a way that does not mislead or misinform the consumer.
(b) Food or color additives, colored overwraps, or lights may not be used to misrepresent the true appearance, color, or quality of a food.
(c) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

Labeling

410 IAC 7-26-221 Food labels

Sec. 221. (a) Food packaged in a retail food establishment must be labeled as specified in law, including the following:
(1) IC 16-42-1.
(2) IC 16-42-2.
(3) 410 IAC 7-5.
(4) 21 CFR 101.
(5) 9 CFR 317.
(b) Label information must include all the following:
(1) The common name of the food or, absent a common name, an adequately descriptive identity statement.
(2) If made from at least two (2) ingredients, a list of ingredients in descending order of predominance by weight, including a declaration of artificial color or flavor and chemical preservatives if contained in the food.
(3) An accurate declaration of the net quantity of contents.
(4) The name and place of business of the manufacturer, packer, or distributor.
(5) The name of the food source for each major food allergen contained in the food unless the food source is already part of the common or usual name of the respective ingredient.
(6) Except as exempted in the Federal Food, Drug, and Cosmetic Act 414(q)(3) through 414(q)(5), nutrition labeling as specified in 21 CFR 101 and 9 CFR 317 Subpart B.
(7) For salmonid fish containing canthaxanthin or astaxanthin as a color additive, the labeling of the bulk fish container, including a list of ingredients displayed on the retail container or by other written means, such as a counter card, that discloses the use of canthaxanthin or astaxanthin.
(c) Bulk food, either packaged or unpackaged, that is available for consumer self-dispensing and not intended for immediate consumption must be prominently labeled with either of the following in plain view of the consumer:
(1) The manufacturer's or processor's label that was provided with the food.
(2) A card, sign, or other method of notification that includes the information specified under subsection (b)(1), (b)(2), (b)(5), and (b)(6).
(d) Bulk, unpackaged food, such as bakery products and unpackaged foods portioned to consumer specifications, need not be labeled if:
(1) a health, nutrient content, or other claim is not made; and
(2) the food is manufactured or prepared on the premises of the retail food establishment or at a food processing plant owned by the same person and regulated by the food regulatory agency that has jurisdiction.
(e) For purposes of this section, a violation of subsection (b)(5) is a Pf item.
(f) For purposes of this section, a violation of subsection (a), (b)(1), (b)(2), (b)(3), (b)(4), (b)(6), (b)(7), (c), or (d) is a CORE item.

410 IAC 7-26-222 Other forms of information

Sec. 222. (a) Retail food establishment or manufacturers' dating information on foods may not be concealed or altered.

(b) The person-in-charge shall notify consumers by written notification of the presence of major food allergens as an ingredient in unpackaged food items served or sold to the consumer.
(c) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

410 IAC 7-26-223 Consumption of raw or undercooked food

Sec. 223. (a) Except as specified in sections 198(c), 198(d)(4), and 225(a)(3) of this rule, if a food of animal origin, such as:

(1) beef;
(2) eggs;
(3) fish;
(4) lamb;
(5) milk;
(6) pork;
(7) poultry; or
(8) shellfish;

is served or sold raw, undercooked, or without otherwise being processed to eliminate pathogens, either in ready-to-eat form or as an ingredient in another ready-to-eat food, the owner or operator of the retail food establishment shall inform consumers of the significantly increased risk of consuming those foods by way of a disclosure and reminder, as specified in subsections (b) and (c), using brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written or visual means.
(b) A disclosure includes:

(1) a description of the animal-derived foods, such as:
(A) "Oysters on the half shell (raw oysters)";
(B) "Raw egg Caesar salad";
(C) "Hamburgers (can be cooked to order)"; or
(2) identification of the animal-derived foods with an asterisk to a footnote that states the items are:
(A) served raw or undercooked; or
(B) contain, or may contain, raw or undercooked ingredients.

(c) A reminder includes designating the animal-derived foods requiring disclosure with an asterisk to a footnote that states one (1) of the following:

(1) "Regarding the safety of these items, written information is available upon request.".
(2) "Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness.".
(3) "Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions.".

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a Pf item.

Disposition

410 IAC 7-26-224 Discarding or reconditioning of unsafe, misbranded, adulterated, or contaminated food

Sec. 224. (a) A food that is unsafe, adulterated, misbranded, or not honestly presented as specified under sections 154 or 220 of this rule must be reconditioned according to an approved procedure or discarded.
(b) Food that is not from an approved source as specified under sections 155 through 161 of this rule must be discarded.
(c) Ready-to-eat food that may have been contaminated by an employee who has been restricted or excluded as specified under section 138 of this rule must be discarded.
(d) Food that is contaminated by food employees, consumers, or other persons through contact with soiled hands, bodily discharges, such as nasal or oral discharges, or other means must be discarded.
(e) Infant formula may not be sold for infant consumption or served to infants past the use by date on the container.
(f) For purposes of this section, a violation of subsection (a), (b), (c), (d), or (e) is a P item.

Special Requirements for Highly Susceptible Populations

410 IAC 7-26-225 Pasteurized food and prohibited food

Sec. 225. (a) The following apply in a retail food establishment that serves a highly susceptible population:

(1) The following criteria apply to juice:
(A) For purposes of this subdivision only, children less than ten (10) years of age receiving food in a school, day care setting, or similar facility that provides custodial care are included as highly susceptible populations.
(B) Prepackaged juice or a prepackaged beverage containing juice, which bears a warning label as specified in 21 CFR 101.17(g) or section 207(c) of this rule, may not be served or offered for sale.
(C) Unpackaged juice 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 specified in section 486(a)(2) through 486(a)(5) of this rule and 21 CFR 120 Subpart B 120.24.
(2) Pasteurized eggs or egg products may be substituted for raw eggs in the preparation of the following:
(A) Foods, such as the following:
(i) Caesar salad.
(ii) Hollandaise or Béarnaise sauce.
(iii) Mayonnaise.
(iv) Meringue.

(v) Eggnog.
(vi) Ice cream.
(vii) Egg-fortified beverages.

(B) Except as specified in subdivision (6), recipes in which more than one (1) egg is broken and the eggs are combined.

(3) The following foods may not be served or offered for sale in a ready-to-eat form:

(A) Raw foods of animal origin, such as the following:

(i) Raw fish.
(ii) Raw-marinated fish.
(iii) Raw molluscan shellfish.
(iv) Steak tartare.

(B) A partially cooked food of animal origin, such as the following:

(i) Lightly cooked fish.
(ii) Rare meat.
(iii) Soft-cooked eggs made from raw eggs.
(iv) Meringue.

(C) Raw seed sprouts.

(D) Packaged food as specified under section 202 of this rule.

(4) Food employees may not contact ready-to-eat food as specified under section 173(b) and 173(e) of this rule.

(5) Time only as a public health control as specified under section 216(d) of this rule may not be used for raw eggs.

(6) Subdivision (2)(B) does not apply if:

(A) the raw eggs are combined:

(i) immediately before cooking for one (1) consumer's serving at a single meal, cooked as specified under section 198(a)(1) of this rule and served immediately, such as an omelet, soufflé, or scrambled eggs; or

(ii) 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

(B) the preparation of the food is conducted under a HACCP plan that meets all the following:

(i) Identifies the food to be prepared.

(ii) Prohibits contacting ready-to-eat food with bare hands.

(iii) Includes specifications and practices that ensure the following:

(AA) Salmonella enteritidis growth is controlled before and after cooking.

(BB) Salmonella enteritidis is destroyed by cooking the eggs according to the temperature and time specified in section 198(a)(2) of this rule.

(iv) Contains the information specified under section 486(a)(4) of this rule, including procedures that:

(AA) control cross-contamination of ready-to-eat food with raw eggs; and

(BB) delineate cleaning and sanitization procedures for food contact surfaces.

(v) Describes the training program that ensures the food employee responsible for the preparation of the food understands the procedures to be used.

(7) Except as specified in subdivision (8), food may be re-served as specified under section 196(b)(1) and 196(b)(2) of this rule.

(8) Food may not be re-served under the following conditions:

(A) Food served to patients or clients under contact precaution in medical isolation or quarantine, or protective environment isolation, may not be re-served to others outside.

(B) Packages of food from a patient, clients, or other consumers may not be re-served to persons in protective environmental isolation.

(b) For purposes of this section, a violation of subsection (a)(1)(B), (a)(1)(C), (a)(2)(A), (a)(2)(B), or subsection (a)(3) through (a)(5) is a P item.

(c) For purposes of this section, a violation of subsection (a)(1)(A) is a CORE item.

Chapter 4 Equipment, Utensils, and Linens

Materials for Construction, Design and Repair

410 IAC 7-26 226 Characteristics of materials for utensils and food-contact surfaces

Sec. 226. (a) Except for wood used as specified in section 232(c) of this rule, materials used in the construction of utensils and food contact surfaces of equipment may not allow the migration of deleterious substances or impart colors, odors, or tastes to food, and under normal use conditions must be:

(1) safe;
(2) durable, corrosion-resistant, and nonabsorbent;
(3) sufficient in weight and thickness to withstand repeated warewashing;
(4) finished to have a smooth, easily cleanable surface; and
(5) resistant to the following:
(A) Pitting.
(B) Chipping.
(C) Crazing.
(D) Scratching.
(E) Scoring.
(F) Distortion.
(G) Decomposition.

(b) For purposes of this section, a violation of subsection (a)(1) is a P item.
(c) For purposes of this section, a violation of subsection (a)(2), (a)(3), (a)(4), or (a)(5) is a CORE item.

410 IAC 7-26-227 Cast iron; use limitation

Sec. 227. (a) Except as specified in subsections (b) and (c), cast iron may not be used for utensils or food contact surfaces of equipment.
(b) Cast iron may be used as a surface for cooking.
(c) Cast iron may be used in utensils for serving food if the utensils are used only as part of an uninterrupted process from cooking through service.
(d) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-228 Lead in ceramic, china, and crystal utensils; use limitation

Sec. 228. (a) Ceramic, china, crystal, and decorative utensils, such as hand painted ceramic or china, that are used in contact with food must be lead-free or contain levels of lead not exceeding the limits of the following utensil categories:

Utensil Category	Ceramic Article Description	Maximum Lead ppm (mg/L)
Beverage Mugs, Cups Pitchers	Coffee Mugs	0.5
Large Hollowware (excluding pitchers)	Bowls ≥ 1.16 Quart (1.1 Liter)	1
Small Hollowware (excluding cups and mugs)	Bowls < 1.16 Quart (1.1 Liter)	2
Flat Tableware	Plates, Saucers	3

(b) Pewter alloys containing lead exceeding five-hundredths percent (0.05%) ppm (mg/L) may not be used as a food contact surface.
(c) Solder and flux containing lead exceeding two-tenths percent (0.2%) ppm (mg/L) may not be used as a food contact surface.
(d) For purposes of this section, a violation of subsection (a) or (b) is a P item.
(e) For purposes of this section, a violation of subsection (c) is a CORE item.

410 IAC 7-26-229 Copper; use limitation

Sec. 229. (a) Except as specified in subsection (b), copper and copper alloys, such as brass, may not be used:

(1) in contact with a food that has a pH below six (6), such as vinegar, fruit juice, or wine; or
(2) for a fitting or tubing installed between a backflow prevention device and a carbonator.

(b) Copper and copper alloys may be used in contact with beer brewing ingredients that have a pH below six (6) in the prefermentation and fermentation steps of a beer brewing operation, such as a brewpub or microbrewery.
(c) For purposes of this section, a violation of subsection (a) is a P item.

410 IAC 7-26-230 Galvanized metal; use limitation

Sec. 230. (a) Galvanized metal may not be used for utensils or food contact surfaces of equipment used in contact with acidic food.

(b) For purposes of this section, a violation of subsection (a) is a P item.

410 IAC 7-26-231 Sponges; use limitation

Sec. 231. (a) Sponges may not be used in contact with cleaned and sanitized or in-use food contact surfaces.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-232 Wood; use limitation

Sec. 232. (a) Except as specified in subsections (b), (c), (d), and (e), wood and wood wicker may not be used as a food contact surface.

(b) Hard maple or an equivalently hard, close-grained wood may be used for equipment, such as:

(1) cutting boards;
(2) cutting blocks;
(3) bakers' tables;
(4) rolling pins;
(5) doughnut dowels;
(6) salad bowls;
(7) chopsticks; and
(8) wooden paddles used in confectionery operations for pressure scraping kettles when manually preparing confections at a temperature of two hundred thirty (230) degrees Fahrenheit, one hundred ten (110) degrees Celsius, or above.

(c) A wood plank, such as cedar, may be used to impart flavor to baked fish if the plank is:

(1) untreated by having had no chemicals or preservatives of any kind added to the wood;
(2) used only for baking fish;
(3) not served to, or displayed in the presence of, a consumer;
(4) cleaned after each use with hot water as specified in section 313 of this rule; and
(5) stored dry or covered and frozen during periods of nonuse.

(d) Whole, uncut, raw fruits and vegetables, and nuts in the shell may be kept in the wood shipping containers in which they were received, until the fruits, vegetables, or nuts are used.

(e) If the nature of the food requires removal of rinds, peels, husks, or shells before consumption, the whole, uncut, raw food may be kept in:

(1) untreated wood containers; or
(2) treated wood containers if the containers are treated with a preservative that meets the requirements under 21 CFR 178.3800.

(f) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-233 Nonstick coatings; use limitation

Sec. 233. (a) Multi-use kitchenware, such as:

(1) frying pans;
(2) griddles;
(3) saucepans;
(4) cookie sheets; and
(5) waffle bakers;

that have a perfluorocarbon resin coating shall be used with nonscoring or nonscratching utensils and cleaning aids.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-234 Nonfood-contact surfaces

Sec. 234. (a) Non-food contact surfaces of equipment exposed to splash, spillage, or other food soiling or that require frequent cleaning must be constructed of a corrosion-resistant, nonabsorbent, and smooth material.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-235 Characteristics of materials used in single-service and single-use articles

Sec. 235. (a) Materials used to make single-service and single-use articles may not:

(1) allow the migration of deleterious substances; or
(2) impart colors, odors, or tastes to food.

(b) The materials in subsection (a) must be:

(1) safe; and
(2) clean.

(c) For purposes of this section, a violation of subsection (a)(1) or (b)(1) is a P item.

(d) For purposes of this section, a violation of subsection (a)(2) or (b)(2) is a CORE item.

410 IAC 7-26-236 Durability and strength of equipment and utensils

Sec. 236. (a) Equipment and utensils must be designed and constructed to be durable and to retain their characteristic qualities under normal use conditions.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-237 Durability and strength of food temperature measuring devices

Sec. 237. (a) Food temperature measuring devices may not have sensors or stems constructed of glass, but thermometers with glass sensors or stems encased in a shatterproof coating, such as candy thermometers, may be used.

(b) For purposes of this section, a violation of subsection (a) is a P item.

410 IAC 7-26-238 Cleanability of food-contact surfaces

Sec. 238. (a) Except for wood used as specified in subsection 232(c) of this rule, multi-use food contact surfaces must be as follows:

(1) Smooth.

(2) Free of:

(A) breaks;

(B) open seams;

(C) cracks;

(D) chips;

(E) inclusions;

(F) pits; or

(G) similar imperfections.

(3) Free of sharp internal angles, corners, and crevices.

(4) Finished to have smooth welds and joints.

(5) Except as specified in subsection (b), accessible for cleaning and inspection either:

(A) without being disassembled;

(B) by disassembling without the use of tools; or

(C) by easy disassembling with the use of common tools available to maintenance and cleaning personnel, such as screwdrivers, pliers, and wrenches.

(b) Subsection (a)(5) does not apply to the following:

(1) Cooking oil storage tanks.

(2) Distribution lines for cooking oils.

(3) Beverage syrup lines or tubes.

(c) For purposes of this section, a violation of subsection (a) is a Pf item.

410 IAC 7-26-239 CIP equipment

Sec. 239. (a) CIP equipment must meet the characteristics specified under section 238 of this rule and be designed and constructed so that:

(1) cleaning and sanitizing solutions circulate throughout a fixed system and contact all interior food contact surfaces; and

(2) the system is self-draining or capable of being completely drained of cleaning and sanitizing solutions

(b) CIP equipment that is not designed to be disassembled for cleaning must be designed with inspection access points to ensure that all interior food contact surfaces throughout the fixed system are being effectively cleaned.

(c) For purposes of this section, a violation of subsection (a)(1) is a Pf item.

(d) For purposes of this section, a violation of subsection (a)(2) or (b) is a CORE item.

410 IAC 7-26-240 "V" threads; use limitation

Sec. 240. (a) V-type threads may not be used on food contact surfaces, except for hot oil cooking or filtering equipment.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-241 Hot oil filtering equipment

Sec. 241. (a) Hot oil filtering equipment must meet the characteristics specified under sections 238 and 239 of this rule and be readily accessible for filter replacement and cleaning of the filter.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-242 Cleanability of can openers

Sec. 242. (a) Cutting or piercing parts of can openers must be readily removable for cleaning and replacement.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-243 Cleanability of nonfood-contact surfaces

Sec. 243. (a) Non-food contact surfaces must be free of unnecessary ledges, projections, and crevices, and designed and constructed to allow easy cleaning and facilitate maintenance.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-244 Kick plates; removable

Sec. 244. (a) Kick plates must be designed so the areas behind them are accessible for inspection and cleaning by being:

(1) removable by one (1) of the methods specified under section 238(a)(5) of this rule or rotated open; and

(2) removable or rotated open without unlocking equipment doors.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-245 Ventilation hood systems; filters
Sec. 245. (a) Filters or other grease extracting equipment must be designed to be readily removable for cleaning and replacement if not designed to be cleaned in place.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-246 Accuracy of food temperature measuring devices
Sec. 246. (a) Food temperature measuring devices that are scaled only in Fahrenheit must be accurate to plus or minus two (±2) degrees Fahrenheit in the intended range of use.
(b) Food temperature measuring devices that are scaled only in Celsius or dually scaled in Celsius and Fahrenheit must be accurate to plus or minus one (±1) degree Celsius in the intended range of use.
(c) For purposes of this section, a violation of subsection (a) or (b) is a Pf item.

410 IAC 7-26-247 Accuracy of ambient air and water temperature measuring devices
Sec. 247. (a) Ambient air and water temperature measuring devices that are scaled in Fahrenheit must be accurate to plus or minus three (±3) degrees Fahrenheit in the intended range of use.
(b) Ambient air and water temperature measuring devices that are dually scaled in Celsius and Fahrenheit must be designed to be easily readable and accurate to plus or minus one and five-tenths (±1.5) degrees Celsius in the intended range of use.
(c) For purposes of this section, a violation of subsection (a) or (b) is a Pf item.

