State Regulations Pertaining to Preparation & Storage of Food

Note: This document is arranged alphabetically by State. To move easily from State to State, click the “Bookmark” tab on the Acrobat navigation column to the left of the PDF document. This will open a Table of Contents for the document. The relevant federal regulations are at the end of the PDF.

**ALABAMA**

420-5-10-.12 Dietary Services.

Food Preparation & Storage

...(4) Food. Each resident receives and the facility provides:

(a) Food prepared by methods that conserve nutritive value, flavor and appearance;
(b) Food that is palatable, attractive, and at the proper temperature;
(c) Food prepared in a form designed to meet individual needs; and
(d) Substitutes offered of similar nutritive value to residents who refuse food served.

Author: Rick Harris


**ALASKA**

7 AAC 12.720 DIETETIC SERVICE.

...(f) A facility must maintain adequate space, equipment, and staple food supplies to provide food service to patients in emergencies.

History - Eff. 11/19/83, Register 88; am 5/4/97, Register 142; am 8/2/2000, Register 155 Authority AS 18.05.040 AS 18.20.010 AS 18.20.060

**ARIZONA**
R9-10-912. Food Services

...B. A registered dietitian or director of food services shall ensure that:

1. Food is prepared:
   a. Using methods that conserve nutritional value, flavor, and appearance; and
   b. In a form to meet the needs of a resident such as cut, chopped, ground, pureed, or thickened.

ARKANSAS

565 MEAL SERVICE

565.1 All foods shall be served at the proper temperatures and procedures established and implemented to serve the patient cold foods between forty-five to fifty-five (45-55) degrees Fahrenheit, and hot foods should register one-hundred forty (140) degrees Fahrenheit on the steam table and should reach the patient at no less than one-hundred fifteen (115) degrees Fahrenheit.

565.4 The public, personnel, or patients shall not be permitted to eat or drink in the kitchen, dishwashing area, or store room.

565.5 Only dietetic services and administrative personnel shall be allowed in the kitchen.

565.6 Only dietetic services personnel shall be allowed to portion out food for patients or personnel.

565.8 Nursing home residents will not be permitted to work in the dietetic services. If a patient is to be allowed to scrape trays, there must be a physician’s order.

565.9 All food transported to patient rooms or to dining rooms which are not adjacent to the kitchen must be covered. If hot and cold carts are not used to deliver trays, carts must be completely cleaned before the next use.

568 Preparation and Storage of Food

568.1 An adequately-sized storage room shall be provided with adequate shelving. Seamless containers with tight-fitting lids, clearly labeled, shall be provided for bulk storage of dry foods. (It is recommended that these containers be placed on dollies for easy moving.) The storage room shall be of such construction as to prevent the invasion of rodents and insects, the seepage of dust or water leakage or any other contamination. The room shall be clean, orderly, well ventilated and without condensation of moisture on the walls. Food in any form shall not be stored on the floor. If the bottom shelf is open, it shall be of sufficient height to clean underneath.
568.2 All food prepared in the nursing home shall be clean, wholesome, free from spoilage and so prepared as to be safe for human consumption. All food stored in the refrigerators shall be stored in covered containers. Leftover foods shall be labeled and dated with the date of preparation. Foods stored in freezers shall be wrapped in air tight packages, labeled and dated.

568.3 Fresh fruits and vegetables shall be thoroughly washed in clean, safe water before use. Vegetables subject to dehydration during storage shall be wrapped or bagged in plastic.

568.4 All readily perishable foods, including eggs or fluids, shall be stored at or below forty-five (45) degrees Fahrenheit. A reliable and visible thermometer shall be kept in the refrigerator.

568.5 All frozen foods shall be stored at zero (0) degrees Fahrenheit or lower. A reliable and visible thermometer shall be kept in the freezer. Frozen foods which have been thawed shall not be refrozen.

568.6 Potentially hazardous frozen foods shall be thawed at refrigerator temperatures of forty-five (45) degrees Fahrenheit or below.

568.7 Eggs shall be stored below all other foods. Fresh whole eggs shall not be cracked more than (2) hours before use.

...568.9 Work areas and equipment shall be adequate for the efficient preparation and service of foods.

568.10 Supplies of perishable foods for a one (1) day period and of nonperishable foods for a three (3) day period shall be on the premises at all times to meet the requirements of the planned menus. If the facility consistently does not have the required one (1) day perishable and three (3) day nonperishable foods, the OLTC will require that the facility alter its food delivery schedule to meet regulations.

568.11 Food served in any nursing home must have been prepared on the premises or in an establishment approved by, and meeting regulatory standards of, the Arkansas Department of Health.

568.12 The use of tobacco in any form is prohibited where food or drink is prepared, stored, cooked, or where dishes or pots and pans are washed or stored.

568.13 Foods shall be cut, chopped, ground, or pureed to meet the individual needs of the patient.

568.14 If a patient refuses foods served, substitutes of similar nutritive value shall be offered.
§72343. Dietetic Service--Food Storage.

(a) Food storage areas shall be clean at all times.

(b) All foods or food items not requiring refrigeration shall be stored above the floor, on shelves, racks, dollies or other surfaces which facilitate thorough cleaning, in a ventilated room, not subject to sewage or wastewater backflow or contamination by condensation, leakage, rodents or vermin. All packaged food, canned foods, or food items stored shall be kept clean and dry at all times.

(c) All readily perishable foods or beverages shall be maintained at temperatures of 7°C (45°F) or below, or at 60°C (140°F) or above, at all times, except during necessary periods of preparation and service. Frozen foods shall be stored at minus 18°C (0°F) or below at all times. There shall be an accurate thermometer in each refrigerator and freezer and in storerooms used for perishable foods. All foods stored in walk-in refrigerators and freezers shall be stored above the floor on shelves, racks, dollies or other surfaces that facilitate thorough cleaning.

72349. Dietetic Service -Equipment and Supplies.

...d) Food supplies shall meet the following standards:

(1) At least one week’s supply of staple foods and at least two days' supply of perishable foods shall be maintained on the premises. Food supplies shall meet the requirements of the weekly menu including the therapeutic diets ordered.

(2) All food shall be of good quality and procured from sources approved or considered satisfactory by federal, state or local authorities. Food in unlabeled, rusty, leaking, broken containers or cans with side seam dents, rim dents or swells shall not be retained or used.

(3) Milk, when served as a beverage, shall be pasteurized Grade A or certified unless otherwise prescribed by the physician’s diet order. Milk, milk products and products resembling milk shall be processed or manufactured in milk product plants meeting the requirements of Division 15 of the California Food and Agricultural Code. Powdered milk shall not be used as a beverage but may be used in cooking.

(4) Milk shall be served in individual containers or from a dispensing device which has been approved for such use, by the local health department or from the original container. Milk shall be dispensed directly into the glass or other container from which the patient drinks.

(5) Catered foods and beverages from a source outside the licensed facility shall be prepared, packed, properly identified, stored and transported in compliance with these regulations and other applicable federal, state and local codes.

(6) Foods held in refrigerated or other storage areas shall be covered. Liquids and food which are prepared and not served shall be tightly covered, stored appropriately, clearly labeled and dated. A written procedure shall be established and followed for the safe use of leftover foods.

(7) Spoiled or contaminated food shall not be served.
Part 11. DIETARY SERVICES

...11.9 SPACE. The facility shall provide adequate space to accommodate fixed and movable equipment and employee functions; receive, store, refrigerate, and prepare food; assemble trays; store carts; and clean dishes, pots, and pans.

11.10 REFRIGERATOR SAFETY. Walk-in refrigerators and freezers shall have inside lighting and inside lock releases. In facilities constructed after the effective date of these regulations, there shall be an alarm system that is clearly audible throughout the food preparation and storage areas of the facility and that may be readily activated by staff members from within walk-in refrigerators or freezers.

11.11 EQUIPMENT. The facility shall provide equipment sufficient in amount, adequate in type for efficient and timely preparation of meals.

11.12 STORAGE OF DISHES AND GLASSES. Clean glasses, cups, and other dishes shall not be stored in such a manner as to entrap moisture.

11.14 MILK. Milk for drinking shall be provided to consumers in an unopened commercially filled container not exceeding a one pint capacity, or drawn from a commercially filled container stored in a mechanically refrigerated bulk milk dispenser, or poured directly into the drinking vessel from a commercially filled half-gallon or gallon container that has been refrigerated until served to maintain a temperature of 45 degrees F or less.
...H. Maintains at least three day supply of staple foods at all times.

DELAWARE

[6.5 Food Service]

...6.5.2.3 A 3-day supply of food shall be kept on the premises at all times.

9.6.2 The food served shall be suitably prepared and of sufficient quantity and quality to meet the nutritional needs of the patients.

9.6.7 A two (2) day supply of food for emergency feeding shall be kept on the premises. (Items that need little or no water and heat to be served/readyed are recommended).

5.11 Kitchen and Food Storage Areas: The Division of Public Health’s Regulations Governing the Sanitation of Public Eating Places shall apply to institutions and are appended hereto.

DISTRICT OF COLUMBIA

3219.5 Each food service employee shall wear clean, washable garments while working, and shall keep his or her hands clean at all times.

3219.6 Each food service employee shall wear either a hair net or other head covering.

3219.7 No smoking or tobacco products shall be permitted in the food preparation area. 3219.8 Food waste shall be disposed of in a garbage disposal system or garbage grinder which is conveniently located near each activity and which has adequate capacity to dispose of all readily grindable food waste (garbage) produced.

3220 GENERAL DIETARY REQUIREMENTS

...3220.2 The temperature for cold foods shall not exceed forty-five degrees (45°) Fahrenheit, and for hot foods shall be above one hundred and forty degrees (140°) Fahrenheit at the point of delivery to the resident.

3222 DIETARY MANAGEMENT AND RECORDS

3222.1 Each menu, as planned and served, shall be filed and retained for one year.
...3222.2 Documentation of the food purchased shall be retained for ninety (90) days.

3222.3 A three (3) day supply of non-perishable staples shall be maintained on the premises.

3222.4 A file of each tested recipe, adjusted to appropriate yield, shall be maintained and used by each employee who prepares food.

...3222.5 A two (2) day supply of perishable foods shall be maintained on the premises.

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**FLORIDA**

59A-4.110 Dietary Services

...(4) A one (1) week supply of a variety of non-perishable food and supplies, that represents a good diet, shall be maintained by the facility.

Specific Authority 400.022(1)(a), (f), (g), 400.141(5), 400.23 FS. Law Implemented 400.022, 400.102, 400.141, 400.23 FS. History-New 4-1-82, Amended 4-1-84, 7-1-88, 7-10-91, Formerly 10D-29.110, Amended 4-18-94, 2-6-97

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**GEORGIA**

290-5-8-.06 Dietary Service.

...(6) Sufficient perishable foods for a twenty-four hour period and nonperishable foods for a threeday period shall be on the premises for use in an emergency.

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**HAWAII**

§11-94-11 Dietetic services.

...(f) Food services, planning and storage.
...(2) Records of food purchased shall be filed and maintained for at least thirty days.

(3) Storing and handling of food.

(A) All food shall be procured, stored, prepared, distributed, and served under sanitary conditions.

(B) Dry or staple food items shall be stored above the floor in a ventilated room not subject to seepage or waste-water backflow, or contamination by condensation, leakages, rodents, or vermin.

(C) Perishable foods shall be stored at the proper temperatures to conserve nutritive values and prevent spoilage.

IDAHO

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107. DIETARY SERVICE

...06. Food Purchasing and Storage. Supplies of staple foods for a minimum of a one (1) week period and of perishable foods for a two (2) day period shall be maintained on the premises. (1-1-88)

a. A current file of food purchase invoices shall be kept at least for the preceding thirty (30) day period. (1-1-88)

b. All processed or canned foods shall be obtained from approved commercial sources. (1-1-88)

c. Food from damaged cans or thawed and refrozen foods shall not be used. (1-1-88)

d. All meat and poultry products shall have been inspected for wholesomeness under an official regulatory program. (1-1-88)

  e. Only Grade A pasteurized fluid milk and milk products shall be used or served. Dry milk and milk products may be reconstituted in the facility if they are used for cooking purposes only. (1-1-88)

f. All milk for drinking purposes shall be served in a previously unopened, commercially filled container directly into the drinking glass of the patient/resident, or may be drawn from a commercially filled container stored in a mechanically refrigerated bulk milk dispenser directly into the glass of the patient/resident. Any milk held over in an open container from one (1) meal to another shall be used for cooking only. (6-23-89)

g. Each refrigerator and freezer shall be equipped with a reliable, easily read thermometer. Refrigerators shall be maintained at forty-five degrees Fahrenheit (45F) or below. Freezers shall be maintained at zero degrees Fahrenheit (0F) or below. (12-31-91)

h. Storage areas shall be maintained in a clean, orderly manner. No food shall be stored on the floor. (1-1-88)
i. Only food and food service items shall be stored in the food storage areas. (1-1-88)

07. Food Preparation and Service. Foods shall be prepared by methods that conserve nutritive value, flavor and appearance, and shall be attractively served at proper temperatures. (1-1-88);

a. Hazardous foods shall be kept hot (over one hundred forty degrees Fahrenheit (140°F)) or cold (under forty-five degrees Fahrenheit (45°F)) except during actual preparation time. (1-1-88)

b. A file of tested recipes, adjusted to appropriate yield, shall be maintained. (1-1-88)

ILLINOIS

Section 300.2080 Menus and Food Records

...f) Supplies of staple foods for a minimum of a one week period and of perishable foods for a minimum of a two day period shall be maintained on the premises. These supplies shall be appropriate to meet the requirements of the menu.

g) Records of all food purchased shall be kept on file for not less than 30 days.

