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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opinion, they appear to be more valuable for mineral than for any other purpose, and to restore to sale or entry all withdrawn lands, at his discretion; and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

AFDC Flat

Family Size	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.