

## CHANGES TO 10.15.03

Text in **Bold** print is new or changed regulation

- **Definitions.**
- (A) In this chapter, the following terms have the meanings indicated.
- (B) Terms Defined.
- (1) “Acceptable” means agreeable to the use or presence of equipment or a practice when standards are not developed or when developed standards are inappropriate, **because the approving authority has determined that the equipment or practice conforms to principles, practices, and generally recognized standards that protect public health.**
- **(2a) “Adulterated” has the meaning stated in Health-General Article 21-207, 21-208, and 21-209, Annotated Code of Maryland.**
- **(2b) “Adulterated” includes food that:**
  - (i) Contain any poisonous or deleterious substance;**
  - (ii) Is diseased, contaminated, filthy, putrid, or decomposed; or**
  - (iii) Is otherwise unfit as for human beings.**
- (3) “Approving Authority” means:
  - (b) Outside the State, the agency designated in the laws of another state or country to license or permit a food establishment.**
- **(4) “Approved source” means a source of food or food ingredients accepted by the Department because the food or food ingredients from the source:**
  - (a) Are not adulterated or misbranded; and**
  - (b) Where required, are regulated by the approving authority.**

- **(6a) “Bake Sale” means a place where only non-potentially hazardous bakery goods including breads and pastries are sold in conjunction with a fundraising event.**  
**(6b) “Bake Sale” does not include a place:**
  - (i) Where a person sells baked goods for individual profit;**
  - (ii) From which food is commercially distributed; and**
  - (iii) Where a potentially hazardous baked good is sold or distributed.**
- **(8) “Bed and Breakfast” means a lodging or rooming house as defined in Public Safety Article 9-201, Annotated Code of Maryland, that has eight rooms or fewer for rent.**
- **(10) “Caterer” means a food service facility that:**
  - (a) Offers catering services; or**
  - (b) Identifies itself as a caterer**
- **(11) “Catering Services” means the preparation or provision and the serving of food or drink by a food service facility for service at the provider’s premises or elsewhere in connection with a:**
  - (a) Specific public event; or**
  - (b) Business or social function or affair.**
- **(12) “Commercially sterile” means the condition achieved by the:**
  - (a) Application of heat, pressure, or other energy or matter that renders a food free of:**
  - (b) Control of water activity and the application of heat, pressure, or other energy or matter that renders the food free of microorganisms capable or reproducing in the food under normal nonrefrigerated conditions of storage and distribution.**
- **(15) “Consumer advisory” means a written notification to consumers that:**
  - (a) Identifies food of an animal origin that is served or sold as a ready-to-eat food or as an ingredient in a ready-to-eat food that is**
    - (i) Raw;**
    - (ii) Undercooked; or**

(iii) Not otherwise processed to eliminate pathogens; and  
(b) Reminds consumers that consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase the risk of foodborne illness, especially if the consumer has certain medical conditions.

- (16a) “Continental Breakfast” means a meal that does not require major food preparation as specified in Regulation .28E(2) of this chapter.
  - (b) “Continental Breakfast” includes foods such as:
    - (i-x) Coffee and tea; Juice; Cereal; Milk and cream; Whole fresh fruit; Pastries; Bread; Donuts; Butter and margarine; and Jams and jellies.
    - (c) “Continental Breakfast” does not include foods such as:
      - (i) Eggs cooked outside of the shell;
      - (ii) Meat; and
      - (iii) Fruit salad prepared on the premises.
- (18) “Critical Control Point (CCP)” means a point in the preparation or processing of food where there is a reasonable likelihood that improper control may cause, allow, or contribute to a hazard to public health.
- (19a) “Critical Item” means a food safety requirement that if violated requires:
  - (i) Immediate correction;
  - (ii) The cessation of some or all processing operations; or
  - (iii) Plant closure.
- (20) “Critical Limit” means the maximum or minimum value to which a physical, biological, or chemical parameter must be controlled at a critical control point to minimize the risk that an identified potential food safety hazard may occur.
- (22) “Detention order” means a written notification by the approving authority to the person-in-charge of a food service facility to detain food that may be adulterated or misbranded, pending a determination of the food’s status and disposition in

accordance with Health-General Article 21-253 and 21-254, Annotated Code of Maryland.

- (28) “Excluded organization” means a:
  - (b) Volunteer fire company that does not serve food to the public more often than 4 days per week, except that once per year a volunteer fire company may serve food to the public for up to 30 consecutive days.
- (29a) “Farm” means a place where agricultural commodities are grown, raised, or harvested for commercial purposes.
  - (b) “Farm” includes a place where, for commercial purposes:
    - (i) Crops are grown and harvested;
    - (ii) Fruit, nuts, or other agricultural commodities are harvested from trees; or
    - (iii) Animals are raised, fed, and managed for meat or other agricultural commodities.
- (30a) “Farmers Market” means a place where a person offers or sells one or more of the following food products to the public:
  - (i) Raw agricultural products such as fruit, vegetables, and grains supplied directly from the farm;
  - (ii) Products processed in a private home kitchen located on a farm according to Regulation .27 of this chapter;
  - (iii) Products that are not potentially hazardous and do not require refrigeration that are processed in a food processing plant licensed and operated according to COMAR 10.15.04.19;

or

  - (iv) Eggs sold only on a farm that is in compliance with Regulation .05A(8) of this chapter;
  - (b) “Farmers Market” does not include a food service facility.
- (31a) “Food” means:
  - (a) A substance that is used as:
    - (i) Food or drink for human beings; or
    - (ii) A component of food or drink for human beings; or

**(b) Chewing gum or any substance that is a component of chewing gum.**

- **(33) “Food processing plant” has the meaning stated in COMAR 10.15.04.02B.**
- **(34c) “Food Service Facility” does not include a:**
  - (i) Facility that offers only prepackaged foods that are not potentially hazardous as specified in B(55)(c) of this regulation:**
  - (iv) A lodging or rooming house that serves only continental breakfast; or**
  - (v) A farmers market offering or selling to the public raw fruit, vegetables, and other food products as specified in Regulation .27 of this chapter or eggs sold only on a farm that is in compliance with Regulation .05A(8) of this chapter.**
- **(35a) “Game Animal” means an animal:**
  - (i) That is food for human beings; and**
  - (ii) That is not classified as cattle, sheep, swine, goat, mule, or other equine.**

**(b) “Game Animal” includes:**

  - (i-xiv) Reindeer; Elk; Deer; Antelope; Water buffalo; Bison; Rabbit; Squirrel; Opossum; Raccoon; Nutria; Muskrat; Bear; and Nonaquatic reptiles such as land snakes.**

**(c) “Game animal” does not include ratites such as:**

  - (i-iii) Ostrich; Emu; and Rhea.**
- **(36) “Hazard” means a biological, chemical, or physical property that may be detrimental to public health.**
- **(37) “Hazard Analysis Critical Control Point (HACCP) Plan” means a written plan that delineates the procedures for maintaining control of potentially hazardous food at the critical control points of food preparation or processing.**
- **(38b) “Health Care Facility” does not include the facilities, institutions, and offices set forth in Health-General Article 19-114(d)(2), Annotated Code of Maryland.**
- **(39) “Hermetically sealed container” means a container that:**

**(b) Maintains the commercial sterility of the contents after processing.**

- **(40) “Juice” means:**
  - (a) The aqueous liquid expressed or extracted from one or more fruits or vegetables;**
  - (b) Purees of the edible portion of one or more fruits or vegetables; or**
  - (c) Any concentrate of the liquid or puree as referenced in B(40)(a) and (b) of this regulation.**
- **(44a) “Major Food Allergen” means:**
  - (i-ix) Milk; Egg; Fish such as bass, flounder or cod; Crustacea such as crab, lobster or shrimp; Tree nuts such as almonds, pecans, or walnuts; Wheat; Peanuts; Soybeans; and A food ingredient that contains protein derived from milk, egg, fish, tree nuts, wheat, peanuts, or soybeans.**
  - (b) “Major Food Allergen” does not include:**
    - (i) A highly refined oil derived from a food specified in B(44)(a) of this regulation and any ingredient derived from a highly refined oil; or**
    - (ii) An ingredient that is exempt in regard to food allergen labeling requirements under the petition or notification process specified in 21U.S.C. 343(w)(6) and (7).**
- **(45) “Misbranded” has the meaning stated in Health-General Article 21-210, Annotated Code of Maryland.**
- **(46a) “Mobile food service facility” means a food service facility that is a mechanically, electrically, manually, or otherwise propelled vehicle operating on land or water that moves as a part of its routine operation to:**
  - (i) Change location for sales;**
  - (ii) Obtain food and other supplies;**
  - (iii) Fill potable water supply holding tanks;**
  - (iv) Empty wastewater holding tanks; or**
  - (v) Provide for the cleaning and sanitization of equipment and utensils.**

**(b) “Mobile food service facility” does not include a food service facility that is able to be moved but does not move routinely for a purpose set forth in B(46)(a) of this regulation.**

- **(48) “On-farm food service facility” means a temporary food service facility that:**
  - (a) Is located on a farm;**
  - (b) Serves only those foods approved by the Department, based on a review of the facility, equipment, and processing hazards, and a determination that these foods can be prepared safely and in a manner that conforms to applicable laws and regulations; and**
  - (c) Operates during a period of time of not more than 30 consecutive days with up to two renewals in a 1-year period.**
- **(51) “Person” has the meaning stated in Health-General Article 1-101 and 21-101, including:**
  - (a) An operator of a facility that is owned by the state or local unit of government; or**
  - (b) A state or local unit of government if the state or local unit of government is the operator of the facility.**
- **(52) “Person-in-charge” means:**
  - (a) The licensee; or**
  - (b) Another person responsible for the operation of the food service facility.**
- **(55a) “Potentially Hazardous Food” means a natural or synthetic food that requires temperature control because the food is in a form capable of supporting:**
  - (iii) In raw shell eggs, the growth of *Salmonella* Enteritidis.**
  - (b) “Potentially Hazardous Food” includes:**
    - (i) A food of animal origin that is raw or heat-treated;**
    - (ii) A food of plant origin that is heat-treated;**
    - (iii) Raw seed sprouts;**
    - (iv) Cut melons; and**
    - (v) Garlic and oil mixtures that support growth as specified in B(55)(a)(i) and (ii) of this regulation.**