410 IAC 7-26-248 Warewashing machine; pressure measuring devices
Sec. 248. (a) Pressure measuring devices that display the pressures in the water supply line for the fresh hot water sanitizing rinse must have increments of one (1) pound per square inch (7 kilopascals) or smaller and be accurate to plus or minus two (±2) pounds per square inch (±14 kilopascals) in the range indicated on the manufacturer's data plate.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Functionality

410 IAC 7-26-249 Ventilation hood systems; drip prevention
Sec. 249. (a) Exhaust ventilation hood systems in food preparation and warewashing areas, including components, such as hoods, fans, guards, and ducting, shall be designed to prevent grease or condensation from draining or dripping onto the following:
(1) Food.
(2) Equipment.
(3) Utensils.
(4) Linens.
(5) Single-service and single-use articles.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-250 Equipment openings, closures, and deflectors
Sec. 250. (a) A cover or lid for equipment must overlap the opening and be sloped to drain.
(b) An opening located within the top of a unit of equipment designed for use with a cover or lid must be flanged upward at least two-tenths (.2) of an inch (5 millimeters).
(c) Except as specified under subsection (d):
(1) fixed piping;
(2) temperature measuring devices;
(3) rotary shafts; and
(4) other parts extending into equipment;
must be provided with a watertight joint at the point where the item enters the equipment.
(d) If a watertight joint is not provided:
(1) the piping, temperature measuring devices, rotary shafts, and other parts extending through the openings must be equipped with an apron designed to deflect condensation, drips, and dust from openings into the food; and
(2) the opening must be flanged as specified in subsection (b).
(e) For purposes of this section, a violation of subsection (a), (b), (c), or (d) is a CORE item.

410 IAC 7-26-251 Dispensing equipment; protection of equipment and food
Sec. 251. (a) In equipment that dispenses or vends liquid food or ice in unpackaged form, the following applies:
(1) The delivery tube, chute, orifice, and splash surfaces directly above the container receiving the food must be designed in a way, such as with barriers, baffles, or drip aprons, so that drips from condensation and splash are diverted from the opening of the container receiving the food.
(2) The delivery tube, chute, and orifice must be protected from manual contact, such as by being recessed.
(3) The delivery tube or chute and orifice of equipment used to vend liquid food or ice in unpackaged form to self-service consumers must be designed so that the delivery tube or chute and orifice are protected from dust, insects, rodents, and other contamination by a self-closing door if the equipment is:
(A) located in an outside area that does not otherwise afford the protection of an enclosure against:
(i) rain;
(ii) windblown debris;
(iii) insects;

(iv) rodents; and
(v) other contaminants present in the environment; or
(B) available for self-service during hours when it is not under the full-time supervision of a food employee.
(4) The dispensing equipment actuating lever or mechanism and filling device of consumer self-service beverage dispensing equipment must be designed to prevent contact with the lip contact surface of glasses or cups that are refilled.
(5) Dispensing equipment in which TCS food in a homogenous liquid form is maintained outside the temperature control requirements as specified under section 213(a) of this rule must:
(A) be specifically designed and equipped to maintain the commercial sterility of aseptically packaged food in a homogenous liquid form for a specified duration after the time of opening the packaging within the equipment; and
(B) conform to the requirements for this equipment as specified in NSF/ANSI 18-2006, Manual Food and Beverage Dispensing Equipment.
(b) For purposes of this section, a violation of subsection (a)(5) is a P item.
(c) For purposes of this section, a violation of subsection (a)(1), (a)(2), (a)(3), or (a)(4) is a CORE item.

410 IAC 7-26-252 Vending machine; vending stage closure
Sec. 252. (a) The dispensing compartment of a vending machine, including a machine designed to vend prepackaged snack food that is not TCS food, such as chips, party-mixes, and pretzels, must be equipped with a self-closing door or cover if the machine is:
(1) located in an outside area that does not otherwise afford the protection of an enclosure against:
(A) rain;
(B) windblown debris;
(C) insects;
(D) rodents; and
(E) other contaminants present in the environment; or
(2) available for self-service during hours when it is not under the full-time supervision of a food employee.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-253 Bearings and gearboxes; leakproof
Sec. 253. (a) Equipment containing bearings and gears that require lubricants must be designed and constructed so the lubricant cannot leak, drip, or be forced into food or onto food contact surfaces.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-254 Beverage tubing; separation
Sec. 254. (a) Beverage tubing and cold plate beverage cooling devices may not be installed in contact with ice stored for human consumption, except for cold plates constructed integrally with an ice storage bin.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-255 Separation of ice unit drains
Sec. 255. (a) Liquid waste drain lines may not pass through an ice machine or ice storage bin.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-256 Condenser unit; separation
Sec. 256. (a) If a condenser unit is an integral component of equipment, the condenser unit must be separated from the food and food storage space by a dustproof barrier.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-257 Can openers on vending machines
Sec. 257. (a) Cutting or piercing parts of can openers on vending machines must be protected from the following:
(1) Manual contact.
(2) Dust.
(3) Insects.
(4) Rodents.
(5) Other contamination.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-258 Molluscan shellfish tanks
Sec. 258. (a) Except as specified under subsection (b), molluscan shellfish life support system display tanks may not be used to store or display shellfish offered for human consumption, and must be conspicuously marked so it is obvious to the consumer that the shellfish are for display only.
(b) Molluscan shellfish life-support system display tanks used to store or display shellfish offered for human consumption must be operated and maintained in accordance with a HACCP plan approved under a variance granted by the department, as specified in section 483 of this rule, and:
(1) is submitted by the owner or operator and approved; and
(2) ensures that:
(A) water used with fish other than molluscan shellfish does not flow into the molluscan tank;

(B) the safety and quality of the shellfish as they were received is not compromised by the use of the tank; and
(C) the identity of the source of the shellstock is retained as specified under section 172 of this rule.

(c) For purposes of this section, a violation of subsection (a) is a P item.

(d) For purposes of this section, a violation of subsection (b) is a Pf item.

410 IAC 7-26-259 Vending machines; automatic shutoff

Sec. 259. (a) A machine vending TCS food must have an automatic control that prevents the machine from vending food if:

(1) there is a power failure, mechanical failure, or other condition that results in an internal machine temperature that cannot maintain food temperatures as specified under sections 154 through 225 of this rule; and

(2) a condition specified under subdivision (1) occurs, until the machine is serviced and restocked with food that has been maintained at temperatures specified under sections 154 through 225 of this rule.

(b) When the automatic shutoff within a machine vending for TCS food is activated:

(1) in a refrigerated vending machine, the ambient temperature may not exceed forty-one (41) degrees Fahrenheit, five (5) degrees Celsius, for more than thirty (30) minutes immediately after the machine is filled, serviced, or restocked; or

(2) in a hot holding vending machine, the ambient temperature may not be less than one hundred thirty-five (135) degrees Fahrenheit, fifty-seven (57) degrees Celsius, for more than one hundred twenty (120) minutes immediately after the machine is filled, serviced, or restocked.

(c) A vending machine must legibly display information on the consumer-facing side of each unit indicating the name, address, and telephone number for the business responsible for the vending machine, or a website containing similar contact information.

(d) For purposes of this section, a violation of subsection (c) is a CORE item.

(e) For purposes of this section, a violation of subsection (a) or (b) is a P item.

410 IAC 7-26-260 Function of temperature measuring devices

Sec. 260. (a) In a mechanically refrigerated or hot food storage unit, the sensor of a temperature measuring device must be located to measure the air temperature or a simulated product temperature in the warmest part of a mechanically refrigerated unit, and in the coolest part of a hot food storage unit.

(b) Except as specified in subsection (c), cold or hot holding equipment used for TCS food must be designed to include and be equipped with at least one (1) integral or permanently affixed temperature measuring device that is located to allow easy viewing of the device's temperature display.

(c) Subsection (b) does not apply to equipment for which the placement of a temperature measuring device is not a practical means for measuring the ambient air surrounding the food because of the design, type, and use of the equipment, such as:

(1) calrod units;
(2) heat lamps;
(3) cold plates;
(4) bains-marie;
(5) steam tables;
(6) insulated food transport containers; and
(7) salad bars.

(d) Temperature measuring devices must be designed to be easily readable.

(e) Food temperature measuring devices and water temperature measuring devices on warewashing machines must have a numerical scale, printed record, or digital readout in increments not greater than two (2) degrees Fahrenheit, one (1) degree Celsius, in the intended range of use.

(f) For purposes of this section, a violation of subsection (e) is a Pf item.

(g) For purposes of this section, a violation of subsection (a), (b), or (d) is a CORE item.

410 IAC 7-26-261 Warewashing machine; data plate operating specifications

Sec. 261. (a) A warewashing machine must be provided with an easily accessible and readable data plate affixed to the machine by the manufacturer that indicates the machine's design and operating specifications, including the following:

(1) The temperatures required for washing, rinsing, and sanitizing.

(2) The pressure required for the freshwater sanitizing rinse, unless the machine is designed to use only a pumped sanitizing rinse.

(3) The conveyor speed for conveyor machines or cycle time for stationary rack machines.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-262 Warewashing machine; internal baffles

Sec. 262. (a) Warewashing machine wash and rinse tanks must be equipped with:

(1) baffles;
(2) curtains; or
(3) other means to minimize internal cross-contamination of the solutions in wash and rinse tanks.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-263 Warewashing machine; temperature measuring devices

Sec. 263. (a) A warewashing machine must be equipped with a temperature measuring device that indicates the temperature of the water:

(1) in each wash and rinse tank; and
(2) as the water enters the hot water sanitizing final rinse manifold or in the chemical sanitizing solution tank.

(b) For purposes of this section, a violation of subsection (a) is a Pf item.

410 IAC 7-26-264 Manual warewashing equipment, heaters and baskets

Sec. 264. (a) If hot water is used for sanitization in manual warewashing operations, the sanitizing compartment of the sink must be:

(1) designed with an integral heating device that is capable of maintaining water at a temperature not less than one hundred seventy (170) degrees Fahrenheit, seventy-seven (77) degrees Celsius; and

(2) provided with a rack or basket to allow complete immersion of equipment and utensils into the hot water.

(b) For purposes of this section, a violation of subsection (a) is a Pf item.

410 IAC 7-26-265 Warewashing machine; automatic dispensing of detergents and sanitizers

Sec. 265. (a) A warewashing machine installed after the effective date of this rule must be equipped to:

(1) automatically dispense detergents and sanitizers; and

(2) incorporate a visual means to verify that detergents and sanitizers are delivered, or a visual or an audible alarm to signal if the detergents and sanitizers are not delivered to the respective washing and sanitizing cycles.

(b) For purposes of this section, a violation of subsection (a) is a Pf item.

410 IAC 7-26-266 Warewashing machine; flow pressure device

Sec. 266. (a) Warewashing machines that provide a fresh hot water sanitizing rinse must be equipped with a pressure gauge or similar device, such as a transducer, that measures and displays the water pressure in the supply line immediately before entering the warewashing machine.

(b) If the flow pressure measuring device is upstream of the fresh hot water sanitizing rinse control valve, the device must be mounted in a one-fourth (¼) inch iron pipe size or six and four-tenths (6.4) millimeter valve.

(c) Subsections (a) and (b) do not apply to a machine that uses only a pumped or recirculated sanitizing rinse.

(d) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

410 IAC 7-26-267 Warewashing sinks and drainboards; self-draining

Sec. 267. (a) Sinks and drainboards of warewashing sinks and machines must be self-draining.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-268 Equipment compartments; drainage

Sec. 268. (a) Equipment compartments subject to accumulation of moisture due to conditions, such as:

(1) condensation;

(2) food or beverage drip; or

(3) water from melting ice;

must be sloped to an outlet that allows complete draining.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-269 Vending machines; liquid waste products

Sec. 269. (a) Vending machines designed to store beverages that are packaged in containers made from paper products must be equipped with diversion devices and retention pans or drains for container leakage.

(b) Vending machines that dispense liquid food in bulk must be as follows:

(1) Provided with an internally mounted waste receptacle for the collection of the following:

(A) Drip.

(B) Spillage.

(C) Overflow.

(D) Other internal wastes.

(2) Equipped with an automatic shutoff device that will place the machine out of operation before the waste receptacle overflows.

(c) Shutoff devices, specified under subsection (b)(2), must prevent water or liquid food from continuously running if there is a failure of a flow control device in the water or liquid food system or waste accumulation that can lead to overflow of the waste receptacle.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a CORE item.

410 IAC 7-26-270 Case lot handling equipment; moveability

Sec. 270. (a) Equipment, such as dollies, pallets, racks, and skids used to store and transport large quantities of packaged foods received from a supplier in a cased or an overwrapped lot must be designed to be moved by hand or conveniently available equipment, such as hand trucks and forklifts.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-271 Vending machine doors and openings

Sec. 271. (a) Vending machine doors and access opening covers to food and container storage spaces must be tight fitting when closed, so that the space along the entire interface between the doors or covers and the cabinet of the machine is not greater than one-sixteenth (1/16) of an inch (1.5 millimeters) by using one (1) of the following methods:

(1) Being covered with louvers, screens, or materials that provide an equivalent opening of not greater than one-sixteenth (1/16) of an inch (1.5 millimeters).

(2) Being effectively gasketed.
(3) Having interface surfaces at least one-half (1/2) inch wide (13 millimeters).
(4) Jambs or surfaces used to form an L-shaped entry path to the interface.

(b) Vending machine service connection openings through an exterior wall of a machine must be closed by sealants, clamps, or grommets so that the openings are not larger than one-sixteenth (1/16) of an inch (1.5 millimeters).

(c) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

Acceptability

410 IAC 7-26-272 Requirement for facility and operating plans

Sec. 272. (a) Food equipment that is certified or classified for sanitation in conformance to a recognized American National Standard Institute accredited certification program is deemed to comply with this section and sections 226 through 271 of this rule.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Numbers and Capacities

Equipment

410 IAC 7-26-273 Cooling, heating, and holding capacities

Sec. 273. (a) Equipment for:
(1) cooling and heating food; and
(2) holding cold and hot food;
must be sufficient in number and capacity to provide food temperatures as specified under sections 154 through 225 of this rule.

(b) For purposes of this section, a violation of subsection (a) is a Pf item.

410 IAC 7-26-274 Manual warewashing; sink compartment requirements

Sec. 274. (a) Except as specified in subsection (c), a sink with at least three (3) compartments must be provided for manually washing, rinsing, and sanitizing equipment and utensils.

(b) Sink compartments must be large enough to accommodate immersion of the largest equipment and utensils. If equipment or utensils are too large for the warewashing sink, a warewashing machine or alternative equipment as specified in subsection (c) may be used.

(c) Alternative manual warewashing equipment may be used when there are special cleaning needs or constraints, and its use is approved. Alternative manual warewashing equipment may include:
(1) high-pressure detergent sprayers;
(2) low-pressure detergent sprayers;
(3) other task-specific cleaning equipment;
(4) brushes or other implements;
(5) two (2) compartment sinks as specified under subsections (d) and (e); or
(6) receptables that substitute for the compartments of a multi-compartment sink.

(d) Before a two (2) compartment sink is used:
(1) the retail food establishment shall have its use approved; and
(2) the operator shall limit the number of kitchenware items cleaned and sanitized in the two (2) compartment sink, and limit warewashing to batch operations for cleaning kitchenware, such as between cutting one (1) type of raw meat and another, or cleanup at the end of a shift, and:
(A) make up the cleaning and sanitizing solutions immediately before use and drain them immediately after use; and
(B) use a:
(i) detergent-sanitizer to sanitize and apply the detergent-sanitizer in accordance with the manufacturer's label instructions and as specified under section 300 of this rule; or
(ii) hot water sanitization immersion step as specified under subsection 315(a)(3) of this rule.

(e) A two (2) compartment sink may not be used for warewashing operations where cleaning and sanitizing solutions are used for a continuous or intermittent flow of kitchenware or tableware in an ongoing warewashing process.

(f) For purposes of this section, a violation of subsection (a) or (b) is a Pf item.

(g) For purposes of this section, a violation of subsection (d) or (e) is a CORE item.

410 IAC 7-26-275 Drainboards

Sec. 275. (a) Drainboards, utensil racks, or tables large enough to accommodate all soiled and cleaned items that may accumulate during hours of operation must be provided for necessary utensil holding before cleaning and after sanitizing.

(b) For purposes of this section, a violation of subsection (a) is a core item.

410 IAC 7-26-276 Ventilation hood systems; adequacy

Sec. 276. (a) Ventilation hood systems and devices must meet the requirements of 675 IAC 13 and be sufficient in number and capacity to prevent grease or condensation from collecting on walls and ceilings.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-277 Clothes washers and dryers

Sec. 277. (a) Except as specified in subsection (b), if work clothes or linens are laundered on the premises, a mechanical clothes washer and dryer must be provided and used.

(b) If on-premises laundering is limited to wiping cloths intended to be used wet, or wiping cloths are air-dried as specified under section 325 of this rule, a mechanical clothes washer and dryer need not be provided.
(c) For purposes of this section, a violation of subsection (a) is a CORE item.

Utensils, Temperature Measuring Devices, and Testing Devices

410 IAC 7-26-278 Utensils; consumer self-service

Sec. 278. (a) A food dispensing utensil must be available for each container displayed at a consumer self-service unit, such as a buffet or salad bar.
(b) For purposes of this section, a violation of subsection (a) is a Pf item.

410 IAC 7-26-279 Food temperature measuring devices

Sec. 279. (a) Food temperature measuring devices must be provided and readily accessible for use in ensuring attainment and maintenance of food temperatures as specified under sections 154 through 225 of this rule.
(b) A temperature measuring device with a suitable small diameter probe designed to measure the temperature of thin masses must be provided and readily accessible to accurately measure the temperature in thin foods, such as meat patties and fish filets.
(c) For purposes of this section, a violation of subsection (a) or (b) is a Pf item.

410 IAC 7-26-280 Manual warewashing

Sec. 280. (a) In manual warewashing operations, a temperature measuring device must be provided and readily accessible for frequently measuring the washing and sanitizing temperatures.
(b) In hot water mechanical warewashing operations, an irreversible registering temperature indicator must be provided and readily accessible for measuring the utensil surface temperature.
(c) For purposes of this section, a violation of subsection (a) or (b) is a Pf item.

410 IAC 7-26-281 Sanitizing solutions; testing devices

Sec. 281. (a) A test kit or other device that accurately measures the concentration in ppm of sanitizing solutions must be provided.
(b) For purposes of this section, a violation of subsection (a) is a Pf item.

410 IAC 7-26-282 Cleaning agents and sanitizers, availability

Sec. 282. (a) Cleaning agents used to clean equipment and utensils as specified under sections 306 through 315 of this rule must be provided and available for use during all hours of operation.
(b) Except for those generated onsite at the time of use, chemical sanitizers used to sanitize equipment and utensils as specified under sections 316 through 318 of this rule must be provided and available for use during all hours of operation.
(c) For purposes of this section, a violation of subsection (a) or (b) is a Pf item.

