

CONTENTS

I. EXECUTIVE ORDERS

EWE-79-7—State lands	274
EWE-79-8—Office of Science, Technology and Environmental Policy abolished	274

II. EMERGENCY RULES

Agriculture Department:	
Office of Animal Health Services:	
Livestock Sanitary Board—Positive reaction to the Coggins test	274
Education:	
Board of Elementary and Secondary Education—Meetings; physical education certification requirements	275

III. RULES

Agriculture Department:	
Office of Animal Health Services:	
Livestock Sanitary Board—Equine requirements; milk ring tests	275
Dairy Stabilization Board—Collection of assessments from licensed buyers	276
Culture, Recreation, and Tourism Department:	
Office of State Parks—Glass containers at swimming areas	276
Education:	
Board of Elementary and Secondary Education—State Plan for Nutrition Education and Training Program for 1979; State Plan for Career Education; industrial arts	276
Governor's Office:	
Division of Administration:	
Office of Contractual Review—Review of contracts by the Civil Service Commission	277
Health and Human Resources Department:	
Board of Embalmers and Funeral Directors—Various amendments and revisions	277
Office of Family Security— Percentile of arrayed costs for long term care facilities; dispensing fee increase for prescriptions; reimbursement for dentists; increases in reimbursement for long term care facilities; six-month deadline for chiropractors and dentists' claims; medically needy income eligibility standards	280
AFDC and GA increases	281
Office of Health Services and Environmental Quality—Eating and Drinking Establishments (Sanitary Code)	282
Frozen Desserts Regulations (Sanitary Code)	294
Schools and Public Buildings (Sanitary Code)	296
Office of Human Development—Day care eligibility criteria and payment rate increases	297
Office of Licensing and Regulation:	
Division of Licensing and Certification—Juvenile detention centers	297
Office of Mental Health and Substance Abuse—Outpatient programs	305
Revenue and Taxation Department:	
Sales Tax Section—Tax tables	307
Exclusions and exemptions of certain vehicles	308
Wildlife and Fisheries Department:	
Wildlife and Fisheries Commission—Waterfowl seasons; special scaup season; Calcasieu Lake oyster season	308

IV. NOTICES OF INTENT

Agriculture Department:	
Seed Commission—Certification of bulk seed rice	309
Corrections Department:	
Board of Pardons—Processing of applications for pardon, commutation of sentence, or restoration of citizenship	310
Education:	
Governor's Special Commission on Education Services:	
Loan/Grant Division—Special allowance formula (Public Law 96-49)	310
Board of Elementary and Secondary Education—State Plan for Nutrition Education and Training Program for 1980; physical education certification requirements; public special education schools; Competency-Based Education Program; Board and committee meetings; Test of General Education Development; graduation requirements for adults; evaluation of the gifted and talented; certification of waivers	310
Board of Regents—State Appropriation Formula, Revised: 1980	311
Health and Human Resources Department:	
Air Control Commission—Control of total reduced sulfur emissions from kraft wood pulp mills; organic compound water separators	311

Office of Family Security—reimbursement for removable partial dentures	312
—Medicaid payment for transportation services	312
—Standards for participation in the Emergency Transportation Program	312
Board of Practical Nurse Examiners—Organization; faculty and staff; accreditation	314
Natural Resources Department:	
Fees for holders of state leases and rights-of-way in the Coastal Zone Area	314
Office of Conservation—Amendment to Regulation Number 5	314
Public Safety Department:	
Office of State Fire Protection—Standards for mobile homes	315
State Department:	
Board of Election Supervisors—Rules for filing complaints, conduct of hearings, and removal of registrars of voters for cause	315
Urban and Community Affairs Department:	
Office of Community Services:	
State Plan for the Community Services Administration's Energy Crisis Assistance Program	316
Bureau of Indian Affairs—Indian Higher Education Assistance Program; admission; eligibility	316

V. POTPOURRI

Agriculture Department:	
Dairy Stabilization Board—Cancelled meeting	316
Urban and Community Affairs Department:	
Indian Housing Authority—Bylaws	316

Executive Orders

EXECUTIVE ORDER EWE-79-7

WHEREAS, Act 38 of 1914 (now R.S. 41:98) vested the Governor of Louisiana with authority to withdraw from sale or entry any of the vacant and unappropriated public lands and lake beds or bottoms belonging to the state, whenever, in his opinion, they appear to be more valuable for mineral than for any other purpose, and to restore to sale or entry all withdrawn lands, at his discretion; and

WHEREAS, acting under the said authority, Honorable Ruffin G. Pleasant, then Governor of Louisiana, by executive order issued on March 20, 1917, withdrew from public sale and entry all state lands, except those adjudicated to the state for nonpayment of taxes; and

WHEREAS, Section 4 of Article IX of the Constitution of Louisiana of 1974 provides that in all cases the mineral rights on any and all property sold by the state shall be reserved, except where the owner or other person having the right to redeem may buy or redeem property sold or adjudicated to the state for taxes; and

WHEREAS, the Secretary of the Department of Natural Resources has recommended that the hereinafter described property be restored to sale, since the obvious and apparent motive for the withdrawal from sale or entry of the public lands was for the protection of the state in its ownership of the minerals underlying said lands, and because the Constitution now requires the reservation in all cases of the mineral rights on any and all property sold by the state, there is no longer any particular necessity why the lands hereinafter described should not be restored to sale.

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of Louisiana, do hereby issue this, my executive order, restoring to sale the following described land, and directing that the same shall be sold under the provisions of Act 215 of 1908, as amended, (now R.S. 41:131 et seq.). Excepting and reserving, however, to the State of Louisiana all minerals in the land so patented, and to it, or those authorized by it, the right to prospect for, mine and remove such deposits from the same in accordance with Section 4 of Article IX of the Constitution of 1974. Excepted from the lands hereinafter described and not included in this sale, are the waters and beds of all bayous, lagoons, lakes, and other water bodies, whether navigable or nonnavigable, in conformity with the statutory law of this state dedicating such property to a public purpose; like exception and exclusion are made of the waters and beds of all inland navigable waters, as well as arms of the sea, pursuant to the statutory, codal, or constitutional law of the state, viz:

Lot One of Section Eighteen Township Nine South, Range Fourteen East, St. Helena Meridian, Parish of St. Tammany, Louisiana, containing 3.38 acres according to the survey of said lands in the State Land Office approved August 19, 1856.

I have signed this order officially and caused the Great Seal of the State of Louisiana to be affixed at Baton Rouge, this 15th day of August, 1979.

Edwin Edwards
Governor of Louisiana

EXECUTIVE ORDER EWE-79-8

WHEREAS, there is an ever-present concern over the scientific, technological, and environmental quality policies of this state; and

WHEREAS, it is the policy of this Administration to provide by all means possible for the positive utilization of scientific development, for technological transfer, and for the enhancement, protection, and improvement of environmental quality throughout the State of Louisiana; and

WHEREAS, in response to these concerns, the Office of Science, Technology and Environmental Policy (OSTEP) was created within the Office of the Governor by Executive Order EWE-77-18; and

WHEREAS, by Act 334 of 1978, the Department of Natural Resources was given authority to develop and administer a state hazardous waste program; and

WHEREAS, by Act 449 of 1979, the state environmental programs relating to air, water, solid waste, hazardous waste, and radiation control were consolidated within the Department of Natural Resources; and

WHEREAS, the goal of the protection and improvement of environmental quality within the State of Louisiana will best be served by the further consolidation of responsibility concerning environmental matters within the Department of Natural Resources.

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, by virtue of the power vested in me, pursuant to the Constitution and applicable statutes of the State of Louisiana, do hereby abolish the Office of Science, Technology and Environmental Policy and transfer the functions, duties and responsibilities of the Office of Science, Technology and Environmental Policy and all employees of such office to the Office of the Secretary within the Department of Natural Resources.

FURTHERMORE, all books, papers, records, money, grants, proposals for grants, actions, and other property of every kind, movable and immovable, real and personal, heretofore possessed, controlled, or used by the Office of Science, Technology and Environmental Policy are hereby transferred to the Department of Natural Resources, Office of the Secretary.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 29th day of August, A.D. 1979.

Edwin Edwards
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

**Department of Agriculture
Office of Animal Health Services
Livestock Sanitary Board**

The Livestock Sanitary Board adopted at its Friday, August 10, 1979, meeting, an amendment to Regulation 2, Governing the Admittance of Livestock to Fairs, Livestock Shows, Breeders' Association Sales, Rodeos and Racetracks, Section 5.5, second paragraph to read:

Horses reacting to the Coggins test within the state will be identified by regulatory personnel by hot brand, cold brand, freeze brand, or tattoo "72A." Positive horses will be rebled upon request, by state-employed veterinarians and samples submitted to the laboratory for reconfirmation.

The Board also adopted an amendment to Regulation 28, Governing Equine Infectious Anemia, Section 1.2, third paragraph to read:

Horses reacting to the Coggins test within the state will be identified by regulatory personnel by hot brand, cold brand, freeze brand, or tattoo "72A." Positive horses will be rebled upon request, by state-employed veterinarians and samples submitted to the laboratory for reconfirmation, as required in Regulation 2, Section 5, Paragraphs 4 and 5.

Adoption of this emergency rule is necessary because of the overwhelming desire of the livestock industry as a whole to change the identification of equine positive to the Coggins test. The previous method of identification has been affecting the industry, as the Livestock Sanitary Board has been unable to control the movement of positive equidae. The Board has received numerous complaints regarding the movement of positive equidae from individuals with the Louisiana Cattlemen's Association, Auction Market Association, etc. It has also been brought to the Board's attention by a representative from Consumer Protection, Office of the Governor, that this procedure was unworkable.

Forrest E. Henderson, D.V.M.
State Veterinarian

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education at its meeting on August 23, 1979, exercised those powers conferred by the emergency provisions of the Administrative Procedures Act, R.S. 49:953B to adopt the following:

Rule 1.00.71

The Board amended operating procedures relative to meetings in order to comply with the open public meetings law which becomes effective September 7, 1979, as follows. (Replaces present policy.)

Frequency, Scheduling, Public Notices

1. The President of the Board shall call regular Board meetings at least four times a year to fall within calendar quarters. Regular meetings of the Board shall convene on the fourth Thursday of the month, except in November and December, unless a simple majority of Board members agree by ballot to meet on another day.

2. The chairman of each standing committee of the Board shall call regular committee meetings at such times as is necessary for consideration of items referred by the Board to the committee. Regular committee meetings shall be held on the day before the Board meeting and on the Wednesday and Thursday of the previous week. The Due Process Committee of the Board shall be regularly scheduled to meet on the Thursday preceding the Board meeting.

3. Special meetings of the Board may be held upon call of the President, and the President shall call a special meeting whenever requested to do so by a majority of the total members of the Board. (Reference: R.S. 17:3(E).)

4. Special meetings of a standing committee may be held upon call of the committee chairman, and the chairman shall call a special meeting whenever requested to do so by a majority of the total named members of the committee.

5. Public notices for regular and special meetings of the Board and its standing committees shall be made as required by the state's public meeting law. At the beginning of each calendar year the Board shall give written public notice of all regularly scheduled meetings; thereafter, a twenty-four hour written public notice shall be given of any regular, special or rescheduled meeting of the Board and its committees. The twenty-four hour public notice shall include the agenda, date, time, and place of the meeting. (Reference: R.S. 42:7)

6. Board members shall be given at their official residences a twenty-four hour written notice of all regular and special meetings of the Board and its committees. Cancellations of any Board or committee meeting shall be made only after a twenty-four hour notice to Board members, or in the event of the absence of a quorum at the scheduled time and place of the meeting.

7. All meetings of the Board, its committees and advisory councils shall be conducted according to provisions of the state's public meeting law. (See R.S. 42:4.1-12).

8. The agenda for each committee meeting shall include only those items to be discussed at the meeting. The agenda may include as an attachment a list of all other Board referrals retained in committee pending final committee action.

* * * *

Rule 3.01.70.v(10)

The Board adopted as emergency rule adapted physical education certification requirements in order to comply with Act 754 of 1977 and Public Law 94-142. The following standards were established in order to protect welfare and provide public education for the handicapped students in Louisiana. These requirements become mandatory September 1, 1981.

Adapted Physical Education

Basic Requirements:

(1) State Certification in Physical Education (which must include Items 2, 3, and 4), 24 semester hours.

(2) Motor Development and Learning, 3 semester hours.

(3) Introduction to the Study of Exceptional Children, 3 semester hours.

(4) Test and Measurement (Physical Education or Educational or Psychological), 3 semester hours

Specialized Requirements:

(1) Introducing Physical Education for All Handicapped Children, 3 semester hours.

(2) Behavioral and Educational Impairment and Physical Education, 2 semester hours.

(2a) Practicum in Behavioral and Educational Impairment and Physical Education, 1 semester hour.

(3) Chronic Disability and Physical Education, 2 semester hours.

(3a) Practicum in Chronic Disability and Physical Education, 1 semester hour.

(4) The Physical Education Curriculum for all Handicapped Children, 3 semester hours (Prerequisite: Courses 1, 2, and 3).

James V. Soileau, Executive Director
Board of Elementary and Secondary Education

Rules

RULES

Department of Agriculture Office of Animal Health Services Livestock Sanitary Board

The Department of Agriculture, Livestock Sanitary Board has amended the following regulations.

Regulation 3, Section 13—Equine Requirements, Paragraph “b” under “Exceptions” is amended to read: “Untested horses arriving at auction market may be sold for purposes other than slaughter if a flood sample is drawn for equine infectious anemia testing at buyer’s expense before the animal leaves the auction market. This sample must be collected by a private practitioner and submitted to an approved laboratory. If a private practitioner is not available to conduct the test, the state-employed veterinarian who is writing health certificates at the auction market, may conduct the test and shall charge a fee of ten dollars. This fee will go into the fund for state laboratories. Horses may then move from the auction market to the purchaser’s premises under quarantine issued by Livestock Sanitary Board personnel until results of the Coggins test are received. If the animal is found to be positive, it must be properly identified by a permanent identification and will remain under quarantine until sold for immediate slaughter.”