(c) “Potentially Hazardous Food” does not include a:

(iii) Food with a ph level of 4.6 or **below when measured at 75° F;**

(v) Food for which laboratory evidence demonstrates that the rapid and progressive growth of infectious and toxigenic microorganisms **or the growth of *Salmonella* Enteritidis in eggs or *Clostridium botulinum* cannot occur, such as a food that has a water activity or a ph that is above the levels specified in B(55)(c)(ii) and (iii) of this regulation or that may contain a preservative, other barrier to the growth of microorganisms, or a combination of barriers that inhibit the growth of microorganisms.**

- (56a) “Poultry” means a: domesticated bird **whether live or dead including a:**
  - (i-vii) Chicken; Turkey; Duck; Goose; Guinea; Ratite; or Squab; and**
  - (b) Migratory waterfowl or game bird whether live or dead, including a:**
    - (i-iv) Pheasant; Partridge, Quail; or Grouse.**
- (60a) “Public Event” means an event that is:
  - (i) Attended by individuals from the general public whether or not a fee is charged; or**
  - (ii) Advertised with fliers, banners, newspaper articles, radio or television announcements, or on an internet website as being open to the public.**
  - (b) “Public Event” does not include a:**
    - (i) Private party;**
    - (ii) An event restricted to organization members; or**
    - (iii) Another event that restricts the general public from attending.**
- (61a) “Ready-to-eat food” means food in a form that is edible **without washing, cooking, or additional preparation by the food service facility or the consumer.**
  - (b) “Ready-to-eat food” includes:**

**(i) Potentially hazardous food that is cooked to the temperature and the time required for a specific food as set forth in Regulation .10 of this chapter;**

**(ii) Raw fruits and vegetables that are washed a cut;**

**(iii) Whole, raw fruits and vegetables that are presented for consumption without need for further washing, such as at a buffet; and**

**(iv) A food presented for consumption for which further washing or cooking is not required and from which rinds, peels, husks, or shells are removed.**

- **(63a) “Reduced oxygen packaged” means that a food was packaged so that the amount of oxygen in the package is below that found in the surrounding atmosphere due to the:**
  - (i) Mechanical evacuation of oxygen;**
  - (ii) Displacement of oxygen with one or more gases; or**
  - (iii) Reduction of the oxygen content by other means.**
- **(64) “Refrigerated Food” means a food that:**
  - (c) Is labeled by the manufacturer with a statement indicating that the product is to be kept refrigerated.**
- **(67) “Retail food manufacturing” means the manufacturing of food in a food service facility for wholesale distribution.**
- **(68) “Sanitization” means a heat or chemical treatment on cleaned food contact surfaces that is sufficient to yield a 99.999% reduction of the number of representative disease microorganisms of public health significance.**
- **(70) “Semi-permanent food service facility” means a facility that:**
  - (a) Is built at a location other than where it operates;**
  - (b) Is transported as a complete unit that does not require a building permit to install on the location at which it operates;**
  - (c) Has no indoor seating for patrons;**
  - (d) When serving cooked food, serves only foods cooked for immediate service; and**

**(e) Is not a mobile food service facility as specified in B(46) of this regulation.**

- **(71) “Service animal” means an animal such as a dog that is individually trained to provide assistance to an individual with a disability.**
- **(76a) “Special Food Service Facility” means a food service facility for which the Department provides exceptions to certain regulations because of the nature of one or more of the following:**
  - (i) Design and operation of the facility;**
  - (ii) Food preparation or service methods; or**
  - (iii) Limited length of time that the facility operates in association with special events.**

**(b) “Special Food Service Facility” may include a:**

  - (i) Bed and Breakfast that serves hot meals;**
  - (ii) Mobile unit;**
  - (iii) Temporary Food Service facility;**
  - (iv) Semi-permanent food service facility; or**
  - (v) On-farm food service facility**
- **(77b) “Tableware” includes:**
  - (iv-viii)) Bowls; Cups; Serving Dishes; Tumblers; and Plates**
- **(78a) “Temporary Food Service Facility” means a food service facility that operates:**
  - (ii) For up to 30 consecutive days if the temporary food service facility is a volunteer fire company; and**
- **(79) “Time-Only” means using time instead of time in conjunction with temperature as the sole means of food protection for a potentially hazardous food.**
- **(80) “Undercooked” means a potentially hazardous food that is not cooked to the minimum internal temperature and for the specified holding time specified in Regulation .10A of this chapter.**
- **(84a) “Whole Muscle, Intact Beefsteak” means a beefsteak cut from whole muscle beef that has not been penetrated in a way**

**that may allow infectious or toxigenic microorganisms to be introduced into the interior of the meat.**

**(b) “Whole Muscle, Intact Beefsteak” does not include meat that has been:**

**(i-iv) Injected; Mechanically tenderized; Reconstructed; or Scored.**

### **.03**

- **Incorporation by Reference .**
- **(A) In this chapter the following documents are incorporated by reference.**
- **(B) Documents Incorporated.**
  - (1) 21 CFR, as amended;**
  - (2) 9 CFR, as amended; and**
  - (3) 21 U.S.C. 343, as amended**

### **.04**

- **Food Supplies and Sources: General.**
- **The person in charge shall ensure that:**
- **(A) Food served to the public is:**
  - (2) Not adulterated;**
  - (5) If in package form, labeled in accordance with:**
    - (a) COMAR 10.15.01;**
    - (b) COMAR 10.15.02;**
    - (c) COMAR 10.15.04; and**
    - (d) This chapter.**
- (E) Frozen desserts including ice cream, soft frozen desserts, ice milk, sherbets, ices, **gelato, and frozen dessert** mix are manufactured and sold in accordance with COMAR 10.15.05;
- (F) Shellfish:
  - (1) Are obtained from an approved source;
  - (2) When received through interstate commerce, are from a firm listed in the “Interstate Certified Shellfish Shippers List”;**
  - (4) Containers are identified with a tag or label as set forth in COMAR 10.15.07; and**

**(5) Tags are maintained on the premises for 90 days after a container of unshucked shellfish is emptied to identify readily the source of the shellfish;**

- **(G) Crab meat is processed, handled, and packed in accordance with COMAR 10.15.02;**
- **(H) Seafood is processed, handled, and packed in accordance with COMAR 10.15.10;**
- **(J) Ice is:**
  - (1a) Made: From a potable water supply;**
  - (b) In an ice-making machine that:**
    - (i) Meets the standards in Regulation .15 of this chapter; and**
    - (ii) Is located, installed, operated, and maintained to prevent contamination;**
  - (2) If not manufactured on site, obtained from an approved source;**
  - (3) Handled, transported, and stored in a manner that precludes contamination; and**
  - (4) Not reused.**

**.05**

- **Eggs and Egg Products**
- The person-in-charge shall ensure that:
  - (3)The invoice or equivalent required in A(2) of this regulation contains the following information **written in English.**
  - (9b)(iv) A safe handling statement with the words “safe handling instructions” in bold capital colors and the statement “To prevent illness from bacteria: keep eggs refrigerated, cook eggs until yolks are firm, and cook foods containing eggs thoroughly.” set off in a box by hairlines;**
  - (c) The following information at a minimum type size of 1/4 of an inch:**
    - (i) The identity of the product as eggs; and**
    - (ii) The word “grade” and the grade classification (AA or A) and size of the eggs; and**

(d) The net quantity of eggs in weight or numerical count in at least the minimum type size permitted based on the space available for labeling as set forth in B of this regulation, with the minimum type size measurement **determined by:**

**(i) The height of type of printing by measuring the height of the lower case letter “o” or its equivalent when mixed upper and lower case letters are used; or**

**(ii) The height of the upper case letters when only upper case letters are used;**

**(10) If the safe handling statement does not appear on the principal display panel or the front information panel, a separate statement that eggs be kept refrigerated is printed on either the principal display panel or the front of the information panel;**

## **0.6**

- **Food Protection During Storage, Service and Transport.**
- **(A)(1a) Food is not adulterated; and**
  - (2) The internal temperature of a food is maintained according to the requirements of this chapter to preclude the growth of pathogenic bacteria and other microorganisms that could cause spoilage;**
- (B)(1) Facilities used for hot or cold potentially hazardous food are provided a temperature-measuring device that is:
  - (b) Calibrated annually or more frequently;**
  - (c) Located in the:**
    - (i) Coldest area of equipment where hot foods are stored; and**
    - (ii) Warmest area of equipment where cold foods are stored;**
  - and**
  - (5) Except where food packaging prevents the entry of water, packaged food is not stored in contact with water or un-drained ice;**
  - (6) Food is not stored in locker rooms, toilet rooms, dressing rooms, garbage rooms or mechanical rooms**

**(7) Except as provided in B(8)-(14) of this regulation, the internal temperature of a potentially hazardous food is kept at 41°F or less or 135 °F or greater;**

**(8) In existing refrigeration that can cool the food and maintain the foods internal temperature at 45°F or less but not 41°F or less, the potentially hazardous food's internal temperature, except as provided in B(9)-(14) of this regulation, is kept at 45°F or less pending equipment upgrade as set forth in Regulation .15A(6) of this chapter;**

**(9) If pasteurized crab meat, the crab meat's internal temperature is maintained at 38°F or less;**

**(10) If potentially hazardous reduced oxygen packaged products, the reduced oxygen packaged food's internal temperature is maintained at:**

**(a) 38°F or less if refrigeration is the only barrier to control the growth of *Clostridium botulinum*; or**

**(b) At a lower temperature if a lower temperature is specified by the food manufacturer;**

**(11) If shell eggs and shellfish, the eggs and shellfish are stored, displayed, and transported under refrigeration at an internal temperature of 45°F or less;**

**(12) Except for the service of foods such as ice cream or frozen desserts, frozen food is held at an internal temperature of 0°F or below;**