Location and Installation

410 IAC 7-26-283 Equipment, clothes washers, dryers, and storage cabinets

Sec. 283. (a) Except as specified in subsection (b), equipment, a cabinet used for the storage of food or cleaned and sanitized equipment, utensils, laundered linens, and single-service and single-use articles may not be located as follows:

(1) In:

(A) locker rooms;
(B) toilet rooms;
(C) garbage rooms; and
(D) mechanical rooms when contamination is likely to occur.

(2) Under:

(A) sewer lines that are not shielded to intercept potential drips;
(B) leaking water lines, including leaking automatic fire sprinkler heads or under lines on which water has condensed;
(C) open stairwells; or
(D) other sources of contamination.

(b) A storage cabinet used for linens, or single-service or single-use articles, may be stored in a locker room.
(c) If a mechanical clothes washer or dryer is provided, it must be located so the washer or dryer is protected from contamination and only where the following are not present:

(1) Exposed food.
(2) Clean equipment, utensils, and linens.
(3) Unwrapped single-service and single-use articles.

(d) For purposes of this section, a violation of subsection (a)(1)(B) is a Pf item.
(e) For purposes of this section, a violation of subsection (a)(1)(A), (a)(1)(C), (a)(1)(D), (b), or (c) is a CORE item.

410 IAC 7-26-284 Fixed equipment; spacing or sealing

Sec. 284. (a) Equipment that is fixed because it is not easily movable must be installed so it is:

(1) spaced to allow access for cleaning along the sides, behind, and above the equipment;
(2) spaced from adjoining equipment, walls, and ceilings at a distance of not more than one thirty-second (1/32) of an inch (1 millimeter); or

(3) sealed to adjoining equipment or walls if the equipment is exposed to spillage or seepage.
(b) Counter mounted equipment that is not easily movable must be installed to allow cleaning of the equipment and areas underneath and around the equipment by being:
(1) sealed; or
(2) elevated on legs as specified under section 285(d) of this rule.
(c) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

410 IAC 7-26-285 Fixed equipment; elevation or sealing
Sec. 285. (a) Except as specified in subsections (b) and (c), floor mounted equipment that is not easily movable must be sealed to the floor or elevated on legs that provide at least a six (6) inch (fifteen (15) centimeter) clearance between the floor and equipment.
(b) If no part of the floor under the floor mounted equipment is more than six (6) inches (fifteen (15) centimeters) from the point of cleaning access, the clearance space may be only four (4) inches (ten (10) centimeters).
(c) This section does not apply to display shelving units, refrigeration units, and freezer units located in consumer shopping areas, such as in a retail food store, if the floor under the units is maintained clean.
(d) Except as specified in subsection (e), counter mounted equipment that is not easily movable must be elevated on legs that provide at least a four (4) inch (ten (10) centimeter) clearance between the table and equipment.
(e) The clearance space between the counter and counter mounted equipment may be:
(1) three (3) inches (seven and five-tenths (7.5) centimeters), if the horizontal distance of the countertop under the equipment is not more than twenty (20) inches (fifty (50) centimeters) from the point of access for cleaning; or
(2) two (2) inches (five (5) centimeters), if the horizontal distance of the countertop under the equipment is not more than three (3) inches (seven and five-tenths (7.5) centimeters) from the point of access for cleaning.
(f) For purposes of this section, a violation of subsection (a) or (d) is a CORE item.

Equipment

410 IAC 7-26-286 Good repair and proper adjustment of equipment
Sec. 286. (a) Equipment must be maintained in a state of repair and condition that meets the requirements specified under sections 226 through 272 of this rule.
(b) Equipment components, such as:
(1) doors;
(2) seals;
(3) hinges;
(4) fasteners; and
(5) kick plates;
must be kept intact, tight, and adjusted in accordance with manufacturer's specifications.
(c) Cutting or piercing parts of can openers must be kept sharp to minimize the creation of metal fragments that can contaminate food when the container is opened.
(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a CORE item.

410 IAC 7-26-287 Food equipment; cutting surfaces
Sec. 287. (a) Surfaces, such as cutting blocks and boards, that are subject to scratching and scoring must be resurfaced if they can no longer be effectively cleaned and sanitized, or discarded if they cannot be resurfaced.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-288 Microwave ovens
Sec. 288. (a) Microwave ovens must meet the safety standards specified in 21 CFR 1030.10.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-289 Warewashing machine; cleaning frequency
Sec. 289. (a) A warewashing machine; the compartments of sinks, basins, or other receptacles used for washing and rinsing equipment, utensils, or raw foods, or laundering wiping cloths; and drainboards or other equipment used to substitute for drainboards as specified under section 275 of this rule must be cleaned:
(1) before use;
(2) throughout the day, at a frequency necessary to prevent recontamination of equipment and utensils, and to ensure the equipment performs its intended function; and
(3) if used, at least every twenty-four (24) hours.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-290 Warewashing machine; manufacturer’s operating instructions
Sec. 290. (a) A warewashing machine and its auxiliary components must be operated in accordance with the machine's data plate and other manufacturer's instructions.
(b) A warewashing machine's conveyor speed or automatic cycle times must be maintained accurately timed in accordance with manufacturer's specifications.
(c) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

410 IAC 7-26-291 Warewashing sinks and machines; use limitation

Sec. 291. (a) A warewashing sink may not be used for handwashing as specified under section 143 of this rule, or as a service sink.

(b) If a warewashing sink is used to:

(1) wash wiping cloths;

(2) wash produce; or

(3) thaw food;

the sink must be cleaned as specified under section 289 of this rule before and after each time it is used to wash wiping cloths, wash produce, or thaw food. Sinks used to wash or thaw food must be sanitized as specified under sections 316 through 318 of this rule before and after using the sink to wash produce or thaw food.

(c) A warewashing machine may not be used for laundering linens, wiping cloths, food, floor mats, or other items not specified as an intended use of the machine by its manufacturer.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a CORE item.

410 IAC 7-26-292 Warewashing machine; cleaning agents

Sec. 292. (a) When used for warewashing, the wash compartment of a sink, mechanical warewasher, or wash receptacle of alternative manual warewashing equipment, as specified in subsection 274(c) of this rule, must contain a wash solution of:

(1) soap;

(2) detergent;

(3) acid cleaner;

(4) alkaline cleaner;

(5) degreaser;

(6) abrasive cleaner; or

(7) any other cleaning agent;

according to the cleaning agent manufacturer's label instructions.

(b) For purposes of this section, a violation of subsection (a) is a Pf item.

410 IAC 7-26-293 Warewashing equipment; clean solutions

Sec. 293. (a) Wash, rinse, and sanitizing solutions must be maintained clean.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-294 Manual warewashing equipment; wash solution temperature

Sec. 294. (a) The temperature of the wash solution in manual warewashing equipment must be maintained at not less than one hundred ten (110) degrees Fahrenheit, forty-three (43) degrees Celsius, or the temperature specified on the cleaning agent manufacturer's label instructions.

(b) For purposes of this section, a violation of subsection (a) is a Pf item.

410 IAC 7-26-295 Mechanical warewashing equipment; wash solution temperature

Sec. 295. (a) The temperature of the wash solution in spray type warewashing machines that use hot water to sanitize may not be less than:

(1) for a stationary rack, single temperature machine, one hundred sixty-five (165) degrees Fahrenheit, seventy-four (74) degrees Celsius;

(2) for a stationary rack, dual temperature machine, one hundred fifty (150) degrees Fahrenheit, sixty-six (66) degrees Celsius;

(3) for a single tank, conveyor, dual temperature machine, one hundred sixty (160) degrees Fahrenheit, seventy-one (71) degrees Celsius; or

(4) for a multi-tank, conveyor, multi-temperature machine, one hundred fifty (150) degrees Fahrenheit, sixty-six (66) degrees Celsius.

(b) The temperature of the wash solution in spray-type warewashers that use chemicals to sanitize may not be less than one hundred twenty (120) degrees Fahrenheit, forty-nine (49) degrees Celsius.

Hot Water Machine Type	**Type of Temperature**	**Wash Temperature of Machine**	**Sanitization Temperature** of the Machine
Stationary Rack	Single Temperature	165ºF(74°C)	165ºF(74°C)
Stationary Rack	Dual Temperature	**150ºF (66°C)**	180ºF(82°C)
Single Tank, conveyor	Dual Temperature	160ºF(71°C)	180ºF(82°C)
Multi-Tank, conveyor	Multi-Temperature	150ºF(66°C)	180ºF(82°C)
Chemical Machine		120ºF F (49°C)	Per Sanitizer Manufacturer

(c) For purposes of this section, a violation of subsection (a) or (b) is a Pf item.

410 IAC 7-26-296 Manual warewashing equipment; hot water sanitization temperature

Sec. 296. (a) If immersion in hot water is used for sanitizing in a manual operation, the temperature of the water must be maintained at one hundred seventy (170) degrees Fahrenheit, seventy-seven (77) degrees Celsius, or above.

(b) For purposes of this section, a violation of subsection (a) is a P item.

410 IAC 7-26-297 Mechanical warewashing machine; hot water sanitization temperatures

Sec. 297. (a) Except as specified in subsection (b), in a mechanical operation, the temperature of the fresh hot water sanitizing rinse as it enters the manifold may not be more than ninety (90) degrees Celsius, one hundred ninety-four (194) degrees Fahrenheit, or less than:

(1) for a stationary rack, single temperature machine, one hundred sixty-five (165) degrees Fahrenheit, seventy-four (74) degrees Celsius; or

(2) for all other machines, one hundred eighty (180) degrees Fahrenheit, eighty-two (82) degrees Celsius.

(b) The maximum temperature specified under subsection (a) does not apply to the high pressure and temperature systems with wand-type, hand-held spraying devices used for the in-place cleaning and sanitizing of equipment, such as meat saws.

(c) For purposes of this section, a violation of subsection (a) is a Pf item.

410 IAC 7-26-298 Mechanical warewashing; sanitization pressure

Sec. 298. (a) The flow pressure of the fresh hot water sanitizing rinse in a warewashing machine, as measured in the water line immediately downstream or upstream from the fresh hot water sanitizing rinse control value, must be within the range specified on the machine manufacturer's data plate and may not be less than fifteen (15) pounds per square inch, one hundred four (104) kilopascals, or more than twenty-five (25) pounds per square inch, one hundred seventy-three (173) kilopascals.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-299 Manual and mechanical warewashing; chemical sanitization; temperature, pH, concentration, and hardness

Sec. 299. (a) A chemical sanitizer used in a sanitizing solution for a manual or mechanical operation, at contact times specified under section 318(a)(3) of this rule, must meet the criteria specified under section 461 of this rule and be used in accordance with the EPA registered label use instructions, and as follows:

(1) A chlorine solution must have a minimum temperature based on the concentration and pH of the solution as listed in the following chart:

Concentration Range	Minimum Temperature		Exposure Times Specified in section 318
ppm (mg/L)	pH 10 or less °F (°C)	pH 8 or less °F (°C)	
25 - 49	120 (49)	120 (49)	10 Seconds
50-99	100 (38)	75 (24)	7 Seconds
100	55 (13)	55 (13)	10 Seconds

(2) An iodine solution must have a:

(A) temperature of at least sixty-eight (68) degrees Fahrenheit, twenty (20) degrees Celsius;

(B) pH of not more than 5.0 or a pH not higher than the level for which the manufacturer specifies the solution is effective; and

(C) concentration between twelve and one-half (12.5) ppm and twenty-five (25) ppm.

(3) A quaternary ammonium compound solution must:

(A) have a minimum temperature of seventy-five (75) degrees Fahrenheit, twenty- four (24) degrees Celsius;

(B) have a concentration as specified under section 461 of this rule and as indicated by the manufacturer's use directions included in the labeling; and

(C) be used only in water with five hundred (500) ppm hardness or less, or in water having a hardness not greater than specified by the EPA registered label use instructions.

(4) If another solution of a chemical specified under subsection (a)(1) through (a)(3) is used, the owner or operator of the retail food establishment shall demonstrate to the regulatory authority that the solution achieves sanitization, and the use of the solution shall be approved.

(5) If a chemical sanitizer other than chlorine, iodine, or a quaternary ammonium compound is used, it must be applied in accordance with the EPA registered label use instructions.

(6) If a chemical sanitizer is generated by a device located onsite at the retail food establishment, it must be used as specified under subsection (a)(1) through (a)(4) and produced by a device that:

(A) complies with regulation as specified in 7 U.S.C. 136(q)(1) and 7 U.S.C. 136(j);

(B) complies with 40 CFR 152.500 and 40 CFR 156.10;

(C) displays the EPA device manufacturing facility registration number on the device; and

(D) is operated and maintained in accordance with manufacturer's instructions.

(b) For purposes of this section, a violation of subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(6)(A), or (a)(6)(B) is a P item.
(c) For purposes of this section, a violation of subsection (a)(6)(C) or (a)(6)(D) is a Pf item.

410 IAC 7-26-300 Manual warewashing equipment; chemical sanitization using detergent-sanitizers
Sec. 300. (a) If a detergent-sanitizer is used to sanitize in a cleaning and sanitizing procedure where there is no distinct water rinse between the washing and sanitizing steps, the agent applied in the sanitizing step must be the same detergent-sanitizer used in the washing step.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-301 Sanitizing solutions; testing devices warewashing equipment
Sec. 301. (a) The concentration of a sanitizing solution may be accurately determined by using a test kit or other device.
(b) For purposes of this section, a violation of subsection (a) is a Pf item.

Utensils and Temperature and Pressure Measuring Devices
410 IAC 7-26-302 Good repair and calibration
Sec. 302. (a) Utensils not maintained in a state of repair or condition that complies with the requirements specified under sections 226 through 272 of this rule must be removed from the premises.
(b) Food temperature measuring devices must be calibrated in accordance with manufacturer's specifications as needed to ensure their accuracy.
(c) Ambient air temperature, water pressure, and water temperature measuring devices must be maintained in good repair and be accurate within the intended range of use.
(d) For purposes of this section, a violation of subsection (a) or (c) is a CORE item.
(e) For purposes of this section, a violation of subsection (b) is a Pf item.

410 IAC 7-26-303 Single-service and single-use articles; required use
Sec. 303. (a) An owner or operator of a retail food establishment without facilities specified under sections 306 through 318 of this rule for cleaning and sanitizing kitchenware and tableware shall provide only single-use kitchenware, single-service articles, and single-use articles for use by food employees, and single-service articles for use by consumers.
(b) For purposes of this section, a violation of subsection (a) is a P item.

410 IAC 7-26-304 Single-service, single-use, and shell articles; bulk milk container requirements
Sec. 304. (a) Single-service and single-use articles may not be reused.
(b) A bulk milk container dispensing tube must be cut on a diagonal leaving not more than one inch (2.54 centimeters) protruding from the chilled dispensing head.
(c) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

410 IAC 7-26-305 Shells and planks; use limitation
Sec. 305. (a) Mollusk shells, crustacean shells, and cedar planks may not be used more than once as serving containers.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Cleaning of Equipment and Utensils

410 IAC 7-26-306 Equipment food-contact surfaces, nonfood-contact surfaces, and utensils
Sec. 306. (a) Equipment food contact surfaces and utensils must be clean to sight and touch.
(b) The food contact surfaces of cooking equipment and pans must be kept free of encrusted grease deposits and other soil accumulations.
(c) Non-food contact surfaces of equipment must be kept free of an accumulation of:
(1) dust;
(2) dirt;
(3) food residue; and
(4) other debris.
(d) For purposes of this section, a violation of subsection (a) is a Pf item.
(e) For purposes of this section, a violation of subsection (b) or (c) is a CORE item.

Frequency

410 IAC 7-26-307 Equipment food-contact surfaces and utensils; cleaning frequency
Sec. 307. (a) Equipment food contact surfaces and utensils must be cleaned:
(1) except as specified in subsection (b), before each use with a different type of raw animal food, such as:
(A) meat;
(B) poultry; or
(C) fish;
(2) each time there is a change from working with raw foods to ready-to-eat foods;
(3) between uses with raw fruits and vegetables and TCS food;
(4) before using or storing a food temperature measuring device; and
(5) at any time during the operation when contamination may have occurred.

(b) Subsection (a)(1) does not apply if the food contact surface or utensil is in contact with a succession of different raw animal foods, each requiring a higher cooking temperature than the previous type, as specified under section 198 of this rule.
(c) Except as specified in subsection (d), if used with TCS food, equipment food contact surfaces and utensils must be cleaned throughout the day at least every four (4) hours.
(d) Surfaces of utensils and equipment contacting TCS food may be cleaned less frequently than every four (4) hours if:

(1) in storage, containers of TCS food and their contents are maintained at temperatures specified under sections 154 through 225 of this rule, and the containers are cleaned when they are empty;

(2) utensils and equipment are used to prepare food in a refrigerated room or area that is maintained at one (1) of the temperatures in the following chart and:

(A) the utensils and equipment are cleaned at the frequency in the following chart that corresponds to the temperature; and

Temperature	Cleaning Frequency
41°F (5.0°C) or less	24 hours
>41°F - 45°F (>5.0°C - 7.2°C)	20 hours
>45°F - 50°F (>7.2°C - 10.0°C)	16 hours
>50°F - 55°F (>10.0°C - 12.8°C)	10 hours

(B) The cleaning frequency based on the ambient temperature of the refrigerated room or area is documented in the retail food establishment;

(3) containers in serving situations, such as salad bars, delis, and cafeteria lines hold ready-to-eat TCS food maintained at the temperatures specified under sections 154 through 225 of this rule, are intermittently combined with additional supplies of the same food at the required temperature, and the containers are cleaned at least every twenty-four (24) hours;

(4) temperature measuring devices are maintained in contact with food, such as when left in a container of deli food or in a roast, held at temperatures specified under sections 154 through 225 of this rule;

(5) equipment is used for storage of packaged or unpackaged food, such as a reach-in refrigerator, and the equipment is cleaned at a frequency necessary to preclude accumulation of soil residues;

(6) the cleaning schedule is approved based on consideration of:

(A) characteristics of the equipment and its use;

(B) the type of food involved;

(C) the amount of food residue accumulation; and

(D) the temperature at which the food is maintained during the operation and the potential for the rapid and progressive multiplication of pathogenic or toxic microorganisms that are capable of causing foodborne disease; or

(7) in-use utensils are intermittently stored in a container of water in which the water is maintained at least one hundred thirty-five (135) degrees Fahrenheit, fifty-seven (57) degrees Celsius, and the utensils and container are cleaned at least every twenty-four (24) hours, or at a frequency necessary to preclude accumulation of soil residues.

(e) Except when dry cleaning methods are used as specified under section 310 of this rule, surfaces of utensils and equipment contacting food that is not a TCS food must be cleaned:

(1) at any time when contamination may have occurred;

(2) at least every twenty-four (24) hours for iced tea dispensers and consumer self-service utensils, such as tongs, scoops, or ladles;

(3) before restocking consumer self-service equipment and utensils, such as condiment dispensers and display containers; and

(4) in equipment, such as ice bins and beverage dispensing nozzles, and enclosed components of equipment, such as:

(A) ice makers;

(B) cooking oil storage tanks and distribution lines;

(C) beverage and syrup dispensing lines or tubes;

(D) coffee bean grinders; and

(E) water vending equipment:

(i) at a frequency specified by the manufacturer; or

(ii) absent manufacturer specifications, at a frequency necessary to preclude accumulation of soil or mold.