Section 300.2090 Food Preparation and Service

a) Foods shall be prepared by appropriate methods that will conserve their nutritive value, enhance their flavor and appearance. They shall be prepared according to standardized recipes and a file of such recipes shall be available for the cook's use.

b) Foods shall be attractively served at the proper temperatures and in a form to meet individual needs.

INDIANA

3.1-21 Food

Authority: IC 16-28-1-7; IC 16-28-1-12

Affected: IC 16-28-5-1

Sec. 21.

(a) Each resident receives and the facility provides the following:
(1) Food prepared by methods that conserve nutritive value, flavor, and appearance.

(2) Food that is palatable, attractive, and at the proper temperature.

(3) Food prepared in a form designed to meet individual needs.

(4) Substitutes offered of similar nutritive value to residents who refuse food served.

(i) The facility must do the following:

(1) Procure food from sources approved or considered satisfactory by federal, state, or local authorities.

(2) Comply with 410 IAC 7-24.

(3) Store, prepare, distribute, and serve food under sanitary conditions.

(4) Provide available storage space in a room adjacent to or convenient to the kitchen for at least a three day supply of staple food both for normal and emergency needs in keeping dietary standards.

(5) Dispose of garbage and refuse properly.

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**IOWA**

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58.24(5) Food preparation and service

a. Methods used to prepare foods shall be those which conserve nutritive value and flavor and meet the taste preferences of the residents. (III)

b. Foods shall be attractively served. (III)

c. All food that is transported through public corridors shall be covered. (III)

h. All potentially hazardous food or beverages capable of supporting rapid and progressive growth of microorganisms that can cause food infections or food intoxication shall be maintained at temperatures of 41_F or below or at 140_F or above at all times, except during necessary periods of preparation. Frozen food shall be maintained frozen. (I, II, III)

i. Potentially hazardous food that is cooked, cooled and reheated for hot holding shall be reheated so that all parts of the food reach a temperature of at least 165 F for 15 seconds. (I, II, III)

j. Food must be reheated to 165 F within no more than two hours after the heating process begins. (I, II, III)

k. Cooked potentially hazardous food shall be cooled:
(1) Within two hours, from 140 F to 70 F; and

(2) Within four hours, from 70 F to 41 F or less. (I, II, III)

58.24 (6) Dietary ordering, receiving, and storage.

a. All food and beverages shall be of wholesome quality and procured from sources approved or considered satisfactory by federal, state and local authorities. Food or beverages from unlabeled, rusty, leaking, broken or damaged containers shall not be served. (I, II, III)

b. A minimum of at least a one-week supply of staple foods and a three-day supply of perishable foods shall be maintained on the premises to meet the planned menu needs until the next food delivery. Supplies shall be appropriate to meet the requirements of the menu. (III)

c. All milk shall be pasteurized. (III)

d. Milk may be served in individual, single-use containers. Milk may be served from refrigerated bulk milk dispensers or from the original container. Milk served from a refrigerated bulk milk dispenser shall be dispensed directly into the glass or other container from which the resident drinks. (II, III)

e. Records which show amount and kind of food purchased shall be retained for three months and shall be made available to the department upon request. (III)

f. Dry or staple items shall be stored at least six inches (15 cm) above the floor in a ventilated room, not subject to sewage or wastewater backflow, and protected from condensation, leakage, rodents or vermin in accordance with the Food Code, 1999 edition. (III)

g. Pesticides, other toxic substances and drugs shall not be stored in the food preparation or storage areas used for food or food preparation equipment and utensils. Soaps, detergents, cleaning compounds or similar substances shall not be stored in food storage rooms or areas. (II)

h. Food storage areas shall be clean at all times. (III)

i. There shall be a reliable thermometer in each refrigerator, freezer and in storerooms used for food. (III)

j. Foods held in refrigerated or other storage areas shall be appropriately covered. Food that was prepared and not served shall be stored appropriately, clearly identifiable and dated. (III)
(c) Food. Each facility shall comply with the following provisions.

(1) Dietary service staff shall prepare the food by methods that conserve nutritive value, flavor, appetizing aroma, and appearance.

(2) Food shall be attractive, flavorful, well-seasoned, and served at the proper temperature.

(A) Before serving, the facility shall hold hot foods at 140°F or above.

(B) Hot foods, when served to the resident, shall not be below 115°F.

(C) The facility shall hold and serve cold foods that are potentially hazardous at not more than 45°F.

(3) The facility shall prepare the food using standardized recipes adjusted to the number of residents served.

(4) The facility shall prepare the food in a form designed to meet individual resident needs.

(5) When a resident refuses a food served, the facility shall serve the resident food of similar nutritive value as a substitute.

...(k) The facility shall ensure that the food preparation area is not used as a dining area.


The facility shall design and equip food service facilities to meet the requirements of the residents. A facility shall provide the following elements in a size appropriate to the implementation of the type of food services system employed.

1) There shall be a control station for receiving food supplies.

2) There shall be a storage space for food for at least four days.

3) There shall be food preparation facilities. Conventional food preparation systems shall include space and equipment for preparing, cooking, baking, and serving. Convenience food service systems, including frozen prepared meals, bulk-packaged entrees, individually packaged portions, or a system using contractual commissary services, shall include space and equipment for thawing, portioning, cooking, and baking.

4) There shall be a two-compartment sink for food preparation. Each facility constructed before February 15, 1977 shall be required to have a sink for food preparation.

6) There shall be space for equipment for resident meal service, tray assembly, and distribution.

KENTUCKY
Section 10 [nursing facilities].

(4) Food. Each resident shall receive and the facility shall provide:

(a) Food prepared by methods that conserve nutritive value, flavor and appearances;
(b) Food that is palatable, attractive and at the proper temperature;
(c) Food prepared in a form designed to meet individual needs; and
(d) Substitutes offered of similar nutritive value to residents who refuse food served.

LOUISIANA

§9821. Equipment and Supplies

...At least a one week supply of staple food with a three-day supply of perishable food conforming to the approved menu shall be maintained on the premises.

§9823. Sanitary Conditions

A. All food shall be procured, stored, prepared, distributed, and served under sanitary conditions to prevent food borne illness. This includes keeping all readily perishable food and drink according to State Sanitary Code.

B. Refrigerator temperatures shall be maintained according to State Sanitary Code.

C. Hot foods shall leave the kitchen or steam table according to State Sanitary Code.

D. In-room delivery temperatures shall be maintained according to State Sanitary Code.

...E. Food shall be transported to residents’ rooms in a manner that protects it from contamination, while maintaining required temperatures.

F. Refrigerated food which has been opened from its original package shall be covered, labeled, and dated.

G. All food shall be procured from sources that comply with all laws and regulations related to food and food labeling.

H. Food shall be in sound condition, free from spoilage, filth, or other contamination and shall be safe for human consumption.
18.F. Food Supplies

18.F.1. Supplies of staple foods for a minimum of a one-week period and of perishable foods for a minimum of 48 hours to meet the requirements of the planned menu shall be kept on the premises at all times.

18.F.2. Records of all food purchased shall be retained by the facility for three years.

18.F.3. The facility must procure food from sources approved or considered satisfactory by Federal, State or local authorities. The use of second grade or outdated products, unlabeled canned goods, railroad salvage, and similar foods is prohibited.

18.F.4. Hermetically sealed food shall be obtained from a regulated food processing establishment.

18.F.5. Fluid milk and fluid milk products used or served shall be pasteurized.

18.F.6. Milk served to residents for drinking shall be served in the following manner:
   a. In an original single serving container; or
   b. From the original container to the residents’ glass at meal time; or
   c. The glass filled at meal time from a sanitary bulk milk dispenser.

18.F.7. No reconstituted powdered milk or evaporated milk shall be served for drinking.

18.F.8. Dry powdered or evaporated milk may be used in cooking or may be added to milk from the dairy as a high protein supplement.

18.F.9. 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. Hard-boiled, peeled eggs, commercially prepared and packaged, may be used. Eggs shall be refrigerated at all times and no raw eggs shall be used in uncooked products.

18.F.10. Fresh and frozen shucked shellfish (oysters, clams or mussels) shall be obtained in non-returnable packages legibly bearing the processor’s name, address and authorized certification number.

18.F.11. Shell stock and shucked shellfish shall be kept in the container in which they were received until they are used.

18.F.12. Sulfites may not be added to raw or cooked fruits or vegetables, nor monosodium glutamate added to any food prepared in the facility.

18.J.9. All potentially hazardous food shall be kept at an internal temperature of 41 degrees Fahrenheit or below or at an internal temperature of 140 degrees Fahrenheit or above during service.

18.J.10. Potentially hazardous food that has been cooked and then refrigerated, and which is reheated for hot holding shall be reheated rapidly to 165 degrees Fahrenheit, or higher before being
served or before being placed in a hot storage food facility.

18.J.11. Poultry, poultry products, pork, pork products, and stuffing containing raw poultry or pork shall be cooked to heat all parts of the food to 165 degrees Fahrenheit, or above.

18.J.12. Potentially hazardous ingredients such as mayonnaise and dairy products for foods that are in a form to be consumed without further cooking such as salads, sandwiches, filled pastry products and reconstituted foods shall have been chilled to 41 degrees Fahrenheit or below prior to preparation.

18.K. Food Service

18.K.1. Equipment shall be provided and procedures established to maintain food at safe temperatures during tray assembly. Hot foods shall leave the kitchen above 140 degrees Fahrenheit and cold food below 41 degrees Fahrenheit. Hot foods shall be hot and cold foods cold when they reach the resident.

18.K.2. During transportation, including transportation to another location for service, food and food utensils shall be protected from contamination.

18.K.4. Food shall be palatable and attractively served in appropriate portions and in a form designed to meet individual needs.

18.K.11. Employees and guests eating meals and snacks shall do so in an area separate from the food preparation, tray service, and dishwashing areas.

18.K.12. Animals shall be excluded from the food preparation area at all times and the dining room during the preparation and service of food.

18.N. Dietary Areas

18.N.1. Kitchen Area

a. Size and Segregation  Kitchens shall be segregated from other areas and large enough to allow for adequate equipment to prepare and care for food properly.

b. Floors - Floors shall be waterproof and smooth with easily cleanable surfaces.

c. Walls - All wall surfaces shall be smooth and non-porous.

d. Ceilings - Ceilings shall be sound and heat insulated when located beneath a resident area.

e. Ventilation - Ventilation must be provided to maintain food integrity and reasonable comfort of the staff. All doors, windows and fans shall be placed so that air flow is not directed at food. Outside ventilation openings shall be screened.

f. Sewer Lines - Sewer lines in food storage, preparation and service areas must have anti-backflow devices and must be enclosed.

18.N.2. Equipment

a. Dietary areas shall be appropriately and adequately equipped for food storage, preparation, service, transportation and distribution.
b. Installation - All equipment and appliances shall be installed to permit thorough cleaning of the equipment, the floors and the walls around them.

c. Warewashing - A warewashing machine shall be required in each facility. All facilities or new dietary areas for which construction is started after the effective date of these regulations shall provide a dishwashing area separated from the food preparation and serving areas by at least a four (4) foot high partition. An easily readable thermometer shall be provided in each tank of the dishwashing machine which will indicate to an accuracy of +3 degrees Fahrenheit, the temperature of the water or solution therein.

d. Sinks - All new facilities or facilities proposing major renovations shall have a three compartment warewashing sink (at least 12 inches deep) and a separate handwashing sink conveniently available.

18.N.3. Storage

a. Dry Storage - Sufficient dry storage space that is ventilated and accessible to the kitchen shall be provided.

b. Kitchenware, Tableware, and Utensils - Space that is protected from potential contamination shall be provided for the storage of kitchenware, tableware and utensils.

MARYLAND

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10.07.02.13 Dietetic Services.

...K. Preparation of Food. Foods shall be prepared by methods that conserve nutritive value, flavor, and appearance, and shall be served at proper temperatures, in a form to meet individual needs. Standardized recipes adjusted to appropriate yield shall be followed. Standardized recipes are those recipes which have been tested by the facility or another source which assure consistency in quality and quantity.

10.07.02.32 Dietetic Service Area.

A. Food Service Department. The location of the food service area shall be approved by the Department. A facility which holds full licensure as of the adoption of these regulations shall be considered as having an appropriately located food service area. A catered or satellite system shall be covered by a contract approved by the Department.

B. Outside Service Entrance. A convenient outside service entrance shall be planned to facilitate receiving food supplies and the disposal of waste.

C. Restriction—Entry to Kitchen or Serving Pantry. A toilet room or sleeping room may not open directly into any kitchen or serving pantry.
D. Limitations on Use of Kitchen. The kitchen may not be used as a passageway. It shall be used for no other purpose than activities connected with food service.

(1) New Construction. A janitor's closet or service alcove for exclusive use of food service areas shall be provided in, or adjacent to, the dietetic service department. It shall be equipped with a utility sink, storage shelves, and a rack for hanging brooms and mops.