* * * *

Regulation 15, Paragraph 1 is amended to read: “A commercial dairy herd that has passed four consecutive negative milk ring tests within the last twelve months, the tests being no less than two months or more than four months apart, will be considered a negative herd and will not be required to be blood tested as long as the herd continues to have milk ring tests four times each year, the tests being no less than two months or more than four months apart, and the results of the tests remain negative.”

* * * *

Regulation 16, Section 1, Paragraph B.2 is amended to read: “A commercial dairy herd that has passed four consecutive negative milk ring tests within the last twelve months, the tests being no less than two months or more than four months apart.”

* * * *

Regulation 17, Section 1, Paragraph B.2 is amended to read: “A commercial dairy herd that has passed four consecutive negative milk ring tests within the last twelve months, the tests being no less than two months or more than four months apart.”

* * * *

Regulation 18, Section 1, Paragraph A.1 is amended to read: “A commercial dairy herd that has passed four consecutive negative milk ring tests within the last twelve months, the tests being no less than two months or more than four months apart, will be considered a negative herd and will not be required to be blood tested as long as the herd continues to have milk ring tests four times each year, the tests being no less than two months or more than four months apart, and the results of the tests remain negative.”

Forrest E. Henderson, D.V.M.
State Veterinarian

RULE

**Department of Agriculture
Dairy Stabilization Board**

Assessments

§12.9 Each processor shall pay his assessment when due under the Act. Processors who are delinquent in the payment of their assessment shall add to the amount due a sum equal to one percent of the amount due for each day of delinquency. In computing the amount of the assessment, frozen desserts shall be converted to milk equivalents as follows: Total milk solids non-fat times 5.79, plus total pounds of fat times 12.5. In the case of dairy products processed by one processor and transferred to a second processor for resale, the assessment due in connection with Class II items is to be paid by the transferor and the assessment due in connection with Class I items is to be paid by the transferee. No processor shall

be required to pay assessments on products sold outside of this state. Processors whose total annual assessments amount to less than twenty-five dollars shall be permitted to pay their assessments annually.

In the event any processor refuses or fails to obtain a license or refuses or fails to pay this assessment, the Board may collect same from the licensed buyer of said dairy products as the agent for said processors or as a user of said products.

If this provision, any part thereof, or the application thereof is held invalid, such invalidity shall not affect other parts of this provision or other provisions of these Rules and Regulations which can be given effect without this invalidated part, and to this end this provision of this Rule and these Rules and Regulations are hereby declared severable.

C. James Gelpi, Director-Attorney
Dairy Stabilization Board

RULE

**Department of Culture, Recreation and Tourism
Office of State Parks**

Rule 8.7-Glass containers of any kind are prohibited within any perimeter boundaries of pools, enclosed swimming areas, enclosed beach areas, and beach parks.

Robert Q. Hanisee, Assistant Secretary
Office of State Parks

RULE

Board of Elementary and Secondary Education

(Editor’s Note: The Department of the State Register will not publish the texts of Rule 3.01.05 and Rule 3.01.56.b described below, in accordance with R.S. 49:954.1C. Copies of these plans may be obtained from the Board of Elementary and Secondary Education, Box 44064, Baton Rouge, Louisiana 70804.)

Rule 3.01.05

The Board adopted the *State Plan for Nutrition Education and Training Program for 1979* as presented by the Department of Education.

* * * *

Rule 3.01.56.b

(Replaces present policy) The Board adopted the *State Plan for Career Education*.

* * * *

Rule 3.01.51s

The Board amended Bulletin 741, *Handbook for School Administrators*, page 19, Industrial Arts Section to read:

One-half or one unit of credit may be given for each of the following areas:

- World of Construction
- Basic Drafting
- Architectural Drafting
- Engineering Drafting
- Basic Electricity
- Advanced Electronics
- Basic Graphic Arts
- Advanced Graphic Arts
- World of Manufacturing

- Exploratory Industrial Arts
- General Shop
- Materials and Processes
- Home Mechanics
- General Metals
- Advanced Metals
- Welding
- Power and Energy
- Small Gas Engines
- Basic Automotive Mechanics
- Advanced Automotive Mechanics
- Basic Woodworking
- Advanced Woodworking
- Industrial Crafts

A maximum of two units may be allowed in each of the subject areas recommended. However, upon application to and approval by the Vocational Division of the Louisiana State Department of Education, one additional unit may be allowed in the requested area. Revision to become effective July 1, 1980.

(The Board adopted this change as requested by the local school systems and this policy change will allow a higher degree of technical training in a specific area.)

James V. Soileau, Executive Director
Board of Elementary and Secondary Education

RULES

**Office of the Governor
Division of Administration
Office of Contractual Review**

*2d. Reg.
V. 5, No. 9
9-20-79
p. 277*

The Office of the Governor, Division of Administration, Office of Contractual Review, has amended LAC 1-4:8.2 and 8.3 to read as follows:

Section 8.2 So that the Civil Service Commission may, by authority of its Rule 4.1(e), add the positions of independent contractors to the unclassified state service, all contracts for professional, personal, and consulting services and for provision of social services shall be submitted to the Director of State Civil Service for his review and approval or disapproval, prior to the effective date of the contract and prior to its submittal to the Office of Contractual Review.

Section 8.3 Upon receipt of written approval of a contract from the Director of State Civil Service, said contract may then be submitted to the Office of Contractual Review pursuant to the requirements of R.S.39:1481, et seq.

Paul R. Mayer, Jr., Director
Office of Contractual Review

RULES

**Department of Health and Human Resources
Board of Embalmers and Funeral Directors**

Rule 1. Application for License.

Section 1. Application for a funeral director license or a combination embalmer and funeral director license shall be made on forms as provided by the Board.

Section 2. Applications for license shall be sworn to by the applicant before a notary public and be accompanied by a fee of one hundred dollars.

Section 3. Applications shall be filed with the Secretary of the Board not less than thirty days preceding the date of the meeting at which the applicant desires to be examined for license.

(Fee change to agree with statute change)

Rule 2. Examinations.

Section 1. Examinations will be held at a location to be determined by the Board on the fourth Tuesday of March and September of each year and at such other times as the Board may deem necessary and expedient.

Section 2. Applicants for funeral director's license shall be given a written and/or oral examination on any subjects that the Board may deem necessary in keeping with the intent of the statutes.

Section 3. Applicants for a combination embalmer and funeral director license shall appear before the Board and be given a written and/or oral examination on subjects defined in courses required under R.S. 37:842 and such other subjects as the Board may deem necessary.

Section 4. Whenever an applicant shall fail to be present for examination at the time and place set by the Board, said applicant shall present a reasonable excuse for failure to attend and, by doing so, said applicant may attend the next examination held by the Board without payment of further examination fee, but shall not be entitled to further consideration in case of failure to be present at said next examination, and shall thereby forfeit the examination fee paid to the Board.

Section 5. Applicants, whose applications for examination are not accepted by this Board, shall be entitled to a return of the fee accompanying said applications.

Section 6. Any applicant for a funeral director's or embalmer and/or funeral director's license whose application has been accepted by the Board, and who shall fail in an examination shall not be entitled to the return of the examination fee, but shall be entitled to one reexamination at the next regular examination. Any applicant who shall fail the reexamination shall not be entitled to further consideration. In order to qualify for subsequent examinations, applicant must reapply as provided in R.S. 37:842. In addition, a funeral director applicant must serve one additional year of internship, and embalmer applicant must complete a three-month refresher course at an institution properly recognized by this Board and shall give proper evidence of the completion of said course.

Section 7. All questions used on examinations are the property of the Board, and must be returned by the applicants with their answers immediately upon completion of examinations.

Section 8. Any applicant found to have in his possession material of any nature which, in the opinion of the Board, may be used to assist in the examination, shall forfeit the fee paid and be ejected from the examination and shall not be entitled to any further consideration.

Section 9. When the applicant has complied with all requirements, and has received a passing mark of not less than seventy percent on the examinations for embalming and/or funeral directing, he shall be entitled to receive a license to practice the science of embalming and/or to engage in the business of funeral directing, provided the requirements of internship have been met.

Rule 3. Internship.

Section 1. Any person desiring to engage in the practice of embalming in this state shall serve as an intern in Louisiana for one year under the direct supervision of a Louisiana licensed embalmer and shall have actively assisted in the preparation of at least twenty-five dead human bodies during his internship. The internship must be served within twelve months prior to entering embalming school, or within twelve months after graduating from embalming school.

Section 2. Any person desiring to engage in the profession of funeral directing in this state shall serve as an intern, in Louisiana, under the direct supervision of a Louisiana licensed funeral director for one year. He shall have actively assisted in conducting twenty-five funerals during period of internship. Upon completion of internship, intern applicant must appear before the Board at its next regular examination meeting except when a delayed appearance for good cause acceptable to the Board is allowed.

Section 3. Each intern shall make application to the Board on prescribed forms, accompanied by a fee of \$37.50, and if found acceptable shall be registered as such and given an identification card. Registration is for one year only. At the end of this internship period, applicant must appear at the next regular Board examination provided the educational requirements have been met. The intern may appeal to the Board for an extension of his internship provided, however, that he make application before the Board for such extension and that he appear at a regular meeting to show cause for this extension. Reapplication shall be an additional \$37.50. The Board may, at its own discretion, extend an internship to any period not to exceed one year. Each intern is required to file a complete report (each category must be marked as worked on or not worked on), for each month claimed served, which report must be filed monthly in the Board's office before an applicant is considered completed and before the applicant is eligible for examination.

Section 4. When tenure of internship is completed, an affidavit by both the intern and the person under whose direct supervision he served, shall be filed not later than fifteen days with the Board. Said affidavit shall list the number of bodies embalmed and/or funerals assisted in.

Section 5. The Secretary, upon notification by the applicant, will inform the licensed person responsible for the training of the intern of the rules and regulations concerning the internship and that he will be responsible to the Board for the application and enforcement of these rules and regulations.

Credit for funeral directors and/or embalmer internship shall not be allowed to any person while he is in military service or while enrolled in a university or college or in attendance at an embalming school nor in any event unless the intern shall serve the person under whom such training is given on a bona fide full-time basis between the hours of 7:00 a.m. and 7:00 p.m., which constitutes his primary occupation. Part-time students shall be permitted only if their school training is served during hours that do not interfere with times set forth in the regulation cited above and the intern meets all other requirements of the rule.

Penalties: It shall be a requirement and responsibility of the intern to make these reports monthly and to have them in the office of the Secretary on date specified. Failure to perform as specified in this rule will mean automatic loss of that monthly credit. Failure of the licensed trainer to perform as agreed or to in any way falsify records of the internship will cause a fine to be levied in accordance with R.S. 37:850 for said violation.

Rule 4. Funeral Establishments.

Section 1. Application for a funeral establishment license shall be made upon the form provided by the Board, sworn to by applicant and accompanied by a fee of five hundred dollars. Said establishment shall meet the requirements as defined in R.S. 37:842. When an existing licensed establishment is sold, or in excess of fifty percent of the stock in a corporation holding an establishment license is sold, the purchaser must pay a fee of five hundred dollars for a new license. The seller and the purchaser are required to notify the Board within ten days from the date of the sale or sales as set forth above, providing the Board with full information as to the sale. Failure by either party to provide the

Board with notice, as herein set out, will bring about the suspension and/or revocation of the license of either or both parties.

Section 2. The license is effective for a fixed place, or establishment, and for a specific name. Whenever the location or name of the licensed establishment is changed, a new license shall be obtained and a renewal fee of two hundred dollars paid. All changes of name and/or location must be reported to the Board's Secretary without delay.

Section 3. It shall be required that a licensed funeral director and/or embalmer be in charge of each funeral establishment. No licensed funeral director shall, during a protracted absence from his business, leave his establishment in charge of any person other than a licensee holding a license issued by this Board.

Section 4. Each funeral establishment shall be subject to inspection and shall comply with the following requirements:

A. Each establishment must be provided with suitable and dignified quarters devoted to such activities incident or related to the preparation and arrangement for the burial, or other disposition, of dead human bodies from which a funeral may be conducted.

It shall be the duty of the Board or anyone designated by the Board to inspect the establishment wherein licensed embalmers or funeral directors are practicing or propose to practice, to determine if proper and adequate facilities are provided.

B. Each establishment must consist of and be inspected for an adequate building containing a display room, which must contain a minimum of six adult caskets, embalming room, office or arrangement room, rest rooms (separate for men and women), parlors or chapel. They shall also contain suitable furnishings, equipment and other facilities that meet the standards of the Fire and Sanitary Codes of the State of Louisiana.

C. The preparation or embalming room of medium size shall meet the following requirements:

(1) Floors of tile, cement, linoleum, or like composition, finished with a glazed surface.

(2) Walls and ceilings shall be finished with tile, or other material finished with enamel or other waterproof material.

(3) A sanitary embalming table of metal, glass, or porcelain top, with running water draining from the table into a drain connected with a sewer or other proper receptacle.

(4) Suitable sanitary plumbing which shall comply with the requirements of the Louisiana State Office of Health Services and Environmental Quality.

(5) Only equipment and supplies necessary for the preparation or care of dead human bodies for disposal or transportation are to be kept in the preparation room. At no time shall it be used as a storage room.

(6) The room shall be properly ventilated and comply in respect to ventilation with state and local laws or ordinances and regulations. It shall be so ventilated that no deleterious odors be permitted to enter into any other part of the establishment or adjoining premises.

(7) The embalming or preparation room shall be strictly private and no one shall be allowed therein while the body is being embalmed except the licensed embalmers and other authorized persons and officials in the discharge of their duties.

(8) There shall not be any direct connection between the preparation or embalming rooms with the living quarters of a funeral establishment or rooms where food is customarily prepared and served. Its doors shall be closed at all times and all of its windows must be screened as a safeguard to the public health.

(9) Each funeral establishment and each preparation or embalming room shall be maintained in a clean and sanit-

any condition at all times. All instruments and other appliances used in embalming dead human bodies shall be thoroughly cleansed immediately at the conclusion of each individual case.