(f) For purposes of this section, a violation of subsection (a) or (c) is a P item.
(g) For purposes of this section, a violation of subsection (e) is a CORE item.

410 IAC 7-26-308 Cooking and baking equipment

Sec. 308. (a) The food contact surfaces of cooking and baking equipment must be cleaned at least every twenty-four (24) hours. This section does not apply to hot oil cooking and filtering equipment if it is cleaned as specified in section 307(d)(6) of this rule.

(b) The cavities and door seals of microwave ovens must be cleaned at least every twenty-four (24) hours by using the manufacturer's recommended cleaning procedure.
(c) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

410 IAC 7-26-309 Nonfood-contact surfaces; cleaning frequency
Sec. 309. (a) Non-food contact surfaces of equipment must be cleaned at a frequency necessary to preclude accumulation of soil residues.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Methods

410 IAC 7-26-310 Dry cleaning methods
Sec. 310. (a) If used, dry cleaning methods, such as brushing, scraping, and vacuuming may contact only surfaces that are soiled with dry food residues that are not TCS food.
(b) Cleaning equipment used in dry cleaning food contact surfaces may not be used for any other purpose.
(c) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

410 IAC 7-26-311 Precleaning
Sec. 311. (a) Food debris on equipment and utensils must be:
(1) scraped over a waste disposal unit or garbage receptacle; or
(2) removed in a warewashing machine with a prewash cycle.
(b) If necessary for effective cleaning, utensils and equipment may be preflushed, presoaked, or scrubbed with abrasives.
(c) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

410 IAC 7-26 312 Warewashing machine; loading of soiled items
Sec. 312. (a) Soiled items to be cleaned in a warewashing machine must be loaded into racks, trays, or baskets, or onto conveyors, in a position that:
(1) exposes the items to the unobstructed spray from each cycle; and
(2) allows the items to drain.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26 313 Wet cleaning
Sec. 313. (a) Equipment food contact surfaces and utensils must be effectively washed to remove or completely loosen soils by using the manual or mechanical means necessary, such as the application of:
(1) detergents containing wetting agents and emulsifiers;
(2) acid, alkaline, or abrasive cleaners;
(3) hot water;
(4) brushes;
(5) scouring pads;
(6) high-pressure sprays; or
(7) ultrasonic devices.

(b) The washing procedures selected are based on:
(1) the type and purpose of the equipment or utensil; and
(2) the type of soil to be removed.
(c) For purposes of this section, a violation of subsection (a) or (b) is a CORE item

410 IAC 7-26-314 Washing; procedures for alternative manual warewashing equipment
Sec. 314. (a) If washing in sink compartments or a warewashing machine is impractical, such as when the equipment is fixed or the utensils are too large, washing may be done by using alternative manual warewashing equipment as specified in section 274(c) of this rule in accordance with the following procedures:
(1) Equipment may be disassembled as necessary to allow access of the detergent solution to all parts.
(2) Equipment components and utensils may be scrapped or rough cleaned to remove food particle accumulation.
(3) Equipment and utensils must be washed as specified under section 313(a) of this rule.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-315 Rinsing procedures
Sec. 315. (a) Washed utensils and equipment must be rinsed so that abrasives and cleaning chemicals are removed or diluted through the use of water or a detergent-sanitizer solution by using one (1) of the following procedures:
(1) Use of a distinct, separate water rinse after washing and before sanitizing if using:
(A) a three (3) compartment sink; (B) alternative manual warewashing equipment equivalent to a three (3) compartment sink as specified in section 274(c) of this rule; or
(C) a three (3) step washing, rinsing, and sanitizing procedure in a warewashing system for CIP equipment.
(2) Use of a detergent-sanitizer as specified under section 300 of this rule if using:
(A) alternative warewashing equipment as specified in section 274(c) of this rule that is approved for use with a detergent-sanitizer; or

(B) a warewashing system for CIP equipment.

(3) Use of a nondistinct water rinse that is integrated in the hot water sanitization immersion step of a two (2) compartment sink operation.

(4) If using a warewashing machine that does not recycle the sanitizing solution as specified under subdivision (5), or alternative manual warewashing equipment, such as sprayers, use of a nondistinct water rinse that is:

(A) integrated in the application of the sanitizing solution; and

(B) wasted immediately after each application.

(5) If using a warewashing machine that recycles the sanitizing solution for use in the next wash cycle, use of a nondistinct water rinse that is integrated in the application of the sanitizing solution.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Sanitization of Equipment and Utensils

410 IAC 7-26-316 Requirement for cleaning food-contact surfaces

Sec. 316. (a) Equipment food contact surfaces and utensils must be sanitized.

(b) For purposes of this section, a violation of subsection (a) is a P item.

410 IAC 7-26-317 When to sanitize food-contact surfaces

Sec. 317. (a) Utensils and food contact surfaces of equipment must be sanitized before use after cleaning.

(b) For purposes of this section, a violation of subsection (a) is a P item.

410 IAC 7-26-318 Hot water and chemical methods for sanitization

Sec. 318. (a) After being cleaned, equipment food contact surfaces and utensils must be sanitized in:

(1) hot water manual operations by immersion for at least thirty (30) seconds as specified under section 296 of this rule;

(2) hot water mechanical operations by being cycled through equipment set up as specified under sections 290, 297, and 298 of this rule and achieving a utensil surface temperature of one hundred sixty (160) degrees Fahrenheit, seventy-one (71) degrees Celsius, as measured by an irreversible registering temperature indicator; or

(3) chemical manual or mechanical operations, including the application of sanitizing chemicals by immersion, manual swabbing, brushing, or pressure spraying methods, using a solution as specified under section 299 of this rule. Contact times must be consistent with those on EPA registered label use instructions by providing:

(A) except as specified under clause (B), a contact time of at least ten (10) seconds for a chlorine solution specified under section 299(a)(1) of this rule;

(B) a contact time of at least seven (7) seconds for a chlorine solution of fifty (50) ppm that has a pH of ten (10) or less and a temperature of at least one hundred degrees Fahrenheit, thirty-eight (38) degrees Celsius, or a pH of eight (8) or and a temperature of at least seventy five (75) degrees Fahrenheit, twenty-four(24) degrees Celsius;

(C) a contact time of at least thirty (30) seconds for other chemical sanitizing solutions; or

(D) a contact time used in relationship with a combination of temperature, concentration, and pH that when evaluated for efficacy, yields sanitization, as defined in section 108 of this rule.

(b) For purposes of this section, a violation of subsection (a) is a P item.

Laundering

410 IAC 7-26-319 Clean linens

Sec. 319. (a) Clean linens must be free from food residues and other soiling matter.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-320 Specifications for laundering

Sec. 320. (a) Linens that do not come in direct contact with food must be laundered between operations if they become:

(1) wet;

(2) sticky; or

(3) visibly soiled.

(b) Cloth gloves used as specified in section 186(d) of this rule must be laundered before being used with a different type of raw animal food, such as the following:

(1) Beef.

(2) Fish.

(3) Lamb.

(4) Pork.

(5) Poultry.

(c) Linens and napkins that are used as specified under section 184 of this rule must be laundered between each use.

(d) Wet wiping cloths must be laundered daily.

(e) Dry wiping cloths must be laundered as necessary to prevent contamination of food and clean serving utensils.

(f) For purposes of this section, a violation of subsection (a), (b), (c), (d), or (e) is a CORE item.

410 IAC 7-26-321 Storage of soiled linens

Sec. 321. (a) Soiled linens must be kept in clean, nonabsorbent receptacles or clean, washable laundry bags, and stored and transported to prevent contamination of:

(1) food;
(2) clean equipment;
(3) clean utensils; and
(4) single-service and single-use articles.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-322 Mechanical washing (linens)

Sec. 322. (a) Except as specified in subsection (b), linens must be mechanically washed.

(b) In retail food establishments in which only wiping cloths are laundered as specified in section 277(b) of this rule, the wiping cloths may be laundered in a:

(1) mechanical washer;
(2) sink designated only for laundering wiping cloths; or
(3) warewashing or food preparation sink that is cleaned as specified under section 289 of this rule.

(c) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-323 Use of laundry facilities

Sec. 323. (a) Except as specified in subsection (b), laundry facilities on the premises of a retail food establishment may be used only for the washing and drying of items used in the operation of the establishment.

(b) Separate laundry facilities located on the premises for the purpose of general laundering, such as for institutions providing boarding and lodging, may also be used for laundering retail food establishment items.

(c) For purposes of this section, a violation of subsection (a) is a CORE item.

Protection of Clean Items

Drying

410 IAC 7-26-324 Equipment and utensils; air drying required

Sec. 324. (a) After cleaning and sanitizing, equipment and utensils:

(1) must be air-dried or used after adequate draining, as specified in 40 CFR 180.940, before contact with food; and
(2) may not be cloth-dried, but utensils that have been air-dried may be polished with cloths that are maintained clean and dry.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-325 Wiping cloths; air drying locations

Sec. 325. (a) Wiping cloths laundered in a retail food establishment that does not have a mechanical clothes dryer, as specified in section 277(b) of this rule, must be air-dried in a location and in a way that prevents contamination of:

(1) food;
(2) equipment;
(3) utensils;
(4) linens;
(5) single-service and single-use articles; and
(6) wiping cloths.

This section does not apply if wiping cloths are stored after laundering in a sanitizing solution as specified under section 299 of this rule.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Lubricating and Reassembling

410 IAC 7-26-326 Lubricants for food-contact surfaces

Sec. 326. (a) Lubricants, as specified under section 465 of this rule, must be applied to food contact surfaces that require lubrication in a way that does not contaminate food contact surfaces.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-327 Lubricating and Reassembling

Sec. 327. (a) Equipment must be reassembled so that food contact surfaces are not contaminated.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Storing

410 IAC 7-26-328 Storage of equipment, utensils, linens, and single-service and single-use articles

Sec. 328. (a) Except as specified in subsection (d), cleaned equipment and utensils, laundered linens, and single-service and single-use articles must be stored:

(1) in a clean, dry location;
(2) where they are not exposed to splash, dust, or other contamination; and

(3) at least six (6) inches (fifteen (15) cm) above the floor.

(b) Clean equipment and utensils must be stored as specified under subsection (a) and:

(1) in a self-draining position that allows air drying; and

(2) covered or inverted.

(c) Single-service and single-use articles must be stored as specified under subsection (a) and kept in the original protective package or stored by using other means that afford protection from contamination until used.

(d) Items kept in closed packages may be stored less than six (6) inches (fifteen (15) centimeters) above the floor on dollies, pallets, racks, and skids designed as specified under section 270 of this rule.

(e) For purposes of this section, a violation of subsection (a), (b), or (c) is a CORE item.

410 IAC 7-26-329 Storage prohibitions of clean items

Sec. 329. (a) Except as specified in subsection (b), cleaned and sanitized equipment, utensils, laundered linens, and single-service and single-use articles may not be stored:

(1) in locker rooms;

(2) in toilet rooms;

(3) in garbage rooms;

(4) in mechanical rooms, when contamination is likely to occur;

(5) under sewer lines that are not shielded to intercept potential drips;

(6) under leaking water lines, including leaking automatic fire sprinkler heads or under lines on which water has condensed;

(7) under open stairwells; or

(8) under other sources of contamination.

(b) Laundered linens and single-service and single-use articles that are packaged or in a facility, such as a cabinet, may be stored in a locker room.

(c) For purposes of this section, a violation of subsection (a)(2) is a Pf item.

(d) For purposes of this section, a violation of subsection (a)(1) or subsection (a)(3) through (a)(8) is a CORE item.

Preventing Contamination

410 IAC 7-26-330 Handling of kitchenware and tableware

Sec. 330. (a) Single-service articles, single-use articles, and utensils that have been sanitized must be handled, displayed, and dispensed so that contamination of food contact and lip contact surfaces is prevented.

(b) Knives, forks, and spoons that are not prewrapped must be presented so that only the handles are touched by employees and consumers if consumer self-service is provided.

(c) Except as specified under subsection (b), single-service articles intended for food contact or lip contact must be furnished for consumer self-service with the original individual wrapper intact or from an approved dispenser.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a CORE item.

410 IAC 7-26-331 Handling of soiled and clean tableware

Sec. 331. (a) Soiled tableware must be removed from consumer eating and drinking areas and handled so that clean tableware is not contaminated.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-332 Protection of preset tableware

Sec. 332. (a) Except as specified in (b) of this section, tableware that is preset must be protected from contamination by being wrapped, covered, or inverted.

(b) Preset tableware may be exposed if:

(1) unused settings are removed when a consumer is seated; or

(2) settings not removed when a consumer is seated are cleaned and sanitized before a different set of consumers are seated.

(c) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-333 Rinsing equipment and utensils after cleaning and sanitizing

Sec. 333. (a) After being cleaned and sanitized, equipment and utensils may not be rinsed before air drying or use unless:

(1) the rinse is applied directly from a potable water supply by a warewashing machine that is maintained and operated as specified under sections 289 through 301 of this rule; and

(2) the rinse is applied only after the equipment and utensils have been sanitized by the application of hot water or a chemical sanitizer solution, with EPA registered label use instructions requiring rinsing off the sanitizer after it is applied in a commercial warewashing machine.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Chapter 5 Water, Plumbing, and Waste

Water

410 IAC 7-26-334 Water source
Sec. 334. (a) Drinking water must be obtained from an approved source that is:
(1) a public water system; or
(2) a nonpublic water system constructed, maintained, and operated under 327 IAC 8.
(b) For purposes of this section, a violation of subsection (a) is a P item.

410 IAC 7-26-335 System flushing and disinfection
Sec. 335. (a) A drinking water system must be flushed and disinfected before being placed in service after construction, repair, modification, or an emergency situation, such as a flood, which may introduce contaminants to the system.
(b) For purposes of this section, a violation of subsection (a) is a P item.

410 IAC 7-26-336 Bottled drinking water
Sec. 336. (a) Bottled drinking water used or sold in a retail food establishment must be obtained from approved sources in accordance with 21 CFR 129.
(b) For purposes of this section, a violation of subsection (a) is a P item.

Quality

410 IAC 7-26-337 Water standards
Sec. 337. (a) Drinking water must meet the quality standards specified in 327 IAC 8.
(b) For purposes of this section, a violation of subsection (a) is a P item.

410 IAC 7-26-338 Nondrinking water
Sec. 338. (a) Nondrinking water must be used only for nonculinary purposes, such as:
(1) air conditioning;
(2) non-food equipment cooling; and
(3) fire protection.
(b) For purposes of this section, a violation of subsection (a) is a P item.

410 IAC 7-26-339 Water sampling
Sec. 339. (a) Except when used as specified under section 338 of this rule, water from a nonpublic water system must be sampled and tested at least annually and as required by 327 IAC.
(b) For purposes of this section, a violation of subsection (a) is a Pf item.

410 IAC 7-26-340 Water sample report
Sec. 340. (a) The most recent sample report for the nonpublic water system shall be retained on file in the retail food establishment and provided to the regulatory authority upon request.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Quantity and Availability

410 IAC 7-26-341 Water system capacity
Sec. 341. (a) The water source and system must be of sufficient capacity to meet the peak water demands of the retail food establishment.
(b) Hot water generation and distribution systems must be sufficient to meet the peak hot water demands throughout the retail food establishment.
(c) For purposes of this section, a violation of subsection (a) or (b) is a Pf item.

410 IAC 7-26-342 Water pressure
Sec. 342. (a) Water under pressure must be provided to all fixtures, equipment, and non-food equipment required to use water, but water supplied as specified under section 344(a)(1) and 344(a)(2) of this rule to a temporary food establishment or in response to a temporary interruption of a water supply need not be under pressure.
(b) For purposes of this section, a violation of subsection (a) is a Pf item.

410 IAC 7-26-343 Water distribution, delivery, and retention system
Sec. 343. (a) Water may be received from the source through the use of any of the following:
(1) An approved public water supply main.
(2) An approved private water supply system.
(3) At least one (1) of the following, which must be constructed, maintained, and operated according to law:
(A) Nonpublic water mains, water pumps, pipes, hoses, connections, and other appurtenances.
(B) Water transport vehicles.

(C) Water containers.
(D) An alternative water supply.
(b) For purposes of this section, a violation of subsection (a) is a Pf item.

410 IAC 7-26-344 Alternative water supply
Sec. 344. (a) Water meeting the requirements specified under sections 334 through 342 of this rule must be made available for a mobile facility, temporary food establishment without a permanent water supply, and retail food establishment with a temporary interruption of its water supply through any of the following:
(1) A supply of containers of commercially bottled drinking water.
(2) At least one (1) closed portable water containers.
(3) An enclosed vehicular water tank.
(4) An on-premises water storage tank.
(5) Piping, tubing, or hoses connected to an adjacent approved source.
(b) For purposes of this section, a violation of subsection (a) is a Pf item.

Plumbing System

410 IAC 7-26-345 Approved plumbing system materials
Sec. 345. (a) A plumbing system and hoses conveying water must be constructed and repaired with approved materials as set forth in 675 IAC 16.
(b) A water filter must be made of safe materials.
(c) For purposes of this section, a violation of subsection (a) or (b) is a P item.

Design, Construction, and Installation

410 IAC 7-26-346 Design, construction, and installation of approved plumbing system and cleanable fixtures
Sec. 346. (a) A plumbing system must:
(1) be designed, constructed, and installed as set forth in 675 IAC 16-1.4; and
(2) meet the capacity needs of the retail food establishment.
(b) A plumbing fixture, such as a handwashing sink, toilet, or urinal must be easily cleanable.
(c) For purposes of this section, a violation of subsection (a) is a P item.
(d) For purposes of this section, a violation of subsection (b) is a CORE item.

410 IAC 7-26-347 Handwashing sink; installation
Sec. 347. (a) Unless otherwise approved, a handwashing sink must be equipped to provide water at a temperature of at least eighty-five (85) degrees Fahrenheit, twenty-nine and four-tenths (29.4) degrees Celsius, through a mixing valve or combination faucet.
(b) A steam mixing valve may not be used at a handwashing sink.
(c) A self-closing, slow-closing, or metering faucet must provide a flow of water for at least fifteen (15) seconds without the need to reactivate the faucet.
(d) An automatic handwashing sink must be installed in accordance with manufacturer's instructions.
(e) For purposes of this section, a violation of subsection (a) is a Pf item.
(f) For purposes of this section, a violation of subsection (b), (c), or (d) is a CORE item.

410 IAC 7-26-348 Backflow prevention; air gap
Sec. 348. (a) An air gap between the potable water supply outlet and flood level rim of the plumbing fixture, equipment, or non-food equipment must be at least twice the diameter of the water supply inlet and may not be less than one (1) inch (twenty-five (25) millimeters).
(b) For purposes of this section, a violation of subsection (a) is a P item.