(2) Existing Facility. A utility sink shall be provided within reasonable distance from the food service department for its use, but it may be shared with other activities. Space near the utility sink shall be provided for the storage of brooms, mops, and cleaning materials.

F. Space. There shall be sufficient floor space in the food service department to permit all activities to function efficiently without overcrowding:

(1) New Construction. New construction providing a conventional type food service program shall have the following minimal space requirements (excluding bulk food-storage areas, dining areas, and separate floor pantries). Modification of the following minimum space will be made in the event that the facility can demonstrate that the use of convenience food, disposables, or equipment, require less space for operation. However, once a facility elects to use these procedures or systems and a modification is granted, the systems may not be changed without prior approval of the Department. The Department in these cases may require additional space to be provided.

<table>
<thead>
<tr>
<th>Homes' Licensed Capacity for Patients</th>
<th>Minimum Space</th>
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<tbody>
<tr>
<td>(a) 2 to 10</td>
<td>120 square feet.</td>
</tr>
<tr>
<td>(b) 11 to 35</td>
<td>132 square feet plus 12 square feet per licensed bed in excess of 11.</td>
</tr>
<tr>
<td>(c) 36 to 100</td>
<td>430 square feet plus 10 square feet per licensed bed in excess of 36.</td>
</tr>
<tr>
<td>(d) over 100</td>
<td>1,070 square feet plus 8 square feet per licensed bed in excess of 100.</td>
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(2) Renovations of existing kitchens shall be approved by the Department which will consider modification of the minimum space requirement based on space available, costs, and type of service.

(3) Aisle space between working areas shall be at least 3 feet; main traffic shall be at least 5 feet.

(4) Ceiling height shall be at least 9 feet.

Agency Note: 10 foot ceiling height is recommended.

(5) Existing Facility. A facility which holds full licensure as of the adoption of these regulations shall
be considered as having an adequate size dietetic service department.

(6) If the licensed capacity of a facility is increased, or meals are provided to anyone outside of the facility from the food service area of the facility, the facility shall provide additional food service area in accordance with §F(1), (3), and (4) of this regulation. The additional food service area required when meals are provided to anyone outside of the facility is to be calculated by using the total number of individuals to whom meals are provided.

(7) The kitchen space requirement in §F(6) of this regulation does not apply to occasional special functions such as picnics or dinners for residents, volunteers, families, or community groups provided the facility certifies to the Department that the provision of meals for the particular special function will not adversely affect or detract from the timely provision of meals to the residents of the facility.

G. Floor Pantries—New Construction.

(1) In a decentralized food service, the area or areas for floor pantries shall be approved by the Department.

(2) This area shall be of sufficient size to accommodate the equipment required for food preparation and service.

Agency Note: The following equipment is recommended:

(a) Equipment to maintain food at correct temperature;
(b) Toaster;
(c) Hot plate;
(d) Refrigerator;
(e) Ice-making machine or ice-storage container;
(f) Work space for tray preparation;
(g) Equipment for delivery of completed trays;
(h) Three-compartment sink or dishwasher;
(i) Cabinet for dry storage and supplies;
(j) Storage for trays, tableware, flatware, and utensils;
(k) Handwashing sink with soap and towel dispenser or approved drying device.

(3) At least one nourishment pantry convenient to the nursing station shall be provided on each floor in facilities using a centralized food service system. Minimum equipment shall include the following:

(a) Refrigerators;
(b) Cabinets for dry storage and supplies;
(c) Workspace;
(d) Sink for purposes other than handwashing;
(e) Handwashing sink with soap and towel dispenser or approved drying device.

H. Equipment for Food Preparation and Distribution. The following requirements shall be met:

(1) Adequate equipment for preparation, serving, and distribution of food shall be provided;

(2) A dumbwaiter, elevator, or ramp shall be provided in a facility of more than one story where
more than eight patients, above or below the kitchen level, receive bedside tray service;

(3) Equipment to protect food from dust or contamination and to maintain food at proper
temperature shall be provided for transportation of food to the patients.

I. Dry Food Storage. The following requirements shall be met:
(1) Adequate space shall be provided for the storage of food supplies;

Agency Note: The amount of storage space needed is dependent upon frequency of deliveries. It is
recommended that 2 square feet per patient be provided and that the area be located within easy
access to the receiving area and the kitchen.

(2) The storeroom shall be cool and well ventilated;

(3) All food supplies shall be stored off the floor and away from the wall to allow for cleaning. Agency
Note: Care should be exercised in the rotation of stored food so that old stock is used first.

J. Refrigerated Storage. Adequate refrigerated storage, refrigerators and frozen food storage cabinets,
shall be provided which are regulated to maintain temperatures prescribed in COMAR
10.15.03 Food Service Facilities.

MASSACHUSETTS

150.009: Dietary Service

E) Quality of food

5) Only pasteurized fluid milk and fluid milk products shall be used or served; dry milk products
may be used for cooking purposes only.

6) All milk and milk products for drinking purposes shall be served from the original container or from
a sanitary milk dispenser. Milk served from a dispenser shall be homogenized.

7) Cracked or dirty eggs shall not be used. Egg nog shall be pasteurized. Eggs shall be refrigerated at
all times.

F) Planning of menus and food supplies

5) An adequate supply of food of good quality shall be kept on the premises at all times to meet
patient or resident needs. This shall mean supplies of staple foods for a minimum of one-week
period and of perishable foods for a minimum of 48 hours.

6) All food shall be maintained at safe temperatures. Food that is stored in a freezer shall be wrapped,
identified and labeled with the date received and shall be used within the safe storage time appropriate to the type of food and the storage temperature. If not used within an appropriate time limit, the food shall be discarded.

7) Records of food purchased and a perpetual inventory of food supplies shall be kept on file.

G) Preparation and serving of food

1) All foods shall be prepared by methods that conserve the nutritive value, flavor and appearance.

2) All file of tested recipes, adjusted to appropriate yield, shall be maintained, shall be utilized in preparing food and shall correspond to items on the posted menus.

3) Foods shall be cut, chopped, ground or blended to meet individual needs.

4) House diets shall be appropriately seasoned in cooking and this shall include salt.

5) Convenient and suitable utensils, such as forks, knives, tongs, spoons, or scoops, shall be provided and used to minimize direct handling of food at all points where food is prepared or served.

6) Equipment shall be provided and procedures established to maintain food at a proper temperature during serving and transportation. Hot foods shall be hot, and cold foods cold, when they reach the patient or residents

6) The food service area shall not be located in a thoroughfare, and traffic through the food service area shall be limited to authorized personnel.

I) Dietary and food sanitation

7) Dry or staple food items shall be stored off the floor in a ventilated room not subject to sewage or waste water backflow, or contamination by condensation, leakage, rodents, or vermin.

8) Poisonous and toxic materials shall be stored in locked cabinets that are used for no other purpose, or in a place that is separate from all food storage areas, food preparation areas and clean equipment and utensils.

9) All perishable food, including milk and milk products shall be adequately refrigerated, stored in a sanitary manner and properly spaced for adequate refrigeration.

10) Mechanical refrigeration capable of storing perishable and frozen foods shall be provided in sufficient amount to meet the needs of the facility.

11) The maximum temperature for the storage of all perishable foods shall be 45°F. Freezers and frozen food compartments of refrigerators shall be maintained at or below minus 10 F.

12) A reliable thermometer shall be attached to the inside of each refrigerator, freezer. Frozen food compartment, storage space used for perishable food or beverages.

13) Food shall be transported from main kitchens to auxiliary kitchens and to patients in suitable containers or conveyors.

14) Written reports of inspections by state and local health authorities shall be kept on file in the facility with the notations made of action taken by the facility to comply with any recommendations.
15) If pre-prepared meals or meals prepared off the premises are used, dietary areas and equipment shall be designed to accommodate the requirements for safe and sanitary storage, processing and handling.

16) Auxiliary kitchens and dishwashing facilities located outside the main dietary area shall comply with the standards specific for the main kitchen and dietary area.

17) No drugs shall be stored in the same refrigerator with food, and drugs shall not be added to foods in the kitchen.

18) Easily shredded, abrasive materials, such as steel wool, shall not be used to clean food preparation equipment or utensils.

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**MICHIGAN**

Downloaded January 2011

R 325.20802 Policies and procedures.

Rule 802. There shall be written policies and procedures for food storage, preparation, and service...

History: 1981 AACS.

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**MINNESOTA**

Downloaded January 2011

4658.0600 DIETARY SERVICE.

Subpart 1. Food quality. Food must have taste, aroma, and appearance that encourages resident consumption of food.

4658.0650 FOOD SUPPLIES.

Subpart 1. Food. All food must be clean, wholesome, free from spoilage, free from adulteration and misbranding, and safe for human consumption. Canned or preserved food which has been processed in a place other than a commercial food-processing establishment is prohibited for use by nursing homes.

...Subp. 3. Food containers. Food, whether raw or prepared, if removed from the container or package in which it was obtained, must be stored in a clean, covered container. The container need not be covered during necessary periods of preparation or service.

Subp. 4. Storage of nonperishable food. Containers of nonperishable food must be stored a need not be covered during necessary periods of preparation or service. 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. Containers may be stored on equipment such as dollies, racks, or pallets, provided the equipment is easily movable and constructed to allow for easy cleaning. Nonperishable food and containers of nonperishable food must not be stored under exposed or unprotected sewer lines or similar sources of potential contamination. The storage of nonperishable food in toilet rooms or vestibules is prohibited.

Subp. 5. Storage of perishable food. All perishable food must be stored off the floor on washable, corrosion-resistant shelving under sanitary conditions, and at temperatures which will protect against spoilage.

Subp. 6. Prohibited storage. The storage of detergents, cleaners, pesticides, and other nonfood items not related to the operation of the dietary service, including employees' personal items, is prohibited in food storage areas. The nursing home may store dry goods and paper products related to the dietary service in the food storage area.

Subp. 7. Vending machines. Storage and dispensing of food and beverages in vending machines must be in accordance with chapter 4626, and in accordance with any applicable local ordinances.

STAT AUTH: MS s 31.101; 31.11; 144.05; 144.08; 144.12; 144A.04; 144A.08; 157.011; 256B.431
HIST: 19 SR 1803; 23 SR 519 Current as of 01/19/05

4658.0655 TRANSPORT OF FOOD.

The food service system must be capable of keeping food hot or cold until served. A dumbwaiter or conveyor, which cab or carrier is used for the transport of food and soiled dishes, must be sanitized immediately after the transportation of soiled dishes is complete, and prior to the transporting of food. The dumbwaiter or conveyor, which cab or carrier is used for the transport of soiled linens, may not be used for the transport of food or soiled dishes.

STAT AUTH: MS s 144A.04; 144A.08; 256B.431
HIST: 19 SR 1803
Current as of 01/19/05
129.06 Food Preparation. Foods shall be prepared by methods that conserve optimum nutritive value, flavor, and appearance. Also, the food shall be acceptable to the individuals served. A file of tested recipes shall be maintained to assure uniform quantity and quality of products.

129.07 Food Supply. Supplies of perishable foods for at least a twenty-four (24) hour period and or non-perishable foods for a three (3) day period shall be on the premises to meet the requirements of the planned. The non-perishable foods shall consist of commercial type processed foods.

130 PHYSICAL FACILITIES

130.08 Refrigeration Facilities. Adequate refrigeration facilities, automatic in operation, for the storage of perishable foods shall be provided. Where separate refrigeration can be provided, the recommended temperatures for storing perishable foods are thirty-two (32) to forty (40) degrees Fahrenheit for meats and dairy products, and forty (40) degrees Fahrenheit to forty-five (45) for fruits and vegetables. If it is impractical to provide separate refrigeration, the temperature shall be maintained at forty-one (41) degrees Fahrenheit. Freezers shall be maintained at zero (0) degrees Fahrenheit or below. All refrigerators shall be provided with a thermometer. Homes with more than twenty-four (24) beds shall have commercial or institutional type refrigeration.

131 AREAS AND EQUIPMENT

131.02 Kitchen.

Equipment. Minimum equipment in kitchen shall include:

...b. Refrigerator and Freezers. Facilities with more than twenty-four (24) beds shall have sufficient commercial or institutional type refrigeration/freezer units to meet the storage needs of the facility.

...k. Food Preparation Sink. A double compartment food preparation sink shall provide for washing vegetables and other foods. A drain board shall be provided at each end of the sink.

131.04 Food Storage. A food-storage room with cross ventilation shall be provided. Adequate shelving, bins, and heavy plastic or galvanized cans shall be provided. The storeroom shall be of such construction as to prevent the invasion of rodents and insects, the seepage of dust and water leakage, or any other source of contamination. The food-storage room should be adjacent to the kitchen and convenient to the receiving area. The minimum area for a food-storage room shall equal two and one-half (2 1/2) square feet per bed and the width of the aisle shall be a minimum of three (3) feet.
(3) Foods shall be prepared and served using methods that conserve nutritive value, flavor and appearance. II/III

(4) Special attention shall be given to the texture of food given to residents who have chewing difficulty. II/III

(5) Provision shall be made to assure that hot food is served hot and cold food is served cold. II

(6) If a resident refuses food served, appropriate substitutes of similar nutritive value shall be offered. II/III

...(20) Supplies of staple food for a minimum of a one (1)-week period and of perishable foods for a minimum of a three (3)-day period shall be maintained on the premises. II

MONTANA

37.110.204 FOOD SUPPLIES

(1) Food must be free from adulteration or other contamination and must be safe for human consumption. Food must be obtained from sources that comply with all laws relating to food and food labeling which include, but are not limited to, laws of the federal food and drug administration (FDA); environmental protection agency (EPA), United States department of agriculture (USDA), Montana department of livestock; Montana department of agriculture; and the Montana Food, Drug and Cosmetic Act, Title 50, chapter 31, MCA. The use of food in hermetically sealed containers that was not prepared in a licensed food manufacturing establishment is prohibited. Food prepared in a private home may not be used or offered for human consumption in a licensed food service establishment.