**(13) If a whole roast cooked and cooled in accordance with Regulations .10 and .11 of this chapter, the roast is held at an internal temperature of 130°F or above; and**

**(14) Using holding temperatures and times other than those specified in this section, the holding temperatures and times are:**

**(a) Scientifically proven to be effective in the growth of foodborne pathogens;**

**(b) Incorporated into a HACCP plan; and**

(c) Submitted to and approved by the Department based on review that indicates compliance with B(14)(a) and (b) of this regulation;

- (C) While displaying and serving food:
  - (1) Except as provided in B(8) and C(3) of this regulation, a potentially hazardous cold food that is placed on display is:
    - (a) Pre-chilled to an internal temperature of 41°F or below;
    - (b) Rapidly re-chilled to an internal temperature of 41°F or below if the food has exceeded 41°F for a verifiable period of not more than two hours; or
  - (c) Discarded if:
    - (i) The food has exceeded 41°F for more than two hours; or
    - (ii) The time the food has been out of temperature is not verifiable;
  - (2) Except as provided in B(13) and (14) and C(3) of this Regulation, a potentially hazardous hot food that is placed on display is:
    - (a) Cooked according to Regulation .10 of this chapter;
    - (b) Rapidly re-heated to an internal temperature of 165°F or above if the food was below 135°F for a verifiable period of not more than two hours; and
      - (i) The food was below 135 degrees Fahrenheit for more than two hours; or
      - (ii) The time the food has been out of temperature is not verifiable;
  - (3) A potentially hazardous bakery product that is stored at room temperature:
    - (a) Is manufactured, packaged, and labeled with a sell-by-date only in an approved food processing plant meeting the requirements set forth in COMAR 10.15.04;
  - (4) Except at provided in C(5) of the regulation, raw unpackaged food of animal origin is not offered for customer self-service;
  - (5) Raw unpackaged foods of animal origin offered for consumer self-service are offered only:

**(a) At buffets or salad bars that serve foods of animal origin such as sushi or raw shellfish;**

**(b) When the foods of animal origin are ready-to-cook individual portions for immediate cooking and consumption on premises, such as Mongolian Barbeque; or**

**(c) Frozen if shell-on shrimp or lobster;**

**(6) When uncovered food is placed on display in food operations, including buffets and cafeterias the ready-to-eat food is protected by:**

(7) During pauses in food preparation or dispensing, utensils such as scoops, spoons, and dippers are stored:

**(a) In a running water dipper well that provides a volume of fresh potable water sufficient to maintain the utensil in a sanitary condition;**

**(b) In hot water that is maintained at 135°F or above;**

**(c) With the handles above the top of the food in an open container;**

**(d) On a clean portion of the food preparation or cooking equipment, which has been cleaned and sanitized at set forth in Regulation .16 of this chapter; or**

**(e) In a clean, protected location if the utensils are used with a food that is not potentially hazardous;**

(10) Employees or self-service customers do not reuse soiled tableware, including single service articles:

**(a) Except for drinking cups and containers reused by self-service customers in a manner to prevent cross-contamination;**

**(b) To provide second portions or refills; or**

**(c) To obtain additional food from display and serving equipment; and**

• **(D) During the transportation of food:**

**(1) Except as provided in B(8)-(14) of this regulation, the internal temperature of a potentially hazardous food is maintained at 41°F or below or 135°F or above;**

## **0.7**

• **Food Protection During Outdoor Preparation and Service.**

- **The person in-charge shall ensure that:**
  - (A)During the use of outdoor cooking equipment, such as a barbeque grill, at a food service facility:**
    - (1)Equipment:**
      - (a)Is used only at the food service facility for immediate service to patrons;**
      - (b)Is located:**
        - (i)On an impermeable surface;**
        - (ii)In close proximity to the food preparation area of the food service facility; and**
        - (iii)Away from parking areas, dumpsters, patron entrances; and**
      - (c)Meets the requirements set forth in Regulation .15 of this chapter;**
    - (2)Food is:**
      - (a)Prepared for outdoor cooking inside the food service facility; and**
      - (b)Protected from contamination during cooking and service; and**
  - **(B)When preparing beverages outdoors:**
    - (1)Overhead protection is provided;**
    - (2)Protection from contamination during storage is provided for ingredients, including:**
      - (a-c)Ice; Drink Mixes; and Condiments;**
    - (3)Containers are protected from contamination during storage; and**
    - (4)Other than when only beer, wine, or soda is offered, a hand washing sink is provided in accordance with Regulation .18M of this chapter.**

## **0.8**

- **Use of Time-only with Potentially Hazardous Food.**
- **(A)The approving authority may approve the use of time only, rather than time in conjunction with temperature, for food protection as set forth in B regulation.**

- **(B)The person-in-charge shall ensure that:**
  - (1)Before using time-only while holding or preparing a potentially hazardous food:**
    - (a)A written request is submitted to and approved by the approving authority for a specific food under specific conditions of preparation and service that includes:**
      - (i)A record-keeping procedure that can verify safety intervention steps; and**
      - (ii)Procedures for marking or otherwise identifying the food with the time by which it is to be either used or discarded; and**
    - (b)The procedures for time-only are included in the food service facility’s HACCP plan as a critical control point;**
  - **(2)Time-only is not used for a:**
    - (a)Potentially hazardous food that is ready-to-eat following a cook and cool cycle;**
    - (b)Raw ready-to-eat potentially hazardous food such as sliced melon and sprouts; or**
    - (c)Recipe in which more than one egg is broken and the eggs are combined;**
  - **(3)Except as otherwise approved by the approving authority, the maximum time limit under time-only control is:**
    - (a)Four hours for a raw, potentially hazardous food during preparation, after which time the food is cooked or discarded;**
    - (b)Two hours for a ready-to-eat potentially hazardous food held for consumption directly after cooking, after which time the food is not served is discarded; or**
    - (c)Two hours for a commercially pasteurized and commercially sterile ready-to-eat potentially hazardous food from hermetically sealed packages, after which time the food is not served is discarded; and**
  - **(4)Food that has been protected using time-only control is not:**
    - (a)Served in a health care facility; or**
    - (b)Reused**

- **(Food Preparation – Temperature and Cross-contamination Control.**
- **The person in-charge shall ensure that:**
  - (A)Food temperature measuring devices are:**
    - (1)Used to monitor the temperature of potentially hazardous foods;**
    - (3)Calibrated annually or more frequently; and**
    - (4)Cleaned and sanitized between used in different foods to prevent cross-contamination;**
  - (B)The storage, thawing, cooking, cooling, reheating, and holding of a food:**
    - (1)Are safe; and**
    - (2)Comply with this chapter;**
  - (C)When potentially hazardous food is removed from temperature control for a necessary period of preparation, such as portioning, slicing or mixing:**
    - (2)For a period of not greater than 2 hours, the food is rapidly re-chilled to 41°F except as provided in Regulation .06B(8) of this chapter;**
  - (D)When a recipe in which more than one egg is broken and the eggs are combined and not prepared for immediate service:**
    - (1)The mixture is stored under refrigeration at all times before cooking;**
    - (2)The process is included in the food service facility's HACCP plan as a critical control point; and**
    - (3)The mixture containing the eggs is cooked to a minimum internal temperature of 155°F for 15 seconds;**
  - (E)Potentially hazardous food is thawed:**
    - (1)In refrigerated units so that the temperature of the food does not exceed 41°F except as provided for in Regulation .06B(8);**
    - (4)If a potentially hazardous reduced oxygen packaged food:**
      - (a)In the food's airtight package; and**
      - (b)At or below 38°F ;**

(6)By another method acceptable to the approving authority **that has been scientifically proven to the approving authority to prevent the bacteriological, physical, or chemical contamination of food;**

- **(F)Employees prevent contact of exposed, ready-to-eat food with their bare hands by using:**
  - (1)Gloves as specified under Regulation .14J of this chapter;**
  - (2)Utensils such as:**
    - (a-d)Tongs; Spatulas; Deli tissue; or Automatic dispensing equipment; and**
- **(G)Cross-contamination is prevented by:**
  - (1)Not allowing contact between ready-to-eat and raw foods;**
  - (2)Storing and holding food so that:**
    - (a)Ready-to-eat food is located above or otherwise segregated from raw food; and**
    - (b)A food is protected from plumbing leaks and condensate drippage;**
  - (3)Using separate utensils and work surfaces for ready-to-eat food and foods requiring further preparation;**
  - (4) Cleaning and sanitizing utensils and work surfaces between uses;**
  - (5)Excluding sick workers from food handling in accordance with Regulation .14A and B of this chapter; and**
  - (6)Washing raw fruits and vegetables thoroughly to remove soil and other contaminants before cutting, cooking, or serving, with:**
    - (a)Water; or**
    - (b)Chemicals intended specifically for washing or peeling whole fruits and vegetables as specified in 21 CFR 173.315.**

**.10**

- **Food Preparation – Cooking.**
- **(A)Except as provided in B-E of this regulation, the person-in-charge shall ensure that potentially hazardous food is cooked**

to the minimum internal temperature and for the specified holding time as follows:

(1)Chart 1. Summary of Minimum Cooking and Reheating Food Temperature and Holding Times.