410 IAC 7-26-349 Backflow prevention device; design standard
Sec. 349. (a) A backflow or backsiphonage prevention device installed on a water supply system must meet the standards in 675 IAC 16-1.4 for:
(1) construction;
(2) installation;
(3) maintenance;
(4) inspection; and
(5) testing;
for that specific application and type of device.
(b) For purposes of this section, a violation of subsection (a) is a P item.

410 IAC 7-26-350 Water conditioning device; design
Sec. 350. (a) A water filter, screen, and other water conditioning device installed on water lines must be designed to facilitate disassembly for periodic servicing and cleaning. A water filter element must be of the replaceable type.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Numbers and Capacities

410 IAC 7-26-351 Handwashing sinks; numbers and capacities

Sec. 351. (a) Except as specified in subsection (b), at least one (1) handwashing sink, a number of handwashing sinks necessary for their convenient use by employees in areas specified under section 356 of this rule, and not fewer than the number of handwashing sinks required by 675 IAC 16-1.4 must be provided.

(b) If approved and capable of removing the types of soils encountered in the food operations involved, automatic handwashing facilities may be substituted for handwashing sinks in a retail food establishment that has at least one (1) handwashing sink.

(c) For purposes of this section, a violation of subsection (a) is a Pf item.

(d) For purposes of this section, a violation of subsection (b) is a CORE item.

410 IAC 7-26-352 Toilets and urinals

Sec. 352. (a) At least one (1) toilet, and not fewer than the toilets required by law, must be provided. If authorized by law and urinals are substituted for toilets, the substitution must be done as specified in 675 IAC 16-1.4.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-353 Service sink

Sec. 353. (a) At least one (1) service sink or one (1) curbed cleaning facility equipped with a floor drain must be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools, and for the disposal of mop water and similar liquid waste.

(b) A service sink or one (1) curbed cleaning facility must be equipped with:

(1) hot water of at least one hundred (100) degrees Fahrenheit, thirty-seven (37) degrees Celsius; and

(2) cold water.

(c) The service sink or curbed cleaning facility, or both, may not be used in substitution for or as a warewashing or food preparation sink.

(d) Toilets and urinals may not be used as a service sink for the disposal of mop water and similar liquid waste.

(e) For purposes of this section, a violation of subsection (a), (b), (c), or (d) is a CORE item.

410 IAC 7-26-354 Backflow prevention device; when required

Sec. 354. (a) A plumbing system must be installed to preclude backflow of a solid, liquid, or gas contaminant into the water supply system at each point of use at the retail food establishment with or without a hose attached, as required by 675 IAC 16-1.4, by:

(1) providing an air gap as specified under section 348 of this rule; or

(2) installing an approved backflow prevention device as specified under section 349 of this rule.

(b) For purposes of this section, a violation of subsection (a) is a P item.

410 IAC 7-26-355 Backflow prevention device, carbonator

Sec. 355. (a) The water supply connection to carbonated beverage systems must be protected against backflow by a device listed in 675 IAC 16-1.4.

(b) If not provided with an air gap as specified under section 348 of this rule, a dual check valve with an intermediate vent preceded by a screen of not less than one hundred (100) mesh to twenty-five and four-tenths (25.4) mm (100 mesh to 1 inch) must be installed upstream from a carbonating device and downstream from any copper in the water supply line.

(c) A dual check valve attached to the carbonator need not be of the vented type if an air gap or vented backflow prevention device has been otherwise provided as specified under subsection (a).

(d) Copper may not be used downstream from the backflow preventer in accordance with 675 IAC 16-1.4.

(e) For purposes of this section, a violation of subsection (a), (b), or (d) is a P item.

Location and Placement

410 IAC 7-26-356 Handwashing sink; location

Sec. 356. (a) A handwashing sink must be located in the following places:

(1) To allow convenient use by employees in:

(A) food preparation;

(B) food dispensing; and

(C) warewashing areas.

(2) In, or immediately adjacent to, toilet rooms.

(b) For purposes of this section, a violation of subsection (a) is a Pf item.

410 IAC 7-26-357 Backflow prevention device; location

Sec. 357. (a) A backflow prevention device must be located so that it may be serviced and maintained.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-358 Water conditioning device; location

Sec. 358. (a) A water filter, screen, and other water conditioning device installed on water lines must be located to facilitate disassembly for periodic servicing and cleaning.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Operation and Maintenance

410 IAC 7-26-359 Handwashing sink; maintenance

Sec. 359. (a) A handwashing sink must be maintained so that it is accessible at all times for employee use.

(b) A handwashing sink may not be used for purposes other than handwashing.

(c) An automatic handwashing sink may be used in accordance with manufacturer's instruction.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a Pf item.

410 IAC 7-26-360 Prohibiting a cross connection

Sec. 360. (a) Except for firefighting purposes, a person may not create a cross-connection by connecting a pipe or conduit between the drinking water system and a:

(1) nondrinking water system; or

(2) water system of unknown quality.

(b) The piping of a nondrinking water system must be durably identified so that it is readily distinguishable from piping that carries drinking water.

(c) For purposes of this section, a violation of subsection (a) is a P item.

(d) For purposes of this section, a violation of subsection (b) is a Pf item

410 IAC 7-26-361 Scheduling inspection and service for a water system device

Sec. 361. (a) A water treatment device or backflow preventer must be scheduled for inspection or service in accordance with the manufacturer's instructions and as required by the local water utility, Indiana department of environmental management, or other local regulatory authority having jurisdiction to prevent device failure based on local water conditions.

(b) Records demonstrating inspection and service must be:

(1) maintained at the facility; and

(2) provided to the regulatory authority on request.

(c) For purposes of this section, a violation of subsection (a) or (b) is a Pf item.

410 IAC 7-26-362 Water reservoir of fogging devices; cleaning

Sec. 362. (a) A reservoir used to supply water to a device, such as a produce fogger, must be:

(1) maintained in accordance with manufacturer's specifications; and

(2) cleaned in accordance with manufacturer's specifications or according to the procedures specified under subsection (b), whichever is more stringent.

(b) Cleaning procedures include at least the following steps and must be conducted at least once a week:

(1) Draining and complete disassembly of the water and aerosol contact parts.

(2) Brush-cleaning the reservoir, aerosol tubing, and discharge nozzles with a suitable detergent solution.

(3) Flushing the complete system with water to remove the detergent solution and particulate accumulation.

(4) Rinsing by immersing, spraying, or swabbing the reservoir, aerosol tubing, and discharge nozzles with at least fifty (50) ppm hypochlorite solution.

(c) For purposes of this section, a violation of subsection (a) or (b) is a P item.

410 IAC 7-26-363 Plumbing system maintained in good repair

Sec. 363. (a) A plumbing system must be:

(1) repaired according to 675 IAC 16-1.4; and

(2) maintained in good repair.

(b) For purposes of this section, a violation of subsection (a)(1) is a P item.

(c) For purposes of this section, a violation of subsection (a)(2) is a CORE item.

Mobile Water Tank and Mobile Food Establishment Water Tank

410 IAC 7-26-364 Mobile water tank and mobile retail food establishment water tank materials

Sec. 364. (a) Materials used in the construction of a mobile water tank, mobile retail food establishment water tank, and appurtenances must be:

(1) safe;

(2) durable;

(3) corrosion-resistant;

(4) nonabsorbent; and

(5) finished to have a smooth, easily cleanable surface.

(b) For purposes of this section, a violation of subsection (a)(1) is a P item.

(c) For purposes of this section, a violation of subsection (a)(2) through (a)(5) is a CORE item.

Design and Construction

410 IAC 7-26-365 Enclosed system; sloped to drain

Sec. 365. (a) A mobile water tank must be:

(1) enclosed from the filling inlet to the discharge outlet; and

(2) sloped to an outlet that allows complete drainage of the tank.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-366 Inspection and cleaning port; protected and secured

Sec. 366. (a) If a water tank for a mobile retail food establishment is designed with an access port for inspection and cleaning, the opening must be in the top of the tank and:

(1) flanged upward at least one-half (1/2) inch (thirteen (13) millimeters); and

(2) equipped with a port cover assembly:

(A) provided with a gasket and a device for securing the cover in place; and

(B) flanged to overlap the opening and sloped to drain.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-367 "V" type threads; use limitation

Sec. 367. (a) In a mobile retail food establishment, a fitting with V-type threads on a water tank inlet or outlet is allowed only when a hose is permanently attached.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-368 Tank vent; protected

Sec. 368. (a) If provided, the mobile water tank vent in a mobile retail food establishment must terminate in a downward direction and be covered with:

(1) sixteen (16) mesh to one (1) inch (twenty-five and four-tenths (25.4) millimeters) screen or equivalent when the vent is in a protected area; or

(2) a protective filter when the vent is in an area not protected from windblown dirt and debris.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-369 Inlet and outlet; sloped to drain

Sec. 369. (a) A mobile retail food establishment's water tank, and its inlet and outlet must be sloped to drain.

(b) A water tank inlet must be positioned so it is protected from contaminants, such as:

(1) waste discharge;

(2) road dust;

(3) oil; or

(4) grease.

(c) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

410 IAC 7-26-370 Hose; construction and identification

Sec. 370. (a) Hose used for conveying drinking water from a mobile retail food establishment's water tank must be:

(1) safe;

(2) durable;

(3) corrosion-resistant;

(4) nonabsorbent;

(5) resistant to:

(A) pitting;

(B) chipping;

(C) crazing;

(D) scratching;

(E) scoring;

(F) distortion; and

(G) decomposition;

(6) finished with a smooth interior surface; and

(7) clearly and durably identified as to its use if not permanently attached.

(b) For purposes of this section, a violation of subsection (a)(1) is a P item.

(c) For purposes of this section, a violation of subsection (a)(2) through (a)(7) is a CORE item.

Numbers and Capacities

410 IAC 7-26-371 Filter; compressed air

Sec. 371. (a) In a mobile retail food establishment, a filter that does not pass oil or oil vapors must be installed in the air supply line between the compressor and drinking water system when compressed air is used to pressurize the water tank system.

(b) For purposes of this section, a violation of subsection (a) is a P item.

410 IAC 7-26-372 Protective cover or device

Sec. 372. (a) In a mobile retail food establishment, a cap and keeper chain, closed cabinet, closed storage tube, or other approved protective cover or device must be provided for a water inlet, outlet, and hose.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-373 Mobile retail food establishment's water tank inlet

Sec. 373. (a) A mobile retail food establishment's water tank inlet must be as follows:

(1) Not more than three-fourths (3/4) of an inch (nineteen and one-tenth (19.1) millimeters) in inner diameter.

(2) Provided with a hose connection of a size or type that will prevent its use for any other service.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Operation and Maintenance

410 IAC 7-26-374 System flushing and disinfection
Sec. 374. (a) A mobile retail food establishment's water tank, pump, and hoses must be flushed and sanitized before being placed in service after:
(1) construction;
(2) repair;
(3) modification; or
(4) periods of nonuse.
(b) For purposes of this section, a violation of subsection (a) is a P item.

410 IAC 7-26-375 Using a pump and hoses; backflow prevention
Sec. 375. (a) A person shall operate a water tank, pump, and hoses so that backflow and other contamination of the water supply for the mobile retail food establishment are prevented.
(b) For purposes of this section, a violation of subsection (a) is a P item.

410 IAC 7-26-376 Protecting inlet, outlet, and hose fitting
Sec. 376. (a) If the mobile retail food establishment is not in use, a water tank hose inlet and outlet fitting must be protected using a cover or device as specified under section 372 of this rule.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-377 Water tank, pump, and hoses dedication
Sec. 377. (a) Except as specified in subsection (b), a mobile retail food establishment's water tank, pump, and hoses used for conveying drinking water may not be used for any other purpose.
(b) Water tanks, pumps, and hoses approved for liquid foods may be used for conveying drinking water if they are cleaned and sanitized before they are used to convey water.
(c) For purposes of this section, a violation of subsection (a) is a P item.

Sewage, Other Liquid Waste, and Rainwater

410 IAC 7-26-378 Sewage holding tank of mobile or temporary retail food establishment; capacity and drainage
Sec. 378. (a) A sewage holding tank in a mobile retail food establishment or temporary retail food establishment must be:
(1) sized fifteen percent (15%) larger in capacity than the water supply tank;
(2) sloped to a drain not less than one (1) inch (twenty-five and four-tenths (25.4) millimeters) in inner diameter; and
(3) equipped with a shut-off valve.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Retention, Drainage, and Delivery

410 IAC 7-26-379 Establishment drainage systems
Sec. 379. (a) Retail food establishment drainage systems, including grease traps, that convey sewage must be designed and installed as specified under section 346(a) of this rule.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-380 Backflow prevention, direct connection prohibited
Sec. 380. (a) Except as specified in subsections (b), (c), (d), and (e), and as specified in 675 IAC 16-1.4, drains from equipment fixtures and portable equipment utilized for:
(1) storage;
(2) preparation; and
(3) handling of foods, including:
(A) food preparation sinks;
(B) salad bars;
(C) steam tables;
(D) dipper wells; and
(E) ice bins;
must have an indirect connection through an air gap to a standpipe, hub drain, waste receptor connected to the sanitary drainage system.
(b) Drains from food storage areas, such as
(1) coolers;
(2) walk-in refrigerators;
(3) freezers; and
(4) food storage bins;

must have an indirect connection through an air gap to a standpipe hub drain or waste receptor connected to the sanitary drainage system, but where protected against backflow by a backwater valve, floor drains must be indirectly connected to the sanitary drainage system by means of an air break or air gap as specified in 675 IAC 16-1.4.
(c) Drains from commercial warewashing machines must be indirectly connected through an air gap or air break to a:
(1) standpipe;
(2) hub drain; or
(3) waste receptor;
connected to the sanitary drainage system as specified in 675 IAC 16-1.4.
(d) A sink used only for warewashing may have a direct connection as specified in 675 IAC 16-1.4.
(e) Sinks used only for warewashing and have drains with discharge temperatures less than one hundred forty (140) degrees Fahrenheit, sixty-one (61) degrees Celsius, are required to be directly connected to the sanitary system as specified in 675 IAC 16-1.4.
(f) Warewashing sink drains or other fixture drains with discharge temperatures above one hundred forty (140) degrees Fahrenheit, sixty-one (61) degrees Celsius, are required to be indirectly connected to the sanitary system as specified in 675 IAC 16-1.4.
(g) For purposes of this section, a violation of subsection (a) is a P item.
(h) For purposes of this section, a violation of subsection (b), (c), (e), or (f) is a CORE item.

Location and Placement

410 IAC 7-26-381 Grease trap
Sec. 381. (a) If used, a grease trap must be located to be easily accessible for cleaning.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Operation and Maintenance

410 IAC 7-26-382 Conveying sewage
Sec. 382. (a) Sewage must be conveyed to the point of disposal through an approved sanitary sewage system or other system, including:
(1) sewage transport vehicles;
(2) waste retention tanks;
(3) pumps;
(4) pipes;
(5) hoses; and
(6) connections;
constructed, maintained, and operated according to law.
(b) Except if approved by the regulatory authority for an outdoor food operation hand sink or a mobile or temporary retail food establishment, an owner or operator of a new retail food establishment may not use a holding tank as a means of sewage disposal.
(c) For purposes of this section, a violation of subsection (a) or (b) is a P item.

410 IAC 7-26-383 Removing mobile retail food establishment wastes
Sec. 383. (a) Sewage and other liquid wastes must be removed from a mobile retail food establishment at an approved waste servicing area or by a sewage transport vehicle so that a public health hazard or nuisance is not created.
(b) For purposes of this section, a violation of subsection (a) is a Pf item.

410 IAC 7-26-384 Flushing a waste retention tank
Sec. 384. (a) A tank for liquid waste retention must be thoroughly flushed and drained in a sanitary manner during the servicing operation.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Design and Construction

410 IAC 7-26-385 Approved sewage disposal system
Sec. 385. (a) Sewage must be disposed through an approved facility that is:
(1) a public sewage treatment plant; or
(2) an individual sewage disposal system:
(A) sized;
(B) constructed;
(C) maintained; and
(D) operated;
according to law.
(b) For purposes of this section, a violation of subsection (a) is a P item.

410 IAC 7-26-386 Other liquid wastes and rainwater
Sec. 386. (a) Condensate drainage and other non-sewage liquids and rainwater must be drained from point of discharge to disposal according to law.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Refuse, Recyclables, and Returnables

410 IAC 7-26-387 Refuse, recyclables, and returnables; indoor storage area
Sec. 387. (a) If located within the retail food establishment, a storage area for refuse, recyclables, and returnables must meet the requirements specified under section 407 of this rule, sections 409 through 416 of this rule, and section 422 of this rule.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-388 Outdoor storage surface; refuse, recyclables, and returnables
Sec. 388. (a) An outdoor storage surface for refuse, recyclables, and returnables must be:
(1) constructed of nonabsorbent material, such as concrete or asphalt; and
(2) smooth, durable, and sloped to drain.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-389 Outdoor enclosure; refuse, recyclables, and returnables
Sec. 389. (a) If used, an outdoor enclosure for refuse, recyclables, and returnables must be constructed of durable and cleanable materials.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-390 Receptacles
Sec. 390. (a) Except as specified in subsection (b), receptacles and waste handling units for refuse, recyclables, and returnables, and for use with materials containing food residue, must be:
(1) durable;
(2) cleanable;
(3) insect-resistant;
(4) rodent-resistant;
(5) leakproof; and
(6) nonabsorbent.
(b) Plastic bags and wet strength paper bags may be used to line receptacles for storage inside the retail food establishment, or in closed outside receptacles.
(c) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-391 Receptacles in vending machines
Sec. 391. (a) Except for a receptacle for beverage bottle crown closures, a refuse receptacle may not be located in a vending machine.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-392 Outside receptacles
Sec. 392. (a) Receptacles and waste handling units for refuse, recyclables, and returnables used with materials containing food residue and used outside the retail food establishment must be designed and constructed to have tight fitting lids, doors, or covers.
(b) Receptacles and waste handling units for refuse and recyclables, such as a compactor, must be installed so that accumulation of debris and rodent or insect attraction or harborage, or both, are minimized. These units must be installed so that effective cleaning is facilitated around and, if the unit is not installed flush with the base pad, under the unit.
(c) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

410 IAC 7-26-393 Storage areas, rooms, and receptacles; capacity and availability
Sec. 393. (a) Inside storage rooms and areas, outside storage areas and enclosures, and receptacles must be of sufficient capacity to hold refuse, recyclables, and returnables that accumulate.
(b) A receptacle must be provided in each area of the retail food establishment or premises where refuse is generated or commonly discarded, or where recyclables or returnables are placed.
(c) If disposable towels are used at handwashing sinks, a waste receptacle must be located at each sink or group of adjacent sinks.
(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a CORE item.