(2) Fluid milk and fluid milk products used or served must be pasteurized and must meet grade A quality standards. Dry milk and dry milk products must be made from pasteurized milk and milk products.

(3) Fresh and frozen shucked shellfish (oysters, clams or mussels), must be packed in non-returnable packages identified with the name and address of the original shell stock processor, shucker-packer, or repacker, and the interstate certification number. Shell stock and shucked shellfish must be kept in the container in which they were received until they are used. Each container of unshucked shell stock (oysters, clams or mussels) must be identified by an attached tag which states the name and address of the original shell stock processor, the kind and quantity of shell stock and the interstate certification number issued by the state or foreign shellfish control agency. Shell stock tags or labels must be retained for 90 days from the date the container is emptied. Molluscan shellfish that are recreationally caught must not be received for sale or service.

(4) Only grade B eggs or better with shell intact without cracks, or pasteurized liquid, frozen, or dry eggs or dry egg products must be used.
(5) Fish, other than molluscan shellfish, that are intended for consumption in their raw form and allowed as specified under ARM 37.110.207(8)(b) must be obtained from a supplier that freezes the fish or must be frozen on the premises as specified in ARM 37.110.207(8)(b).

(6) Fish may not be received for sale or service unless they are commercially and legally caught and harvested.

(7) Game animals and exotic species may be received for sale or service if raised, slaughtered, and processed under a voluntary inspection program that is conducted by the agency that has animal health jurisdiction. The inspection of game animals and exotic species must include an antemortem and postmortem examination by a regulatory authority as provided in 81-9-230, MCA.

(8) Ice for use as a food or a cooling medium must be made from drinking water which complies with the requirements in ARM 37.110.217. After use as a cooling medium, ice may not be used as food.

(9) Receiving temperature of refrigerated, potentially hazardous food must be 41°F (5°C) or below unless otherwise required by law.

(10) Potentially hazardous food that is labeled frozen and shipped frozen by a food processing plant must be received frozen. (History: Sec. 50-50-103, MCA; IMP, Sec. 50-50-103, MCA; NEW, 1979 MAR p. 677, Eff. 7/13/79; AMD, 1985 MAR p. 928, Eff. 7/12/85; TRANS & AMD, 2000 MAR p. 3201, Eff. 11/23/00.)

Rule 05 reserved

37.110.206 FOOD STORAGE AND PROTECTION

(1) Food must be stored as follows to prevent potential contamination:

(a) Food must be stored in a clean, dry location where it is not exposed to contamination and is at least 6 inches (15 centimeters) above the floor.

(b) Food in packages and working containers may be stored less than 6 inches (15 centimeters) above the floor if it is stored on case lot handling equipment, such as dollies, racks, or pallets.

(c) Pressurized beverage containers; food in waterproof containers, such as bottles or cans in cases; and milk containers in plastic crates may be stored on a floor that is clean and not exposed to floor moisture.

(d) Food may not be stored in toilet rooms; dressing rooms; garbage rooms; mechanical rooms; under sewer lines that are not shielded to intercept potential drips; under leaking water lines, including leaking automatic fire sprinkler heads; under lines on which water has condensed; under open stairwells; or under other sources of contamination.

(e) Food packages must be in good condition and protect the integrity of the contents so that the food is not exposed to adulteration or potential contaminants.

(f) Working containers holding food or food ingredients that are removed from their original packages, such as cooking oils, flour, herbs, potato flakes, salt, spices, and sugar, must be identified with the common name of the food. The labeling must be on the container or on a nondetachable lid. Those containers holding food that can be readily and unmistakably recognized, such as dry pasta, need not be
identified.

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

(h) Whole raw fruits or vegetables, cut raw vegetables such as celery or carrot sticks, cut potatoes, and tofu may be immersed in ice or water that is at a safe temperature.

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

(2) Packaged and unpackaged food must be protected from cross-contamination by:

(a) cleaning and sanitizing equipment and utensils as specified under ARM 37.110.215;

(b) storing food removed from its original container or package in a clean and sanitized covered container. Covers must be impervious and nonabsorbent, except that clean laundered linens or napkins may be used for lining or covering containers of bread or rolls. Quarters or sides of meat or whole and uncut processed meats may be hung uncovered on clean sanitized hooks if no food product is stored beneath the meat;

(c) cleaning hermetically sealed containers of food of visible soil before opening;

(d) storing damaged, spoiled, or recalled products being held for credit, redemption, or return in designated areas that are separated from food, equipment, utensils, linens, and single-service and single-use articles;

(e) separating fruits and vegetables, before they are washed as specified under ARM 37.110.207(3) from ready-to-eat food;

(f) separating raw animal foods during storage, preparation, holding, and display from raw ready-to-eat food, including other raw animal food such as fish for sushi or molluscan shellfish; other raw ready-to-eat food, such as vegetables; and cooked ready-to-eat food;

(g) separating types of raw animal foods from each other, such as beef, fish, lamb, pork, and poultry, during storage, preparation, holding, and display by any of the following methods:

(i) using separate equipment for each type;

(ii) arranging raw animal products by cooking temperature, with those products requiring lower cooking temperatures at the top and those products requiring higher cooking temperatures at the bottom;

(iii) arranging each type of food in equipment so that cross-contamination of one type with another is prevented; or

(iv) preparing each type of food at different times or in separate areas.
(3) Enough conveniently located refrigeration facilities or effectively insulated facilities must be provided to assure the maintenance of potentially hazardous food at 41°F (5°C) during storage except as specified in ARM 37.110.203(61). Each refrigerated facility storing potentially hazardous food must be provided with a numerically scaled indicating temperature measuring device, accurate to ±3°F (1.5°C), located to measure the air temperature in the warmest part of the facility and located to be easily readable. Recording temperature measuring devices, accurate to ±3°F (1.5°C) may be used in lieu of indicating temperature measuring devices.

(4) Frozen food must be kept frozen.

(5) Enough conveniently located hot food storage facilities must be provided to assure the maintenance of food at the required temperature during storage. Each hot food facility storing potentially hazardous food must be provided with a numerically scaled indicating temperature measuring device, accurate to ±3°F (1.5°C) located to measure the air temperature in the coolest part of the facility and located to be easily readable. Recording temperature measuring devices, accurate to ±3°F (1.5°C) may be used in lieu of indicating thermometers. Where it is impractical to install temperature measuring devices on equipment such as bainmaries, steam tables, steam kettles, heat lamps, cal-rod units, or insulated food transport carriers, a product temperature measuring device must be available and used to check internal food temperature.

(6) The internal temperature throughout potentially hazardous foods requiring hot storage must be 135°F (57.2°C) or above except during necessary periods of preparation. Potentially hazardous food to be transported must be held at a temperature of 135°F (57.2°C) or above unless maintained in accordance with (3) and (4) of this rule.

(7) 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 within its statutory authority to protect the public health. (History: Sec. 50-50-103, MCA; IMP,Sec.50-50-103,MCA; NEW, 1979 MAR p. 677, Eff. 7/13/79; AMD, 1985 MAR p. 928, Eff. 7/12/85; TRANS & AMD, 2000 MAR p. 3201, Eff. 11/23/00.)

37.110.207 FOOD PREPARATION

(1) Sinks used for the preparation of foods:

(a) must be cleaned and sanitized as required by ARM 37.110.215 immediately before beginning the preparation of the food; and

(b) may not be used for hand washing or waste water disposal.

(2) Food employees shall adhere to the requirements in ARM 37.110.210 in the preparation of food.

(3) Raw fruits and vegetables must be thoroughly washed in potable water to remove soil and other contaminants before being cut, combined with other ingredients, cooked, served, or offered for human consumption in ready-to-eat form. Fruits and vegetables may be washed by using chemicals approved by the EPA. Any sink used to wash, prepare, store, or soak food must be indirectly connected to the
(4) The following are requirements for the destruction of organisms of public health concern:

(a) Raw animal foods such as eggs, fish, poultry, meat, and foods containing these raw animal foods, must be cooked to heat all parts of the food as measured by temperature measuring devices for the specified times listed below:

<table>
<thead>
<tr>
<th>Item</th>
<th>Temperature</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fish and Meat</td>
<td>145°F (63°C)</td>
<td>for 15 sec</td>
</tr>
<tr>
<td>Shell eggs individually ordered for immediate service</td>
<td>145°F (63°C)</td>
<td>for 15 sec</td>
</tr>
<tr>
<td>Shell eggs prepared for other than individual order for immediate service</td>
<td>155°F (68°C)</td>
<td>for 15 sec</td>
</tr>
<tr>
<td>Pork products</td>
<td>145°F (63°C)</td>
<td>for 15 sec</td>
</tr>
<tr>
<td>Comminuted (ground) beef, pork and fish, exotic game, and injected meats (Choose any one)</td>
<td>145°F (63°C)</td>
<td>for 3 min for 1 min for 15 sec for &lt; 1 sec</td>
</tr>
<tr>
<td></td>
<td>150°F (66°C)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>155°F (68°C)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>158°F (70°C)</td>
<td></td>
</tr>
<tr>
<td>Poultry, wild game, stuffed fish, stuffed meat, stuffed pasta, stuffed poultry, stuffed ratites, or stuffing containing fish, meat, poultry, or ratites</td>
<td>165°F (74°C)</td>
<td>for 15 sec</td>
</tr>
</tbody>
</table>

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

(i) in an oven that is preheated to the temperature specified for the roast’s weight in the following chart and that is held at that temperature;
### Table: Oven Type and Roast Size Recommendations

<table>
<thead>
<tr>
<th>Oven type</th>
<th>Roast size: under 10 pounds</th>
<th>over 10 pounds</th>
</tr>
</thead>
<tbody>
<tr>
<td>Still dry oven</td>
<td>350°F (177°C)</td>
<td>250°F (121°C)</td>
</tr>
<tr>
<td>Convection oven</td>
<td>325°F (163°C)</td>
<td>250°F (121°C)</td>
</tr>
<tr>
<td>High humidity (&gt;90% for 1 hour); and</td>
<td>250°F (121°C)</td>
<td>250°F (121°C)</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Cooking temperature</th>
<th>holding time</th>
</tr>
</thead>
<tbody>
<tr>
<td>130°F (54°C)</td>
<td>121 minutes</td>
</tr>
<tr>
<td>132°F (56°C)</td>
<td>77 minutes</td>
</tr>
<tr>
<td>134°F (57°C)</td>
<td>47 minutes</td>
</tr>
<tr>
<td>136°F (58°C)</td>
<td>32 minutes</td>
</tr>
<tr>
<td>138°F (59°C)</td>
<td>19 minutes</td>
</tr>
<tr>
<td>140°F (60°C)</td>
<td>12 minutes</td>
</tr>
<tr>
<td>142°F (61°C)</td>
<td>8 minutes</td>
</tr>
<tr>
<td>144°F (62°C)</td>
<td>5 minutes</td>
</tr>
<tr>
<td>145°F (63°C)</td>
<td>3 minutes</td>
</tr>
</tbody>
</table>

(c) Subsections (4)(a) and (b) do not apply to raw animal foods such as eggs, fish, poultry, meat, and foods containing these raw or partially cooked animal foods, that are served or offered for sale in a ready-to-eat form upon consumer request.

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

(i) the food service establishment serves a population that is not a highly susceptible population; and

(ii) the steak is cooked on both the top and bottom to a surface temperature of 145°F (63°C) or above, and a cooked color change is achieved on all external surfaces.

(e) Fruits and vegetables that are cooked for hot holding must be cooked to a temperature of 135°F (57.2°C).
(5) Raw animal foods cooked in a microwave oven shall be:

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

(b) covered to retain surface moisture;

(c) heated to a temperature of at least 165°F (74°C) in all parts of the food; and

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

(6) Cooked and refrigerated food that is prepared for immediate service in response to an individual consumer order, such as a roast beef sandwich au jus may be served at any temperature.

(7) The cooling of potentially hazardous food must be accomplished in the following manner:

(a) Cooked potentially hazardous food must be cooled as a continuous process:

(i) from 135°F (57.2°C) to 70°F (21°C) within 2 hours; and

(ii) from 70°F (21°C) to 41°F (5°C), or below, within 4 hours, or 45°F (7°C) or below as provided in ARM 37.110.203(61).

(b) Potentially hazardous food must be cooled to 41°F (5°C) or below, except as specified in ARM 37.110.203(61), within 4 hours if prepared from ingredients at ambient temperatures, such as reconstituted foods and canned tuna.

(c) A potentially hazardous food received in compliance with laws allowing a temperature above 41°F (5°C) during shipment from the supplier must be cooled to 41°F (5°C) or below, or 45°F (7°C) or below, as provided in ARM 37.110.203(61) or to a temperature specified on the manufacturer’s label, within 4 hours.