(10) Each funeral establishment must have available in the preparation room or embalming room a register book or log. The name of each body embalmed, place (if other than at establishment), the date and time that the embalming took place, the name and signature of the embalmer and his license number must be noted in said book. This must be available at all times in full view for our inspector.

D. (1) Each funeral establishment shall meet the requirements as provided by law relative to personnel.

(2) Each funeral establishment licensed by this Board to conduct the business of funeral directing as defined in R.S. 37:831-861 must have as its owner, partner, or shareholder, a person or persons licensed by this Board.

If the funeral establishment is a sole proprietorship, then the sole proprietor must be licensed by this Board.

Should the funeral establishment be a partnership, then a partner who is in charge of the conduct of said business must be engaged in the practice of the science of embalming or the business of funeral directing or both and licensed by this Board. He must have at least a financial interest in the partnership, which financial interest shall be fixed at a minimum of ten percent.

Should the funeral establishment be a corporation, then a shareholder of said corporation who is in charge of the conduct of the business of said corporation must be engaged in the practice of the science of embalming or the business of funeral directing or both and licensed by this Board, and have a financial interest in said corporation fixed at a minimum of ten percent.

This rule shall not affect those funeral establishments which were licensed by this Board prior to the passage of this rule (12/20/78).

E. All auxiliary or branch establishments, except as hereinbelow provided, shall have layout, embalming, display, personnel, and facilities as required by this rule for funeral establishments.

Exceptions: The following auxiliary or branch establishments shall be exempt from the above requirements: (1) any establishment if it is within forty miles of the main establishment and can be practically served by the licensed personnel of the main establishment; (2) if said auxiliary or branch establishment exceeds forty miles and there exists a public need for said facilities. The nonexistence of any funeral establishment which serves the public need shall be presumptive evidence of "public need."

F. Each funeral establishment licensed by the Board shall keep a set of books or records showing the name of each body prepared for burial, the name of the licensed embalmer who did the embalming, the dates connected with death and burial, and other necessary information required by law. If and when a "trade embalmer" or outside embalmer, is called in or performs embalming, it is required that a record of his services be kept, showing his name and time when he was at the funeral establishment.

G. Any licensed funeral establishment in the State of Louisiana is hereby prohibited from sharing or permitting the use of said establishment, or from furnishing equipment for use therein, or from rendering personal service therein, or from, in any manner entering into any arrangement or agreement with any person, for and in the conduct of such business upon such premises, who is not himself maintaining a licensed funeral establishment.

H. No one licensed by this Board shall be employed in any capacity by an unlicensed funeral establishment.

Rule 5. Advertising.

A. The use of misleading or false advertising will constitute unprofessional conduct. The following classes of advertising shall be deemed to be misleading:

(1) Advertising the price of caskets exclusively, without stating the prices of other merchandise and services, since the natural inference of the public is that the advertised price of caskets includes the price of the service.

(2) Offering service at "cost" plus a percentage, when the determination of the "cost" lies within the control of the funeral director or embalmer and is not published.

(3) Advertising or sale of certificates or stock participation or any form of agreement which creates the impression with the purchaser, when such is not a fact, that he becomes a part owner in the advertiser's establishment and therefore entitled to special price privileges for funeral services.

(4) Advertising which impugns the honesty, trustworthiness, or business or professional standards of competitors, or which states that the prices charged by competitors are considerably higher than those charged by the advertiser, when such is not the fact.

(5) Advertising which represents the advertiser to be the special defender of the public interest or which makes it appear that the advertiser is subjected to the combined attack of competitors. Such expressions as "independent," "not in the trust," "not controlled by the combine," and other expressions having the same import shall be deemed to be misleading unless it be shown by the advertiser that there is a "trust," or a "combine" and that other funeral directors constitute a monopoly for the purpose of maintaining prices or for any other purpose; and the burden of proving such "trust," "combine," or "monopoly" shall be upon the advertiser asserting the existence of the same.

B. It is prohibited for a licensed funeral establishment to authorize advertising by others not licensed by this Board, when such advertising offers services and/or merchandise primarily performed and offered by a licensed funeral director/embalmer and establishment, as defined in R.S. 37:831-861. Such advertising shall be considered as an inducement when used along with or in conjunction with plans, merchandise, preneed plans, or the like which are normally sold by others. The above rule does not, however, prohibit a licensed funeral establishment from advertising an affiliation with an insurance company.

Rule 7. License Renewal and Reinstatement.

Section 1. All individual licenses issued by the Board shall expire on the first day of December of each year and must be renewed on or before the thirty-first day of December. All establishment licenses and preneed affidavits shall also expire on the first day of December and must be renewed on or before the thirty-first day of December following said expiration. Applications for renewal of licenses must be made to the Secretary of the Board, upon forms furnished by said Board, and must be accompanied by a renewal fee of twenty dollars for individual licenses for embalmers and/or funeral directors and not more than two hundred dollars for funeral establishments. There is no fee for the annual report or prepaid funeral service or merchandise.

Section 2. When a funeral director or embalmer has failed to renew his license, same may be reinstated provided application is made to the Board within five years from date of his failure to renew same. If application for renewal is filed within the prescribed time, applicant shall appear in person before the Board at a time specified and, if the Board is satisfied that the applicant has met all requirements as prescribed by law and the rules and

regulations for the Board, it shall issue a renewal license for the remaining portion of the current year in which application is made, upon payment of the regular application fee of one hundred dollars. If the funeral director or embalmer fails to renew within the specified time, he must qualify under the prescribed law and rules and regulations as amended.

Section 3. When a licensed funeral establishment fails to renew its license, it shall submit to an inspection; and if the Board is satisfied that the applying establishment meets all requirements, it shall issue a renewal license for the remaining portion of the current year upon payment of regular application fee of five hundred dollars.

Section 4. When a licensed funeral establishment or individual licensee renews the license it shall either be paid in cash, check, or money order. If, for any reason, the check or money order received is not paid by the bank for nonsufficient funds (NSF) or any other reason, the licensee or the firm forwarding the funds shall be assessed a penalty of ten dollars for individual license and twenty-five dollars for establishment license. In either event, the license fee and penalty must be in the office within ten days after the notice of NSF or nonpayment is received. In the event the money is not received within the ten day period, the regular delinquent assessment will be levied.

Section 5. The Board, after full review of a bona fide retired or disabled licensee applicant who has been licensed by this Board at least twenty years, has reached the age of legal retirement, or is disabled and is no longer actively involved in the professional pursuit of funeral directing or embalming and is completely separated from a licensed establishment doing business in this state, may permit a retirement/disabled classification that would waive the assessment fee for that particular year. This classification must be renewed each year upon proper application after review and passage by a majority vote of the Board.

* * * *

Rule 12. Mandatory Disclosure. Every funeral firm in this state and/or the funeral service licensee thereof shall give or cause to be given to the person or persons making funeral arrangements or arranging for the disposition of a dead human body, at the time such arrangements are completed and prior to the time of rendering the service and/or providing the merchandise, a written statement showing to the extent then known:

1. The price of the service that the person or persons have selected and what is included therein.
2. The price of each of the supplemental items of service and/or merchandise required.
3. The amount involved for each of the items for which the firm will advance monies as an accommodation to the family.
4. The method of payment.
5. No funeral firm shall bill or cause to be billed any item that is referred to as a "cash advance" item unless the net amount paid for such item or items by the funeral firm is the same as is billed by the funeral firm.

Section A. Every funeral firm in this state or funeral service licensee thereof shall have available in their display room and inside the casket within view of the general public, the price of that particular casket and/or services included therein.

Rule 13. Transportation.

Section 1. In accordance with the definition as worded in Section 831 of Louisiana Revised Statutes the term "funeral directing" shall mean any service whatsoever connected with management and supervision of any services or act connected with management of funerals from time of death until disposition of such bodies or body for burial, cremation, or transportation out of the state for burial and in order to comply with the proper handling of the dead human body it will be necessary and required that whenever a dead human body is transported for

disposition that it be in a container that eliminates direct contact by those not licensed to handle the dead and to offer protection to those who might come accidentally in contact with said body.

Section 2. No section of this regulation shall be interpreted to prohibit transportation of dead human bodies without the use of a container as specified in Section 1 hereof, in closed vehicles designed exclusively for the transportation of dead human bodies.

When remains are transported by private airline or other conveyance, not a common carrier, it must be in a closed container.

Rule 14. Injunction Proceedings. The Board may bring legal proceedings to enjoin a person or establishment violating the rules and regulations of this Board from practicing the science of embalming or conducting the business of funeral directing or operating a funeral establishment, as may be the case, until such person complies with the requirements of these rules and regulations. The injunction, if granted, shall not be suspended by bond or appeal and the person or establishment enjoined shall be case for attorney's fees not to exceed fifty dollars, and court costs.

Rule 15. Penalty. Whoever violates the rules and regulations of this Board shall be fined not less than three hundred dollars nor more than one thousand dollars for each offense, or imprisoned for not less than thirty days nor more than one hundred eighty days for each offense, or both such fine and imprisonment.

If a firm or association violates the provisions of these rules and regulations, all the members of the firm or association who knowingly violate said rules and regulations shall be subject to the penalty. If a corporation violates said rules and regulations, the members of the Board of directors and the officers of the corporation who knowingly violate said rules and regulations shall be subject to the penalty.

Lloyd E. Eagan, Secretary
Board of Embalmers and Funeral Directors

RULES

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has adopted the following policies and rules in the Medical Assistance Program:

1. Policy that sets reimbursement rates not to exceed the seventy-fifth percentile of arrayed costs reflected in cost reports submitted by the long term care facilities.
2. Increase in the dispensing fee allowance for prescriptions under the pharmaceutical services program. The maximum fee is set at \$3.28.
3. Policy that permits reimbursement at the lower of either the usual and customary charge or the state's established fee schedule to dentists participating in the Medical Assistance Program. This clarification in the reimbursement policy of the Medical Assistance Program assures compliance with federal regulations requiring all providers of medical service to charge and be reimbursed for services no more than is charged to the general public.
4. Increase in the rates of reimbursement to long term care facilities participating in the Medical Assistance Program. The rates for the specified levels of care are as follows:

	Daily	Monthly
Skilled Nursing Facility (SNF)	\$26.73	\$813.04
Intermediate Care Facility I (ICF I)	24.43	743.08
Intermediate Care Facility II (ICF II)	19.37	589.17

5. Policy that requires chiropractors and dentists to submit their claims for reimbursement within six months from the date of service.

6. Changes in the medically needy income eligibility standards (MNIES) as follows:

Rural—Medically Needy Income Eligibility Standard

Family Size	AFDC Flat Grant Amount	Monthly MNIES	Quarterly MNIES
1	\$ 53	\$ 125	\$ 375
2	98	133	399
3	139	192	576
4	173	233	699
5	206	275	825
6	236	317	951
7	267	358	1074
8	297	400	1200
9	325	433	1299
10	354	475	1425
11	384	517	1551
12	416	558	1674
13	450	600	1800
14	483	650	1950
15	516	692	2076
16	549	733	2199
17	582	783	2349
18	615	825	2475
19	651	875	2625
20	687	916	2748
21	723	967	2901
22	759	1017	3051
23	795	1067	3201
24	831	1117	3351
25	867	1167	3501
26	903	1217	3651
27	939	1267	3801
28	975	1317	3951
29	1011	1367	4101
30	1047	1417	4251

Urban—Medically Needy Income Eligibility Standard

Family Size	AFDC Flat Grant Amount	Monthly MNIES	Quarterly MNIES
1	\$ 57	\$ 133	\$ 399
2	110	150	450
3	152	208	624
4	187	250	750
5	221	300	900
6	252	342	1026
7	281	375	1125
8	311	417	1251
9	340	458	1374
10	368	492	1476
11	399	533	1599
12	431	575	1725
13	462	617	1851
14	495	667	2001
15	528	708	2124
16	564	758	2274
17	591	792	2376
18	629	842	2526
19	668	892	2676
20	707	950	2850
21	746	1000	3000
22	785	1050	3150
23	824	1100	3300
24	863	1150	3450

Family Size	AFDC Flat Grant Amount	Monthly MNIES	Quarterly MNIES
25	902	1200	3600
26	941	1250	3750
27	980	1300	3900
28	1019	1350	4050
29	1058	1400	4200
30	1097	1450	4350

In the near future appropriate revisions shall be made to Section 19-107.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

RULES

**Department of Health and Human Resources
Office of Family Security**

The Department of Health and Human Resources, Office of Family Security, in accordance with the Administrative Procedures Act, adopted effective July, 1979, the following increased flat grant amounts in the Aid to Families with Dependent Children's Program, and increased payment levels in the General Assistance Program:

I. Increased Flat Grant Amount to be Included in Every AFDC Assistance Payment Budget.

A. Non-Urban Grant

Household Size	Flat Grant Amount
1	\$ 53
2	98
3	139
4	173
5	206
6	236
7	267
8	297
9	325
10	354
11	384
12	416
13	450
14	483
15	516
16	549
17	582
18	615

For each additional person add \$36 to the flat grant amount.

B. Urban Grant (Orleans, Jefferson, St. Bernard, E.B.R.)

Household Size	Flat Grant Amount
1	\$ 57
2	110
3	152
4	187
5	221
6	252
7	281
8	311
9	340
10	368
11	399

Household Size	Flat Grant Amount
12	431
13	462
14	495
15	528
16	564
17	591
18	629

For each additional person add \$39 to the flat grant amount

II. Increased Payment in General Assistance.

A. Persons in Certification

	Allowable Per Person
13 years and older	\$50
Birth through 12 years	\$35

B. Value of Available Income In-Kind.

	Food	Clothing	Incidentals
13 years and older	\$37.00	\$8.00	\$5.00
Birth through 12 years	\$24.50	\$6.00	\$4.50

C. GA Maximum Grants.

1. Regular Grant. The maximum amount paid for a regular grant (to include one-person Indochinese cases) shall be:

- a. \$75 when only one person is included in the certification.
- b. \$109 when two or more persons are included in the certification.