410 IAC 7-26-394 Toilet room receptacle; covered
Sec. 394. (a) A toilet room used by females must have a covered receptacle for sanitary napkins.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-395 Cleaning implements and supplies
Sec. 395. (a) Except as specified in subsection (b), suitable cleaning implements and supplies, such as:
(1) high pressure pumps;
(2) hot water;
(3) steam; and
(4) detergent;
must be provided as necessary for effective cleaning of receptacles and waste handling units for refuse, recyclables, and returnables.

(b) If approved, off-premises based cleaning services may be used if on-premises cleaning implements and supplies are not provided.
(c) For purposes of this section, a violation of subsection (a) or (b) is CORE item.

410 IAC 7-26-396 Storage areas, redeeming machines, receptacles and waste handling units; location
Sec. 396. (a) An area designated for:
(1) refuse;
(2) recyclables;
(3) returnables; and
(4) except as specified in subsection (b), a redeeming machine for recyclables or returnables must be located so that it is separate from food, equipment, utensils, linens, and single-service and single-use articles and does not create a public health hazard or nuisance.
(b) A redeeming machine may be located in the packaged food storage area or consumer area of a retail food establishment if:
(1) food;
(2) equipment;
(3) utensils;
(4) linens; and
(5) single-service and single-use articles;
are not subject to contamination from the machines and a public health hazard or nuisance is not created.
(c) The location of receptacles and waste handling units for refuse, recyclables, and returnables may not:
(1) create a public health hazard or nuisance; or
(2) interfere with the cleaning of adjacent space.
(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a CORE item.

410 IAC 7-26-397 Storing refuse, recyclables, and returnables
Sec. 397. (a) Refuse, recyclables, and returnables must be stored in receptacles or waste handling units so they are inaccessible to insects and rodents.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-398 Storage areas, enclosures, and receptacles; good repair
Sec. 398. (a) Storage areas, enclosures, and receptacles for refuse, recyclables, and returnables must be maintained in good repair.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-399 Outside storage prohibitions
Sec. 399. (a) Except as specified in subsection (b), refuse receptacles not meeting the requirements specified under section 390(a) of this rule, such as:
(1) receptacles that are not rodent-resistant;
(2) unprotected plastic bags and paper bags; or
(3) baled units;
that contain materials with food residue may not be stored outside.
(b) Cardboard or other packaging material that:
(1) does not contain food residues; and
(2) is awaiting regularly scheduled delivery to a recycling or disposal site;
may be stored outside without being in a covered receptacle if it is stored so that it does not create a rodent harborage problem.
(c) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-400 Covering receptacles
Sec. 400. (a) Receptacles and waste handling units for refuse, recyclables, and returnables must be kept covered:
(1) inside the retail food establishment if the receptacles and units:
(A) contain food residue and are not in continuous use; or
(B) after they are filled; and
(2) with tight fitting lids or doors if kept outside the retail food establishment.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-401 Using drain plugs
Sec. 401. (a) Drains in receptacles and waste handling units for refuse, recyclables, and returnables must have drain plugs in place.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-402 Maintaining refuse areas and enclosures
Sec. 402. (a) A storage area and enclosure for refuse, recyclables, or returnables must be clean and maintained free of unnecessary items, as specified under section 453 of this rule.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-403 Cleaning receptacles
Sec. 403. (a) Receptacles and waste handling units for refuse, recyclables, and returnables must be thoroughly cleaned in a way that does not contaminate:

(1) food;
(2) equipment;
(3) utensils;
(4) linens; or
(5) single-serve and single-use articles.

(b) Wastewater must be disposed of as specified under section 382 of this rule.

(c) Soiled receptacles and waste handing units for refuse, recyclables, and returnables must be cleaned as needed to prevent them from:

(1) developing a buildup of soil; or
(2) becoming attractants for insects and rodents.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a CORE item.

Removal

410 IAC 7-26-404 Frequency of removal

Sec. 404. (a) Refuse, recyclables, and returnables must be removed from the premises at a frequency that will minimize the development of objectionable odors and other conditions that attract or harbor insects and rodents.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-405 Receptacles or vehicles

Sec. 405. (a) Refuse, recyclables, and returnables must be removed from the premises by way of:

(1) portable receptacles constructed and maintained according to law; or
(2) a transport vehicle:
(A) constructed;
(B) maintained; and
(C) operated;
according to law.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Facilities for Disposal and Recycling

410 IAC 7-26-406 Community or individual facility

Sec. 406. (a) Solid waste not disposed of through the sewage system, such as through grinders and pulpers, must be:

(1) recycled or disposed of in an approved public or private community recycling or refuse facility; or
(2) disposed of in an individual refuse facility, such as a landfill or incinerator:
(A) sized;
(B) constructed;
(C) maintained; and
(D) operated;
according to law.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Chapter 6 Physical Facilities

Indoor Areas

410 IAC 7-26-407 Surface characteristics of materials for indoor area construction and repair

Sec. 407. (a) Except as specified in subsection (b), materials for indoor floor, wall, and ceiling surfaces under conditions of normal use must be:

(1) smooth, durable, and easily cleanable for areas where retail food establishment operations are conducted;
(2) closely woven and easily cleanable carpet for carpeted areas; and
(3) nonabsorbent for areas subject to moisture, such as:
(A) food preparation areas;
(B) walk-in refrigerators;
(C) warewashing areas;
(D) toilet rooms;
(E) mobile retail food establishment servicing areas; and
(F) areas subject to flushing or spray cleaning methods.

(b) In a temporary food establishment:

(1) if graded to drain, a floor may be concrete, machine-laid asphalt, dirt, or gravel if it is covered with:
(A) mats;
(B) removable platforms;
(C) duckboards; or
(D) other approved materials;
effectively treated to control dust and mud; and
(2) walls and ceilings may be constructed of a material that protects the interior from:
(A) the weather; and
(B) windblown dust and debris.

(c) For purposes of this section, a violation of subsection (a) is a CORE item.

Outdoor Areas

410 IAC 7-26-408 Surface characteristics of materials for outdoor area construction and repair

Sec. 408. (a) Outdoor walking and driving areas may be surfaced with concrete, asphalt, gravel, or other materials that have been effectively treated to:

(1) minimize dust;
(2) facilitate maintenance; and
(3) prevent muddy conditions.

(b) Exterior surfaces of buildings and mobile retail food establishments must:

(1) be of weather-resistant materials; and
(2) comply with law.

(c) Outdoor storage areas for refuse, recyclables, or returnables must be of materials specified under sections 388 or 389 of this rule.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a CORE item.

Design, Construction, and Installation

410 IAC 7-26-409 Cleanability of floors, walls, and ceilings

Sec. 409. (a) Except as specified under section 412 of this rule, and except for anti-slip floor coverings or applications that may be used for safety reasons:

(1) floors;
(2) floor coverings;
(3) walls;
(4) wall coverings; and
(5) ceilings;

must be designed, constructed, and installed so they are smooth and easily cleanable.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-410 Cleanability of floors, walls, and ceilings relative to utility lines

Sec. 410. (a) Utility service lines and pipes may not be unnecessarily exposed.

(b) Exposed utility service lines and pipes must be installed so they do not obstruct or prevent cleaning of the floors, walls, or ceilings.

(c) Exposed horizontal utility service lines and pipes may not be installed on the floor.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a CORE item.

410 IAC 7-26-411 Cleanability of floors and wall junctures; coved, and closed or sealed

Sec. 411. (a) In retail food establishments in which cleaning methods other than water flushing are used for cleaning floors, the floor and wall junctures must be coved and closed to not larger than one thirty-second (1/32) of an inch (one (1) millimeter).

(b) The floors in retail food establishments in which water flush cleaning methods are used must be provided with drains and be graded to drain, and the floor and wall junctures must be covered and sealed.

(c) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

410 IAC 7-26-412 Installation and restrictions of floor carpeting

Sec. 412. (a) A floor covering, such as carpeting or a similar material, may not be installed as a floor covering in:

(1) food preparation areas;
(2) walk-in refrigerators;
(3) warewashing areas;
(4) toilet room areas where:
    (A) handwashing sinks;
    (B) toilets; or
    (C) urinals;
are located;
(5) refuse storage rooms; or
(6) other areas where the floor is subject to:
    (A) moisture;
    (B) flushing; or
    (C) spray cleaning methods.

(b) If carpeting is installed as a floor covering in areas other than those specified under subsection (a), it must be as follows:

(1) Securely attached to the floor with a durable mastic, by using:
    (A) a stretch and tack method; or
    (B) another method.
(2) Installed:
    (A) tightly against the wall under the coving; or
    (B) away from the wall with a space between the carpet and the wall and with the edges of the carpet secured by:
        (i) metal stripping; or
        (ii) some other means.

(c) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

410 IAC 7-26-413 Mats and duckboards as floor coverings

Sec. 413. (a) Mats and duckboards must be designed to be removable and easily cleanable.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-414 Wall and ceiling coverings and coatings

Sec. 414. (a) Wall and ceiling covering materials must be attached so they are easily cleanable.

(b) Except in areas used only for dry storage, concrete, porous blocks, or bricks used for indoor wall construction must be finished and sealed to provide a smooth, nonabsorbent, easily cleanable surface.

(c) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

410 IAC 7-26-415 Wall and ceiling attachments

Sec. 415. (a) Except as specified in subsection (b), attachments to walls and ceilings, such including:

(1) light fixtures;
(2) mechanical room ventilation system components;
(3) vent covers;
(4) wall mounted fans;
(5) decorative items; and
(6) other attachments;

must be easily cleanable.

(b) In a consumer area, wall and ceiling surfaces and decorative items and attachments that are provided for ambiance need not meet this requirement if they are kept clean.

(c) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-416 Exposure of wall and ceiling studs, joists, and rafters

Sec. 416. (a) Except in temporary retail food establishments, studs, joists, and rafters may not be exposed in areas subject to moisture.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-417 Functionality of light bulbs and protective shielding

Sec. 417. (a) Except as specified in subsection (b), light bulbs must be shielded, coated, or otherwise shatter-resistant in areas where there is:

(1) exposed food;
(2) clean equipment, utensils, and linens; or
(3) unwrapped single-service and single-use articles.

(b) Shielded, coated, or otherwise shatter-resistant bulbs need not be used in areas used only for storing food in unopened packages if the:

(1) integrity of the packages cannot be affected by broken glass falling onto them; and
(2) packages are capable of being cleaned of debris from broken bulbs before the packages are opened.

(c) An infrared or other heat lamp must be protected against breakage by a shield surrounding and extending beyond the bulb so that only the face of the bulb is exposed.

(d) For purposes of this section, a violation of subsection (a) or (c) is a CORE item.

410 IAC 7-26-418 Design of heating, ventilating, and air conditioning system vents

Sec. 418. (a) Heating, ventilating, and air conditioning systems must be designed and installed so that makeup air intake and exhaust vents do not cause contamination of:

(1) food;
(2) food contact surfaces;
(3) equipment; or
(4) utensils.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-419 Design and installation of insect control devices

Sec. 419. (a) Insect control devices used to electrocute or stun flying insects must be designed to keep the insect in the device.

(b) Insect control devices must be installed so that:

(1) the devices are not located over a food preparation area; and
(2) dead insects and insect fragments are prevented from being impelled onto or falling on:
(A) exposed food;
(B) clean equipment, utensils, and linens; and
(C) unwrapped single-service and single-use articles.

(c) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

410 IAC 7-26-420 Enclosed toilet rooms

Sec. 420. (a) Except where a toilet room is located outside a food establishment and does not open directly into the food establishment, such as a toilet room provided by the management of a shopping mall, a toilet room located on the premises must be completely enclosed and provided with a tight-fitting and self-closing door.

(b) Toilet room doors must be kept closed, except during cleaning and maintenance.

(c) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

410 IAC 7-26-421 Protected outer openings

Sec. 421. (a) Except as specified in this section, outer openings of a retail food establishment must be protected against the entry of insects and rodents by:

(1) filling or closing holes and other gaps along floors, walls, and ceilings;
(2) closed, tight fitting windows; and
(3) solid, self-closing, and tight fitting doors.

(b) Subsection (a) does not apply if a retail food establishment opens into:

(1) a larger structure, such as a mall, an airport, or an office building; or
(2) an attached structure, such as a porch;

and the outer openings from the larger or attached structure are protected against the entry of insects and rodents.

(c) Exterior doors used as exits need not have a self-closing device when they are:

(1) solid and tight-fitting;
(2) designated for use only when an emergency exists, by the fire protection authority that has jurisdiction over the establishment; and
(3) for limited use so they are not used for entrance or exit from the building for purposes other than the designated emergency exit use.

(d) Except as specified in subsections (b) and (e), if the windows or doors of a retail food establishment, or of a larger structure within which a retail food establishment is located, are kept open for ventilation or other purposes, or a temporary retail food establishment is not provided with windows and doors as specified under subsection (a), the openings must be protected against the entry of insects and rodents by:

(1) sixteen (16) mesh to twenty-five and four-tenths millimeters (25.4 mm) screens;
(2) properly designed and installed air curtains to control flying insects; or
(3) other effective means.

(e) Subsection (d) does not apply if flying insects and other pests are absent due to the location of the establishment, the weather, or other limiting conditions.

(f) This section does not apply to an approved outdoor food operation of a retail food establishment.

(g) For purposes of this section, a violation of subsection (a) or (d) is a CORE item.

410 IAC 7-26-422 Protective barriers on exterior walls and roofs

Sec. 422. (a) Unless approved not to have perimeter walls and roofs, such as for some:

(1) temporary food establishments;

(2) mobile food establishments; or

(3) outdoor food operations;

a retail food establishment must have perimeter walls and roofs that effectively protect the establishment from the weather and the entry of insects, rodents, and other animals.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-423 Overhead protection on outdoor food vending areas

Sec. 423. (a) If located outdoors, a machine used to vend food must have overhead protection, but machines vending canned beverages need not meet this requirement.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-424 Overhead protection on outdoor servicing areas

Sec. 424. (a) Unless otherwise approved by the regulatory authority, servicing areas must be provided with overhead protection, except areas used only for:

(1) the loading or unloading of closed food containers;

(2) the loading of water; or

(3) the discharge of sewage and other liquid waste using closed system of hoses.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-425 Outdoor walking and driving surfaces graded to drain

Sec. 425. (a) Exterior walking and driving surfaces must be graded to drain.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-426 Outdoor refuse areas; curbed and graded to drain

Sec. 426. (a) Outdoor refuse areas must be constructed in accordance with law and curbed and graded to drain to collect and dispose of liquid waste that results from the refuse and from cleaning the area and waste receptacles.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-427 Private homes; use prohibited

Sec. 427. (a) The following may not be used for retail food establishment operations:

(1) A private home.

(2) A room used as living or sleeping quarters.

(3) An area directly opening into a room used as living or sleeping quarters.

(b) For purposes of this section, a violation of subsection (a) is a P item.

410 IAC 7-26-428 Separation of living or sleeping quarters

Sec. 428. (a) Living or sleeping quarters located on the premises of a retail food establishment, such as those provided for lodging registration clerks or resident managers, must be separated from rooms and areas used for retail food establishment operations by complete partitioning and solid self-closing doors.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Handwashing Sinks

410 IAC 7-26-429 Availability of hand washing cleanser

Sec. 429. (a) Each handwashing sink or group of two (2) adjacent handwashing sinks must be provided with a supply of hand cleaning:

(1) liquid;

(2) powder; or

(3) bar soap.

(b) For purposes of this section, a violation of subsection (a) is Pf item.

410 IAC 7-26-430 Hand drying provisions

Sec. 430. (a) Each handwashing sink or group of adjacent sinks must be provided with one (1) of the following:

(1) Individual, disposable towels.

(2) A continuous towel system that supplies the user with a clean towel.

(3) A heated air hand drying device.

(4) A hand drying device that employs an air-knife system that delivers high velocity, pressurized air at ambient temperatures.

(b) For purposes of this section, a violation of subsection (a) is Pf item.

410 IAC 7-26-431 Restrictions on hand washing aids and devices
Sec. 431. (a) A sink used for food preparation or utensil washing, or a service sink or curbed cleaning facility used for the disposal of mop water or similar wastes, may not be provided with the handwashing aids and devices required for a handwashing sink as specified under sections 393(c), 429, and 430 of this rule.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-432 Handwashing signage
Sec. 432. (a) A sign or poster that notifies food employees to wash their hands must be:
(1) posted at all handwashing sinks used by food employees; and
(2) clearly visible to food employees.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-433 Waste receptacles for disposable towels
Sec. 433. (a) A handwashing sink or group of adjacent sinks provided with disposable towels must be provided with a waste receptacle as specified under section 393(c) of this rule.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Toilets and Urinals

410 IAC 7-26-434 Toilets and urinals
Sec. 434. (a) Toilets and urinals must be provided as specified under section 352 of this rule.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-435 Availability of toilet tissue
Sec. 435. (a) A supply of toilet tissue must be available at each toilet.
(b) For purposes of this section, a violation of subsection (a) is a Pf item.

Lighting

410 IAC 7-26-436 Lighting intensity
Sec. 436. (a) The light intensity must be at least ten (10) foot-candles, one hundred eight (108) lux, at a distance of thirty (30) inches, seventy-five (75) centimeters, above the floor, in walk-in refrigeration units and dry food storage areas, and in other areas and rooms during periods of cleaning.
(b) The light intensity must be at least twenty (20) foot-candles, two hundred fifteen (215) lux:
(1) at a surface where food is provided for consumer self-service, such as buffets and salad bars or where fresh produce or packaged foods are sold or offered for consumption;
(2) inside equipment, such as reach-in and under counter refrigerators; and
(3) at a distance of thirty (30) inches, seventy-five (75) centimeters, above the floor in areas used for handwashing, warewashing, equipment and utensil storage, and in toilet rooms.
(c) The light intensity must be at least fifty (50) foot-candles, five hundred forty (540) lux, at a surface where a food employee is working with food or with utensils or equipment, such as knives, slices, grinders, or saws, where employee safety is a factor.
(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a CORE item.

Ventilation

410 IAC 7-26-437 Mechanical ventilation
Sec. 437. (a) Mechanical ventilation must be provided in accordance with the requirements of 675 IAC, and be of sufficient capacity to keep rooms free of the following:
(1) Excessive heat.
(2) Steam.
(3) Condensation.
(4) Vapors.
(5) Obnoxious odors.
(6) Smoke.
(7) Fumes.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Dressing Areas and Lockers

410 IAC 7-26-438 Designation of dressing areas or lockers
Sec. 438. (a) Dressing rooms or areas must be designated and used if employees regularly change their clothes in the establishment.
(b) Lockers or other suitable facilities must be provided and used for the orderly storage of employee clothing and other possessions.
(c) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

Location and Placement

Toilet Rooms

410 IAC 7-26-439 Toilet rooms accessibility

Sec. 439. (a) Toilet rooms must be conveniently located and accessible to employees during all hours of operation.