(d) Cooling must be accomplished in accordance with the time and temperature criteria specified in (4)(a) through (c) of this rule using one or more of the following methods based on the type of food being cooled:

(i) placing the food in shallow pans;
(ii) separating the food into smaller or thinner portions;
(iii) using rapid cooling equipment;
(iv) stirring the food in a container placed in an ice water bath;
(v) using containers that facilitate heat transfer;
(vi) adding ice as an ingredient; or
(vii) other effective methods.

(e) When placed in cooling or cold holding equipment, food containers in which food is being cooled must be arranged in the equipment to provide maximum heat transfer through the container walls and must be loosely covered. However, food may be uncovered if it is protected from overhead contamination during the cooling period to facilitate heat transfer from the surface of the food.

(8) Reheating for hot holding must be done as follows:
(a) Except as specified in (4)(b) through (e), potentially hazardous food that is cooked, cooled, and reheated for hot holding must be reheated so that all parts of the food reach a temperature of at least 165°F (74°C) for 15 seconds.

(b) Potentially hazardous food reheated in a microwave oven for hot holding must be reheated so that all parts of the food reach a temperature of at least 165°F (74°C) and the food is rotated or stirred, covered, and allowed to stand covered for 2 minutes after reheating.

(c) Ready-to-eat food taken from a commercially processed, hermetically sealed container, or from an intact package from a food processing plant that is inspected by the plant, must be heated to a temperature of at least 140°F (60°C) for hot holding.

(d) Reheating for hot holding must be done rapidly and the time the food is between the temperature 41°F and 165°F may not exceed 2 hours.

(e) Remaining unsliced portions of roasts of beef that are cooked as specified under ARM 37.110.207(4)(b) may be reheated for hot holding using the oven parameters and minimum time and temperature conditions specified under ARM 37.110.207(4)(b).

(9) The following are approved methods of parasite destruction by freezing:

(a) Except as specified in (8)(b) of this rule, raw, raw-marinated, partially cooked, or marinated-partially cooked fish other than mollusk an shellfish that is served in ready-to-eat form must be frozen throughout to a temperature of:

(i) -4°F (-20°C) or below for 168 hours (7 days) in a freezer; or
(ii) -31°F (-35°C) or below for 15 hours in a blast freezer.

(b) If the fish are tuna of the species Thunnus alalunga, Thunnus albacares (yellow fin tuna), Thunnus atlanticus, Thunnus maccoyii (blue fin tuna, southern), Thunnus obesus (bigeye tuna), or Thunnus thynnus (blue fin tuna, northern), the fish may be served or sold in a raw, raw-marinated, or partially cooked ready-to-eat form without freezing as specified in (8)(a) of this rule.

(10) Potentially hazardous food may not be held at temperatures above 45°F (7°C) for refrigerated food, or below 135°F (57.2°C) for heated food, for more than:

(a) 4 hours, including the time needed for preparation for cooking; or
(b) the time specified in the cooling criteria in (7) of this rule.

(11) Potentially hazardous foods must be thawed:

(a) in refrigerated units at a temperature not to exceed 41°F (5°C), or as specified in ARM 37.110.203(61);

(b) under potable running water of a temperature of 70°F (22°C) or below, with sufficient water velocity to agitate and float off loose food particles into the overflow for a period of time that does not allow thawed portions of ready-to-eat food to rise above 45°F (5°C), or as specified in (9) of this rule;
(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. (12) Food must be protected from:

(a) contamination that may result from the addition of:

(i) unsafe or unapproved food or color additives; and
(ii) unsafe or unapproved levels of approved food and color additives;

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

(c) service or selling of food specified in (11)(b) of this rule that is treated with sulfiting agents before receipt by the food service establishment, except that grapes need not meet this subsection.

(History: Sec. 50-50-103, MCA; IMP, Sec. 50-50-103, MCA; NEW, 1979 MAR p. 677, Eff. 7/13/79; AMD, 1986 MAR p. 1076, Eff. 6/27/86; TRANS & AMD, 2000 MAR p. 3201, Eff. 11/23/00.)

37.110.208 FOOD DISPLAY AND SERVICE

(1) Cold potentially hazardous food must be kept at an internal temperature of 41°F (5°C), or as specified in ARM 37.110.203(61), or below, and hot potentially hazardous food must be kept at an internal temperature of 135°F (57.2°C) or above during display and service, except that rare roast beef shall be held for service at a temperature of at least 130°F (55°C).

(2) Ice for consumer use must be dispensed only by food employees with scoops, tongs, or other ice-self-dispensing utensils or through automatic self service ice-dispensing equipment. Ice-dispensing utensils must 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 must be stored in a way that protects them from contamination. Ice storage bins shall be drained through an air gap. Liquid water drain lines may not pass through an ice machine or ice storage bin unless the tubes are properly shielded or separated from the potable ice.

(3) Food must be protected from contamination by equipment, utensils, and wiping cloths by:

(a) preventing contact with wiping cloths that do not meet the requirements in ARM 37.110.215(6) through (8);

(b) preventing contact with surfaces of utensils and equipment that are not cleaned and sanitized;

(c) ensuring utensils are stored properly during pauses in food preparation or dispensing, as follows:

(i) except as specified in (3)(b), in the food with their handles above the top of the food and the container;

(ii) in food that is not potentially hazardous with their handles above the top of the food in containers or equipment that can be closed, such as bins of sugar, flour, or cinnamon; (iii) in
running water of sufficient velocity to flush particulates to the drain, if the utensils are used with moist food such as ice cream or mashed potatoes;

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

(v) cleaning, sanitizing, and air drying between uses.

(4) In equipment that dispenses or vends liquid food or ice in unpackaged form:

(a) The delivery tube, chute, orifice, and splash surfaces directly above the container receiving the food must be designed in a manner, such as with barriers, baffles, or drip aprons, so that drips from condensation and splash are diverted from the opening of the container receiving the food.

(b) The delivery tube, chute, and orifice must be protected from manual contact and be designed so that the delivery tube or chute and orifice are protected from dust, insects, rodents, and other contamination by a self-closing door if the equipment is:

(i) located in an outside area that does not afford the protection of an enclosure against rain, windblown debris, insects, rodents, and other contaminants; and

(ii) available for self-service during hours when it is not under the full-time supervision of a food employee.

(c) The dispensing equipment actuating lever or mechanism and filling device of consumer self-service beverage dispensing equipment must be designed to prevent contact with the lip contact surface of glasses or cups that are refillable.

(5) Molluscan shellfish life-support system display tanks that are used to store and display shellfish that are offered for human consumption must be operated and maintained to ensure that: (a) water used with fish other than molluscan shellfish does not flow into the molluscan tanks; (b) the safety and quality of the shellfish as they were received are not compromised by use of the tank; and (c) the identity of the source of the shell stock is retained as specified in ARM 37.110.204(3).

(6) Date marking and disposition of ready-to-eat potentially hazardous food must be handled in the following manner:

(a) Refrigerated, ready-to-eat, potentially hazardous food prepared and held for more than 24 hours in a food establishment must be clearly marked at the time of preparation to indicate the "sell by" date, "best if used by" date, or the date by which the food must be consumed which is, including the day of preparation:

(i) 7 calendar days or less from the day that the food is prepared, if the food is maintained at 41°F (5°C) or less; or

(ii) 4 calendar days or less from the day the food is prepared, if the food is maintained between 42° and 45°F (5.5° and 7°C).
(b) A container of refrigerated, ready-to-eat, potentially hazardous food prepared and packaged by a food manufacturing establishment must be clearly marked to indicate the date by which the food must be consumed:

(i) 7 calendar days or less after the original container is opened, if the food is maintained at 41°F (5°C) or less; or

(ii) 4 calendar days or less from the day the original container is opened, if the food is maintained between 42°F and 45°F (5.5°C and 7°C).

(c) Refrigerated, ready-to-eat, potentially hazardous food prepared in a food establishment and dispensed through a vending machine with an automatic shut-off control that is activated at a temperature of:

(i) 41°F (5°C) or below must be discarded if not sold within 7 days; or

(ii) between 42°F and 45°F (5.5°C and 7°C) must be discarded if not sold within 4 days.

(d) The requirements in (6)(a) and (b) of this rule do not apply to individual meal portions served or repackaged for sale from a bulk container upon a consumer's request.

(e) Subsection (6)(b) of this rule does not apply to whole, unsliced portions of a cured and processed food product with original casing maintained on the remaining portion, such as bologna, salami, or other sausage in a cellulose casing.

(7) Time is allowable as a public health control. (a) Time only, rather than time in conjunction with temperature, maybe used as the public health control for a working supply of potentially hazardous food before cooking or for ready-to-eat potentially hazardous food that is displayed or held for service for immediate consumption, if the following requirements are met:

(i) the food is marked or otherwise identified with the time within which it must be cooked, served, or discarded;

(ii) the food is served or discarded within 4 hours from the time when the food is removed from temperature control;

(iii) food in unmarked containers or packages, or for which the time expires, is discarded; and

(iv) written procedures are maintained in the food establishment and made available to the regulatory authority upon request to ensure compliance with (7)(a)(i) through (iii) of this rule and ARM 37.110.206 for food that is prepared, cooked, and refrigerated before time is used as a public health control. (b) Once time is implemented as a control measure for potentially hazardous food, no other measures may be substituted.

(8) Food on display for self-service by the consumer must be protected from contamination by:

(a) use of packaging; counter, service line, or salad bar food guards; display cases; or similarly effective means;

(b) providing suitable utensils or effective dispensing methods for self-service operations for ready-to-eat foods;
(c) protecting condiments by using:

(i) dispensers that are designed to provide protection;
(ii) food display units provided with proper dispensing utensils;
(iii) original containers designed for dispensing; or
(iv) individual packages or portions; and

(d) not allowing food that has been served or sold and in the possession of a consumer and that is unused or returned by the consumer to be offered again as food for human consumption. However, food that is not potentially hazardous, such as crackers and condiments, in an unopened original package and maintained in sound condition may be reserved or resold to that population that is not classified as highly susceptible;

(e) not allowing self-service consumers to use soiled tableware, including single-service articles, to obtain additional food from display and serving equipment. However, cups and glasses may be reused if refilling is a contamination free process. A sign similar to the one shown must be posted to inform the consumer of this requirement: "CONSUMER: Please obtain clean tableware before obtaining additional food."

(History: Sec. 50-50-103, MCA; IMP, Sec. 50-50-103, MCA; NEW, 1979 MAR p. 677, Eff. 7/13/79; TRANS & AMD, 2000 MAR p. 3201, Eff. 11/23/00.)

37.110.209 FOOD TRANSPORTATION

(1) During transportation, food and food utensils must 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 over wrapped 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 must meet the requirements of this subchapter relating to food protection and food storage.

(History: 50-50-103, MCA; IMP, Sec. 50-50-103, MCA; NEW, 1979 MAR p. 677, Eff. 7/13/79; TRANS & AMD, 2000 MAR p. 3201, Eff. 11/23/00.)

37.110.212 MATERIALS FOR EQUIPMENT AND UTENSILS

(1) Equipment and utensils must be designed and constructed to be durable and to retain their characteristic qualities under normal use conditions.

(2) Cast iron may not be used for utensils or food contact surfaces of equipment except as a surface for cooking. However, cast iron may be used in utensils for serving food if the utensils are used only as part of an uninterrupted process from cooking through service.

(3) If solder is used, it must be composed of safe materials and be corrosion resistant. Solder and flux containing lead in excess of 0.2% may not be used on surfaces that contact food.

(4) Use of wood is limited as follows:

(a) Except as specified in (4)(b) through (e) of this rule, wood and wood wicker may not be used as a food contact surface.
(b) Hard maple or an equivalently hard, close-grained wood may be used for:

(i) cutting boards; cutting blocks; bakers’ tables; and utensils such as rolling pins, doughnut dowels, salad bowls, and non-single-service chopsticks; and

(ii) wooden paddles used in confectionery operations for Pressure scraping kettles when manually preparing confections at a temperature of 230°F (110°C) or above.

(c) Whole uncut, raw fruits and vegetables, and nuts in the shell may be kept in the wood shipping containers in which they were received, until the fruits, vegetables, or nuts are used.

(d) If the nature of the food requires removal of rinds, peels, husks, or shells before consumption, the whole, uncut, raw food may be kept in:

(i) untreated wood containers; or
(ii) treated wood containers if the containers are treated with a preservative that meets the requirements specified in 21 CFR 178.3800.

(e) Wood may be used for single-service articles, such as chopsticks, stirrers and ice cream spoons.
(5) Cutting surfaces such as cutting blocks and boards that are subject to scratching and scoring must be resurfaced if they can no longer be effectively cleaned and sanitized, or be discarded if they are not capable of being sanitized.

(6) Safe plastic or safe rubber or safe rubber-like materials that are resistant under normal conditions of use to scratching, scoring, decomposition, crazing, chipping and distortion, and that are of sufficient weight and thickness to permit cleaning and sanitizing by normal dishwashing methods are permitted for repeated use.

(7) Mollusk and crustacea shells may be used only once as a serving container. Further re-use of such shells for food service is prohibited.

(8) Re-use of single-service articles is prohibited.