<b>Food</b>	<b>Minimum Internal Temperature</b> <b>°F            °C</b>		<b>Holding Time At Specified Temperature</b>																																																												
<b>Shell Eggs Fish, meat, and all other potentially hazardous foods not specified in Chart 1.</b>	<b>145</b>	<b>63</b>	<b>15 seconds</b>																																																												
<b>Shells eggs not prepared for immediate service, ratites, comminuted fish and meats, game animals commercially raised for food, and injected meats.</b>	<b>145</b>	<b>63</b>	<b>3 minutes</b>		<b>150</b>	<b>66</b>	<b>1 minute</b>		<b>155</b>	<b>68</b>	<b>15 seconds</b>		<b>158</b>	<b>70</b>	<b>&lt;1 second</b>	<b>Whole roasts(beef, corned beef, pork and cured pork roasts such as ham). Holding times may include post oven heat rise. Minimum oven temperature for roasts &gt;10 lb. is 250°F for dry heat. For roasts &lt;10 lb., minimum oven temperatures are 350°F for dry heat and 325°F for</b>	<b>130</b>	<b>54.4</b>	<b>112 minutes</b>		<b>131</b>	<b>55</b>	<b>89 minutes</b>		<b>133</b>	<b>56.1</b>	<b>56 minutes</b>		<b>135</b>	<b>57.2</b>	<b>36 minutes</b>		<b>136</b>	<b>57.8</b>	<b>28 minutes</b>		<b>138</b>	<b>58.9</b>	<b>18 minutes</b>		<b>140</b>	<b>60</b>	<b>12 minutes</b>		<b>142</b>	<b>61.1</b>	<b>8 minutes</b>		<b>144</b>	<b>62.2</b>	<b>5 minutes</b>		<b>145</b>	<b>62.8</b>	<b>4 minutes</b>		<b>147</b>	<b>63.9</b>	<b>134 seconds</b>		<b>151</b>	<b>66.1</b>	<b>54 seconds</b>
	<b>150</b>	<b>66</b>	<b>1 minute</b>		<b>155</b>	<b>68</b>	<b>15 seconds</b>		<b>158</b>	<b>70</b>	<b>&lt;1 second</b>	<b>Whole roasts(beef, corned beef, pork and cured pork roasts such as ham). Holding times may include post oven heat rise. Minimum oven temperature for roasts &gt;10 lb. is 250°F for dry heat. For roasts &lt;10 lb., minimum oven temperatures are 350°F for dry heat and 325°F for</b>	<b>130</b>	<b>54.4</b>	<b>112 minutes</b>		<b>131</b>	<b>55</b>	<b>89 minutes</b>		<b>133</b>	<b>56.1</b>	<b>56 minutes</b>		<b>135</b>	<b>57.2</b>	<b>36 minutes</b>		<b>136</b>	<b>57.8</b>	<b>28 minutes</b>		<b>138</b>	<b>58.9</b>	<b>18 minutes</b>		<b>140</b>	<b>60</b>	<b>12 minutes</b>		<b>142</b>	<b>61.1</b>	<b>8 minutes</b>		<b>144</b>	<b>62.2</b>	<b>5 minutes</b>		<b>145</b>	<b>62.8</b>	<b>4 minutes</b>		<b>147</b>	<b>63.9</b>	<b>134 seconds</b>		<b>151</b>	<b>66.1</b>	<b>54 seconds</b>				
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<b>convection ovens. Oven temperature may be 250°F or less for high humidity cooking (relative humidity greater than 90% for at least 1 hour or in a moisture impermeable bag that provides 100% humidity).</b>	<b>155 158</b>	<b>68.3 70</b>	<b>22 seconds none</b>
<b>Poultry; stuffed meat, pasta, or poultry, and exotic bird species; wild game animals; and stuffing containing fish, meat, or poultry. Reheat leftovers for hot holding.</b>	<b>165</b>	<b>74</b>	<b>15 seconds</b>
<b>Raw foods of animal origin cooked in a microwave oven.</b>	<b>165</b>	<b>74</b>	<b>Hold for 2 minutes after removing from microwave oven</b>
<b>Fruits and vegetables cooked for hot holding, ready-to-eat commercially processed foods, and hot holding.</b>	<b>135</b>	<b>57</b>	<b>None</b>
<b>Ready-to-eat commercially processed foods for immediate service.</b>	<b>None</b>		<b>None</b>

(3) A minimum internal temperature of 155°F for 15 seconds or as specified in Chart 1 for:

**(a) Shell eggs not prepared for immediate service;**

**(b) Ratites;**

**(d)Game animals commercially raised for food; and**

**(e)Injected meats;**

**(4)To a minimum internal temperature of 130°F for a 112 minutes or as specified in Chart 1 for:**

**(a)Whole or corned beef; and**

**(b)Pork and cured pork roasts;**

**(5)To a minimum internal temperature of 165°F for 15 seconds for;**

**(b)Stuffed meat, pasta, or poultry;**

**(c)Exotic bird species;**

**(d)Wild game animals; and**

**(e)Stuffing contained fish, meat or poultry;**

**(6)To a minimum internal temperature of 165°F and held for 2 minutes after removing from the oven for raw animal foods that are cooked in a microwave oven; and**

**(7)To a minimum internal temperature of 135°F for fruits and vegetables and ready-to-eat commercially processed foods cooked for hot holding.**

- **(B)The Department may approve cooking times and temperatures other than those specified in A of this Regulation, if the cooking times and temperatures are scientifically proven to the Department to be as effective in killing foodborne pathogens as those specified in A of this Regulation.**
- **(C)The person-in-charge may serve a consumer:**
  - (1)Undercooked seared beefsteak upon individual consumer request when:**
    - (a)Only whole muscle, intact beefsteak, is prepared only for immediate service;**
    - (b)The meat is seared continuously on both top and bottom utilizing a heating environment that:**
      - (i)Imparts a temperature at the surface of the intact steak of at least 145°F for 15 seconds ; and**
      - (ii)Achieves a cooked color change on all external surfaces; and**

**(c)A HACCP plan specifically developed for undercooked seared beefsteak is submitted and approved by the approving authority; and**

**(2)A food that is cooked, cooled, and then refrigerated in accordance with this chapter, such as roast beef for a sandwich, cold or warmed to any desired temperature for immediate consumption.**

- **(D)A health care facility may not serve a raw or undercooked animal food.**
- **(E)The person-in-charge shall ensure that except for yellowfin, Northern or Southern bluefin, bigeye tuna, and molluscan shellfish , fish that is to be served raw or undercooked is processed to destroy parasites by freezing to a temperature of:**
  - (1)Minus 4 °Ft or below and stored at minimum minus 4°F for a minimum of 168 hours;**
  - (2)Minus 31°F or below and stored at minus 31°F for a minimum of 15 hours; or**
  - (3)Minus 31°F or below and stored at minus 4°F for a minimum of 24 hours.**
- **(F)The person-in-charge shall ensure that a consumer advisory is issued when an animal food, such as beef, eggs, fish, lamb, pork, poultry, or shellfish, is served raw or undercooked by:**
  - (1)Providing a written notification on:**
    - (a)A menu or brochure;**
    - (b)A deli case or menu board;**
    - (c)A label statement;**
    - (d)A table tent or placard; or**
    - (e)Another written means that is visible and legible to the consumer;**
  - (2)Identifying food items on the items set forth in F(1) of this regulation with an asterisk to a footnote that states the item:**
    - (a)Is served raw;**
    - (b)Is served undercooked;**
    - (c)May be cooked to order upon specific consumer request; or**
    - (d)Contains raw or undercooked ingredients; and**

**(3)Providing this written statement: “Consuming raw or undercooked animal foods may increase your risk of contracting a foodborne illness, especially if you have certain medical conditions.”**

**.11**

- **Food Preparation – Cooling and Reheating of Potentially Hazardous Foods.**
- **The person in charge shall ensure that:**
- **(A)Except as specified in Regulation .06B(8) of this chapter, a:**
  - (1)Potentially hazardous cooked foods internal temperature is cooled from 135°F to 70°F within two hours and from 70°F to 41°F or less within an additional four hours; and**
  - (2)Ready-to-eat potentially hazardous food for cold service, such as reconstituted foods, salads, and canned meat, are cooled to an internal temperature of 41°F within 4 hours; and**
- **(B)Cooling of potentially hazardous food is accomplished using one or a combination of the following methods:**
  - (2)Reduce food mass by separating foods into smaller or thinner portions;**
  - (3)Use rapid cooling equipment;**
  - (4)Use ice water baths combined with frequent stirring;**
  - (5)Use containers that facilitate heat transfer;**
  - (6)Add ice made from potable water as an ingredient;**
  - (7)Refrigerate loosely covered or allow the food to remain uncovered until cool if the food is protected from overhead contamination; or**
  - (8)Another effective method acceptable to the Approving Authority based on applicable state and local laws, regulations, and ordinances; and**
- **(C)Potentially hazardous food is reheated:**
  - (1)Within two hours to a minimum internal temperature of 165°F for 15 seconds for food that is cooked, cooled, and refrigerated before being placed into hot food holding equipment;**

**(2)To a minimum internal temperature of 135°F for 15 seconds for 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 a food regulatory authority for hot holding;**

**(3)Using the same time and temperature conditions specified in Regulation .10A of this chapter for initial cooking for remaining, unsliced portions of roast for hot holding; and**

**(4)To a minimum internal temperature of 165°F for 15 seconds in two hours or less in a microwave oven for hot holding and then stirred, covered, and allowed to stand covered for two minutes after reheating.**

**.12**

- **Food Labeling.**

- **(A)The person in charge shall ensure that:**

**(1)Except as specified in B of this Regulation, each item of packaged food has a label containing the following information:**

**(a)The common name of the food or a descriptive identity statement;**

**(b)If made from two or more ingredients:**

**(i)A list of the ingredients in descending order of prominence by weight; and**

**(ii)A declaration of artificial color or flavor and chemical preservatives;**

**(c)An accurate declaration of the quantity of the packaged contents by weight in both metric and English units;**

**(d)The name and place of business of manufacturer, packer, or distributor;**

**(e)Except as exempted in 21U.S.C. 343(q)(3)-(5), the nutrition labeling specified in 21 CFR Part 101 and 9 CFR Part 317; and**

**(f)The name of the food source for each major food allergen that is contained in the food unless the food source is already part of the common or usual name of the respective ingredient; and**

(2)The use of canthaxanthin as a color additive in salmonid fish is disclosed by written means, such as a counter card; and

(3)Bulk food available for consumer self-dispensing is prominently labeled with the following information in plain view of the consumer:

(a)The manufacturers label that was provided with the food;  
or

(b)A card, sign, or other method of notification that includes the information specified in A(1),(a),(b), and (f) of this regulation.

- (B)A food service facility may offer for sale bulk, unpackaged foods such as bakery products and unpackaged foods that are portioned to consumer specifications without a label if:

(1)A health, nutrient, or other claim relating to the unpackaged food is not made on a card or sign; and

(2)The food is manufactured or prepared on the premises of the food service facility or at another food service facility owned by the same person.