(b) For purposes of this section, a violation of subsection (a) is CORE item.

Employee Accommodations

410 IAC 7-26-440 Designated employee areas

Sec. 440. (a) Areas designated for employees to eat, drink, and use tobacco products must be located so that:

(1) food;
(2) equipment;
(3) linens; and
(4) single-service and single-use articles;

are protected from contamination.

(b) Lockers or other suitable facilities must be located in a designated room or area where contamination of:

(1) food;
(2) equipment;
(3) utensils;
(4) linens; and
(5) single-service and single-use articles;

cannot occur.

(c) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

Distressed Merchandise

410 IAC 7-26-441 Segregation of distressed merchandise

Sec. 441. (a) Products held by the owner or operator in a retail food establishment for credit, redemption, or return to the distributor, such as damaged, spoiled, or recalled products, must be segregated and held in designated areas separated from:

(1) food;
(2) equipment;
(3) utensils;
(4) linens; and
(5) single-service and single-use articles.

(b) For purposes of this section, a violation of subsection (a) is a Pf item.

410 IAC 7-26-442 Repairing premises, structures, and attachments

Sec. 442. (a) The physical facility of a retail food establishment must be maintained in good repair.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Maintenance and Operation

410 IAC 7-26-443 Physical structures; restrictions and frequency of cleaning

Sec. 443. (a) A physical facility of a retail food establishment must be cleaned as often as necessary to keep it clean.

(b) Cleaning must be done during periods when the least amount of food is exposed, such as after closing. This requirement does not apply to cleaning that is necessary due to a spill or other accident.

(c) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

410 IAC 7-26-444 Cleaning floors; dustless methods

Sec. 444. (a) Except as specified in subsection (b), only dustless methods of cleaning may be used, such as:

(1) wet cleaning;
(2) vacuum cleaning;
(3) mopping with treated dust mops; or
(4) sweeping using a broom and dust-arresting compounds.

(b) Spills or drippage on floors that occur between normal floor cleaning times may be cleaned:

(1) without the use of dust-arresting compounds; and
(2) in the case of liquid spills or drippage, with the use of a small amount of absorbent compound, such as sawdust or diatomaceous earth compounds, applied immediately before spot cleaning.

(c) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-445 Cleaning ventilation systems

Sec. 445. (a) Intake and exhaust air ducts must be cleaned and have filters changed so they are not a source of contamination by:

(1) dust;
(2) dirt; and
(3) other materials.

(b) If vented to the outside, ventilation systems may not create a:

(1) public health hazard;

(2) nuisance; or
(3) unlawful discharge.
(c) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

410 IAC 7-26-446 Cleaning maintenance tools and preventing contamination
Sec. 446. (a) Food preparation sinks, handwashing sinks, and warewashing equipment may not be used for the:
(1) cleaning of maintenance tools;
(2) preparation or holding of maintenance materials; or
(3) disposal of mop water and similar liquid wastes.
(b) For purposes of this section, a violation of subsection (a) is a Pf item.

410 IAC 7-26-447 Drying mops
Sec. 447. (a) After use, mops must be placed in a position that allows them to air dry without soiling walls, equipment, or supplies.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-448 Limitation of absorbent materials on floors
Sec. 448. (a) Except as specified in section 444(b) of this rule:
(1) sawdust;
(2) wood shavings;
(3) granular salt;
(4) baked clay;
(5) diatomaceous earth compounds; or
(6) similar materials;
may not be used on floors.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-449 Cleaning of plumbing fixtures
Sec. 449. (a) Plumbing fixtures, such as handwashing sinks, toilets, and urinals, must be cleaned as often as necessary to keep them clean.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-450 Controlling pests
Sec. 450. (a) The premises must be maintained free of insects, rodents, and other pests. The presence of insects, rodents, and other pests must be controlled to eliminate their presence on the premises by:
(1) routinely inspecting incoming shipments of food and supplies;
(2) routinely inspecting the premises for evidence of pests;
(3) using methods, if pests are found, such as trapping devices or other means of pest control as specified under sections 459, 467, and 468 of this rule; and
(4) eliminating harborage conditions.
(b) For purposes of this section, a violation of subsection (a)(3) is a Pf item.
(c) For purposes of this section, a violation of subsection (a)(1), (a)(2), or (a)(4) is a CORE item.

410 IAC 7-26-451 Removing dead or trapped birds, insects, rodents, and other pests
Sec. 451. (a) Dead or trapped:
(1) birds;
(2) insects;
(3) rodents; and
(4) other pests;
must be removed from control devices and the premises at a frequency that prevents their accumulation, decomposition, or attraction of pests.
(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-452 Storing maintenance tools
Sec. 452. (a) Maintenance tools, such as brooms, shovels, mops, vacuum cleaners, and similar items must be stored so they do not contaminate:
(1) food;
(2) equipment;
(3) utensils;
(4) linens; and
(5) single-service and single-use articles.
(b) The maintenance tools described in subsection (a) must be stored in an orderly way that facilitates cleaning the area used for storing the maintenance tools.
(c) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

410 IAC 7-26-453 Maintaining premises of unnecessary items and litter
Sec. 453. (a) The premises must be free of:

(1) items unnecessary to the operation or maintenance of the establishment, such as equipment that is nonfunctional or no longer used; and
(2) litter.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-454 Prohibiting animals

Sec. 454. (a) Except as specified in this section, live animals may not be allowed in the operational areas of a retail food establishment.

(b) Live animals may be allowed if the contamination of food, clean equipment, utensils, linens, and unwrapped single-service and single-use articles cannot result, such as in the following situations:

(1) Edible fish or decorative fish in aquariums, shellfish or crustacea on ice or under refrigeration, and shellfish and crustacea in display tank systems.

(2) Patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas, and sentry dogs running loose in outside fenced areas.

(3) In areas not used for food preparation and are usually open for customers, such as dining and sales areas, service animals that are controlled by a disabled employee or person, if a health or safety hazard will not result from the presence or activities of the service animal.

(4) Pets in the common dining areas of institutional care facilities, such as nursing homes, assisted living facilities, group homes, or residential care facilities, at times other than during meals if:

(A) effective partitioning and self-closing doors separate the common dining areas from food storage or preparation areas;

(B) condiments, equipment, and utensils are stored in enclosed cabinets or removed from the common dining areas when pets are present; and

(C) dining areas, including tables, countertops, and similar surfaces, are effectively cleaned before the next meal service.

(5) In areas not used for food preparation, storage, sales, display, or dining, in which there are caged animals or animals that are similarly confined, such as in a:

(A) variety store that sells pets; or

(B) tourist park that displays animals.

(c) Live or dead fish bait may be stored if contamination of:

(1) food;

(2) clean equipment, utensils, and linens; and

(3) unwrapped single-service and single-use articles;

cannot result.

(d) If approved by the regulatory authority, retail food establishments may allow pet dogs in outdoor dining areas.

(e) For purposes of this section, a violation of subsection (a) is a Pf item.

Chapter 7 Poisonous or Toxic Materials

Labeling and Identification

410 IAC 7-26-455 Identifying information on original containers
Sec. 455. (a) Containers of poisonous or toxic materials and personal care items must bear a legible manufacturer's label.
(b) For purposes of this section, a violation of subsection (a) is a Pf item.

410 IAC 7-26-456 Working containers; common name
Sec. 456. (a) Working containers used for storing poisonous or toxic materials, such as cleaners and sanitizers taken from bulk supplies, must be clearly and individually identified with the common name of the material.
(b) For purposes of this section, a violation of subsection (a) is a Pf item.

Storage

410 IAC 7-26-457 Separation of poisonous or toxic materials
Sec. 457. (a) Poisonous or toxic materials must be stored so they cannot contaminate food, equipment, utensils, linens, and single-service and single-use articles by:
(1) separating the poisonous or toxic materials by spacing or partitioning; and
(2) locating the poisonous or toxic materials in an area that is not above:
(A) food;
(B) equipment;
(C) utensils;
(D) linens; and
(E) single-service or single-use articles.
(b) This section does not apply to equipment and utensil cleaners and sanitizers stored in warewashing areas for availability and convenience if the materials are stored to prevent contamination of food, equipment, utensils, linens, and single-service and single-use articles.
(c) For purposes of this section, a violation of subsection (a) is a P item.

Presence and Use

410 IAC 7-26-458 Restriction of poisonous or toxic materials
Sec. 458. (a) Only those poisonous or toxic materials required for the operation and maintenance of a retail food establishment, such as for the:
(1) cleaning and sanitizing of equipment and utensils; and
(2) control of insects and rodents;
are allowed in a retail food establishment.
(b) Subsection (a) does not apply to packaged poisonous or toxic materials for retail sale.
(c) For purposes of this section, a violation of subsection (a) is a Pf item.

410 IAC 7-26-459 Conditions of poisonous or toxic materials use
Sec. 459. (a) Poisonous or toxic materials must be used according to the following:
(1) The law and this rule.
(2) Manufacturer's use directions included in labeling, and, for a pesticide, manufacturer's label instructions that state that use is allowed in a retail food establishment.
(3) The conditions of certification for use of pest control materials.
(b) Poisonous or toxic materials must be applied so that: (P)
(1) a hazard to employees or other persons is not constituted; and
(2) contamination, including toxic residues due to drip, drain, fog, splash, or spray on food, equipment, utensils, linens, and single-service and single-use articles is prevented and achieved by:
(A) removing the items;
(B) covering the items with impermeable covers, or taking other appropriate preventive actions; and
(C) cleaning and sanitizing equipment and utensils after application.
(c) A restricted use pesticide may be applied only by: (Pf)
(1) an applicator certified according to law; or
(2) a person under the direct supervision of a certified applicator.
(d) For purposes of this section, a violation of subsection (a)(2), (a)(3), or (b) is a P item.
(e) For purposes of this section, a violation of subsection (c) is a Pf item.
(f) For purposes of this section, a violation of subdivision (a)(1) is a CORE item.

Container Prohibitions

410 IAC 7-26-460 Poisonous or toxic material containers
Sec. 460. (a) A container previously used to store poisonous or toxic materials may not be used to store, transport, or dispense:

(1) food;
(2) equipment;
(3) utensils;
(4) linens; or
(5) single-service or single-use articles.

(b) For purposes of this section, a violation of subsection (a) is a P item.

Chemicals

410 IAC 7-26-461 Sanitizers; criteria

Sec. 461. (a) Chemical sanitizers, including chemical sanitizing solutions generated onsite, and other chemical antimicrobial formulations applied to food contact surfaces must:

(1) meet the requirements specified in 40 CFR 180.940, or
(2) meet the requirements specified in 40 CFR 180.2020.

(b) For purposes of this section, a violation of subsection (a) is a P item.

410 IAC 7-26-462 Chemicals for washing fruits and vegetables; criteria

Sec. 462. (a) Chemicals, including those generated at a retail food establishment, used to wash or peel raw, whole fruits and vegetables, or used in the treatment, storage, and processing of fruits and vegetables, must be:

(1) an approved food additive listed for this intended use in 21 CFR 173;
(2) GRAS for this intended use; or
(3) the subject of an effective food contact notification for this intended use, only effective for the manufacturer or supplier identified in the notification, and meet the requirements in 40 CFR 156.

(b) For purposes of this section, a violation of subsection (a) is a P item.

410 IAC 7-26-463 Boiler water additives; criteria

Sec. 463. (a) Chemicals used as boiler water additives must meet the requirements specified in 21 CFR 173.310.

(b) For purposes of this section, a violation of subsection (a) is a P item.

410 IAC 7-26-464 Drying agents; criteria

Sec. 464. (a) Drying agents used in conjunction with sanitization may contain only components listed as one (1) of the following:

(1) GRAS for use in food as specified in 21 CFR 182 or 21 CFR 184.
(2) GRAS for the intended use as specified in 21 CFR 186.
(3) GRAS for the intended use determined by experts qualified in scientific training and experience to evaluate the safety of substances added, directly or indirectly, to food as described in 21 CFR 170.30.
(4) Subject to an effective Food Contact Notification as described in the Federal Food Drug and Cosmetic Act (FFDCA) Section 420(h).
(5) Approved for use as a drying agent under a prior sanction as described in the FFDCA section 201(s)(4).
(6) Specifically regulated as an indirect food additive for use as a drying agent as specified in 21 CFR 174 through 21 CFR 186.
(7) Approved for use as a drying agent under the threshold of regulation process established by 21 CFR 170.39.

(b) When sanitization is with chemicals, the approval required under subsection (a)(5) or (a)(7), or the regulation as an indirect food additive required under subsection (a)(6), must be specifically for use with chemical sanitizing solutions.

(c) For purposes of this section, a violation of subsection (a) or (b) is a P item.

Lubricants

410 IAC 7-26-465 Incidental food contact with lubricants

Sec. 465. (a) Lubricants must meet the requirements specified in 21 CFR 178.3570 if they are used on:

(1) food contact surfaces; or
(2) bearings and gears located:
    (A) on or within food contact surfaces; or
    (B) so that lubricants may:
        (i) leak;
        (ii) drip; or
        (iii) be forced;
    into food or onto food contact surfaces.

(b) For purposes of this section, a violation of subsection (a) is a P item.

Pesticides

410 IAC 7-26-466 Restricted use pesticides; criteria

Sec. 466. (a) Restricted use pesticides specified under section 459(c) of this rule must meet the requirements specified in law and the rules promulgated by the office of the Indiana state chemist.

(b) For purposes of this section, a violation of subsection (a) is a P item.

410 IAC 7-26-467 Rodent bait stations

Sec. 467. (a) Rodent bait must be contained in a covered, tamper-resistant bait station.

(b) For purposes of this section, a violation of subsection (a) is a P item.

410 IAC 7-26-468 Use of tracking powders; pest control and monitoring

Sec. 468. (a) A toxic tracking powder pesticide may not be used in a retail food establishment.

(b) If used, a nontoxic tracking powder, such as talcum or flour, may not contaminate:

(1) food;
(2) equipment;
(3) utensils;
(4) linens; and
(5) single-service and single-use articles.

(c) For purposes of this section, a violation of subsection (a) is a P item.

(d) For purposes of this section, a violation of subsection (b) is a CORE item.

Medicines

410 IAC 7-26-469 Medicine restrictions and storage

Sec. 469. (a) Only those medicines necessary for the health of employees are allowed in a retail food establishment. This section does not apply to medicines stored or displayed for retail sale.

(b) Medicines in a retail food establishment for the employees' use must be:

(1) labeled as specified under section 455 of this rule; and
(2) located to prevent the contamination of:
(A) food;
(B) equipment;
(C) utensils;
(D) linens; and
(E) single-service and single-use articles.

(c) For purposes of this section, a violation of subsection (b) is a P item.

(d) For purposes of this section, a violation of subsection (a) is a Pf item.

410 IAC 7-26-470 Refrigerated medicines; storage

Sec. 470. (a) Medicines belonging to employees or children in a day care center that require refrigeration and are stored in a food refrigerator must be:

(1) stored in a package or container;
(2) kept inside a covered, leakproof container that is identified as a container for the storage of medicines; and
(3) located so they are inaccessible to children.

(b) For purposes of this section, a violation of subsection (a) is a P item.

First Aid Supplies

410 IAC 7-26-471 Storage of first aid supplies

Sec. 471. (a) First aid supplies in a retail food establishment for employees' use must be labeled as specified under section 455 of this rule.

(b) First aid supplies must be stored in a kit or container that is located to prevent the contamination of:

(1) food;
(2) equipment;
(3) utensils;
(4) linens; and
(5) single-service and single-use articles.

(c) For purposes of this section, a violation of subsection (b) is a P item.

(d) For purposes of this section, a violation of subsection (a) is a Pf item.

Other Personal Care Items

410 IAC 7-26-472 Storage of other personal care items

Sec. 472. (a) Except as specified under section 470 or 471 of this rule, employees shall store their personal care items in facilities specified under section 438(b) of this rule.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Storage and Display

410 IAC 7-26-473 Separate storage and display of poisonous or toxic materials

Sec. 473. (a) Poisonous or toxic materials must be stored and displayed for retail sale so they cannot contaminate food, equipment, utensils, linens, and single-service and single-use articles by:

(1) separating the poisonous or toxic materials by spacing or partitioning; and
(2) locating the poisonous or toxic materials in an area that is not above:
(A) food;

(B) equipment;
(C) utensils;
(D) linens; and
(E) single-service or single-use articles.

(b) For purposes of this section, a violation of subsection (a) is a P item.

Chapter 8 Compliance and Enforcement

Code Applicability

410 IAC 7-26-474 Public health protection

Sec. 474. (a) The regulatory authority shall apply this rule uniformly to all retail food establishments in a reasonable manner that promotes its underlying purpose of safeguarding public health and ensuring that food is:

(1) safe;
(2) not misbranded;
(3) unadulterated; and
(4) honestly presented;

when offered to the consumer.

(b) In enforcing this rule, the regulatory authority shall assess existing facilities or equipment that were in use before the effective date of this rule based on the following considerations:

(1) Whether the facilities or equipment are in good repair and capable of being maintained in a sanitary condition.
(2) Whether food contact surfaces comply with sections 226 through 235 of this rule.
(3) Whether the capacities of cooling, heating, and holding equipment are sufficient to comply with section 273 of this rule.
(4) The existence of a documented agreement with the retail food establishment that the facilities or equipment will be replaced or upgraded.

Timey Correction

410 IAC 7-26-475 Timely correction for priority item or priority foundation item

Sec. 475. (a) Except as specified in subsection (b), the owner or operator shall at the time of inspection correct a violation of a P item or Pf item and implement corrective actions for a HACCP plan provision that is not in compliance with its critical limit.

(b) Considering the nature of the potential hazard involved and the complexity of the corrective action needed, the regulatory authority may agree to or specify a longer time frame, not to exceed:

(1) seventy-two (72) hours after the inspection, for the owner or operator to correct violations of a P item; or
(2) fifteen (15) calendar days after the inspection, for the owner or operator to correct violations of a Pf item or HACCP plan deviations.

(c) For purposes of this section, a violation of subsection (a) is a Pf item.

410 IAC 7-26-476 Time correction for core item

Sec. 476. (a) Except as specified in subsection (b), the owner or operator shall correct core items by a date and time agreed to or specified by the department, but not later than ninety (90) calendar days after the inspection.

(b) The regulatory authority may approve a compliance schedule that extends beyond the time limits specified under subsection (a) if a written schedule of compliance is submitted by the permit holder and no health hazard exists or will result from allowing an extended schedule for compliance.

(c) For purposes of this section, a violation of subsection (a) is a CORE item.

Permit to Operate

410 IAC 7-26-477 Prerequisite for operation

Sec. 477. (a) A person may not operate a retail food establishment without first having registered with the regulatory authority as required under IC 16-42-1-6.

(b) Except as specified in subsection (c), to allow verification that the retail food establishment is constructed, equipped, and otherwise meets requirements of this rule, the regulatory authority shall be notified of an intent to operate at least thirty (30) days before operating under this rule.