(9) Ceramic, china, crystal utensils, and decorative utensils, such as hand painted ceramic or china, that are used in contact with food must be lead-free or contain levels of lead not exceeding the following limits:

<table>
<thead>
<tr>
<th>Utensil Category</th>
<th>Description</th>
<th>Maximum Lead</th>
</tr>
</thead>
<tbody>
<tr>
<td>hot beverage mugs</td>
<td>coffee mugs</td>
<td>0.5 mg/L</td>
</tr>
<tr>
<td>large hollowware</td>
<td>bowls &gt; 1.16 Qt/[1.1L]</td>
<td>1 mg/L</td>
</tr>
<tr>
<td>small hollowware</td>
<td>bowls &lt; 1/16 Qt/[1.1L]</td>
<td>2.0 mg/L</td>
</tr>
<tr>
<td>flat utensils</td>
<td>plates, saucers</td>
<td>3.0 mg/L</td>
</tr>
</tbody>
</table>

(10) Copper and copper alloys such as brass may not be used in contact with a food that has a pH below 6 such as vinegar, fruit juice, or wine; and may not be used for a fitting or tubing installed between a backflow prevention device and a carbonator.

(11) Galvanized metal may not be used for utensils or food contact surfaces of equipment that are used for beverages, acidic food, and moist food.

(History: Sec. 50-50-103, MCA; IMP, Sec. 50-50-103, MCA; NEW, 1979 MAR p. 677, Eff. 7/13/79; TRANS & AMD, 2000 MAR p. 3201, Eff. 11/23/00.)

37.110.213 EQUIPMENT AND UTENSIL DESIGN AND FABRICATION

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

(2) Food contact surfaces must 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 must 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 must be minimized.

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

(4) Tubing and cold plates conveying beverages or beverage ingredients to dispensing heads may be in contact with stored ice provided 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 must not pass through the ice machine or the ice storage bin unless the tubes are properly shielded or separated from the potable ice.

(5) Sinks and drainboards must be self-draining.

(6) Unless designed for in-place cleaning, food contact surfaces must be accessible for cleaning and inspection:

(a) without being disassembled;
(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) Equipment intended for in-place cleaning must be designed and fabricated so 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; and

(c) the system is self-draining or capable of being completely evacuated.

(8) Fixed equipment designed and fabricated to be cleaned and sanitized by pressure spray methods must have sealed electrical wiring, switches, and connections.

(9) Temperature measuring devices are required in all food establishments and must meet the following requirements:

(a) may not have sensors or stems constructed of glass, except that temperature measuring devices with glass sensors or stems that are encased in a shatterproof coating, such as candy thermometers, may be used;

(b) must have a numerical scale, printed record, or digital readout in increments no greater than 2°F (1°C);

(c) must be designed to be easily readable;
(d) devices that are used to check food temperatures must be scaled only in Celsius or scaled only in Fahrenheit or dually scaled in Celsius and Fahrenheit and must be accurate to ±2°F (±1°C);

(e) devices that are used to measure ambient air and water temperature that are scaled in Celsius or dually scaled in Celsius and Fahrenheit must be designed to be easily readable and accurate to ±3°F (±1.5°C) at the use range;

(f) in a mechanically refrigerated or hot food storage unit, the sensor of a temperature measuring device must be located to measure the air temperature in the warmest part of a mechanically refrigerated unit and in the coolest part of a hot food storage unit;

(g) cold or hot holding equipment used for storing or displaying potentially hazardous food must be designed to include and must be equipped with at least one integral or permanently affixed temperature measuring device that is located to allow easy viewing of the device's temperature display; and

(h) subsection

(9) does not apply to equipment such as heat lamps, cold plates, bainsmarie, steam tables, insulated food transport containers, and salad bars when the placement of a temperature measuring device is not a practical means for measuring the ambient air surrounding the food because of the design, type, and use of the equipment.

(10) Surfaces of equipment not intended for contact with food, but which are exposed to splash or food debris or which otherwise require frequent cleaning must be designed and fabricated to be smooth, washable, free of unnecessary ledges, projections, or crevices, and readily accessible for cleaning, and must be of such material and in such repair as to be easily maintained in a clean and sanitary condition. Unfinished wood is not acceptable as a non-food contact surface in areas utilized for food preparation, equipment, or utensil washing.

(11) Hoods must be installed at or above all commercial type deep fat fryers, broilers, fry grills, steam-jacketed kettles, hot-top ranges, ovens, barbecues, rotisseries, dishwashing machines, and similar equipment which produce comparable amounts of steam, smoke, grease, or heat.

(12) Ventilation hoods and devices must be designed to prevent grease or condensation from collecting on walls and ceilings, and from dropping into foods or onto food contact surfaces.

(13) Filters or other grease extracting equipment must be readily removable for cleaning and replacement if not designed to be cleaned in place.

(14) Hoods, filters, hood fire extinguishing equipment and other ventilation system items must be kept clean.

(15) Equipment that was installed in a food service establishment prior to the effective date of this rule, and that does not fully meet all of the design and fabrication requirements of this rule, will 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 non-toxic. Replacement equipment and new equipment acquired after the effective date of this rule must meet the requirements of this subchapter.
12-006.11C Food Supply: The facility must maintain supplies of staple foods for a minimum of a seven day period and perishable foods for a three day period on the premises. Food must be procured from sources approved or considered satisfactory by federal, state, or local authorities.

12-006.11D Food Preparation: The facility must ensure foods are prepared by methods that conserve the food’s nutritive value, flavor, and appearance. Foods must be attractively served at the proper temperatures. Recipe resources must be available.

12-006.17C Disease Transmission: The facility must prohibit employees known to be infected with any disease in communicable form to work in any area of the facility in a capacity in which there is a likelihood of the employee transmitting disease to residents or to other facility personnel, food, or food contact surfaces with pathogenic organisms.

12-007.01A Dietary: If food preparation is provided on site, the facility must dedicate space and equipment for the preparation of meals. Food service physical environment and equipment must comply with the Food Code, except when used only for training or activity purposes.

12-007.03S Finishes: The facility must provide washable room finishes in isolation rooms, clean workrooms, and food preparation areas with smooth non-absorptive surfaces that are not physically affected by routine housekeeping cleaning solutions and methods. Acoustic lay-in ceilings, if used, must not interfere with infection control. Perforated, tegular, serrated cut, or highly textured tiles are not acceptable.

12-007.04E Electrical System: The facility must have an electrical system that has sufficient capacity to maintain care and treatment services provided. The electrical system must be properly grounded.

12-007.04E2 The facility must provide minimum illumination levels as follows:

5. Food preparation areas: 40 foot candles; Light levels are measured at 30 inches above the floor in multiple areas in the room being evaluated and the readings are averaged.

NAC 449.74525 Dietary services. (NRS 449.037)
4. A facility shall provide to each patient in the facility:

(a) Food that is prepared to conserve the nutritional value and flavor of the food.

(b) Food that is nourishing, palatable, attractive and served at the proper temperature.

(c) A well-balanced diet that meets the daily nutritional and special dietary needs of the patient.

(d) Who refuses the food that is regularly served by the facility, a substitute of similar nutritional value.

NAC 449.692 Sanitary Requirements. (NRS 449.037)

2. The quality and type of food service equipment must be appropriate to the type of food service program and approved by fire and health authorities.

NAC 449.716 Dietary Services for Intermediate Care Facilities (NRS 449.037)

1. At least three meals or their equivalent must be served daily at regular times with not more than 14 hours between a substantial evening meal and breakfast. A second serving must be provided for those residents who desire one.

2. Therapeutic diet menus must be planned by a qualified dietitian or be reviewed and approved by the attending or staff physician.

3. Menus must be planned and followed to meet the nutritional needs of the residents in accordance with the orders of a physician and, to the extent medically possible, in accordance with the recommended dietary allowances of the Food and Nutrition Board of the Institute of Medicine, National Academy of Sciences. Menus must be in writing, planned at least a week in advance, dated, posted and kept on file for 90 days. Any substitutions on a menu must be noted on the written menu so that the menu on file reflects what was actually served.

4. Adequate facilities and equipment for the preparation, serving, refrigeration and storage of food in a sanitary manner must be provided.

NAC 449.7334 Doors, windows, ceilings, walls and floors. (NRS 449.037)

8. Ceilings must be easily cleaned. Areas for preparing food must have ceilings which cover all overhead piping and ductwork.

(Added to NAC by Bd. of Health by R066-04, eff. 8-4-2004)

NAC 449.74525 Dietary Services for Skilled Nursing Facilities (NRS 449.037)

1. A facility for skilled nursing shall employ full time, part time or as a consultant, a person who is registered as a dietitian by the Commission on Dietetic Registration of the American Dietetic Association. If a registered dietitian is not employed full time, the facility shall designate a person to serve as the director of food service who receives frequently scheduled consultations from a registered dietitian.

2. A facility shall employ an adequate number of qualified and competent personnel to provide food
service to the patients in the facility.

NEW HAMPSHIRE

He-P 803.20 Food Services

(l) For the purposes of emergency preparedness, each licensee shall have the following supplies of foods maintained on the premises for the average daily census:

(1) Enough refrigerated, perishable foods for a 3-day period;
(2) Enough non-perishable foods for a 7-day period; and
(3) Enough drinking water for a 3-day period.

(m) All food and drink provided to the residents shall be:

(1) Safe for human consumption and free of spoilage or other contamination;
(2) Stored, prepared and served in a manner consistent with safe food handling practices for the prevention of food borne illnesses, including those set forth in He-P 2300;
(3) Served at the proper temperatures;
(4) Labeled, dated and stored at proper temperatures; and
(5) Stored so as to protect it from dust, insects, rodents, overhead leakage, unnecessary handling and all other sources of contamination.

151-F:4 Authority of Receiver; Duties; Closure of Facility.

III. The receiver shall apply the current revenues of the facility to current operating expenses and, subject to the following provisions, to debts incurred by the licensee prior to the appointment of the receiver. The receiver shall ask the court for direction in the treatment of debts incurred prior to this appointment where such debts appear extraordinary, of questionable validity, or unrelated to the normal and expected maintenance and operation of the facility, or where payment of such debts will interfere with the purposes of the receivership. Priority shall be given by the receiver to expenditures for current, direct resident care, including nursing care, medications, social services, dietary services, and housekeeping.

NEW JERSEY

8:39-17.2 Mandatory policies and procedures for dietary services

...(g) All food service facilities shall operate with safe food handling practices in accordance with Chapter XII of the New Jersey Sanitary Code, N.J.A.C. 8:24.
8:39-17.4 Mandatory resident dietary services

(a) Each resident shall receive a diet which:

...2. Is served in the proper consistency and at the proper temperature.

NEW MEXICO

Downloaded January 2011

7.9.2.52 DIETARY SERVICE:

...E. MEAL SERVICE

...(4) Re-service: Food served to a resident in an unopened manufacturer’s package may not be reserved unless the package remains unopened and maintained at the proper temperature.

(5) Temperature: Food shall be served and maintained at proper temperatures, according to standards established by Environmental Improvement Division.

7.9.2.53 FOOD SUPPLIES AND PREPARATION:

B. PREPARATION: Food shall be cleaned and prepared by methods that conserve nutritive value, flavor and appearance. Food shall be cut, chopped, or ground as needed for individual residents.

C. MILK: Only pasteurized fluid milk which is certified Grade A shall be used for beverages. Powdered milk may be used for cooking if it meets Grade A standards or is heated to a temperature of 165 degrees Fahrenheit during cooking.

B. STORAGE AND HANDLING OF FOOD:

(1) Food shall be stored, prepared, distributed, and served under sanitary conditions which prevent contamination.

(2) All readily perishable food and drink, except when being prepared or served, shall be kept in a refrigerator which shall have a temperature maintained at or below forty (40) degrees Fahrenheit.

NEW YORK

Downloaded January 2011

Section 415.14 - Dietary services

...(d) Food. Each resident shall receive and the facility shall provide:
(1) food prepared by methods that conserve nutritive value, flavor and appearances;
(2) food that is palatable, attractive, and at the proper temperature;
(3) food prepared in a form designed to meet individual needs; and
(4) substitutes offered of similar nutritive value to residents who refuse food served.

(h) Sanitary conditions. The facility shall store, prepare, distribute and serve food under sanitary
conditions; and in accordance with the sanitary requirements of Part 14 (Service Food Establishments)
of Chapter I (State Sanitary Code) of this Title.

...(i) Kosher food. The facility shall provide, as part of the basic services, kosher food or food
products prepared in accordance with the Hebrew orthodox religious requirements when the
resident, as a matter of religious belief, desires to observe Jewish dietary laws; and shall

(1) establish a plan and procedure for obtaining, preparing and serving kosher foods and food
products in accordance with Hebrew Orthodox religious requirements;

(2) incorporate the provision of kosher food and food products prepared in accordance with
Hebrew Orthodox religious requirements into the resident's comprehensive care plan; and

(3) assure that employees who are involved with such plan of care are trained in the procedures
that satisfy Hebrew Orthodox dietary requirements.

NORTH CAROLINA

Downloaded January 2011

10A NCAC 13D.2701 PROVISION OF NUTRITION AND DIETETIC SERVICES

...(g) Food must be prepared to conserve its nutritive value and appearance.