### .13

- Food Protection from poisonous or toxic materials.
- The person in charge shall ensure that:
- (B)A container of poisonous or toxic materials is:
  - (1)Kept in the original bulk container before use;
  - (3)Used according to the manufacturers directions.
- (H)A container previously used to store poisonous or toxic materials is not used to store, transport, or dispense:
  - (1)Food; or
  - (2)Items that will come in contact with food.

### .14

- Personnel Health and Sanitation
- The person in charge shall ensure that:
- (A)As set forth in COMAR 10.06.01.06E, a food handler does not serve or handle food intended for public consumption if the food handler:

**(1)Has any of the following diseases:**

**(a)Diarrhea, cause by Entamoeba histolytica;**

**(b)Cholera;**

**(c)Disease causing diarrhea, unless physician-certified as non-infectious;**

**(d)E.coli O157:H7;**

**(e)Hepatitis A;**

**(f)Diarrhea caused by Salmonella;**

**(g)Shigellosis;**

**(h)Streptococcal infection caused by Group A beta-hemolytic Streptococcus; or**

**(i)Typhoid fever; or**

**(2)Is a carrier of Salmonella Typhi**

- **(B)An employee experiencing persistent sneezing, coughing, or runny nose that causes discharges from the eyes, nose, or mouth does not work with:**

**(1)Exposed foods;**

**(2)Clean equipment, utensils, and linens; or**

**(3)Unwrapped single service or single use articles;**

- **(C)An employee who has a disease that may be transmissible through food reports the condition to the person in charge;**

- (E)An employee washes hands and exposed arm areas thoroughly with soap and warm water:

**(5)Before and between glove use;**

- (F)An employee washes hands, exposed portions of arms, **between the fingers, and underneath the finger nails:**

**(1)With a cleaning compound;**

**(2)At a hand washing facility that is equipped as specified in Regulation .18L and M of this chapter; and**

**(3)By:**

**(a)Vigorously rubbing together the surfaces of lathered hands and arms for at least 20 seconds;**

**(b)Cleaning under the nails with a brush if needed; and**

**(c)Thoroughly rinsing the hands and arms with clean water**

- (H)An employee who handles exposed food and food contact surfaces:
  - (2)Unless wearing gloves that are in good repair, does not wear fingernail polish or artificial fingernails;
  - (3)Except for a plain, smooth ring such as a wedding band, does not wear jewelry.
- (I)An employee does not use bare hands for handling ready-to-eat foods, as set for in Regulation .09F of this chapter;
- (J)An employee using gloves to protect exposed food:
  - (1)Uses gloves only for one task;
  - (2)Does not use the same gloves while working with ready-to-eat food and raw food; and
  - (3)Discards used gloves when:
    - (a)The gloves are damaged or soiled;
    - (b)When an interruption occurs in the operation; or
    - (c)After two hours of continuous use.
- (K)An employee receives training in proper food handling and proper sanitation as it relates to assigned duties; and
- (L)When in a food preparation or utensil washing area an employee:
  - (1)Drinks only from a covered beverage container; and
  - (2)Handles the container in a way that prevents contamination of:
    - (a)The employees hands; and
    - (b)Exposed food;
    - (c)Clean Equipment;
    - (d)Utensils;
    - (e)Linens; and
    - (f)Unwrapped single service and single use articles.

.15

- Food Equipment and Utensils.
- (A)The person in charge shall ensure that:

**(1) Except as provided in A(2),(6),(15), and (16) and B of this regulation, food equipment meets one or more of the following design standards:**

(a) National Sanitation Foundation (NSF) or equivalent sanitation certification from:

**(i) The Etlsemko division of Intertek Group PLC (Intertek ETL SEMKO);**

**(ii) Canadian Standards Association (CSA); or**

**(iii) Underwriters Laboratories (UL);**

**(c) National Automation Merchandizing Association;**

**(d) International Association of Milk and Food Sanitarian's "3-A Sanitary Standards"; or**

**(3) Equipment and utensils are designed, constructed, and maintained to:**

**(a) Accomplish the intended and required functions;**

**(b) Protect food from internal and external contamination;**

**(g) Prevent harboring of soils, bacteria or pests:**

**(i) In or on the equipment; and**

**(ii) Between the equipment and other equipment, floors, walls, or supports;**

(4) Materials used as food contact surfaces of equipment are:

**(b) Unable to contaminate or be absorbed by food under the conditions of use;**

(5) Food contact surfaces of equipment and utensils are designed, constructed, and maintained to be:

**(f) Visible or readily disassembled for inspection; and**

**(g) Readily;**

**(6) Existing refrigeration equipment used to maintain potentially hazardous foods that is incapable of maintaining the potentially hazardous food at 41°F or less is upgraded or replaced within 5 years of the effective date of this chapter;**

**(7) Equipment designed for pressurized cleaning-in-place is designed, constructed, and maintained to:**

**(9) Lubricants used on bearings and gears of equipment are food-grade;**

(10) Except for equipment that is portable, equipment that is placed on tables or counters is:

**(a) Sealed in place;**

(11) Floor-mounted equipment is:

(a) Elevated:

**(ii) So that food contact surfaces are at least 18 inches above the floor; and**

(13) Aisles or working spaces between equipment are closed and sealed if exposed to seepage;

**(b) In a new facility or a facility that is remodeled, a minimum width of:**

**(i) Three feet where food preparation occurs on only one side of the aisle;**

**(ii) Four feet where food preparation occurs on both sides of the aisle and employees work back to back;**

**(iii) Five feet where food preparation occurs on both sides of the aisle, employees work back to back, and other employees must pass through the area; or**

**(iv) Another width approved by the approving authority based on a review that indicates compliance with A(13)(a) of this regulation;**

**(14) Equipment is installed and located to limit the potential for cross-contamination of food;**

**(15) Existing equipment installed in a food service facility before the effective date of these regulations:**

**(a) Complies with A(3)-(14) of this regulation; and**

**(b) Is located to prevent:**

**(i) The cross-contamination of food; and**

**(ii) Insanitary conditions;**

**(16) When an existing piece of equipment ceases to operate:**

**(a) Equipment intended for temporary use is:**

**(i) Acceptable to the approving authority; and**

**(ii) Complies with A(3)-(9) of this regulation;**

**(17)A vending machine containing potentially hazardous foods has an automatic control that prevents the machine from vending food:**

**(a)If there is a power failure, mechanical failure, or other condition resulting in an internal machine temperature that cannot maintain food temperatures as specified in Regulation .06B(7) of this chapter; and**

**(b)Until serviced and working properly.**

- **(B)The Approving Authority may allow the use of equipment that meets A(3)-(11) of this regulation but fails to comply with A(1) of this regulation if:**

**(1)No applicable published equipment standard exists; and**

**(2)A review indicates the equipment and its uses are:**

**(a)Not harmful to public health; and**

**(b)Consistent with industry standards and practice.**

**.16**

- **Cleaning and Sanitizing Equipment and Utensils.**
- (A)Food contact surfaces of equipment and utensils are effectively cleaned and sanitized by:
  - (2)Cleaning with a suitable **commercial** detergent;
  - (3)Rinsing with potable water; and**
  - (4)Sanitizing, using:
    - (a)Immersion in hot water of 170°F or higher temperature **for at least 30 seconds; or**
    - (b)A chemical sanitizer that is proven to kill pathogens effectively:**
      - (i)In accordance with the manufacturer's label use instructions; or**
      - (ii)As set forth in C(1) of this regulation; or**
    - (c)For equipment that is not sanitized by the methods set forth in C(1) of this regulation:
      - (i)Live steam from a hose, provided that the steam can be confined **within the equipment;**
  - (B)Cleaning and sanitization occur:
    - (1)As often as needed to prevent food contamination;**

(3) Between an interruption in food preparation **greater than 4 hours; and**

(4) **Except for food contact surfaces of equipment or utensils within holding units that are maintained at proper temperatures, after a continuous use of 4 hours;**

(C) **When sanitizer is used for the manual sanitization of food contact surfaces of equipment and utensils:**

(1) **The minimum level of sanitizer provided is:**

(a) 50 ppm chlorine with a minimum water temperature of 75°F and a **minimum contact time of 7 seconds;**

(b) 12.5 – **25 ppm** iodine with a minimum water temperature of 75°F and a **minimum contact time of 30 seconds; or**

(c) **The concentration indicated on the manufacturer's label with a minimum contact time of 30 seconds for quaternary ammonium compound; and**

(2) A test kit or other device that accurately measures concentration of the sanitizer in parts per million is provided and used **to check that the minimum level of sanitizer is accurate;**

(D) When hot water is used as the sanitizing agent in manual operations, a **graduated thermometer** is provided that is:

(2) **Calibrated annually or more frequently;**

(E) A three-compartment sink is:

(2) Adequate in length, width, and depth **to accommodate the largest equipment items** and utensils;

(4) **If used for tasks other than warewashing, such as washing wiping cloths or produce or thawing food:**

(a) **Is washed and sanitized before and after the sink is used for a different task; and**

(b) **Does not contain an automatic chemical dispenser.**

(F) Single compartment sinks are used to rinse utensils **such as a knife or spatula only if the utensils will subsequently be washed, rinsed, and sanitized;**

(H) **When spray-type warewashing machines are used;**

(1) **The machines are installed:**

(a) **According to manufacturer's specifications; and**

**(b) To provide effective cleaning and sanitization of equipment and utensils;**

**(2) The manufacturer's specifications are listed on a data plate that is permanently affixed to the machine;**

**(3) The manufacturer's specifications for wash and rinse water do not exist, the following standards are followed:**

(b) For machines using hot water sanitization, the wash water is at least:

**(ii) 150°F for other types of machines;**

(I) All warewashing machines are thoroughly cleaned as often as needed throughout the day to:

**(1) Prevent recontamination of equipment and utensils; and**

**(2) Ensure that the equipment performs the equipment's intended function;**

(L) Warewashing machines using chemicals for sanitization **meet the following additional requirements:**

**(2) The chemical sanitizer used:**

**(a) Is listed in 21 CFR 178.1010; and**

(M) Written approval is obtained from the approving authority when any other type of machine, device, or facilities and procedures for warewashing **will be used based on a review that indicates compliance with A of this regulation;**

(O) Wiping cloths are:

**(2) Free of food debris when used dry for wiping food spills on tableware; and**

**(3) Rinsed and stored in one of the sanitizing solutions specified in C(1) of this regulation** when used wet for wiping spills from the surfaces of equipment.