(c) The regulatory authority preoperation requirements for micro market operations shall comply with the IC 16-42-5-32(e).

(d) For purposes of this section, a violation of subsection (a) is a Pf item.

(e) For purposes of this section, a violation of subsection (b) is a CORE item.

Allowed at Reasonable Times after Due Notice

410 IAC 7-26-478 Access allowed at reasonable times after due notice

Sec. 478. (a) After the regulatory authority presents official credentials and expresses an intent to conduct an inspection or investigation, or collect food samples, the person in charge shall allow the regulatory authority to verify that the retail food establishment is in compliance with this rule by allowing access to the establishment, and providing information and records specified in this rule and to which the regulatory authority is entitled according to law, during the retail food establishment's hours of operation and other reasonable times.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

Retrofit Exemption

410 IAC 7-26-479 Exemption of existing facilities from retrofit

Sec. 479. (a) Existing retail food establishments with plumbing and mechanical equipment or systems, or both, which pre-date the effective date of this rule and were approved by the regulatory authority, or through a variance at the time of construction, shall not be required to update those systems unless any of the following occurs:

(1) Substantial upgrades to the plumbing or mechanical equipment or systems, or both, required by 675 IAC 16-1.4 and 675 IAC 18-1.6.

(2) Correction to deficiencies that have caused health incidents.

(3) Deficiencies that pose a potential health risk as determined by the regulatory authority.

(4) Substantial facility remodeling or new construction that requires plan review in accordance with section 480 of this rule.

(b) For purposes of this section, a violation of subsection (a) is a CORE item

Plan Submission and Approval

410 IAC 7-26-480 Requirement for facility and operating plans

Sec. 480. (a) Except as stated in section 477(c) of this rule, the owner or other authorized agent of an existing or proposed retail food establishment shall submit to the regulatory authority plans and specifications for review before any of the following:

(1) The construction of a retail food establishment.

(2) The conversion of an existing structure for use as a retail food establishment.

(3) The remodeling of a retail food establishment or a change of type of retail food establishment or food operation if the regulatory authority determines that plans and specifications are necessary to ensure compliance with this rule.

(4) The addition or remodeling of an outdoor food operation.

(b) The owner or authorized agent of a retail food establishment or temporary food establishment may use the 2016 or later version of the Food Establishment Plan Review Guide, as published by FDA and the Conference for Food Protection, as a source for determining recommended equipment specifications and operational standards for retail food establishments and temporary food establishments.

(c) The plans and specifications shall be approved by the regulatory authority before the construction and operation of the retail food establishment. (Pf)

(d) For purposes of this section, a violation of subsection (a) or (c) is a Pf item.

410 IAC 7-26-481 Contents and specifications for facility and operating plans

Sec. 481 (a) The plans and specifications for a retail food establishment shall include, as required by the regulatory authority based on the type of operation, type of food preparation, and foods prepared, the following information to demonstrate compliance with this rule:

(1) Intended menu.

(2) Anticipated volume of food to be stored, prepared, and sold or served.

(3) Proposed layout, mechanical schematics, construction materials, and finish schedules.

(4) Proposed equipment types, manufacturers, model numbers, locations, dimensions, performance capacities, and installation specifications.

(5) Evidence that standard operating procedures that ensure compliance with the requirements of this rule are developed or being developed.

(6) Other information that may be required by the regulatory authority for review of the food establishment.

(b) For purposes of this section, a violation of subsection (a) is a CORE item.

410 IAC 7-26-482 Preventing health hazards; provisions for conditions not addressed

Sec. 482. (a) If the regulatory authority determines it necessary to protect against public health hazards or nuisances, the regulatory authority may temporarily impose specific requirements authorized by state or federal law in addition to the requirements contained in this rule.

(b) The regulatory authority shall document the conditions that necessitate the imposition of additional requirements and the underlying public health rationale. The documentation shall be provided to the retail food establishment, and a copy maintained in the regulatory authority's file for the retail food establishment.

410 IAC 7-26-483 Variances

Sec. 483. (a) The owner or operator of a retail food establishment may request a variance from this rule as specified in IC 16-19-3-4.3 and IC 16-42-5-5.2.

(b) The owner or other authorized agent of a retail food establishment that requests a variance of this rule shall complete a variance application provided by the department. The application information must adequately and completely address all areas of concern described in the department's "Policy for Processing Variance Requests".

(c) Beginning the effective date of this rule, a retail food establishment may not commence implementation of a modification to this rule without first obtaining approval from the department.

(d) An owner or operator of a retail food establishment with an approved variance shall meet the requirements and conditions stated in the variance.

(e) For purposes of this section, a violation of subsection (c) or (d) is a P item.

410 IAC 7-26-484 Conformance with approved procedures

Sec. 484. (a) If the department grants a variance as specified in section 483 of this rule, or a HACCP plan is otherwise required as specified under section 485 of this rule, the owner or other authorized agent of the retail food establishment shall:

(1) maintain the approved variance at the retail food establishment;

(2) comply with the HACCP plans and procedures submitted as specified under section 486 of this rule and approved as a basis for the modification or waiver; and

(3) maintain and provide to the regulatory authority or department, upon request, records specified under section 486(a)(4) and 486(a)(5)(C) of this rule that demonstrate the following are routinely employed:

(A) Procedures for monitoring the critical control points.

(B) Monitoring of the critical control points.

(C) Verification of the effectiveness of the operation or process.

(D) Necessary corrective actions if there is failure at a critical control point.

(b) For purposes of this section, a violation of subsection (a)(2) is a P item.

(c) For purposes of this section, a violation of subsection (a)(1) or (a)(3) is a Pf item.

410 IAC 7-26-485 When a HACCP plan is required

Sec. 485. (a) Before engaging in an activity that requires a HACCP plan, the owner or other authorized agent of a retail food establishment shall submit a properly prepared HACCP plan as specified under section 486 of this rule to the regulatory authority or the department for approval if:

(1) submission of a HACCP plan is required according to this rule;

(2) a variance is required as specified under sections 198(d)(8)(B), 217, and 258(b) of this rule; or

(3) the regulatory authority or the department determines that a food preparation or processing method requires a variance based on a plan submittal specified under section 481 of this rule, an inspectional finding, or a variance request.

(b) Before engaging in reduced oxygen packaging without a variance as specified under section 218 of this rule, an owner or operator of a retail food establishment shall submit a HACCP plan containing the information in section 486 of this rule to the regulatory authority.

(c) For purposes of this section, a violation of subsection (a) or (b) is a CORE item.

410 IAC 7-26-486 Contents of a HACCP plan

Sec. 486. (a) For a retail food establishment required under section 485 of this rule to have a HACCP plan, the owner or other authorized agent of a retail food establishment shall submit to the regulatory authority or the department a properly prepared HACCP plan that includes:

(1) general information, such as the name of the retail food establishment owner, the retail food establishment address, and contact information;

(2) a categorization of the types of TCS foods to be controlled under the HACCP plan;

(3) a flow diagram or chart for each specific food or category type that identifies:

(A) each step in the process; and

(B) the steps that are critical control points;

(4) the ingredients, recipes or formulations, materials, and equipment used in the preparation of each specific food or category type, and methods and procedural control measures that address the food safety concerns involved;

(5) a critical control points summary for each specific food or category type that clearly identifies:

(A) each critical control point;

(B) the significant hazards for each critical control point;

(C) the critical limits for each critical control point;

(D) the method and frequency for monitoring and controlling each critical control point by the designated food employee or person in charge;

(E) action to be taken by the designated food employee or person in charge if the critical limits for each critical control point are not met;

(F) the method and frequency for the person in charge to routinely verify that the food employee is following standard operating procedures and monitoring critical control points; and

(G) records to be maintained by the person in charge to demonstrate that the HACCP plan is properly operated and managed;

(6) supporting documents, such as:

(A) a food employee and supervisory training plan that addresses the food safety issues of concern;

(B) copies of blank record forms necessary to implement the HACCP plan; and

(C) additional scientific data or other information, as required by the regulatory authority, supporting the determination that food safety is not compromised by the proposal; and

(7) any other information required by the regulatory authority or the department.

(b) For purposes of this section, a violation of subsection (a)(2) through (a)(7) is Pf item.

(c) For purposes of this section, a violation of subsection (a)(1) is a CORE item.

Confidentiality

410 IAC 7-26-487 Confidentiality of trade secrets

Sec. 487. The regulatory authority shall treat as confidential in accordance with IC 24-2-3 and IC 5-14-3:

(1) the information contained in plans and specifications listed in sections 481 and 486 of this rule;

(2) a HACCP plan;
(3) the information contained on inspection forms or electronic reports that meet the criteria of a trade secret; or
(4) information on material submitted for a variance request identified as proprietary or confidential.

Mobile retail food establishments

410 IAC 7-26-488 Mobile retail food establishments

Sec. 488. (a) A mobile retail food establishment shall comply with the applicable requirements of this rule, except as follows:

(1) Unless approved in writing by the regulatory authority for another servicing interval, a mobile retail food establishment shall physically return to a servicing area or commissary at least once daily for any support activities.

(2) A mobile retail food establishment shall inquire of each regulatory authority regarding the need for plans and specifications under section 480 of this rule when the mobile unit is new or previously has not been operated within the jurisdiction of that regulatory authority.

(3) A mobile retail food establishment shall provide convenient access to a restroom for employees of the unit.

(4) A mobile retail food establishment serving packaged manufactured non-TCS foods, or beverages that are non-TCS and are dispensed from covered urns or other protected equipment, need not comply with this rule pertaining to the following:

(A) The necessity of water and sewage systems.

(B) The cleaning and sanitizing of equipment and utensils if the required equipment for cleaning and sanitizing exists at the commissary.

(C) Operations dependent on a servicing area.

(5) A mobile retail food establishment shall provide only single-service articles for use by the consumer.

(6) A mobile retail food establishment requiring a water system shall have a potable water system under pressure. The system must be of sufficient capacity to furnish enough hot and cold water for food preparation, utensil cleaning and sanitizing, and handwashing, as specified in this rule.

(7) If liquid waste results from the operation of a mobile retail food establishment, a mobile retail food establishment shall store the waste in a permanently installed retention tank that is of at least fifteen percent (15%) larger capacity than the water supply tank.

(8) A mobile retail food establishment may not discharge liquid waste from their retention tank when the mobile retail food establishment is in motion.

(b) For purposes of this section, a violation of subsection (a)(8) is a P item.

(c) For purposes of this section, a violation of subsection (a)(2), (a)(3), or (a)(6) is a Pf item.

(d) For purposes of this section, a violation of subsection (a)(1), (a)(5), or (a)(7) is a CORE item.

Outdoor food operations

410 IAC 7-26-489 Outdoor food operations

Sec. 489. (a) Outdoor food operations, before production, shall:

(1) have the establishment approved from the regulatory authority under sections 480 and 481 of this rule; and

(2) meet the requirements of the Indiana department of homeland security, fire and building safety and services, and the requirements of applicable city or county fire, building, water, wastewater, zoning, or planning departments.

(b) Outdoor food operations shall meet the applicable requirements of this rule as follows:

(1) Outdoor food operations that include open food or have outdoor food preparation may not be conducted in inclement weather and when conditions, such as the following, cannot be adequately mitigated:

(A) Precipitation that causes dripping water.

(B) Dust or other airborne debris.

(C) An uncontrollable presence of pests.

(2) A retail food establishment with an outdoor food operation shall provide protective and secure conditions for:

(A) food;

(B) food equipment, including all food contact surfaces;

(C) utensils; and

(D) single-service and single-use articles;

equivalent to the conditions provided as if the operation was conducted indoors.

(3) Except when food is fully contained within food equipment, food of an outdoor food operation must be attended continuously by a food employee while being:

(A) prepared;

(B) held for service;

(C) displayed for service; or

(D) served to consumers.

(4) Food must be protected against intentional and unintentional contamination, and discarded if it is contaminated.

(5) Contaminated food equipment, utensils, or any food contact surface used by an outdoor food operation, including single-use and single-service articles, must be discarded or washed and sanitized.

(6) Food employees shall have unobstructed access to a handwashing sink and restroom at all times.

(7) Wastewater from an outdoor food operation may not be disposed on the ground or in a way that creates a public health hazard or nuisance.

(8) Food, utensils, single-service and single-use articles, and food contact surfaces of equipment may not be stored exposed to the outdoors environment overnight or while not in use.
(9) Outdoor food operation equipment must be maintained as follows:
(A) Stored clean.
(B) Properly maintained and repaired.
(C) Secured from unauthorized access while not in use.
(10) Fans and other equipment used in outdoor food operations must be used in a way that does not contaminate food, food contact surfaces, utensils, and single-service and single-use articles.
(11) Motor vehicles may not be driven through or near the food preparation or display area of an outdoor food operation.
(c) Retail food establishments with outdoor food operations that were approved before the effective date of this rule under a variance from the department may continue to operate according to the terms of that variance when the variance specifies requirements that are different from this section.
(d) For purposes of this section, a violation of subsection (a) is a CORE item.
(e) For purposes of this section, a violation subsection (b) is a P item.

Imminent Health Hazard

410 IAC 7-26-490 Imminent health hazard ceasing operations, reporting and resumption of operations
Sec. 490. (a) Except as specified in subsection (b), the owner or operator of a retail food establishment shall immediately discontinue operations and notify the regulatory authority if an imminent health hazard may exist because of an emergency, such as:
(1) fire;
(2) flood;
(3) an extended interruption of electrical or water service;
(4) a sewage backup;
(5) a misuse of poisonous or toxic materials;
(6) an onset of an apparent foodborne illness outbreak;
(7) a gross insanitary occurrence or condition; or
(8) any other circumstance that may endanger public health.
(b) A retail food establishment need not discontinue operations in an area of an establishment unaffected by the imminent health hazard.
(c) If operations are discontinued as specified under this section or otherwise according to law, the retail food establishment shall obtain approval from the regulatory authority before resuming operations.
(d) For purposes of this section, a violation of subsection (a) is a P item.
(e) For purposes of this section, a violation of subsection (b) or (c) is a CORE item.

410 IAC 7-26-491 Obtaining information: personal history of illness, medical examination, and specimen analysis
Sec. 491. (a) The regulatory authority shall act when it has reasonable cause to believe that a food employee or conditional employee:
(1) has a possibly transmitted disease;
(2) may be infected with a disease in a communicable form that is transmissible through food;
(3) may be a carrier of infectious agents that cause a disease that is transmissible through food; or
(4) is affected with:
(A) a boil;
(B) an infected wound; or
(C) an acute respiratory infection.
(b) The regulatory authority shall act by:
(1) securing a confidential medical history of the food employee or conditional employee suspected of transmitting disease or making other investigations as deemed appropriate; and
(2) requiring appropriate medical examinations, including collection of specimens for laboratory analysis of a suspected food employee or conditional employee.

410 IAC 7-26-492 Regulatory authority restriction or exclusion of food employee
Sec. 492. Based on the findings of an investigation related to a food employee or conditional employee who is suspected of being infected or diseased, the regulatory authority may issue an order to the suspected or conditional employee or the retail food establishment owner instituting at least one (1) of the following control measures:
(1) Restricting the food employee or conditional employee's activities to specific areas and tasks in the establishment that present no risk of transmitting the disease.
(2) Excluding the food employee or conditional employee from a retail food establishment.
(3) Closing the retail food establishment in accordance with law.

410 IAC 7-26-493 Restriction or exclusion order
Sec. 493. Based on the findings of the investigation as specified in section 491 of this rule and to control disease transmission, the regulatory authority may issue an order of restriction or exclusion to a suspected food employee or the owner or operator of the retail food establishment without prior warning, or a hearing if the order states the following:
(1) The reasons for the restriction or exclusion that is ordered.

(2) The evidence the food employee or owner or operator of the retail food establishment shall provide in order to demonstrate that the reasons for the restriction or exclusion are eliminated.
(3) That the suspected food employee or the permit holder may request an appeal hearing by submitting a timely request as provided in law.
(4) The name and address of the regulatory authority representative to whom a request for an appeal hearing may be made, pursuant to IC 4-21.5-3-7.

410 IAC 7-26-494 Removal of exclusions or restrictions for imminent health hazards
Sec. 494. The regulatory authority shall release a food employee or conditional employee from restriction or exclusion according to law and the conditions specified under section 139 of this rule.

Incorporation by Reference

410 IAC 7-26-495 Incorporation by reference
Sec. 495. (a) When used in this article, references to the following publications shall mean the version of that publication listed below. The following publications are hereby incorporated by reference:
(1) 9 CFR 317 (December 14, 2023, Edition).
(2) 9 CFR 319 (December 14, 2023, Edition).
(3) 9 CFR 381 (December 14, 2023, Edition).
(4) 9 CFR 424.21 (December 14, 2023, Edition).
(5) 21 CFR 70.3. (January 22, 2024, Edition).
(6) 21 CFR 101 (January 22, 2024, Edition).
(7) 21 CFR 113 (January 22, 2024, Edition).
(8) 21 CFR 114 (January 22, 2024, Edition).
(9) 21 CFR 120 (January 22, 2024, Edition).
(10) 21 CFR 129 (January 22, 2024, Edition).
(11) 21 CFR 130 (January 22, 2024, Edition).
(12) 21 CFR 131-169 (January 22, 2024, Edition).
(13) 21 CFR 170.3 (January 22, 2024, Edition).
(14) 21 CFR 178 (January 22, 2024, Edition).
(15) 21 CFR 1030.10 (January 22, 2024, Edition).
(16) 40 CFR 152 (January 29, 2024, Edition).
(17) 40 CFR 156 (January 29, 2024, Edition).
(18) 40 CFR 180 (January 29, 2024, Edition).
(19) 21 U.S.C. 9 et seq.
(20) United States Standards, Grades, and Weight classes for Shell Eggs (AMS 56.200 et seq.) (Effective July 20, 2000). Copies are available from the United States Department of Agriculture, Agricultural Marketing Service, Poultry Programs, USDA, AMS, Poultry Programs STOP 0259, Room 3944-South 1400 Independence Avenue, SW Washington, DC 20250-0259.
(21) National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish (2019 Revision). Copies are available from the United States Food and Drug Administration, Center for Food Safety and Applied Nutrition, Shellfish Sanitation Program, https://www.fda.gov/food/federalstate-food-programs/national-shellfish-sanitation-program-nssp.
(22) NSF/ANSI 18-2023-Manual Food & Beverage Dispensing Equipment.
(23) FDA publication Approved Drug Products with Therapeutic Equivalence Evaluations (44th Edition).
(24) Over-the-Counter (OTC) Monograph M003: First Aid Antiseptic Drug Products for Over-the-Counter Human Use (May 2, 2023).
(b) Federal rules that have been incorporated by reference do not include any later amendments than those specified in the incorporated citation. Sales of the Code of Federal Regulations are handled exclusively by the Superintendent of Documents, https://bookstore.gpo.gov/CFR.

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