2. Special Grant. The maximum amount paid for a special GA grant shall be:

- a. \$110 when the budget plan includes an allowance for a special grant and only one person is included in the certification; \$115 when a special diet is approved and there are two or more persons in the certification.
- b. \$126 when the budget plan includes an allowance for special care in a foster family placement or discharge from a state mental institution.
- c. \$120 when the budget includes one person and an allowance is necessary for special care in his own home or home of a relative or in a private home by an unrelated person. \$125 when the budget includes two or more persons and special care as explained above is necessary.

3. Other Grants. The grants of eligible patients in Carville as specified in E.B. 963, and GA 111 and Handicapped Children (Type 94 and 96 cases) will be increased as follows:

- a. Patients in Carville grants will be increased from \$30 to \$35.
- b. GA 111 and Handicapped Children—The amount paid shall be the family budgetary deficit subject to \$110 maximum without inclusion of the extra cost of the child's special diet and/or essential transportation (if any) plus the cost of this item or items subject to a maximum of \$278.
- c. GA recipient receiving skilled nursing care in a skilled nursing home or care in an intermediate care facility, the personal care needs amount shall be \$22. The maximum payment amount is \$22; therefore, all GA recipients in long term care (LTC) facilities will receive a \$5 increase and newly certified GA, LTC recipients will receive a maximum grant of \$22.

4. Indochinese One-person Households. Indochinese one person households shall receive payment in accordance with the payment level applicable to a one-person GA certification.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

RULES

**Department of Health and Human Resources
Office of Health Services and Environmental Quality**

The Department of Health and Human Resources, Office of Health Services and Environmental Quality, has amended Sections 7.01 through 7.1712 of Chapter VII of the Louisiana State Sanitary Code. All other sections of Chapter VII of the Louisiana State Sanitary Code shall remain as previously promulgated and reprinted on January 1, 1974.

Chapter VII

Eating and Drinking Establishments

7.01 General Provisions.

7.0101 Interpretation. This shall be liberally interpreted and applied to promote its underlying purpose of protecting the public health.

7.0102 Definitions. For the purpose of this regulation:

A. "Commissary" means a catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged or stored.

B. "Corrosion-resistant materials" means those materials that maintain their original surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and bactericidal solutions, and other conditions-of-use environment.

C. "Easily cleanable" means that surfaces are readily accessible and made of such materials and finish and so fabricated that residue may be effectively removed by normal cleaning methods.

D. "Employee" means the permit holder, individuals having supervisory or management duties and any other person working in a food service establishment.

E. "Equipment" means stoves, ovens, ranges, hoods, slicers, mixers, meatblocks, tables, counters, refrigerators, sinks, dish-washing machines, steam tables, and similar items other than utensils, used in the operation of a food service establishment.

F. "Food" means any raw, cooked, or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption.

G. "Food-contact surface" means those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces from which food may drain, drip, or splash back onto surfaces normally in contact with food.

H. "Food processing establishment" means a commercial establishment in which food is manufactured or packaged for human consumption. The term does not include a food service establishment, retail food store, or commissary operation.

I. "Food service establishment" means any place where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term also includes delicatessen-type operations that prepare sandwiches intended for individual portion service and seasonal operations. The term does not include private homes where food is prepared or served for individual family consumption, retail food stores (unless food is prepared), the location of food vending machines, and supply vehicles.

J. "Hermetically sealed container" means a container designed and intended to be secure against microorganisms and to maintain the commercial sterility of its contents after processing.

K. "Kitchenware" means all multi-use utensils other than tableware.

L. "Law" includes federal, state, and local statutes, ordinances, and regulations.

M. "Mobile food unit" means a vehicle-mounted food service establishment designed to be readily movable.

N. "Packaged" means bottled, canned, cartoned, or securely wrapped.

O. "Person" includes an individual, partnership, corporation, association, or other legal entity.

P. "Person in charge" means the individual present in a food service establishment who is the apparent supervisor of the food service establishment at the time of inspection. If no individual is the apparent supervisor, then any employee present is the person in charge.

Q. "Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include clean, whole, uncracked, odor-free shell eggs or foods which have a pH level of 4.6 or below or a water activity (aW) value of 0.85 or less.

R. "Pushcart" means a nonself-propelled vehicle limited to serving nonpotentially hazardous foods or commissary-wrapped food maintained at proper temperatures.

S. "Reconstituted" means dehydrated food products recombined with water or other liquids.

T. "Regulatory authority" means the state and/or local enforcement authority or authorities having jurisdiction over the food service establishment.

U. "Safe materials" means articles manufactured from or composed of materials that may not reasonably be expected, directly or indirectly, to become a component of or otherwise affect the characteristics of any food. If materials used are food additives or color additives as defined in section 201(s) or (t) of the Federal Food, Drug and Cosmetic Act, they are "safe" only if they are used in conformity with regulations established pursuant to section 409 or section 706 of the Act. Other materials are "safe" only if, as used, they are not food additives or color additives as defined in section 201(s) or (t) of the Federal Food, Drug and Cosmetic Act, and are used in conformity with all applicable regulations of the Food and Drug Administration.

V. "Sanitization" means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on utensils and equipment.

W. "Sealed" means free of cracks or other openings that permit the entry or passage of moisture.

X. "Single-service articles" means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, toothpicks and similar articles intended for one-time, one-person use and then discarded.

Y. "Tableware" means multi-use eating and drinking utensils.

Z. "Temporary food service establishment" means a food service establishment that operates at a fixed location for a period of time of not more than fourteen consecutive days in conjunction with a single event or celebration.

AA. "Utensil" means any implement used in the storage, preparation, transportation, or service of food.

7.0103 Separability. If any provision or application of any provision of this regulation is held invalid, that invalidity shall not affect other provisions or applications of this regulation.

7.0200 Food Supplies.

7.0201 General. Food shall be in sound condition, free from spoilage, filth, or other contamination and shall be safe for human

consumption. Food shall be obtained from sources that comply with all laws relating to food and food labeling. The use of food in hermetically sealed containers that was not prepared in a food processing establishment is prohibited.

7.0202 Special Requirements.

A. Fluid milk and fluid milk products used or served shall be pasteurized and shall meet the Grade A quality standards as established by law. Dry milk and dry milk products shall be made from pasteurized milk and milk products.

B. Fresh and frozen shucked shellfish (oysters, clams, or mussels) shall be packed in nonreturnable packages identified with the name and address of the original shell stock processor, shucker-packer, or repacker, and the interstate certification number issued according to law. Shell stock and shucked shellfish shall be kept in the container in which they were received until they are used. Each container of unshucked shell stock (oysters, clams, or mussels) shall be identified by an attached tag that states the name and address of the original shell stock processor, the kind of shell stock, and an interstate certification number issued by the state or foreign shellfish control agency.

C. Only clean whole eggs, with shell intact and without cracks or checks, or pasteurized liquid, frozen, or dry eggs or pasteurized dry egg products shall be used, except that hard-boiled, peeled eggs, commercially prepared and packaged, may be used.

Food Protection

7.0203 General. At all times, including while being stored, prepared, displayed, served, or transported, food shall be protected from potential contamination, including dust, insects, animals, rodents, unclean equipment and utensils, unnecessary handling, coughs and sneezes, flooding, drainage, and overhead leakage or overhead drippage from condensation. The temperature of potentially hazardous food shall be 45°F or below or 140°F or above at all times, except as otherwise provided.

7.0204 Emergency Occurrences. In the event of a fire, flood, power outage, or similar event that might result in the contamination of food, or that might prevent potentially hazardous food from being held at required temperatures, the person in charge shall immediately contact the regulatory authority. Upon receiving notice of this occurrence, the regulatory authority shall take whatever action that it deems necessary to protect the public health.

Food Storage

7.0205 General.

A. Food, whether raw or prepared, if removed from the container or package in which it was obtained, shall be stored in a clean, covered container except during necessary periods of preparation or service. Container covers shall be impervious and nonabsorbent, except that linens or napkins may be used for lining or covering bread or roll containers. Solid cuts of meat shall be protected by being covered in storage, except that quarters or sides of meat may be hung uncovered on clean sanitized hooks if no food product is stored beneath the meat.

B. Containers of food shall be stored a minimum of six inches above the floor in a manner that protects the food from splash and other contamination, and that permits easy cleaning of the storage area, except that:

1. Metal pressurized beverage containers, and cased food packaged in cans, glass or other waterproof containers need not be elevated when the food container is not exposed to floor moisture.

2. Containers may be stored on dollies, racks or pallets, provided such equipment is easily movable.

C. Food and containers of food shall not be stored under exposed or unprotected sewer lines or water lines, except for

automatic fire protection sprinkler heads that may be required by law. The storage of food in toilet rooms or vestibules is prohibited.

D. Food not subject to further washing or cooking before serving shall be stored in a way that protects it against cross-contamination from food requiring washing or cooking.

E. Packaged food shall not be stored in contact with water or undrained ice. Wrapped sandwiches shall not be stored in direct contact with ice.

F. Unless its identity is unmistakable, bulk food, such as cooking oil, syrup, salt, sugar, or flour, not stored in the product container or package in which it was obtained, shall be stored in a container identifying the food by common name.

7.0206 Refrigerated Storage.

A. Enough conveniently located refrigeration facilities or effectively insulated facilities shall be provided to assure the maintenance of potentially hazardous food at required temperatures during storage. Each mechanically refrigerated facility storing potentially hazardous food shall be provided with a numerically scaled indicating thermometer, accurate to plus or minus 3°F, located to measure the air temperature in the warmest part of the facility and located to be easily readable. Recording thermometers, accurate to plus or minus 3°F, may be used in lieu of indicating thermometers.

B. Potentially hazardous food requiring refrigeration after preparation shall be rapidly cooled to an internal temperature of 45°F or below. Potentially hazardous foods of large volume or prepared in large quantities shall be rapidly cooled, utilizing such methods as shallow pans, agitation, quick chilling or water circulation external to the food container so that the cooling period shall not exceed four hours. Potentially hazardous food to be transported shall be prechilled and held at a temperature of 45°F or below.

C. Frozen food shall be kept frozen and should be stored at a temperature of 0°F or below.

D. Ice intended for human consumption shall not be used as a medium for cooling stored food, food containers or food utensils, except that such ice may be used for cooling tubes conveying beverages or beverage ingredients to a dispenser head. Ice used for cooling stored food and food containers shall not be used for human consumption.

7.0207 Hot Storage.

A. Enough conveniently located hot food storage facilities shall be provided to assure the maintenance of food at the required temperature during storage. Each hot food facility storing potentially hazardous food shall be provided with a numerically scaled indicating thermometer, accurate to plus or minus 3°F, located to measure the air temperature in the coolest part of the facility and located to be easily readable. Recording thermometers, accurate to plus or minus 3°F, may be used in lieu of indicating thermometers. Where it is impractical to install thermometers on equipment such as bains-marie, steam tables, steam kettles, heat lamps, cal-rod units, or insulated food transport carriers, a product thermometer must be available and used to check internal food temperature.

B. The internal temperature of potentially hazardous foods requiring hot storage shall be 140°F or above except during necessary periods of preparation. Potentially hazardous food to be transported shall be held at a temperature of 140°F or above unless maintained in accordance with paragraph B of section 7.0206.

Food Preparation

7.0208 General. Food shall be prepared with the least possible manual contact, with suitable utensils, and on surfaces that prior to use have been cleaned, rinsed, and sanitized to prevent cross-contamination.

7.0209 Raw Fruits and Raw Vegetables. Raw fruits and raw vegetables shall be thoroughly washed with potable water before being cooked or served.

7.0210 Cooking Potentially Hazardous Foods. Potentially hazardous foods requiring cooking shall be cooked to heat all parts of the food to a temperature of at least 140°F, except that:

A. Poultry, poultry stuffings, stuffed meats and stuffings containing meat shall be cooked to heat all parts of the food to at least 165°F with no interruption of the cooking process.

B. Pork and any food containing pork shall be cooked to heat all parts of the food to at least 150°F.

C. Rare roast beef shall be cooked to an internal temperature of at least 130°F, and rare beef steak shall be cooked to a temperature of 130°F unless otherwise ordered by the immediate consumer.

7.0211 Dry Milk and Dry Milk Products. Reconstituted dry milk and dry milk products may be used in instant desserts and whipped products, or for cooking and baking purposes.

7.0212 Liquid, Frozen, Dry Eggs and Egg Products. Liquid, frozen, dry eggs and egg products shall be used only for cooking and baking purposes.

7.0213 Reheating. Potentially hazardous foods that have been cooked and then refrigerated, shall be reheated rapidly to 165°F or higher throughout before being served or before being placed in a hot food storage facility. Steam tables, bains-marie, warmers, and similar hot food holding facilities are prohibited for the rapid reheating of potentially hazardous foods.

7.0214 Nondairy Products. Nondairy products must comply with all provisions of Chapter V of the Sanitary Code.

7.0215 Product Thermometers. Metal, stem-type, numerically scaled, indicating thermometers, accurate to plus or minus 2°F, shall be provided and used to assure the attainment and maintenance of proper internal cooking, holding, or refrigeration temperatures of all potentially hazardous foods.

7.0216 Thawing Potentially Hazardous Foods. Potentially hazardous foods shall be thawed:

A. In refrigerated units at a temperature not to exceed 45°F; or

B. Under potable running water of a temperature of 70°F or below, with sufficient water velocity to agitate and float off loose food particles into the overflow; or

C. In a microwave oven only when the food will be immediately transferred to conventional cooking facilities as part of a continuous cooking process or when the entire, uninterrupted cooking process takes place in the microwave oven; or

D. As part of the conventional cooking process.

Food Display and Service

7.0217 Potentially Hazardous Foods. Potentially hazardous food shall be kept at an internal temperature of 45°F or below or at an internal temperature of 140°F or above during display and service, except that rare roast beef shall be held for service at a temperature of at least 130°F.