(h) Food shall be served at the preferred temperature as discerned by the resident and customary
practice, in a form to meet the patient's individual needs and with assistive devices as dictated by the
patient's needs. Hot foods shall leave the kitchen (or steam table) above 140 degrees F; and cold
foods below 41 degrees F; and freezer temperatures at 0 degrees F or below.

(i) If patients require assistance in eating, food shall be maintained at the appropriate temperature
until assistance is provided.

NORTH DAKOTA

Downloaded January 2011
Dietary services.

Dietary services must include:

...6. Providing each resident with food prepared by methods that conserve nutritive value, flavor, and appearance. The food must be attractively served at the proper temperatures and in a form to meet individual needs. Equipment must be provided and procedures established to:

a. Maintain hot food above one hundred forty degrees Fahrenheit [60 degrees Celsius] during dishing.

b. Ensure that cold foods leave the kitchen at no more than forty-five degrees Fahrenheit [7.22 degrees Celsius].

...8. Facilities for the general dietary needs of the residents, and for the maintenance of sanitary conditions in the storage, preparation, service and distribution of food.

OHIO

3701-17-18 Food and nutrition.

A) Each nursing home shall have a kitchen and other food service facilities which are adequate for preparing and serving appetizing food for all residents. The nursing home shall develop and implement a policy addressing its method for accommodating religious, ethnic and cultural and personal preferences.

...(D) Each nursing home shall maintain at all times sufficient food supplies for residents. The home shall maintain at least two days’ supply of perishable food items and at least one week’s supply of staple food items. The amount of such supplies shall be based on the number of meals that the nursing home provides and the nursing home’s census.

F) Each nursing home shall provide nourishing, palatable and attractive meals that provide the recommended dietary allowances of the “Food and Nutrition Board” of the “National Academy of Sciences”. Food shall vary in texture, color and seasonal items. The food shall be prepared and served in a form that meets the resident’s needs based on the assessment conducted pursuant to rule 3701-17-10 of the Administrative Code

(G) Safe, fresh, and palatable drinking water shall be accessible for residents at all times.

(J) The nursing home shall store, prepare, distribute and serve food under sanitary conditions and in a manner that protects it against contamination and spoilage in accordance with food service requirements of Chapter 3717-1 of the Administrative Code.
310:675-9-4.1. Supplies and equipment

... (b) The minimum level of supplies including but not limited to food and other perishables is a three (3) day supply. [Source: Added at 9 OkReg3163, eff 7-1-92 (emergency); Added at 10OkReg 1639, eff 6-1-93; Amended at 20 Ok Reg 2399, eff [7-11-03]

310:675-5-9. Dietary facilities

Shall be provided in such size as required to implement the type of food service system selected:

1) Control station for receiving food supplies.

2) Storage space for four (4) days’ supply including cold storage.

3) Food preparation facilities as required by program. Conventional food preparation systems require space and equipment for preparing, cooking, and baking. Convenience food service systems such as frozen prepared meals, bulk packaged entrees, individual packaged portions, or systems using contractual commissary services will require space and equipment for thawing, portioning, cooking, and/or baking.

4) Handwashing facility(ies) in the food preparation Area.

5) Resident meal service space including facilities for tray assembly.

...14) Self-dispensing ice making facilities. May be in area separate from food preparation area but must be easily cleanable and convenient to dietary facilities. Bulk ice dispensing units must be accessible only to authorized staff members.

310:675-9-13.1. Food storage, supply and sanitation

(a) Food shall be stored, prepared and served in accordance with Chapter 257 of this Title (relating to food service establishments) with the following additional requirements.

(b) Ice machines available to the residents, or the public, shall be a dispenser type, or have a locking enclosure.
(c) A whole, intact, fruit or vegetable is an approved food source. The food supply shall be sufficient in quantity and variety to prepare menus for three (3) days. Leftovers that are potentially hazardous foods shall be used, or disposed of, within twenty-four (24) hours. Non-potentially hazardous leftovers that have been heated or cooked may be refrigerated for up to forty-eight (48) hours.

(d) Milk, milk products and eggs.

(1) Only grade A pasteurized fluid milk, as defined by the Oklahoma Grade A Milk and Milk Products Act, Title 2 O.S. §7-401 through 2 O.S. §7-421, shall be used for beverage and shall be served directly into a glass from a milk dispenser or container.

(2) Powdered or evaporated milk products approved under the U.S. Department of Health and Human Services' Grade "A" Pasteurized Milk Ordinance (2003 Revision), may be used only as additives in cooked foods. This does not include the addition of powdered or evaporated milk products to milk or water as a milk for drinking purposes. Powdered or evaporated milk products may be used in instant desserts and whipped products, or for cooking. When foods, in which powdered or evaporated milk has been added, are not cooked, the foods shall be consumed within twenty-four (24) hours.

(3) Milk for drinking shall be stored at a temperature of 41° or below and shall not be stored in a frozen state.

(4) Only clean, whole eggs with shell intact, pasteurized liquid, frozen, dry eggs, egg products and commercially prepared and packaged hardboiled eggs may be used. All eggs shall be thoroughly cooked except pasteurized egg products or pasteurized in-shell eggs maybe used in place of pooled eggs or raw or undercooked eggs.

(e) Applicability. This section shall only apply to food prepared or served by the facility, within the licensed facility. [Source: Added at 9 OkReg3163, eff 7-1-92 (emergency); Added at 10OkReg 1639, eff 6-1-93;Amended at 24 Ok Reg 2030, eff 6-25-071;Amended at 25 Ok Reg 2482, eff 7-11-08]

a) Food shall be stored, prepared and served in accordance with Chapter 255 of this Title with the following additional requirements.

1) All staff in the food service area shall use hair nets or caps.
2) Hot foods shall be served at a palatable temperature range of 110° - 120° F (43.3° - 48.8° C.)

b) All ice, used in food or drinks, shall be from a satisfactory source, and handled and dispensed in a sanitary manner. Ice machines available to the residents, or the public, shall be a dispenser type, or have a locking enclosure.

c) All food supplies shall be from approved sources. Damaged merchandise or home processed foods shall not be used. The food supply shall be sufficient in quantity and variety to prepare three days menu. Leftovers that are potentially hazardous foods shall be used, or disposed of, within twenty-four hours. Non-potentially hazardous leftovers that have been heated or cooked may be refrigerated for up to forty-eight hours.

d) Milk, milk products and eggs.
1) Only grade A pasteurized fluid milk, as defined by the Oklahoma Grade A Milk and Milk Products Act, shall be used for beverage and shall be served directly into a glass from a milk dispenser or container.

2) Powdered or evaporated milk products approved by the U.S. Department of Health and Human Services may be used only as additives in cooked foods. This does not include the addition of powdered or evaporated milk products to milk or water as a milk for drinking purposes. Powdered or evaporated milk products may be used in instant desserts and whipped products, or for cooking. When foods, in which powdered or evaporated milk has been added, are not cooked, the foods shall be consumed within twenty-four hours.

3) Milk for drinking shall be stored at a temperature of 35° F. (1.6° C.) to 40° F. (4.4° C.) and shall not be stored in a frozen state.

4) Only clean, whole eggs with shell intact, pasteurized liquid, frozen, dry eggs, egg products and commercially prepared and packaged hard boiled eggs may be used. All eggs shall be thoroughly cooked.

f) Kitchen room temperature. The maximum room temperature in the food preparation area shall not exceed 90° F. (32.2° C.)

OREGON

411-086-0250 Dietary Services

(Effective 08/01/04)

1) DIETARY SERVICES DEPARTMENT.

The facility shall have a dietary services department, which complies with the Food Sanitation Rules, Oregon Administrative Rules Chapter 333, Divisions 150 through 156.

a) Admittance to the kitchen shall be restricted to those who must enter to perform their duties, to government inspectors, or for peer review.

b) Written procedures for cleaning equipment and work areas shall be prepared and enforced.

c) Foods shall be protected from contamination during transportation.

d) There shall be a minimum of one week supply of staple foods and two-day supply of perishable foods on the premises.

...5) FOOD PREPARATION AND SERVICE.
a) Foods shall be prepared by methods which conserve nutritive value, flavor, and appearance. A file of recipes adjusted to appropriate yield shall be maintained.

b) Foods shall be attractively served in a form cut, chopped, ground, or pureed to meet individual needs and delivered to residents at customarily acceptable temperatures.

c) Residents requiring assistance with feeding shall receive timely assistance while food is at customarily acceptable temperatures.

d) An identification system shall be established to ensure that each resident receives diet as ordered.

411-087-0200 Dietary Services (Effective 1/1/92)

...2) FOOD PREPARATION AREAS. The dietary services area shall include:

a) Space and equipment for preparing, cooking, and baking;

b) Ice making equipment which is easily cleanable. All ice dispensing equipment which is not in the dietary services area but is accessible to residents shall be self-dispensing;

c) Space for tray assembly and distribution;

d) Handwash sink; and

e) Design shall provide for flow of clean items/food and soiled items/food in a manner which avoids potential for contamination.

(3) FOOD RECEIVING, STORAGE and OTHER WORK AREAS. The dietary services area shall include the following which shall not be in the food preparation area:

a) Storage space for 7 days' supply including cold storage for 2 days' food needs;

b) An area designated for receiving food supplies;

PENNSYLVANIA

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§ 211.6. Dietary services.

...b) Sufficient food to meet the nutritional needs of residents shall be prepared as planned for each meal. There shall be at least 3 days' supply of food available in storage in the facility at all times.

§ 207.4. Ice containers and storage.

Ice storage containers shall be kept clean, and ice shall be handled in a sanitary manner to prevent contamination.

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§ 205.25. Kitchen.

a) There shall be at least one kitchen large enough to meet the needs of the facility.
b) A service pantry shall be provided for each nursing unit. The pantry shall contain a refrigerator, device for heating food, sink, counter and cabinets. For existing facilities, a service pantry shall be provided for a nursing unit unless the kitchen is sufficiently close for practical needs and has been approved by the Department.

RHODE ISLAND

Section 27.0 Dietetic Services

27.4 Adequate space, equipment and supplies shall be provided for the efficient, safe and sanitary receiving, storage, refrigeration, preparation and service of food and other related aspects of the food service operation in accordance with reference 10.

27.5 Policies and procedures shall be established for the dietetic service, pertaining to but not limited to the following:

a) responsibilities and functions of personnel;
b) standards for nutritional care in accordance with reference 12;
c) alterations or modifications to diet orders or schedules;
d) food purchasing storage, preparation and service;
e) safety and sanitation relative to personnel and equipment in accordance with reference 10; and
f) ancillary dietary services, including food storage and preparation in satellite kitchens and vending operations in accordance with reference 10; and

g) a plan to include alternate methods and procedures for food preparation and service, including provisions for potable water, to be used in emergencies.

27.6 All facilities shall provide sufficient and adequately trained supportive personnel, competent to carry out the functions of the dietetic services.

...b) Those employees involved in direct preparation of food (as opposed to distribution of food, dishwashing, etc.) shall not be involved in resident care.

c) Housekeeping and nursing personnel may assist in food distribution, but not food preparation. Careful hand washing shall be done prior to assisting in food distribution.

27.7 The facility's food service operation shall comply with all appropriate standards of reference 10.

a) Diet kitchens, nourishment stations, and any other related areas shall be the responsibility of the dietetic service.
25.12 Foods shall be prepared by methods that conserve nutritive value, flavor and appearance, and shall be prepared and served at proper temperatures and in a form to meet individual needs. Food substitutes of similar nutritive value shall be offered when residents refuse foods served for good reason.

...c) There shall be a supply of staple foods for a minimum of seven (7) days and of perishable foods for a minimum of two days in the facility.

SOUTH CAROLINA

1401. General (II)

C. If food is prepared at a central kitchen and delivered to separate facilities or separate buildings and/or floors of the same facility, provisions shall be made for proper maintenance of food temperatures and a sanitary mode of transportation that are approved by the Division of Health Licensing.

D. Food shall be prepared by methods that conserve the nutritive value, flavor and appearance. The food shall be palatable, properly prepared, and sufficient in quantity and quality to meet the daily nutritional needs of the residents in accordance with written dietary policies and procedures.

... F. Nourishment stations, if provided, shall contain a hand washing sink equipped for hand washing, equipment for serving nourishment between scheduled meals, refrigerator, and storage cabinets.

G. At least one (1) dietary refrigerator shall be provided on each resident floor and shall have a thermometer accurate to plus or minus three (3) degrees Fahrenheit. In addition, if a refrigerator(s) is in a resident room for food storage, the same thermometer requirement applies.

H. Medications, nursing supplies, or biologicals shall not be stored in the dietary department or any refrigerator or storage area utilized by the dietary department.

I. The preparation of meals shall only be conducted in areas of the facility that have been approved by the Department. Extended operations of a facility’s meal service program shall not be located in rooms used for other purposes, e.g., sleeping, living, laundry.

1402. Food and Food Storage (II)

A. The storage, preparation, serving, transportation of food, and the sources from which food is obtained shall be in accordance with R.61-25.

B. Home canned food shall be prohibited.
C. At least a three-day supply of staple foods and a two-day supply of perishable foods shall be maintained on the premises. Supplies shall be appropriate to meet the requirements of the menu and special or therapeutic diets.

D. Food stored in refrigerators and freezers shall be covered, labeled, and dated. Prepared food shall not be stored in the refrigerator for more than three (3) days.