**.17**

• **Storage and Handling of Cleaned Equipment and Utensils.**

• The person-in-charge shall ensure that:

• (A) Contamination of food-contact surfaces of cleaned and sanitized equipment and utensils is prevented by handling:

(2) Cleaned cups, glasses, and bowls so that hands do not contact inside surfaces or **mouth**-contact surfaces;

.18

- **Control of Sanitary Facilities.**

- The person-in-charge shall ensure that:

- **(A) Potable water is:**

- (1) Obtained from a water supply system that complies with Environment Article, Title 9, Annotated Code of Maryland and COMAR 26.04.04; and**

- (2) Meets the standards of quality specified in Environment Article, Title 9, Annotated Code of Maryland, and COMAR 26.04.01;**

- (B) Non-potable water for non-culinary purposes such as air conditioning or fire protection is used only if the system complies with H(3) of this regulation;**

- (C) Except for a temporary food service facility where water under pressure is not available, hot and cold running water under pressure is provided:**

- (2) With sufficient water capacity, pressure, and hot water generation and distribution to meet peak demands throughout the facility;**

- (D) Drinking water, if not dispensed through the water supply system of the food service facility, is potable and stored in a container that meets all applicable laws, ordinances, and regulations;**

- (E) Steam that contacts food is free from deleterious or harmful matter that might adulterate food;**

- (G) Where water-carried disposal methods are not possible, non-water-carried sewage disposal facilities are utilized if:**

- (2) The facilities are:**

- (b) Located outside and not attached to the establishment;**

- (4) Indirect waste piping is provided to a:**

- (a-h) Food preparation of utensil washing sink; Refrigerator coil; Ice making machine; Steam kettle; Coffee urn or brewer; Hot or cold drink machine; Steam table; Potato peeler;**

- (i) Warewashing machine unless:**

- (i) The machine is located within 5 feet of a trapped floor drain; and**
- (ii) The waste piping is connected directly to the inlet side of a floor drain trap vented in conformance with applicable State and local laws, ordinances, and regulations; and**
- (j) Similar piece of equipment in which food, portable equipment, or utensils are placed;**
- (5) Each compartment of a multiple compartment sink is indirectly drained to a trapped and vented plumbing receptor through an air gap that complies with State and local laws, regulations, and ordinances:**
  - (a) From a separate pipe through the air gap and into the plumbing receptor; or**
  - (b) Through the air gap into a single manifolded branch and into the plumbing receptor;**
- (6) Plumbing receptors receiving the discharge of indirect waste pipes:**
  - (a) Have a shape and capacity that will prevent splashing or flooding; and**
  - (b) Are accessible for cleaning and inspection;**
- (7) Food waste grinders are connected and trapped separately from other fixtures or sink compartments;**
- (8) Floor drains subject to evaporation have:**
  - (a) A water seal of at least 4 inches;**
  - (b) Water fed from a plumbing fixture that complies with State and local laws, regulations, and ordinances; or**
  - (c) An automatic priming device that complies with State and local laws, regulations, and ordinances; or**
- (9) Floor drains in storerooms, refrigerated rooms, walk-in coolers, or other locations where food is stored, have indirect waste piping;**
- (10) Hand sinks in food preparation tables and counters discharge through an air gap into a floor sink or receptor that is trapped and vented; and**

(11) Except when required by building design, waste pipes and fixtures are:

(b) Where installed over food storage, preparation, or serving areas, food is protected by one or more of the following:

**(i) Pipe joining methods that will preclude leakage;**

**(ii) Using wall-mounted fixtures;**

**(iv) Pressure testing the piping;**

**(v) Thermally insulating pipes to prevent condensation; and**

**(vi) Installing integral seepage pans or pipe sleeves;**

(I) Toilet facilities are:

**(1) Sufficient in number to serve the facility;**

**(4) Except as specified in Health General Article 21-325(b), Annotated Code of Maryland, for facilities established after January 1, 1979, provided for patrons whenever a food service facility:**

**(a) Prepares and serves food to patrons at a table; or**

**(b) Is a carry-out facility that has more than two tables with seating for patrons;**

(J) Toilet rooms:

**(2) Are equipped with self-closing doors except when a toilet room without doors is approved by the approving authority based on a review that shows that :**

**(a) Doors would impede the use of the toilet room; and**

**(b) The requirements in J(3)-(6) of this regulation are met;**

**(5) Prevent the entry of insects and vermin; and**

**(6) Do not open directly into the kitchen or food preparation areas;**

(L) Hand sinks are:

(2) Able to discharge:

**(b) Tempered running water at a temperature of at least 100°F through:**

**.19**

- **Garbage and Rubbish Disposal.**
- The person-in-charge shall ensure that:

- (A) Garbage is stored in the following ways as applicable to the facility:
  - (5) Damaged, adulterated, or recalled products are stored in designated areas separate from:**
    - (a) Food;**
    - (b) Equipment;**
    - (c) Utensils;**
    - (d) Linens; and**
    - (e) Single service and single use articles that are held for credit, redemption, or return to the distributor; and**
  - (B) Garbage containers are cleaned as necessary **to prevent a buildup of soil:**
  - (D) All garbage and rubbish is disposed of:
    - (1) Daily, or as often as necessary, to prevent a nuisance **or insanitary condition; and**
    - (2) By a method that complies with applicable State and local laws, regulations, and ordinances; and**
  - (E) Used cooking grease and oils are stored, recycled, and disposed of in accordance with applicable State and local laws, regulations, and ordinances.**

**.20**

- **Vermin Control.**
- The person-in-charge shall ensure that:
- (B) The premises are kept clean **and free of debris that will promote the harborage of vermin;**
- (C) Openings into the building are effectively protected against the entrance of insects **and rodents** by:
  - (D) Insect control devices that are used to electrocute or stun flying insects are:**
    - (1) Designed to retain the insects within the device;**
    - (2) Not located over areas used to prepare food; and**
    - (3) Located so that dead insects and insect fragments are prevented from being impelled or from falling onto:**
  - (a-e) Exposed food; Clean equipment; Utensils; Linens; and**

**Unwrapped single service and single use articles.**

**.21**

• **Building – Floors, Walls, and Ceilings.**

• The person-in-charge shall ensure that:

• (B) The floor in a food preparation, food processing, food storage, utensil washing, dressing or locker, toilet, and walk-in refrigerator room or area is constructed of epoxy, sealed concrete, quarry tile, ceramic tile, **commercial grade continuous sheet vinyl**, or similar material that makes the floor:

(3) Nonabsorbent, unless the floor is in a:

**(b) Dining area; or**

**(c) Mechanical or electrical room;**

(D) A mat, **floor covering**, and duckboard is:

(E) When carpeting is used, the carpeting is placed only on the floors of:

**(2) Retail areas where liquid products are not displayed; and**

**(3) Areas not subject to water flushing, spraying, or drippage;**

**(F) When a floor receives water as a result of processing or cleaning, floor drains are provided at a minimum of one floor drain per 400 square feet of floor area;**

**(G) When floor drains are installed, floors are graded at not less than 1/8 inch per foot to direct wastewater to the floor drains;**

**(H) A floor in a room without floor drains that requires the removal of processing or wash-water, is drained by:**

**(1) Sloping the floor at least 1/8 inch per foot toward a doorway or another opening; and**

**(2) Directing the wastewater into a floor drain or other discharge point located outside the room in compliance with applicable State and local laws, regulations, and ordinances;**

(L) The walls of all food preparation, utensil washing, and hand washing rooms or areas have:

(2) Surfaces that are **water** and grease resistant up to at least the highest level reached by splash or spray;

**(M) Ceiling covering materials are as set forth in L(1) of this Regulation for walls;**

**(N)When drop ceiling tiles are used, tiles:**

**(a)Are faced with a smooth, washable surface; and**

**(b)Do not contain fiberglass backing;**

(O)A wall covering material, **such as tile, stainless steel, fiber reinforced plastic, sealed gypsum board,** and a similar material, is attached and sealed to the wall or ceiling so that:

**(2)The surface is easily cleanable; and**

**(P)Exposed construction, such as exposed floor and ceiling rafters, trusses, or beams, utility ducts, and lighting, is:**

(1)Used only in:

**(b)Dining area; or**

**(c)Other areas with the approval of the approving authority based on applicable State and local laws, regulations and ordinances;**

**.22**

- **Building – Lighting and Ventilation.**

- The person-in-charge shall ensure that:

- (B)Lighting provides artificial light at a minimum of:

- (1)Fifty foot-candles at a surface where a food employee is working with food, utensils, or equipment;**

- (2)Twenty foot-candles** at 30 inches from the floor in a:

- (E)The facility is ventilated with ventilation equipment that is maintained and operated so that:

- (2)Outside air is supplied;**

- (a)Through:**

- (i)The HVAC system;**

- (ii)A separate supply fan; or**

- (iii)A combination of the HVAC system and a separate supply fan;**

- (b)So that the entry of outdoor contaminants is excluded by:**

- (i)Maintaining the building under a slight positive pressure;**

- (ii)Providing an air filtering system;**

- (c)So that it does not reduce the effectiveness of the exhaust system;**

**(3)Mechanical exhaust and make-up air systems are connected by an interlocking switch in order to provide make-up air whenever the exhaust system is in operation; and**

**(4)Make-up air is tempered when necessary to:**

**(a)Prevent the build-up of condensation that could:**

**(i)Result in an unsanitary condition within the facility; and**

**(ii)Contaminate food;**

**(b)Provide comfortable working conditions; and**

**(c)Comply with applicable building codes;**

(G)A ventilation hood or other ventilation device or fixture is designed:

**(2)In compliance with NSF Standard 2; and**

**(3)So that interior and exterior parts are easily accessible for maintenance and cleaning;**

**(I)A grease removing exhaust hood is provided when needed over commercial cooking equipment that produces grease or smoke, such as:**

**(1)Griddles;**

**(2)Fryers;**

**(3)Charbroilers;**

**(4)Ovens used to cook fatty foods at a temperature which exceeds the vaporization point of grease; and**

**(5)Solid fuel cooking equipment;**

**(J)A ventilation hood is provided over equipment where needed, for heat, fumes, and steam removal, including:**

**(1)High temperature ovens not cooking fatty foods or not emitting grease vapors;**

**(2)Steam kettles; and**

**(3)Warewashing machines using hot water sanitization;**

**(K)Overshelves are used over cooking equipment under a hood only if:**

**(1)Deflectors or the design of the overshelf prevents grease from condensing on the bottom of the overshelf and contaminating the food below;**

**(2)Deflectors meet NSF or equivalent standards for food zone materials; and**

**(3)The ability of the hood to capture grease vapors and smoke is not impaired;**

**(L)Equipment is not added or substituted under a hood that exceeds the capacity of the hood to remove:**

**(1)Heat;**

**(2)Steam;**

**(3)Smoke;**

**(4)Grease;**

**(5)Fumes; and**

**(6)Obnoxious odors;**

**(O)Required ventilation meets the Maryland Food Establishment Ventilation Guidelines:**

**(1)Initially; and**

**(2)For the life of the system.**

**.23**

- The person-in-charge shall ensure that:
- (B)Traffic through the food operation and utensil washing areas is limited **to on-duty personnel conducting pertinent job-related functions;**
- (I)Vacuum cleaning, wet cleaning, other dustless methods of floor and wall cleaning, or dust-arresting sweeping compounds and brooms are used in a manner that:
  - (1)Removes dust and soils; and**
- **(L)Live birds and animals are not present inside a food service facility except for:**
  - (1)Edible fish, shellfish, crustacea, or decorative fish in aquariums or display tank systems;**
  - (2)Service animals that are controlled by the disabled individual; and**
  - (3)Pets in the common dining areas of health care facilities at times other than during meals if:**

(a)Effective portioning and self-closing doors separate the common dining areas from food storage and food preparation areas;

(b)Condiments, equipment, and utensils are stored in enclosed cabinets or removed from the common dining area when pets are present; and

(c)Dining areas including tables and countertops are cleaned and sanitized before the next meal service.

.24

- Food Manufacturing in Food Service Facilities.
- (A) A person who is licensed to operate a food service facility may manufacture food for sale or distribution as provided in B, C, and E of this Regulation.
- (B)The person-in-charge shall ensure that before a food is manufactured in a food service facility;
  - (1)Plans for the manufacturing:
    - (a)Are submitted to the Department;
    - (b)Are approved in writing by the Department based on a review that indicates compliance with this regulation;
    - (c)Include:
      - (i)A list of foods proposed for manufacture;
      - (ii)The proposed processing procedures for a food;
      - (iii)Specifications for equipment items to be used for manufacture;
      - (iv)Packaging and labeling information;
      - (v)Methods of shipment;
      - (vi)Procedures for maintaining potentially hazardous food as set forth in Regulation .06B(7)-(14) of this chapter; and
      - (14)of this chapter; and
      - (vii)A HACCP plan in accordance with Regulation .34 of this chapter; and
    - (2)The facilities and equipment proposed for use in manufacturing are:
      - (a)Inspected by the Department; and

**(b)Approved in writing by the Department based on a review that indicates compliance with this chapter;**

**(C)A person licensed only to operate a food service facility may not manufacture the following foods:**

**(1)Low-acid canned foods as defined in 21 CFR 113.3(n)**

**(2)Acidified foods as defined in 21 CFR 114.3(b);**

**(3)Hermetically sealed and ready-to-eat potentially hazardous foods that a hazard analysis indicates are associated with the outgrowth of *Clostridium botulinum* or *Listeria monocytogenes*, such as:**

**(a)Smoked fish; and**

**(b)Pasteurized crabmeat;**

**(4)Bottled water; and**

**(5)Soft drinks.**

**(D)The approving authority shall routinely inspect the food manufacturing conducted in the food service facility:**

**(1)During inspections of the retail food service facility; and**

**(2)At a frequency set forth in Regulation .30 of this chapter.**

**(E)The person-in-charge shall ensure that:**

**(1)All manufactured food is labeled in accordance with Regulation .12 of this chapter; and**

**(2)Records are:**

**(a)Made to allow the trace-back of distributed or sold food to the food service facility that manufactured the food;**

**(b)Made to identify the immediate source of the food and food ingredients stored and processed at the facility;**

**(c)For shell eggs, made to provide the information required in COMAR 15.04.01.03A(2)(a)-(e);**

**(d)Made to identify the initial distribution of the food to facilitate the segregation of food that may have become adulterated or otherwise unfit for human consumption; and**

**(e)Maintained at the facility for at least:**

**(i)Two years for a shelf stable or preserved food; and**

**(ii)One year for a fresh food.**

- **Special Food Service Facilities.**
- (A) For a special food service facility that handles only food that remains in the original container or wrapping and that does not prepare, wrap, or package the food at the facility, the person-in-charge shall ensure that:
  - (1) **Compliance is maintained with Regulations .01-.06,.08,.12-.14,.15A(3)-(6),.19-.23,.25,.28-.33, and .35-.39 of this chapter; and**
  - (2) **When single service articles are used, the single service articles comply with Regulation .17H of this chapter.**
- (B) For a special food service facility that handles potentially hazardous food that is removed from the original package or that prepares, packages, or wraps food at the facility, the person-in-charge shall ensure that:
  - (1) **Compliance is maintained with Regulations .01-.14,.15A(3)-(11),.16-.23,.25, and .28-.39 of this chapter;**
  - (3) **If permanent toilet facilities are not required, temporary toilet facilities are made available and maintained in a sanitary manner;**
  - (4) **Except as provided in C(2) of this Regulation, adequate hand washing facilities are provided by:**
    - (a) **Where potable water under pressure is available, a hand sink as set forth in Regulation .18L and M of this chapter; or**
    - (b) **Another hand washing facility that has:**
      - (i) **Warm water;**
      - (ii) **Soap; and**
      - (iii) **Paper towels; and**
  - (5) **Wastewater from hand washing, food preparation, and cleaning is disposed of in accordance with State and local laws, regulations, and ordinances.**
- (C) **For a special food service facility that is a mobile unit, the person-in-charge shall ensure that:**
  - (1) **Compliance is maintained with either A or B of this Regulation as applicable;**

**(2)Equipment components of the mobile unit are in compliance with Regulation .15A(1) and (2) of this chapter;**

**(3)A hand washing sink is provided as set forth in Regulation .18L and M of this chapter;**

**(4)Potable water tanks are used to provide water for hand washing and where applicable for food preparation and utensil cleaning; and**

**(5)Wastewater tanks are used to hold wastewater pending disposal at a facility in a manner that conforms with State and local laws, regulations, and ordinances.**

**(D)For a special food service facility that is a temporary food service facility, the person-in-charge shall ensure that:**

**(1)Compliance is maintained with either A or B of this regulation as applicable, except that compliance with Regulation .21 and .22A, B(2), and E-O of this chapter is exempted;**

**(2)Where potable water under pressure is not available, sufficient containerized potable water is provided for:**

**(a)Hand washing; and**

**(b)Rinsing utensils; and**

**(3)The period of time that the facility operates is limited to the time stated in Regulation .02B(78) of this chapter.**

**(E)For a special food service that is a bed and breakfast, the person-in-charge shall ensure that:**

**(1)Compliance is maintained with either A or B of this Regulation as applicable;**

**(2)The facility serves meals only to renter; and**

**(3)The facility does not operate as a restaurant or caterer.**

**(F)For a special food service facility that is a semi-permanent food service facility, the person-in-charge shall ensure that:**

**(1)Compliance is maintained with either A or B of this chapter as applicable;**

**(2)A connection to potable water is maintained as a critical item, as set forth in Regulation .18A of this chapter;**

**(3)Hand sinks are provided and maintained as set forth in Regulation .18L and M of this chapter; and**

**(4)A connection to a sewage disposal system is maintained as a critical item that meets applicable State and local laws, regulations and ordinances is provided.**

**(G)For a special food service facility that is an on-farm food service facility, the person-in-charge shall ensure that:**

**(1)Compliance is maintained with either A or B of this regulation as applicable, except that compliance with Regulation .21 and .22A, B(2), and E-O of this chapter is exempted;**

**(2)Hand washing stations are provided in close proximity to the food service facility for use by customers;**

**(3)Signs are displayed prominently at the hand washing stations stating “In the interests of public health, please wash your hands thoroughly before entering or handling food.”; and**

**(4)The period of time that the facility operates is limited to the time in Regulation .02B(48) of this chapter.**

## **.26**

- **Excluded Organizations.**

- (A)Pursuant to Health-General Article 21-304(a)(2), Annotated Code of Maryland, **an excluded organization shall make:**

- (1)A non-rescindable decision to operate with a license and in full compliance with this chapter; or**

- (2)A decision to operate without a license and in compliance with B-F of this Regulation, which establish the minimum requirements to ensure food safety at a food service facility operated by an excluded organization without a license:**

- (1)Complies with Regulations .01-.23,.26, and .29-.39 of this chapter;**

- (2)When serving potentially hazardous food, serves only potentially hazardous food:**

- (a)Prepared at the excluded organization; or**

- (b)In a licensed food establishment; and**

- (d)Functions are designed; and**

**(e) Except as provided in C of this Regulation:**

(C) The approving authority may allow a food service facility operated by an excluded organization without a license to use refrigeration and warewashing equipment that does not comply with NSF standards based upon a review that indicates that:

(1) The equipment complies with the requirements in **Regulation .15A(3)-(8) of this chapter; and**