7.0218 Milk and Cream Dispensing.

A. Milk and milk products for drinking purposes shall be provided to the consumer in an unopened, commercially filled package not exceeding one pint in capacity, or drawn from a commercially filled container stored in a mechanically refrigerated bulk milk dispenser. Where a bulk dispenser for milk and milk products is not available and portions of less than one-half pint are required for mixed drinks, cereal, or dessert service, milk and milk products may be poured from a commercially filled container of not more than one-half-gallon capacity.

B. Cream or half and half shall be provided in an individual service container, protected pour-type pitcher, or drawn from a refrigerated dispenser designed for such service.

7.0219 Nondairy Product Dispensing. Nondairy creaming or whitening agents shall be provided in an individual service container, protected pour-type pitcher, or drawn from a refrigerated dispenser designed for such service.

7.0220 Condiment Dispensing.

A. Condiments, seasonings and dressings for self-service use shall be provided in individual packages, from dispensers, or from containers protected in accordance with section 7.0224 of this chapter.

B. Condiments provided for table or counter service shall be individually portioned, except that catsup and other sauces may be served in the original container or pour-type dispenser. Sugar for consumer use shall be provided in protected individual packages or in pour-type dispensers.

7.0221 Ice Dispensing. Ice for consumer use shall be dispensed only by employees with scoops, tongs, or other ice-self-dispensing utensils or through automatic service, ice-dispensing equipment. Ice-dispensing utensils shall be stored on a clean surface or in the ice with the dispensing utensil's handle extended out of the ice. Between uses, ice transfer receptacles shall be stored in a way that protects them from contamination. Ice storage bins shall be drained through an air gap.

7.0222 Dispensing Utensils. To avoid unnecessary manual contact with food, suitable dispensing utensils shall be used by employees or provided to consumers who serve themselves. Between uses during service, dispensing utensils shall be:

A. Stored in the food with the dispensing utensil handle extended out of the food; or

B. Stored clean and dry; or

C. Stored in running water; or

D. Stored either in a running water dipper well, or clean and dry in the case of dispensing utensils and malt collars used in preparing frozen desserts.

7.0223 Reservice. Once served to a consumer, portions of leftover food shall not be served again except that packaged food, other than potentially hazardous food, that is still packaged and is still in sound condition, may be re-served.

7.0224 Display Equipment. Food on display shall be protected from consumer contamination by the use of packaging or by the use of easily cleanable counter, serving line or salad bar protector devices, display cases, or by other effective means. Enough hot or cold food facilities shall be available to maintain the required temperature of potentially hazardous food on display.

7.0225 Reuse of Tableware. Reuse of soiled tableware by self-service consumers returning to the service area for additional food is prohibited. Beverage cups and glasses are exempt from this requirement.

Food Transportation

7.0226 General. During transportation, food and food utensils shall be kept in covered containers or completely wrapped or packaged so as to be protected from contamination. Foods in original individual packages do not need to be overwrapped or covered if the original package has not been torn or broken. During transportation, including transportation to another location for service or catering operations, food shall meet the requirements of this chapter relating to food protection and food storage.

7.0300 Employee Health.

7.0301 General. No person, while infected with a disease in a communicable form that can be transmitted by foods or who is a carrier of organisms that cause such a disease or while afflicted with a boil, an infected wound, or an acute respiratory infection, shall work in a food service establishment in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces with pathogenic organisms or transmitting disease to other persons.

Personal Cleanliness

7.0302 General. Employees shall thoroughly wash their hands and the exposed portions of their arms with soap and warm water before starting work, during work as often as is necessary to keep them clean, and after smoking, eating, drinking, or using the toilet. Employees shall keep their fingernails clean and trimmed.

Clothing

7.0303 General.

A. The outer clothing of all employees shall be clean.

B. Employees shall use effective hair restraints to prevent the contamination of food or food-contact surfaces.

Employee Practices

7.0304 General.

A. Employees shall consume food only in designated dining areas. An employee dining area shall not be so designated if consuming food there may result in contamination of other food, equipment, utensils, or other items needing protection.

B. Employees shall not use tobacco in any form while engaged in food preparation or service, nor while in areas used for equipment or utensil washing or for food preparation. Employees shall use tobacco only in designated areas. An employee tobacco-use area shall not be designated for that purpose if the use of tobacco there may result in contamination of food, equipment, utensils, or other items needing protection.

C. Employees shall handle soiled tableware in a way that minimizes contamination of their hands.

D. Employees shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices during all working periods in the food service establishment.

7.0400 Equipment and Utensils.

7.0401 General. Multi-use equipment and utensils shall be constructed and repaired with safe materials, including finishing materials; shall be corrosion resistant and nonabsorbent; and shall be smooth, easily cleanable, and durable under conditions of normal use. Single-service articles shall be made from clean, sanitary, safe materials. Equipment, utensils, and single-service articles shall not impart odors, color, or taste, nor contribute to the contamination of food.

7.0402 Solder. If solder is used, it shall be composed of safe materials and be corrosion resistant.

7.0403 Wood. Hard maple or equivalently nonabsorbent material that meets the general requirements set forth in section 7.0401 may be used for cutting blocks, cutting boards, salad bowls, and baker's tables. Wood may be used for single-service articles, such as chop sticks, stirrers, or ice cream spoons. The use of wood as a food-contact surface under other circumstances is prohibited.

7.0404 Plastics. Safe plastic or safe rubber or safe rubberlike materials that are resistant under normal conditions of use to scratching, scoring, decomposition, crazing, chipping and distortion, that are of sufficient weight and thickness to permit cleaning and sanitizing by normal dishwashing methods, and which meet the general requirements set forth in section 7.0401 are permitted for repeated use.

7.0405 Mollusk and Crustacea Shells. Mollusk and crustacea shells may be used only once as a serving container. Further reuse of such shells for food service is prohibited.

7.0406 Single Service. Reuse of single service articles is prohibited.

Equipment

7.0407 General. All equipment and utensils, including plastic-ware, shall be designed and fabricated for durability under conditions of normal use and shall be resistant to denting, buckling, pitting, chipping, and crazing.

A. Food-contact surfaces shall be easily cleanable, smooth, and free of breaks, open seams, cracks, chips, pits, and similar imperfections, and free of difficult-to-clean internal corners and crevices. Cast iron may be used as a food-contact surface only if the surface is heated, such as in grills, griddle tops, and skillets. Threads shall be designed to facilitate cleaning; ordinary "V" type threads are prohibited in food-contact surfaces, except that in equipment such as ice makers or hot oil cooking equipment and hot oil filtering systems, such threads shall be minimized.

B. Equipment containing bearings and gears requiring unsafe lubricants shall be designed and constructed so that the lubricant cannot leak, drip, or be forced into food or onto food-contact surfaces. Only safe lubricants shall be used on equipment designed to receive lubrication of bearings and gears on or within food-contact surfaces.

C. Tubing conveying beverages or beverage ingredients to dispensing heads may be in contact with stored ice: Provided, that such tubing is fabricated from safe materials, is grommeted at entry and exit points to preclude moisture (condensation) from entering the ice machine or the ice storage bin, and is kept clean. Drainage or drainage tubes from dispensing units shall not pass through the ice machine or the ice storage bin.

D. Sinks and drain boards shall be self-draining.

7.0408 Accessibility. Unless designed for in-place cleaning, food-contact surfaces shall be accessible for cleaning and inspection:

A. Without being disassembled; or

B. By disassembling without the use of tools; or

C. By easy disassembling with the use of only simple tools such as a mallet, a screwdriver, or an open-end wrench kept available near the equipment.

7.0409 In-Place Cleaning. Equipment intended for in-place cleaning shall be so designed and fabricated that:

A. Cleaning and sanitizing solutions can be circulated throughout a fixed system using an effective cleaning and sanitizing regimen.

B. Cleaning and sanitizing solutions will contact all interior food-contact surfaces.

C. The system is self-draining or capable of being completely evacuated.

7.0410 Pressure Spray Cleaning. Fixed equipment designed and fabricated to be cleaned and sanitized by pressure spray methods shall have sealed electrical wiring, switches, and connections.

7.0411 Thermometers. Indicating thermometers required for immersion into food or cooking media shall be of metal stem type construction, numerically scaled, and accurate to plus or minus 2°F.

7.0412 Nonfood-Contact Surfaces. Surfaces of equipment not intended for contact with food, but which are exposed to splash or food debris or which otherwise require frequent cleaning, shall be designed and fabricated to be smooth, washable, free of unnecessary ledges, projections, or crevices, and readily accessible for cleaning, and shall be of such material and in such repair as to be easily maintained in a clean and sanitary condition.

7.0413 Ventilation Hoods. Ventilation hoods and devices shall be designed to prevent grease or condensation from collecting on walls and ceilings, and from dripping into food or onto food-contact surfaces. Filters or other grease extracting equipment shall be readily removable for cleaning and replacement if not designed to be cleaned in place and shall not become a nuisance to adjacent premises.

7.0414 Existing Equipment. Equipment that was installed in a food service establishment prior to the effective date of this regulation, and that does not fully meet all of the design and fabrication requirements of this section, shall be deemed acceptable in that

establishment if it is in good repair, capable of being maintained in a sanitary condition, and the food contact surfaces are nontoxic. Replacement equipment and new equipment acquired after the effective date of this regulation shall meet the requirements of this regulation.

Equipment Installation and Location

7.0415 General. Equipment, including ice makers and ice storage equipment, shall not be located under exposed or unprotected sewer lines or water lines, open stairwells, or other sources of contamination. This requirement does not apply to automatic fire protection sprinkler heads that may be required by law.

7.0416 Table-Mounted Equipment.

A. Equipment that is placed on tables or counters, unless portable, shall be sealed to the table or counter or elevated on legs to provide at least a four-inch clearance between the table or counter and equipment and shall be installed to facilitate the cleaning of the equipment and adjacent areas.

B. Equipment is portable within the meaning of section 7.0416 A.

7.0417 Floor-Mounted Equipment. Floor-mounted equipment, unless readily movable, shall be:

A. Sealed to the floor; or

B. Installed on a raised platform of concrete or other smooth masonry in a way that meets all the requirements for sealing or floor clearance; or

C. Elevated on legs to provide at least a six-inch clearance between the floor and equipment, except that vertically mounted floor mixers may be elevated to provide at least a four-inch clearance between the floor and equipment if no part of the floor under the mixer is more than six inches from cleaning access.

7.0418 Aisles and Working Spaces. Aisles and working spaces between units of equipment and walls shall be unobstructed and of sufficient width to permit employees to perform their duties readily without contamination of food or food-contact surfaces by clothing or personal contact. All easily movable storage equipment such as pallets, racks, and dollies shall be positioned to provide accessibility to working areas.

7.0500 Cleaning, Sanitization and Storage of Equipment and Utensils.

7.0501 Cleaning Frequency.

A. Tableware shall be washed, rinsed, and sanitized after each use.

B. To prevent cross-contamination, kitchenware and food-contact surfaces of equipment shall be washed, rinsed, and sanitized after each use and following any interruption of operations during which time contamination may have occurred.

C. Where equipment and utensils are used for the preparation of potentially hazardous foods on a continuous or production-line basis, utensils and the food-contact surfaces of equipment shall be washed, rinsed, and sanitized at intervals throughout the day on a schedule based on food temperature, type of food, and amount of food particle accumulation.

D. The food-contact surfaces of grills, griddles, and similar cooking devices and the cavities and door seals of microwave ovens shall be cleaned at least once a day; except that this shall not apply to hot oil cooking equipment and hot oil filtering systems. The food-contact surfaces of all cooking equipment shall be kept free of encrusted grease deposits and other accumulated soil.

E. Nonfood-contact surfaces of equipment shall be cleaned as often as is necessary to keep the equipment free of accumulation of dust, dirt, food particles, and other debris.

7.0502 Wiping Cloths.

A. Cloths used for wiping food spills on tableware, such as plates or bowls being served to the consumers, shall be clean, dry and used for no other purpose.

B. Moist cloths or sponges used for wiping food spills on kitchenware and food-contact surfaces of equipment shall be clean and rinsed frequently in one of the sanitizing solutions permitted in section 7.0503 and used for no other purpose. These cloths and sponges shall be stored in the sanitizing solution between uses.

C. Moist cloths or sponges used for cleaning nonfood-contact surfaces of equipment such as counters, dining table tops, and shelves shall be clean and rinsed as specified in section 7.0502 and used for no other purpose. These cloths and sponges shall be stored in the sanitizing solution between uses.

7.0503 Manual Cleaning and Sanitizing.

A. For manual washing, rinsing and sanitizing of utensils and equipment, a sink with not fewer than three compartments shall be provided and used. Sink compartments shall be large enough to permit the accommodation of the equipment and utensils, and each compartment of the sink shall be supplied with hot and cold potable running water. Fixed equipment and utensils and equipment too large to be cleaned in sink compartments shall be washed manually or cleaned through pressure spray methods.

B. Drain boards or easily movable dish tables of adequate size shall be provided for proper handling of soiled utensils prior to washing and for cleaned utensils following sanitizing and shall be located so as not to interfere with the proper use of the dishwashing facilities.

C. Equipment and utensils shall be preflushed or prescraped and, when necessary, presoaked to remove gross food particles and soil.

D. Except for fixed equipment and utensils too large to be cleaned in sink compartments, manual washing, rinsing and sanitizing shall be conducted in the following sequence:

1. Sinks shall be cleaned prior to use.

2. Equipment and utensils shall be thoroughly washed in the first compartment with a hot detergent solution that is kept clean.

3. Equipment and utensils shall be rinsed free of detergent and abrasives with clean water in the second compartment.

4. Equipment and utensils shall be sanitized in the third compartment according to one of the methods included in section 7.0503.