1404. Meals and Services (II)

...F. Special attention shall be given to preparation and prompt serving in order to maintain correct food temperatures, in accordance with R.61-25, for serving at the table or resident room (tray service).

(e) Food Supplies: (I)

(1) All food in the facility shall be from food sources approved or considered satisfactory by the health authority, and shall be clean, wholesome, free from spoilage, free from adulteration and misbranding, and safe for human consumption.

(2) Grade "A" pasteurized fluid milk and fluid milk products, Grade "A"  pasteurized dry milk or evaporated milk shall be used or served. Manufacturer’s pasteurized dry milk standards for mixing individual servings must be observed.

(f) Food Protection: (II)

(1) While being stored, prepared, served or transported, all food shall be protected from contamination and spoilage. Each cold storage facility used for the storage of perishable food shall be provided with an approved indicating thermometer accurate to + 2 degrees Fahrenheit.

(2) Temperatures:

(a) All potentially hazardous food shall be maintained at safe temperatures (45 degrees Fahrenheit or below, or 140 degrees Fahrenheit or above), except during necessary periods of preparation and service.

(b) All perishable food shall be protected from spoilage by storage at proper temperatures.

(c) Frozen food shall be kept at such temperatures so as to remain frozen. Potentially hazardous frozen food shall be thawed at refrigerator temperatures of 45 degrees Fahrenheit or below; or thawed under cool, potable running water (70 degrees Fahrenheit or below); or quick-thawed as part of the cooking process.

(d) Poultry and stuffings shall be heated throughout to a minimum temperature of 165 degrees Fahrenheit, with no interruption of the initial cooking process.

(e) Pork and pork products which have not been specially treated to destroy trichinae shall be thoroughly cooked to heat all parts of the meat to at least 150 degrees Fahrenheit.

(3) Storage:
(a) Containers of food shall be stored above the floor on clean surfaces, in such a manner as to be protected from splash and other contamination. 
(b) Food not subject to further washing or cooking before serving shall be stored in such a manner as to be protected against contamination from food requiring washing or cooking.

(7) Preparation and Serving of Food 

(a) Food shall be prepared by methods that conserve the nutritive value, flavor and appearance. The food shall be palatable, properly prepared, and sufficient in quantity and quality to meet the nutritional needs of the residents. (II)

(b) A file of tested recipes, adjusted to appropriate yield, shall correspond to items on the posted menus.

(e) Preparation: (II)

(1) Suitable utensils shall be provided and used to minimize handling of food at all points where food is prepared.

(2) Raw fruits and vegetables shall be washed before use.

(3) Individual portions of food, once served to the resident shall not be served again.

(4) The use of home canned food is not allowed.

(8) Dietary and Food Sanitation 

(a) Sanitary conditions shall be maintained in all aspects of the storage, preparation and distribution of food. (II)

(b) The facility shall be in compliance with local health codes and Food Service Establishments, Regulation 61-25.

(c) Written procedures for cleaning, disinfecting and sanitizing all equipment and work areas shall be developed and followed.

(d) Written reports of inspections by State and local health authorities shall be kept on file in the facility with notations made of actions taken by the facility to comply with any recommendations.

(e) Drugs shall not be stored in the dietary department or any refrigerator or storage area utilized by the dietary department. (See Section F.[3][c].) (II)

(f) All walk-in refrigerators and freezers must be equipped with opening devices which will permit opening of the door from the inside at all times.

(13) Refrigeration, Ice and Drinking Water

At least one functional refrigerator shall be provided on each resident floor. Ice that meets the approval of the Department shall be available, and precautions shall be taken to prevent contamination. Ice delivered to resident areas in bulk shall be in nonporous, easily cleanable, covered containers. The ice scoop shall be stored in a sanitary manner with the handle at no time coming in contact with the ice. Ice
scoop and holding tray shall be sanitized daily. Clean sanitary drinking water shall be available and accessible in adequate amounts at all times. (II)

(c) Hoods, Vents and Ducts:

(1) Hoods, vents, ducts and removable filters installed over cook stoves and ranges, shall be maintained clean and free of grease accumulations.

(2) An exhaust fan of the proper size shall be installed over the cooking unit and vented to the outside. (I)

SOUTH DAKOTA

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44:04:07:02.01. Food Safety.

The dietetic service must ensure that food is prepared and served in a manner that is safe and palatable. Hot food must be held at or above 140 degrees Fahrenheit (60 degrees Centigrade) and served promptly after being removed from the temperature holding device. Cold foods must be held at or below 41 degrees Fahrenheit (5 degrees centigrade) and served promptly after being removed from the holding device. Milk and milk products must be from a source approved by the state Department of Agriculture. Fluid milk must be Grade A, and only fluid milk may be used for drinking purposes. Grade A pasteurized dried milk may be used to fortify nutritional supplements only if consumed within four hours of preparation.

44:04:07:02.04. Food supply.

An on-site supply of nonperishable foods adequate to meet the requirements of planned menus for three days must be maintained.

44:04:07:05. Preparation of food.

Food must be wholesome and prepared by methods that conserve nutritive value, flavor, and appearance and must be attractively served at the temperature applicable to the particular food in a form to meet the individual patient's or resident's needs.

44:04:07:03. Written dietetic policies.

There must be written policies and procedures that govern all dietetic activities. Policies must include food handling procedures, length of duration for leftovers, and opened packages of
commercially prepared food in accordance with chapter 44:02:07, the Food Service Code. Policies and procedures must be reviewed yearly and revised as necessary.

TENNESSEE

1200-8-6-.06 BASIC SERVICES.

...(9) Food and Dietetic Services

...(f) A minimum of three (3) days supply of food shall be on hand.

(i) Food shall be protected from dust, flies, rodents, unnecessary handling, droplet infection, overhead leakage and other sources of contamination whether in storage or while being prepared and served and/or transported through hallways.

(j) Perishable food shall not be allowed to stand at room temperature except during necessary periods of preparation or serving. Prepared foods shall be kept hot (140°F or above) or cold (45°F or less). Appropriate equipment for temperature maintenance, such as hot and cold serving units or insulated containers, shall be used.

...(n) The kitchen shall contain sufficient refrigeration equipment and space for the storage of perishable foods.

(o) All refrigerators and freezers shall have thermometers. Refrigerators shall be kept at a temperature not to exceed 45°F. Freezers shall be kept at a temperature not to exceed 0°F.

(p) Written policies and procedures shall be followed concerning the scope of food services in accordance with the current edition of the "U.S. Public Health Service Recommended Ordinance and Code Regulating Eating and Drinking Establishments" and the current "U.S. Public Health Service Sanitation Manual" should be used as a guide to food sanitation.

TEXAS

RULE §19.1107 Menus and Nutritional Adequacy

...f) The dietary department must keep a seven-day supply of staple foods and a two-day supply of perishable foods at all times. The facility is allowed the flexibility to use food on hand to make substitutions at any interval as long as comparable nutritional value is maintained. Any substitution of
menu items must be recorded on the day of use. See also §19.1719(o)(1) of this title (relating to Other Rooms and Areas) for information concerning storage areas.

Food

Each resident must receive and the facility must provide:

1) food prepared in accordance with established professional food preparation practices and by methods that conserve nutritive value, flavor, and appearance;
2) adequate amounts of food that is palatable, attractive, and at the proper temperature;
3) food prepared in a form designed to meet individual needs;
4) substitutes of similar nutritive value to residents who refuse food served; and
5) food that is prepared and served on schedule.

RULE §19.1111 Sanitary Conditions

a) The facility must:

...2) store, prepare, and serve food under sanitary conditions, as required by the Texas Department of Health food service sanitation requirements.

RULE §19.318 Other Rooms and Areas

... (k) Food storage areas.

(1) Food storage areas must provide for storage of a seven-day minimum supply of nonperishable staple foods and a two-day supply of perishable foods at all times.
(2) Shelves and pallets must be moveable wire, metal, or sealed lumber, and walls must be finished with a nonabsorbent finish to provide a cleanable surface.
(3) Dry food storage must have a venting system to provide for reliable positive air circulation.
(4) The maximum room temperature for food storage must not exceed 85 degrees Fahrenheit at all times. The measurement must be taken at the five-foot level.
(5) Foods must not be stored on the floor. Dunnage carts or pallets may be used to elevate foods not stored on shelving.
(6) Sealed containers must be provided for storing dry foods after the package seal has been broken.
(7) Food storage areas may be located apart from the food preparation area as long as there is space adjacent to the kitchen for necessary daily usage.
of perishable foods to complete the established menu for three meals per day, per resident.

VERMONT

7.14 Dietary Services

...(c) Food. Each resident shall receive and the facility shall provide:

(1) food prepared by methods that conserve nutritive value, flavor and appearance;
(2) food that is palatable, attractive, and at the proper temperature;
(3) food prepared in a form designed to meet individual needs;
(4) substitutes offered of similar nutritive value to residents who refuse food served.

VIRGINIA


...K. Visitors or employees assigned to other duties in the nursing facility shall not be allowed in the food preparation area during food preparation and resident meal service hours, except in cases of emergency.

Food service facilities.

A. Food service facilities shall consist of an on-site conventional food preparation system, a convenience food service system, or an appropriate combination of the two.

B. The following resources shall be provided in the size required to support the type of food service selected:

1. Control station for receiving food supplies;
2. Storage space for three days supply of food including food requiring cold storage;
3. At least two cubic feet of refrigerated storage per bed and two square feet of dry food storage per bed;
4. Space and equipment for thawing, preparing, cooking, baking, and portioning;
5. Meal service facilities such as tray assembly and distribution space;
6. Potwashing facilities;
7. Sanitizing facilities and storage areas for garbage and trash cans, carts and mobile tray racks; and
8. Easily cleanable ice making facilities that may be in an area separate from food preparation but must
be convenient to dietary facilities.

WASHINGTON

388-97-1100 Dietary services.

The nursing home must:

... (2) Serve food in an attractive manner and at temperatures safe and acceptable to each resident.

74.42.290 Meal intervals — Food handling — Utensils — Disposal.

... (2) Food shall be procured, stored, transported, and prepared under sanitary conditions in compliance with state and local regulations.

(3) Food of an appropriate quantity at an appropriate temperature shall be served in a form consistent with the needs of the resident.

74.42.320 Sanitary procedures for food preparation.

Facilities shall have effective sanitary procedures for the food preparation staff including procedures for cleaning food preparation equipment and food preparation areas.

[1979 ex.s. c 211 § 32.]

74.42.330 Food storage.

The facility shall store dry or staple food items at an appropriate height above the floor in a ventilated room not subject to sewage or waste water backflow or contamination by condensation, leakage, rodents or vermin. Perishable foods shall be stored at proper temperatures to conserve nutritive values.

[1979 ex.s. c 211 § 33.]

WEST VIRGINIA

8.15. Dietary Services.
8.15.d. Food. A nursing home shall provide each resident with:
8.15.d.1. Food prepared by methods that conserve nutritive value, flavor, and appearance.
8.15.d.1.A. Meals shall be prepared and served the same day;
8.15.d.2. Food that is palatable, attractive, and at the proper temperature;
8.15.d.2.A. At the time of receipt by the resident, foods shall be at a temperature of no less than 120 F for hot foods and at no more than 50 F for cold foods;
8.15.d.3. Food prepared in a form designed to meet individual needs;
8.15.d.4. Food substitutes of similar nutritive value for food the resident refuses;
8.15.d.5. Food prepared with salt, unless contraindicated by a physician’s order; and
8.15.d.6. Iodized salt, if used.
8.15.g. Sanitary conditions. A nursing home shall:
8.15.g.1. Procure food from sources approved or considered satisfactory by Federal, State or local authorities;
8.15.g.2. Store, prepare, distribute, and serve food under sanitary conditions;
8.15.g.2.A. Hold hot foods above 140 F and cold foods at or below 40 F; and
8.15.g.3. Dispose of garbage and refuse properly.
8.15.h. Emergency supplies.
8.15.h.1. A nursing home shall have a planned three (3) day disaster menu that correlates with the emergency food supply.
8.15.h.2. The emergency food supply shall be maintained on the premises with non-perishable foods and disposable supplies to meet all resident needs for three (3) days.
8.15.h.3. The emergency food supply may be incorporated with the regular stock of food supplies.
(b) Storage and handling of food.

(6) FOOD SUPPLIES AND PREPARATION.

... (b) Preparation. Food shall be cleaned and prepared by methods that conserve nutritive value, flavor and appearance. Food shall be cut, chopped, or ground as needed for individual residents.

(7) SANITATION.

...(b) Storage and handling of food.

1. Food shall be stored, prepared, distributed, and served under sanitary conditions which prevent contamination.

2. All readily perishable food and drink, except when being prepared or served, shall be kept in a refrigerator which shall have a temperature maintained at or below 40 F. (4 C.). Note: See ch. HFS 145 for the requirements for reporting incidents of suspected disease transmitted by food.

**WYOMING**

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Wyoming regulations do not contain specific content for Preparation & Storage of Food.

**FEDERAL REGULATIONS**

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§ 483.35 Dietary services.

(d) Food. Each resident receives and the facility provides—

(1) Food prepared by methods that conserve nutritive value, flavor, and appearance;
(2) Food that is palatable, attractive, and at the proper temperature;
(3) Food prepared in a form designed to meet individual needs; and
(4) Substitutes offered of similar nutritive value to residents who refuse food served.