E. The food-contact surfaces of all equipment and utensils shall be sanitized by:

1. Immersion for at least one-half minute in clean, hot water at a temperature of at least 170°F; or

2. Immersion for at least one minute in a clean solution containing at least fifty parts per million of available chlorine as a hypochlorite and at a temperature of at least 75°F; or

3. Immersion for at least one minute in a clean solution containing at least 12.5 parts per million of available iodine and having a pH not higher than 5.0 and at a temperature of at least 75°F; or

4. Immersion in a clean solution containing any other approved chemical sanitizing agent that will provide the equivalent bactericidal effect of a solution containing at least fifty parts per million of available chlorine as a hypochlorite at a temperature of at least 75°F for one minute; or

5. Treatment with steam, free from deleterious materials or additives, in the case of equipment too large to sanitize by immersion, but in which steam can be confined; or

6. Rinsing, spraying, or swabbing with a chemical sanitizing solution of at least twice the strength required for that

particular sanitizing solution under section 7.0503 in the case of equipment too large to sanitize by immersion.

F. When hot water is used for sanitizing, the following facilities shall be provided and used:

1. An integral heating device or fixture installed in, on, or under the sanitizing compartment of the sink capable of maintaining the water at a temperature of at least 170°F.

2. A numerically scaled indicating thermometer, accurate to plus or minus 3°F, convenient to the sink for frequent checks of water temperature.

3. Dish baskets of such size and design to permit complete immersion of the tableware, kitchenware, and equipment in the hot water.

G. When chemicals are used for sanitization, they shall not have concentrations higher than the maximum permitted under section 178.1010 of the 1976 Food Sanitation Manual (Department of Health, Education and Welfare (DHEW) Publication No. (FDA) 78-2081) and a test kit or other device that accurately measures the parts per million concentration of the solution shall be provided and used.

7.0504 Mechanical Cleaning and Sanitizing.

A. Cleaning and sanitizing may be done by spray-type or immersion dishwashing machines or by any other type of machine or device if it is demonstrated that it thoroughly cleans and sanitizes equipment and utensils. These machines and devices shall be properly installed and maintained in good repair. Machines and devices shall be operated in accordance with manufacturers' instructions, and utensils and equipment placed in the machine shall be exposed to all dishwashing cycles. Automatic detergent dispensers, wetting agent dispensers, and liquid sanitizer injectors, if any, shall be properly installed and maintained.

B. The pressure of final rinse water supplied to spray-type dishwashing machines shall not be less than fifteen nor more than twenty-five pounds per square inch measured in the water line immediately adjacent to the final rinse control valve. A permanently installed pressure regulatory and pressure gauge accessible to operator of machine and health authority shall be provided.

C. Machine or water line mounted numerically scaled indicating thermometers, accurate to plus or minus 3°F, shall be provided to indicate the temperature of the water in each tank of the machine and the temperature of the final rinse water as it enters the manifold.

D. Rinse water tanks shall be protected by baffles, curtains, or other effective means to minimize the entry of wash water into the rinse water. Conveyors in dishwashing machines shall be accurately timed to assure proper exposure times in wash and rinse cycles in accordance with manufacturers' specifications attached to the machines.

E. Drain boards shall be provided and be of adequate size for the proper handling of soiled utensils prior to washing and of cleaned utensils following sanitization and shall be so located and constructed as not to interfere with the proper use of the dishwashing facilities. This does not preclude the use of easily movable dish tables for the storage of soiled utensils or the use of easily movable dish tables for the storage of clean utensils following sanitization.

F. Equipment and utensils shall be flushed or scraped and, when necessary, soaked to remove gross food particles and soil prior to being washed in a dishwashing machine unless a pre-wash cycle is a part of the dishwashing machine operation. Equipment and utensils shall be placed in racks, trays, or baskets, or on conveyors, in a way that food-contact surfaces are exposed to the unobstructed application of detergent wash and clean rinse waters and that permits free draining.

G. Machines (single-tank, stationary-rack, door-type machines and spray-type glass washers) using chemicals for sanitization may be used, provided, that:

1. The temperature of the wash water shall not be less than 120°F.
2. The wash water shall be kept clean.
3. Chemicals added for sanitization purposes shall be automatically dispensed.
4. Utensils and equipment shall be exposed to the final chemical sanitizing rinse in accordance with manufacturers' specifications for time and concentration.
5. The chemical sanitizing rinse water temperature shall be not less than 75°F nor less than the temperature specified by the machine's manufacturer.
6. Approved chemical sanitizers shall be used.
7. A test kit or other device that accurately measures the parts per million concentration of the solution shall be available and used.

H. Machines using hot water for sanitizing may be used, provided that wash water and pumped rinse water shall be kept clean and water shall be maintained at not less than the temperature stated in section 7.0504, and when checked at the dish surface shall not be less than 160°F as indicated by paper "stick-on" thermometers or less than 170°F by maximum reading thermometers.

1. Single-tank, stationary-rack, dual-temperature machine: wash temperature—150°F, final rinse temperature—180°F.
2. Single-tank, stationary-rack, single-temperature machine: wash temperature—165°F, final rinse temperature—165°F.
3. Single-tank, conveyor machine: wash temperature—160°F, final rinse temperature—180°F.
4. Multitank, conveyor machine: wash temperature—150°F, pumped rinse temperature—160°F, final rinse temperature—180°F.
5. Single-tank, pot, pan, and utensil washer (either stationary or moving-rack): wash temperature—140°F, final rinse temperature—180°F.

I. All dishwashing machines shall be thoroughly cleaned at least once a day or more often when necessary to maintain them in a satisfactory operating condition.

7.0505 Drying. After sanitization, all equipment and utensils shall be air dried.

Equipment and Utensil Storage

7.0506 Handling. Cleaned and sanitized equipment and utensils shall be handled in a way that protects them from contamination. Spoons, knives, and forks shall be touched only by their handles. Cups, glasses, bowls, plates and similar items shall be handled without contact with inside surfaces or surfaces that contact the user's mouth.

7.0507 Storage.

A. Cleaned and sanitized utensils and equipment shall be stored at least six inches above the floor in a clean, dry location in a way that protects them from contamination by splash, dust, and other means. The food-contact surfaces of fixed equipment shall also be protected from contamination. Equipment and utensils shall not be placed under exposed sewer lines or water lines, except for automatic fire protection sprinkler heads that may be required by law.

B. Utensils shall be air dried before being stored or shall be stored in a self-draining position.

C. Glasses and cups shall be stored inverted. Other stored utensils shall be covered or inverted, wherever practical. Facilities for the storage of knives, forks, and spoons shall be

designed and used to present the handle to the employee or consumer. Unless tableware is prewrapped, holders for knives, forks, and spoons at self-service locations shall protect these articles from contamination and present the handle of the utensil to the consumer.

7.0508 Single-Service Articles.

A. Single-service articles shall be stored at least six inches above the floor in closed cartons or containers which protect them from contamination and shall not be placed under exposed sewer lines or water lines, except for automatic fire protection sprinkler heads that may be required by law.

B. Single-service articles shall be handled and dispensed in a manner that prevents contamination of surfaces which may come in contact with food or with the mouth of the user.

C. Single-service knives, forks and spoons packaged in bulk shall be inserted into holders or be wrapped by an employee who has washed his hands immediately prior to sorting or wrapping the utensils. Unless single-service knives, forks and spoons are prewrapped or prepackaged, holders shall be provided to protect these items from contamination and present the handle of the utensil to the consumer.

7.0509 Prohibited Storage Area. The storage of food equipment, utensils or single-service articles in toilet rooms or vestibules is prohibited.

7.0600 Water Supply.

7.0601 General. Enough potable water for the needs of the food service establishment shall be provided from a source constructed and operated according to law.

7.0602 Transportation. All potable water not provided directly by pipe to the food service establishment from the source shall be transported in a bulk water transport system and shall be delivered to a closed-water system. Both of these systems shall be constructed and operated according to law.

7.0603 Bottled Water. Bottled and packaged potable water shall be obtained from a source that complies with all laws and shall be handled and stored in a way that protects it from contamination. Bottled and packaged potable water shall be dispensed from the original container.

7.0604 Water Under Pressure. Water under pressure at the required temperatures shall be provided to all fixtures and equipment that use water.

7.0605 Steam. Steam used in contact with food or food-contact surfaces shall be free from deleterious materials or additives.

Sewage

7.0606 General. All sewage, including liquid waste, shall be disposed of by a public sewage or by a sewage disposal system constructed and operated according to law. Nonwater-carried sewage disposal facilities are prohibited, except as permitted by sections 7.0901 through 7.0908 pertaining to temporary food service establishments or as permitted by the regulatory authority in remote areas or because of special situations.

Plumbing

7.0607 General. Plumbing shall be sized, installed, and maintained according to law. There shall be no cross-connection between the potable water supply and any other source of water of lesser chemical quality or less stringent safety and quality control nor any source of pollution through which the potable water supply might become contaminated.

7.0608 Nonpotable Water System. A nonpotable water system is permitted only for purposes such as airconditioning and fire protection and only if the system is installed according to law and the nonpotable water does not contact, directly or indirectly, food, potable water, equipment that contacts food, or utensils. The pip-

ing of any nonpotable water system shall be durably identified so that it is readily distinguishable from piping that carries potable water.

7.0609 Backflow. The potable water system shall be installed to preclude the possibility of backflow. Devices shall be installed to protect against backflow and back-siphonage at all fixtures and equipment where an air gap at least twice the diameter of the water supply inlet is not provided between the water supply inlet and the fixture's flood level rim. A hose shall not be attached to a faucet unless a backflow prevention device is installed.

7.0610 Grease Traps. If used, grease traps shall be located to be easily accessible for cleaning.

7.0611 Garbage Grinders. If used, garbage grinders shall be installed and maintained according to law.

7.0612 Drains. Except for properly trapped open sinks, there shall be no direct connection between the sewage system and any drains originating from equipment in which food, portable equipment, or utensils are placed. When a dishwashing machine is located within five feet of a trapped floor drain, the dishwasher waste outlet may be connected directly on the inlet side of a properly vented floor drain trap if permitted by law.

Toilet Facilities

7.0613 Toilet Installation. Toilet facilities shall be installed according to law, shall be the number required by law, shall be conveniently located, and shall be accessible to employees at all times.

7.0614 Toilet Design. Toilets and urinals shall be designed to be easily cleanable.

7.0615 Toilet Rooms. Toilet rooms shall be completely enclosed, well-lighted and shall have tight-fitting, self-closing, solid doors, which shall be closed except during cleaning or maintenance, except as provided by law. They shall also have positive ventilation.

7.0616 Toilet Fixtures. Toilet fixtures shall be kept clean and in good repair. A supply of toilet tissue shall be provided at each toilet at all times. Easily cleanable receptacles shall be provided for waste materials. Toilet rooms used by women shall have at least one covered waste receptacle.

Lavatory Facilities

7.0617 Lavatory Installation.

A. Lavatories shall be at least the number required by law, shall be installed according to law, and shall be located to permit convenient use by all employees in food preparation areas and utensil-washing areas.

B. Lavatories shall be accessible to employees at all times;

C. Lavatories shall also be located in or immediately adjacent to toilet rooms or vestibules. Sinks used for food preparation or for washing equipment or utensils shall not be used for hand-washing.

7.0618 Lavatory Faucets. Each lavatory shall be provided with hot and cold water tempered by means of a mixing valve or combination faucet. Any self-closing, slow-closing, or metering faucet used shall be designed to provide a flow of water for at least fifteen seconds without the need to reactivate the faucet. Steam-mixing valves are prohibited.

7.0619 Lavatory Supplies. A supply of hand-cleansing soap or detergent shall be available at each lavatory. A supply of sanitary towels or a hand-drying device providing heated air shall be conveniently located near each lavatory. Common towels are prohibited. If disposable towels are used, easily cleanable waste receptacles shall be conveniently located near the handwashing facilities.

7.0620 Lavatory Maintenance. Lavatories, soap dispensers, hand-drying devices and all related fixtures shall be kept clean and in good repair.

Garbage and Refuse

7.0621 Containers.

A. Garbage and refuse shall be kept in durable, easily cleanable, insect-proof and rodent-proof containers that do not leak and do not absorb liquids. Plastic bags and wet-strength paper bags may be used to line these containers, and they may be used for storage inside the food service establishment.

B. Containers used in food preparation and utensil washing areas shall be kept covered after they are filled.

C. Containers stored outside the establishment, and dumpsters, compactors and compactor systems shall be easily cleanable, shall be provided with tight-fitting lids, doors or covers, and shall be kept covered when not in actual use. In containers designed with drains, drain plugs shall be in place at all times, except during cleaning.

D. There shall be a sufficient number of containers to hold all the garbage and refuse that accumulates.

E. Soiled containers shall be cleaned at a frequency to prevent insect and rodent attraction. Each container shall be thoroughly cleaned on the inside and outside in a way that does not contaminate food, equipment, utensils, or food preparation areas. Suitable facilities, including hot water and detergent or steam, shall be provided and used for washing containers. Liquid waste from compacting or cleaning operations shall be disposed of as sewage.

7.0622 Storage.

A. Garbage and refuse on the premises shall be stored in a manner to make them inaccessible to insects and rodents. Outside storage of unprotected plastic bags or wet-strength paper bags or baled units containing garbage or refuse is prohibited. Cardboard or other packaging material not containing garbage or food wastes need not be stored in covered containers.

B. Garbage or refuse storage rooms, if used, shall be constructed of easily cleanable, nonabsorbent, washable materials, shall be kept clean, shall be insect-proof and rodent-proof and shall be large enough to store the garbage and refuse containers that accumulate.

C. Outside storage areas or enclosures shall be large enough to store the garbage and refuse containers that accumulate and shall be kept clean. Garbage and refuse containers, dumpsters and compactor systems located outside shall be stored on or above a smooth surface of nonabsorbent material such as concrete or machine-laid asphalt that is kept clean and maintained in good repair.

7.0623 Disposal.

A. Garbage and refuse shall be disposed of often enough to prevent the development of odor and the attraction of insects and rodents.

B. Where garbage or refuse is burned on the premises, it shall be done by approved controlled incineration that prevents the escape of smoke and particulate matter in accordance with law. Areas around incineration facilities shall be clean and orderly.

Insect and Rodent Control

7.0624 General. Safe effective measures intended to minimize the presence of rodents, flies, cockroaches, and other insects on the premises shall be utilized. The premises shall be kept in such condition as to prevent the harborage or feeding of insects or rodents.

7.0625 Openings. Openings to the outside shall be effectively protected against the entrance of rodents. Outside openings shall be protected against the entrance of insects by tightfitting, self-closing doors, closed windows, screening, controlled air currents, or other means. Screen doors shall be self-closing, and screens for windows, doors, skylights, transoms, intake and exhaust air ducts, and other openings to the outside shall be tight-fitting and free of

breaks. Screening material shall not be less than sixteen mesh to the inch.

7.0700 Floors.

7.0701 Construction. Floors and floor coverings of all food preparation, food storage, and utensil-washing areas, and the floors of all walk-in refrigerating units, dressing rooms, locker rooms, toilet rooms and vestibules shall be constructed of smooth durable material such as sealed concrete, terrazzo, ceramic tile, durable grades of linoleum or plastic, or tight wood impregnated with plastic, and shall be maintained in good repair. Nothing in this section shall prohibit the use of antislip floor covering in areas where necessary for safety reasons.

7.0702 Carpeting. Carpeting, if used as a floor covering, shall be of closely woven construction, properly installed, easily cleanable, and maintained in good repair. Carpeting is prohibited in food preparation, equipment-washing and utensil-washing areas where it would be exposed to large amounts of grease and water, in food storage areas, and toilet room areas where urinals or toilet fixtures are located.

7.0703 Prohibited Covering. The use of sawdust, wood shavings, peanut hulls, or similar material as a floor covering is prohibited.

7.0704 Drains. Properly installed, trapped floor drains shall be provided in floors that are water-flushed for cleaning or that receive discharges of water or other fluid waste from equipment, or in areas where pressure spray methods for cleaning equipment are used. Such floors shall be constructed only of sealed concrete, terrazzo, ceramic tile or similar materials, and shall be graded to drain.

7.0705 Mats and Duckboards. Mats and duckboards shall be of nonabsorbent, grease resistant materials and of such size, design, and construction as to facilitate their being easily cleaned. Duckboards shall not be used as storage racks.

7.0706 Junctures. In all new or extensively remodeled establishments utilizing concrete, terrazzo, ceramic tile or similar flooring materials, and where water-flush cleaning methods are used, the junctures between walls and floors shall be covered and sealed.

7.0707 Utility Line Installation. Exposed utility service lines and pipes shall be installed in a way that does not obstruct or prevent cleaning of the floor. In all new or extensively remodeled establishments, installation of exposed horizontal utility lines and pipes on the floor is prohibited.

Walls and Ceilings

7.0708 Maintenance. Walls and ceilings, including doors, windows, skylights, and similar closures, shall be maintained in good repair.

7.0709 Construction. The walls, including nonsupporting partitions, wall coverings, and ceilings of walk-in refrigerating units, food preparation areas, equipment-washing and utensil-washing areas, toilet rooms and vestibules shall be light colored, smooth, nonabsorbent, and easily cleanable. Concrete or pumice blocks used for interior wall construction in these locations shall be finished and sealed to provide an easily cleanable surface.

7.0710 Exposed Construction. Studs, joists, and rafters shall not be exposed in walk-in refrigerating units, food preparation areas, equipment-washing and utensil-washing areas, toilet rooms, and vestibules. If exposed in other rooms or areas, they shall be finished to provide an easily cleanable surface.

7.0711 Utility Line Installation. Exposed utility service lines and pipes shall be installed in a way that does not obstruct or prevent cleaning of the walls and ceilings. Utility service lines and pipes shall not be unnecessarily exposed on walls or ceilings in walk-in refrigerating units, food preparation areas, equipment-washing and utensil-washing areas, toilet rooms, and vestibules.

7.0712 Attachments. Light fixtures, vent covers, wall-mounted fans, decorative materials, and similar equipment attached to walls

and ceilings shall be easily cleanable and shall be maintained in good repair.

7.0713 Covering Material Installation. Wall and ceiling covering materials shall be attached and sealed so as to be easily cleanable.

Cleaning Physical Facilities

7.0714 General. Cleaning of floors and walls, except emergency cleaning of floors, shall be done during periods when the least amount of food is exposed, such as after closing or between meals. Floors, mats, duckboards, walls, ceilings, and attached equipment and decorative materials shall be kept clean. Only dustless methods of cleaning floors and walls shall be used, such as vacuum cleaning, wet cleaning, or the use of dust-arresting sweeping compounds with brooms.

7.0715 Utility Facility. In new or extensively remodeled establishments at least one utility sink or curbed cleaning facility with a floor drain shall be provided and used for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mopwater or similar liquid wastes. The use of lavatories, utensil-washing or equipment-washing, or food preparation sinks for this purpose is prohibited.

Lighting

7.0716 General.

A. Permanently fixed artificial light sources shall be installed to provide at least twenty footcandles of light on all food preparation surfaces and at equipment or utensil-washing work levels.

B. Permanently fixed artificial light sources shall be installed to provide, at a distance of thirty inches from the floor:

1. At least twenty footcandles of light in utensil and equipment storage areas and in lavatory and toilet areas.

2. At least ten footcandles of light in walk-in refrigerating units, dry food storage areas, and in all other areas. This shall also include dining areas during cleaning operations.

7.0717 Protective Shielding.

A. Shielding to protect against broken glass falling onto food shall be provided for all artificial lighting fixtures located over, by, or within food storage, preparation, service, and display facilities, and facilities where utensils and equipment are cleaned and stored.

B. Infrared or other heat lamps shall be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.

Ventilation

7.0718 General. All rooms shall have sufficient ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes. Ventilation systems shall be installed and operated according to law and, when vented to the outside, shall not create an unsightly, harmful or unlawful discharge.

7.0719 Special Ventilation.

A. Intake and exhaust air ducts shall be maintained to prevent the entrance of dust, dirt, and other contaminating materials.

B. In new or extensively remodeled establishments, all rooms from which obnoxious odors, vapors or fumes originate shall be mechanically vented to the outside.

Dressing Rooms and Locker Areas

7.0720 Dressing Rooms and Areas. If employees routinely change clothes within the establishment, rooms or areas shall be designated and used for that purpose. These designated rooms or areas shall not be used for food preparation, storage or service, or for utensil washing or storage.

7.0721 Locker Areas. Enough lockers or other suitable facilities shall be provided and used for the orderly storage of employee clothing and other belongings. Lockers or other suitable facilities may be located only in the designated dressing rooms or in food

storage rooms or areas containing only completely packaged food or packaged single-service articles.

Poisonous or Toxic Material

7.0722 **Materials Permitted.** There shall be present in food service establishments only those poisonous or toxic materials necessary for maintaining the establishment, cleaning and sanitizing equipment and utensils, and controlling insects and rodents.

7.0723 **Labeling of Toxic Materials.** Containers of poisonous or toxic materials shall be prominently and distinctly labeled according to law for easy identification of contents.

7.0724 **Storage of Materials.**

A. Poisonous or toxic materials consist of the following categories:

1. Insecticides and rodenticides.
2. Detergents, sanitizers, and related cleaning or drying agents.
3. Caustics, acids, polishes, and other chemicals.

B. Each of the three categories set forth in paragraph A of this section shall be stored and physically located separate from each other. All poisonous or toxic materials shall be stored in cabinets or in a similar physically separate place used for no other purpose. To preclude contamination, poisonous or toxic materials shall not be stored above food, food equipment, utensils or single-service articles, except that this requirement does not prohibit the convenient availability of detergents or sanitizers at utensil or dishwashing stations.

7.0725 **Use of Toxic Materials.**

A. Bactericides, cleaning compounds, or other compounds intended for use on food-contact surfaces shall not be used in a way that leaves a toxic residue on such surfaces or that constitutes a hazard to employees or other persons.

B. Poisonous or toxic materials shall not be used in a way that contaminates food, equipment, or utensils, nor in a way that constitutes a hazard to employees or other persons, nor in a way other than in full compliance with the manufacturer's labeling.

7.0726 **Personal Medications.** Personal medications shall not be stored in food storage, preparation or service areas.

7.0727 **First-aid Supplies.** First-aid supplies shall be stored in a way that prevents them from contaminating food and food-contact surfaces.

Premises

7.0728 **General.**

A. Food service establishments and all parts of property used in connection with their operations shall be kept free of litter.

B. The walking and driving surfaces of all exterior areas of food service establishments shall be surfaced with concrete or asphalt, or with gravel or similar material effectively treated to facilitate maintenance and minimize dust. These surfaces shall be graded to prevent pooling and shall be kept free of litter.

C. Only articles necessary for the operation and maintenance of the food service establishment shall be stored on the premises.

D. The traffic of unnecessary persons through the food-preparation and utensil-washing areas is prohibited.

7.0729 **Living Areas.** No operation of a food service establishment shall be conducted in any room used as living or sleeping quarters. Any entrance from living or sleeping quarters shall be provided completely separate from the food service—preparation areas.

7.0730 **Laundry Facilities.**

A. Laundry facilities in a food service establishment shall be restricted to the washing and drying of linens, cloths, uniforms, and aprons necessary to the operation. If such items are laundered on the premises, an electric or gas dryer shall be provided and used.

B. Separate rooms shall be provided for laundry facilities except that such operations may be conducted in storage rooms containing only packaged foods or packaged single-service articles.

7.0731 **Linens and Clothes Storage.**

A. Clean clothes and linens shall be stored in a clean place and protected from contamination until used.

B. Soiled clothes and linens shall be stored in nonabsorbent containers or washable laundry bags until removed for laundering.

7.0732 **Cleaning Equipment Storage.** Maintenance and cleaning tools such as brooms, mops, vacuum cleaners and similar equipment shall be maintained and stored in a way that does not contaminate food, utensils, equipment, or linens and shall be stored in an orderly manner for the cleaning of that storage location.

7.0733 **Animals.** Live animals, including birds and turtles, shall be excluded from within the food service operational premises and from adjacent areas under the control of the permit holder. This exclusion does not apply to edible fish, crustacea, shellfish, or to fish in aquariums. Patrol dogs accompanying security or police officers, or guide dogs accompanying blind persons, shall be permitted in dining areas.

7.0800 **Mobile Food Units or Pushcarts.**

7.0801 **General.** Mobile food units or pushcarts shall comply with the requirements of this chapter, except as otherwise provided in this paragraph and in section 7.0802. The regulatory authority may impose additional requirements to protect against health hazards related to the conduct of the food service establishment as a mobile operation, may prohibit the sale of some or all potentially hazardous food, and when no health hazard will result, may waive or modify requirements of this chapter relating to physical facilities, except those requirements of sections 7.0804, 7.0805, 7.0806, 7.0807 and 7.0808.

7.0802 **Restricted Operation.** Mobile food units or pushcarts serving only food prepared, packaged in individual servings, transported and stored under conditions meeting the requirements of this regulation, or beverages that are not potentially hazardous and are dispensed from covered urns or other protected equipment, need not comply with requirements of this ordinance pertaining to the necessity of water and sewage systems nor to those requirements pertaining to the cleaning and sanitization of equipment and utensils if the required equipment for cleaning and sanitization exists at the commissary.

7.0803 **Single-service Articles.** Mobile food units or pushcarts shall provide only single-service articles for use by the consumer.

7.0804 **Water System.** A mobile food unit requiring a water system shall have a potable water system under pressure. The system shall be of sufficient capacity to furnish enough hot and cold water for food preparation, utensil cleaning and sanitizing, and handwashing, in accordance with the requirements of this regulation. The water inlet shall be located so that it will not be contaminated by waste discharge, road dust, oil, or grease, and it shall be kept capped unless being filled. The water inlet shall be provided with a transition connection of a size or type that will prevent its use for any other service. All water distribution pipes or tubing shall be constructed and installed in accordance with the requirements of this regulation. An approved gauge shall be provided to determine contents level.

7.0805 **Waste Retention.** If liquid waste results from operation of a mobile food unit, the waste shall be stored in a permanently installed retention tank that is of at least fifteen percent larger capacity than the water supply tank. Liquid waste shall not be discharged from the retention tank when the mobile food unit is in motion. All connections on the vehicle for servicing mobile food unit waste disposal facilities shall be of a different size or type than

those used for supplying potable water to the mobile food unit. The waste connection shall be located lower than the water inlet connection to preclude contamination of the potable water system. An approved gauge shall be provided to determine contents level.

Commissary

7.0806 Base of Operations.

A. Mobile food units or pushcarts shall operate from a commissary or other fixed food service establishment and shall report at least daily to such location for all supplies and for all cleaning and servicing operations.

B. The commissary or other fixed food service establishment used as a base of operation for mobile food units or pushcarts shall be constructed and operated in compliance with the requirements of this chapter.

Servicing Area and Operations

7.0807 Servicing Area.

A. A mobile food unit servicing area shall be provided and shall include at least overhead protection for any supplying, cleaning, or servicing operation. Within this servicing area, there shall be a location provided for the flushing and drainage of liquid wastes separate from the location provided for water servicing and for the loading and unloading of food and related supplies. This servicing area will not be required where only packaged food is placed on the mobile food unit or pushcart or where mobile food units do not contain waste retention tanks.

B. The surface of the servicing area shall be constructed of a smooth nonabsorbent material, such as concrete or machine-laid asphalt and shall be maintained in good repair, kept clean, and be graded to drain.

C. The construction of the walls and ceilings of the servicing area is exempted from the provisions of sections 7.0708 through 7.0713.

7.0808 Servicing Operations.

A. Potable water servicing equipment shall be installed according to law and shall be stored and handled in a way that protects the water and equipment from contamination.

B. The mobile food unit liquid waste retention tank, where used, shall be thoroughly flushed and drained during the servicing operation. All liquid waste shall be discharged to a sanitary sewage disposal system in accordance with section 7.0606.

7.0900 Temporary Food Service.

7.0901 General. A temporary food service establishment shall comply with the requirements of this regulation except as otherwise provided in this chapter. The regulatory authority may impose additional requirements to protect against health hazards related to the conduct of the temporary food service establishment, may prohibit the sale of some or all potentially hazardous foods, and when no health hazard will result, may waive or modify requirements of this regulation.

7.0902 Restricted Operations.

A. These provisions are applicable whenever a temporary food service establishment is permitted, under the provisions of section 7.0901 to operate without complying with all the requirements of this chapter.

B. Only those potentially hazardous foods requiring limited preparation. This prohibition does not apply to any potentially hazardous food that has been prepared and packaged under conditions meeting the requirements of this chapter, is obtained in individual servings, is stored at a temperature of 45°F or below or at a temperature of 140°F or above in facilities meeting the requirements of this regulation, and is served directly in the unopened container in which it was packaged.

7.0903 Ice. Ice that is consumed or that contacts food shall be made under conditions meeting the requirements of this regulation. The ice shall be obtained only in chipped, crushed, or cubed form and in single-use safe plastic or wet-strength paper bags filled

and sealed at the point of manufacture. The ice shall be held in these bags until it is dispensed in a way that protects it from contamination.

7.0904 Equipment.

A. Equipment shall be located and installed in a way that prevents food contamination and that also facilitates cleaning the establishment.

B. Food-contact surfaces of equipment shall be protected from contamination by consumers and other contaminating agents. Effective shields for such equipment shall be provided, as necessary, to prevent contamination.

7.0905 Single-service Articles. All temporary food service establishments without effective facilities for cleaning and sanitizing tableware shall provide only single-service articles for use by the consumer.

7.0906 Water. Enough potable water shall be available in the establishment for food preparation, for cleaning and sanitizing utensils and equipment, and for handwashing. A heating facility capable of producing enough hot water for these purposes shall be provided on the premises.

7.0907 Wet Storage. Storage of packaged food in contact with water or undrained ice is prohibited. Wrapped sandwiches shall not be stored in direct contact with ice.

7.0908 Waste. All sewage, including liquid waste, shall be disposed of according to law.

7.0909 Handwashing. A convenient handwashing facility shall be available for employee handwashing.

7.0910 Floors. Floors shall be constructed of concrete, asphalt, tight wood, or other similar cleanable material kept in good repair. Dirt or gravel, when graded to drain, may be used as subflooring when covered with clean, removable platforms or duckboards, or covered with wood chips, shavings or other suitable materials effectively treated to control dust.

7.0911 Walls and Ceilings of Food Preparation Areas.

A. Ceilings shall be made of wood, canvas, or other material that protects the interior of the establishment from the weather. Walls and ceilings of food preparation areas shall be constructed in a way that prevents the entrance of insects. Doors to food preparation areas shall be solid or screened and shall be self-closing. Screening material used for walls, doors, or windows shall be at least sixteen mesh to the inch.

B. Counter-service openings shall not be larger than necessary for the particular operation conducted. These openings shall be provided with tight-fitting solid or screened doors or windows or shall be provided with fans installed and operated to restrict the entrance of flying insects. Counter-service openings shall be kept closed, except when in actual use.

7.1000 Permits.

7.1001 General. No person shall operate a food service establishment who does not have a valid permit issued to him by the regulatory authority. Only a person who complies with the requirements of this chapter shall be entitled to receive or retain such a permit. Permits are not transferable. A valid permit shall be posted in every food service establishment.

7.1002 Issuance of Permit.

A. Any person desiring to operate a food service establishment shall make written application for a permit on forms provided by the regulatory authority. Such application shall include the name and address of each applicant, the location and type of the proposed food service establishment, and the signature of each applicant.

B. Prior to approval of an application for a permit, the regulatory authority shall inspect the proposed food service establishment to determine compliance with the requirements of this regulation.

C. The regulatory authority shall issue a permit to the applicant if its inspection reveals that the proposed food service establishment complies with the requirements of this chapter.

7.1003 Suspension of Permit.

A. The regulatory authority may, without prior warning, notice, or hearing suspend any permit to operate a food service establishment if the holder of the permit does not comply with the requirements of this chapter, or if the operation of the establishment does not comply with the requirements of this chapter, or if the operation of the food service establishment otherwise constitutes a substantial hazard to public health. Suspension is effective upon service of the notice required by section 7.1003 B of this chapter. When a permit is suspended, food service operations shall immediately cease. Whenever a permit is suspended, the holder of the permit shall be afforded an opportunity for hearing within twenty days of receipt of a request for hearing.

B. Whenever the permit is suspended, the holder of the charge shall be notified in writing that the permit is, upon service of the notice, immediately suspended and that an opportunity for hearing will be provided if a written request for hearing is filed with the regulatory authority by the holder of the permit within ten days. If no written request for hearing is filed within ten days, the suspension is sustained. The regulatory authority may end the suspension at any time if reasons for suspension no longer exist.

7.1004 Revocation of Permit.

A. The regulatory authority may, after providing opportunity for hearing, revoke a permit for serious or repeated violations of any of the requirements of this regulation or for interference with the regulatory authority in the performance of duty.

B. Prior to revocation, the regulatory authority shall notify, in writing, the holder of the permit or the person in charge, of the specific reason(s) for which the permit is to be revoked and that the permit shall be revoked at the end of the ten days following service of such notice unless a written request for hearing is filed with the regulatory authority by the holder of the permit within such ten-day period. If no request for hearing is filed within the ten-day period, the revocation of the permit becomes final.

7.1005 Service of Notices. A notice provided for in this chapter is properly served when it is delivered to the holder of the permit, or the person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit. A copy of the notice shall be filed in the records of the regulatory authority.

7.1006 Hearing. The hearings provided for in this chapter shall be conducted by the regulatory authority at a time and place designated by it. Any oral testimony given at a hearing shall be reported verbatim, and the presiding officer shall make provision for sufficient copies of the transcript. The regulatory authority shall make a final finding based upon the complete hearing record and shall sustain, modify or rescind and notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the holder of the permit by the regulatory authority.

7.1007 Application after Revocation. Whenever a revocation of a permit has become final, the holder of the revoked permit may make written application for a new permit, and must demonstrate full compliance with all code requirements.

Inspections

7.1008 Frequency. An inspection of a food service establishment shall be performed at least once every two months. Additional inspections of the food service establishment shall be performed as often as necessary for the enforcement of this chapter.

7.1009 Access. Representatives of the regulatory authority, after proper identification, shall be permitted to enter any food service establishment at any reasonable time for the purpose of making inspections to determine compliance with this chapter. The

representatives shall be permitted to examine the records of the establishment to obtain information pertaining to food and supplies purchased, received, or used, or to persons employed.

7.1010 Report of Inspections. Whenever an inspection of a food service establishment or commissary is made, the findings shall be recorded on an inspection report form provided for this purpose. The inspection report form shall summarize the requirements of this chapter and shall set forth a weighted point value for each requirement. Inspectional remarks shall be written to reference, by section number, the section violated and shall state the correction to be made. The rating score of the establishment shall be the total of the weighted point values for all violations, subtracted from one hundred. A copy of the completed inspection report form shall be furnished to the person in charge of the establishment at the conclusion of the inspection. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it according to law.

7.1011 Correction of Violations.

A. The completed inspection report form shall specify a reasonable period of time for the correction of the violations found; and correction of the violations shall be accomplished within the period specified, in accordance with the following provisions:

1. If an imminent health hazard exists, such as complete lack of refrigeration or sewage backup into the establishment, the establishment's permit shall be suspended immediately. Operations shall not be resumed until authorized by the regulatory authority.

2. All violations of four- or five-point weighted items shall be corrected as soon as possible, but in any event, within ten days following inspection. Within fifteen days after the inspection, the holder of the permit shall submit a written report to the regulatory authority stating that the four- or five-point weighted violations have been corrected. A followup inspection shall be conducted to confirm correction.

3. All one- or two-point weighted items shall be corrected as soon as possible, but in any event, by the time of the next routine inspection.

4. When the rating score of the establishment is less than sixty, the establishment shall initiate corrective action on all identified violations within forty-eight hours. One or more reinspections will be conducted at reasonable time intervals to assure correction.

5. In the case of temporary food service establishments, all violations shall be corrected within twenty-four hours. If violations are not corrected within twenty-four hours, the establishment's permit shall be suspended immediately until authorized to resume by the regulatory authority.

B. The inspection report shall state that failure to comply with any time limits for corrections may result in suspension of the permit. An opportunity for hearing on the inspection findings or the time limitations or both will be provided if a written request is filed with the regulatory authority within ten days following cessation of operations. If a request for hearing is received, a hearing shall be held within twenty days of receipt of the request.

C. Whenever a food service establishment is required under the provisions of section 7.1011 to cease operations, it shall not resume operations until it is shown on reinspection that conditions responsible for the order to cease operations no longer exist. Opportunity for reinspection shall be offered within a reasonable time.

Examination and Condemnation of Food

7.1012 General. Food may be examined or sampled by the regulatory authority as often as necessary for enforcement of this chapter. The regulatory authority may, upon written notice to the

owner or person in charge, specifying with particularity the reasons therefor, place a hold order on any food which it believes is in violation of sections 7.0201, 7.0202, or and other section. The regulatory authority shall tag, label, or otherwise identify any food subject to the hold order. No food subject to a hold order shall be used, served, or moved from the establishment. The regulatory authority shall permit storage of the food under conditions specified in the hold order, unless storage is not possible without risk to the public health, in which case immediate destruction shall be ordered and accomplished. The hold order shall state that a request for hearing may be filed within ten days and that if no hearing is requested the food shall be destroyed. If a request for hearing is received, the hearing shall be held within twenty days after receipt of the request. On the basis of evidence produced at that hearing, the hold order may be vacated, or the owner or person in charge of the food may be directed by written order to denature or destroy such food or to bring it into compliance with the provisions of this chapter.

Review of Plans

7.1013 Submission of Plans. Whenever a food service establishment is constructed or extensively remodeled and whenever an existing structure is converted to use as a food service establishment, properly prepared plans and specifications for such construction, remodeling, or conversion shall be submitted to the regulatory authority for review and approval before construction, remodeling or conversion is begun. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans, and construction materials of work areas, and the type and model of proposed fixed equipment and facilities. The regulatory authority shall approve the plans and specifications if they meet the requirements of this chapter. No food service establishment shall be constructed, extensively remodeled, or converted except in accordance with plans and specifications approved by the regulatory authority.

7.1014 Preoperational Inspection. Whenever plans and specifications are required by section 7.1013 to be submitted to the regulatory authority, the regulatory authority shall inspect the food service establishment prior to the start of operations, to determine compliance with the approved plans and specifications and with the requirements of this chapter.

Procedure when Infection Is Suspected

7.1015 General. When the regulatory authority has reasonable cause to suspect possible disease transmission by an employee of a food service establishment, it may secure a morbidity history of the suspected employee or make any other investigation as indicated and shall take appropriate action. The regulatory authority may require any or all of the following measures:

A. The immediate exclusion of the employee from employment in food service establishments.

B. The immediate closing of the food service establishment concerned until, in the opinion of the regulatory authority, no further danger of disease outbreak exists.

C. Adequate medical and laboratory examination of the employee and of other employees and of his and their body discharges.

7.1016 Penalties. Any person (or responsible officer of that person) who violates a provision of this regulation and any person (or responsible officer of that person) who is the holder of a permit or who otherwise operates a food service establishment that does not comply with the requirements of this regulation, shall be subject to penalties as defined in R.S. 40:6.

7.1017 Injunctions. The regulatory authority may seek to enjoin those who violate any part of this regulation pursuant to the authority granted by R.S. 40:6.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

RULES

Department of Health and Human Resources Office of Health Services and Environmental Quality

The Department of Health and Human Resources, Office of Health Services and Environmental Quality, has amended Sections 25A1, 25A4, 2, 4, 9, 11, 12, 14, 14.1, 16, 17, 18, 19, 22, 24, 25, 29 and 31 of Chapter XXV of the Louisiana State Sanitary Code, as follows.

Amendments to Chapter XXV of the State Sanitary Code

The following sections of Chapter XXV, Frozen Desserts Regulations and Definitions, have been deleted in their entirety and have been substituted as follows:

25.A.1 General Requirements. The processing, handling, and distribution of milk and milk products in the manufacture of frozen desserts shall conform to the minimum requirements for Grade A milk as prescribed in Chapter V of the Louisiana State Sanitary Code. All milk and milk products shall be of quality approved by the State Health Officer. Counter freezer operations which freeze mixes and sell only at retail on the premises shall comply with: (a) only mixes that have been processed and packaged in an approved plant shall be allowed; (b) mixes which require reconstitution are not allowed; (c) counter freezers used for freezing mixes which contain milk solids, milk fat, or vegetable fat shall be located only in premises which meet the minimum requirements for eating and drinking establishments as prescribed in Chapter VII of the Louisiana State Sanitary Code; (d) no self-serve soft serve frozen desserts operation shall be allowed; (e) the frozen dessert operator shall be a food handler other than the cashier of a grocery or convenience store.

* * * *

25.A.4 Bacterial Count. The average bacterial plate count of pasteurized mix or frozen desserts shall at no time exceed fifty thousand per gram and the coliform count shall not be more than ten per gram, except that the coliform count of those frozen desserts which contain fruits, nuts, chocolate or other bulky flavors shall not exceed twenty per gram.

* * * *

Section 2. Sweetening Ingredients Permitted.

(a) The following optional nutritive sweetening ingredients may be used in the manufacture of frozen desserts: (1) sugar (sucrose); (2) dextrose; (3) invert sugar syrup; (4) corn syrup, dried corn syrup; (5) maple syrup, maple sugar; (6) honey; (7) caramel; (8) brown sugar; (9) cane syrup and edible cane molasses; (10) maltose or malt sugar, malt syrup.

(b) The use of saccharin or other nonnutritive sweetening ingredients is prohibited except in special dietetic foods.

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Section 4. Milk and Milk Products Permitted. The following optional milk or milk products may be used: (1) milk, (2) cream, (3) fluid skim milk, (4) sweetened and unsweetened evaporated skimmed milk, (5) sweetened and unsweetened evaporated milk, (6) sweetened and unsweetened condensed milk, (7) sweetened and unsweetened condensed skim milk, (8) dry powdered whole milk, (9) dry powdered skim milk, (10) or any of these products