(2) The cooling capacity of the refrigeration equipment controls the temperature of the food **according to Regulation .06B(8)-(14) of this chapter.**

**(D) During the operation of a special food service facility, the person-in-charge of an unlicensed excluded organization that is a special food service facility:**

**(a) Only handles food that remains within the food's original container or wrapping; and**

**(b) Does not prepare, wrap, or package food at the facility; or**  
**(2) Regulations .01-.06,.08-.14,.15A(3)-(11),.16-.20,22B(1),C and D, .23,.26, .29-.33, and .35-.39 of this chapter, if the unlicensed excluded organization that is a special food service facility:**

**(a) Handles potentially hazardous food that is removed from the original container or wrapping; or**

**(b) Prepares, packs, or wraps potentially hazardous food at the facility.**

**(E) The person-in-charge shall ensure that an unlicensed excluded organization does not:**

**(1) Operate a bed and breakfast;**

**(2) Operate a semi-permanent food service; or**

**(3) Except as provided for in H of this Regulation, perform retail food manufacturing.**

**(F) The person-in-charge shall ensure that when an unlicensed excluded organization plans a single event to prepare or serve potentially hazardous food to 200 or more individuals from the public that:**

**(1)Written notification of the event is submitted to the approving authority not less than 30 days before the scheduled event; and**

**(2)The written notification required in F(1) of this Regulation contains :**

**(a)The date, place, and time of the event;**

**(b)The estimated number of individual s to be served at the event;**

**(c)A menu or list of foods to be served;**

**(e)A list of foods to be prepared more than 12 hours in advance of service;**

**(f)If food is to be prepared off-premises, the:**

**(i)Name of the facility is to be used; and**

**(ii)Procedures for transporting food to the premises;**

**(g)The name, address and telephone number of a responsible contact individual; and**

**(h)Any other information requested by the approving authority in order to review the food preparation and service.**

**(G)The person-in-charge shall ensure that when an unlicensed excluded organization that is a volunteer fire company plans to serve food to the public for up to 30 consecutive days, a written notice is provided to the Department that includes the:**

**(1)Dates on which the food will be prepared;**

**(2)Methods of storing and serving food; and**

**(3)Methods or procedures that will be followed to ensure food:**

**(a)Safety; and**

**(b)Security.**

**(H)In Carroll County, a religious organization that meets the definition of an excluded organization as set forth in Regulation .02B(28) of this chapter, and complies with COMAR 10.15.01.09A-D, 10.15.04.09 may offer for sale directly to the public the following types of homemade style food, only in the food is produced at the kitchen of the excluded organization:**

**(1)Fruit butter made only from:**

(a-f) Apples; Apricots; Grapes; Peaches; Plums; and Quince;  
(2) Jam, preserve, or jelly, made only from:  
(a) A fruit listed in H(1) of this regulation;  
(b-l) Oranges; Nectarines; Tangerines; Blackberries;  
Boysenberries; Cherries; Cranberries; Strawberries; or Red  
currants; or  
(3) Fruit pies made from a fruit listed in H(1) and (2) of this  
Regulation;

.27

- Farmer's Market and Bake Sales.
- (A) The approving authority shall;
  - (1) Accept as being from an approved source the homemade  
foods specified in A(2) of this regulation when the foods are:
    - (a) Made in a private home kitchen located only on a farm;
    - (b) In compliance with COMAR 10.15.01.09A-D, 10.15.01.10A  
and 10.15.04.09; and
    - (c) Offered or sold only at farmer's market;
  - (2) Allow the preparation and sale of the following foods in  
accordance with A(1) of this regulation:
    - (a) Non-potentially hazardous hot-filled canned acid fruit  
jellies, jams, preserves, and butters that are:
      - (i) Unadulterated;
      - (ii) Packaged to maintain food safety and integrity; and
      - (iii) Labeled in accordance with Regulation .12 of this chapter;
    - (b) Fruit butters made only from:
      - (i) Apples;
      - (ii) Apricots;
      - (iii) Grapes;
      - (iv) Peaches;
      - (v) Plums;
      - (vi) Prunes;
      - (vii) Quince; or
      - (viii) Another fruit or fruit mixture that will produce an acid  
canned food;
    - (c) Jam, preserve, or jelly made only from:

(i) A fruit listed in A(2)(b) of this Regulation;  
(ii-xii) Oranges; Nectarines; Tangerines; Blackberries;  
Raspberries; Blueberries; Boysenberries; Cherries;  
Cranberries; Strawberries; Red Currants; or  
(xiii) Another fruit or fruit mixture than will produce an acid  
canned food;  
(d) Non-potentially hazardous baked goods;  
(e) Foods manufactured on a farm by a licensed food processor  
in accordance with COMAR 10.15.01.19; and  
(f) All other foods produced by a licensed entity; and  
(3) Inspect a farmer's market or bake sale to ensure compliance  
with this chapter; and  
(4) Take action against a misbranded or adulterated food at a  
farmer's market or bake sale in accordance with Health-  
General Article, 21-211, 21-253, and 21-254, Annotated Code  
of Maryland.  
(B) The approving authority may waive the requirement for a  
license if the:  
(1) Place of business meets the definition of a:  
(a) Farmer's market as set forth in Regulation .02B(30) of this  
chapter; or  
(b) Bake sale as set forth in Regulation .02B(6) of this chapter;  
(2) Foods offered or sold at a farmer's market are only:  
(a) Fresh fruits and vegetables; and  
(b) The foods listed in A(2) of this Regulation; and  
(3) Foods made in private home kitchens offered or sold at a  
bake sale are only non-potentially hazardous baked goods.

.28

- Licenses.
- (A) The approving authority shall issue and renew licenses in  
accordance with Health-General Article, 21-309 and 21-310,  
Annotated Code of Maryland, and this chapter.
- (B) The approving authority may deny an application for a  
food service facility license in accordance with Health-General  
Article 21-311, Annotated Code of Maryland, and this chapter.

- **(C)A person:**
  - (1)Shall obtain a food service facility license before the person operates a foods service facility; and**
  - (2)May not operate a food service facility, if the person does not have a current and valid license issued by the approving authority except:**
    - (a)As provided in:**
      - (i)Health-General Article, 21-305, Annotated Code of Maryland; and**
      - (ii)Regulations .26A(2) and .27C of this chapter; and**
    - (b)For caterer:**
      - (i)As provided in E of this Regulation; or**
      - (ii)When from outside the State, the caterer conforms to the provisions of this chapter or to substantially equivalent provisions as indicated by a report from the caterer’s licensing agency to the approving authority indicating that the facility is licensed and inspected in the jurisdiction where the food service facility is located.**
  - (D)The person-in-charge shall ensure that:**
    - (1)Application for a food service facility license is submitted in accordance with Health-General Article, 21-306 and 21-307, Annotated Code of Maryland;**
    - (2)A valid license is displayed in a conspicuous place in the food service facility; and**
    - (3)When catering services are offered, the food service facility license number and the identity of the issuer of the number are located:**
      - (a)On advertising and business cards;**
      - (b)In published print media**
      - (c)On flyers;**
      - (d)In brochures;**
      - (e)On vehicles used in connection with catering services;**
      - (f)On contracts for catering services;**
      - (g)In telephone directories; and**
      - (h)In or on any advertising and solicitation.**

**(E)The approving authority may not require a caterer licensed in Maryland to obtain a separate license for each catered event, including events across jurisdictional lines within the state, when the:**

**(1)Major food preparation for the event is completed at the caterer’s food service facility, including:**

**(a)Thawing potentially hazardous food;**

**(b)Cooking potentially hazardous food, except at outdoor barbeques when the food will be immediately consumed or discarded;**

**(c)Cooling potentially hazardous food; or**

**(d)Preparing salads that contain potentially hazardous foods; and**

**(2)Event is at a location other than the caterer’s food service facility if the caterer and location comply with Regulations .01-.14, .15A(3)-(8), and .18I and L of this chapter.**

(F)Except as provided in **G** of this regulation, a license may not be transferred from one person to another person or from one food service facility to another.

**.29**

- **Food Service Facility Inspections – General.**

**.30**

- **Food Service Facility Inspections – Types and Frequencies.**

- **The approving authority shall ensure that:**

**(A)The following types of inspections are conducted:**

**(1)A comprehensive inspection that contains:**

**(a)A monitoring inspection as set forth in A(2) of this Regulation;**

**(b)A HACCP compliance inspection as set forth in A(3) of this Regulation; and**

**(c)An inspection of the physical facility to ensure compliance with the applicable sections of this chapter, including those governing:**

**(i-xv)Floors; Walls; Ceilings; Lighting; Ventilation; Hoods; Food equipment; Toxic substances and cleaning supplies**

**storage and use; Cleaning, rinsing and sanitizing; Mechanical warewashers; Insects, rodents, birds, or other animals; Trash disposal; Hand sinks; Bathroom fixtures; and Backflow and backsiphonage prevention;**

**(2)A monitoring inspection that contains:**

**(a)An inspection for compliance with critical items as:**

**(i)Defined in Regulation .02B(19) of this chapter; and**

**(ii)Outlined in C of this Regulation;**

**(b)A menu review to determine whether the existing priority assessment is correct; and**

**(c)An evaluation of the physical facility to ensure that food is protected; and**

**(3)A HACCP compliance inspection that contains:**

**(a)An inspection for compliance with Regulation .34 of this chapter;**

**(b)A comparison of the HACCP plan on site to the current menu;**

**(c)An evaluation of the food preparation in progress to ensure that each CCP:**

**(i)Is properly identified;**

**(ii)Is monitored according to the procedures contained in the HACCP plan; and**

**(iii)Has a corrective action that is implemented according to procedures contained in the HACCP plan;**

**(d)Verification that the procedures used to monitor each CCP are accurate; and**

**(e)Action to:**

**(i)Enforce compliance with the HACCP plan; or**

**(ii)Have the existing HACCP plan revised to comply with Regulation .33E and F of this chapter;**

**(B)Compliance with critical items considered to be achieved when the person-in-charge:**

**(1)Receives food from approved sources;**

**(2)Protects food from adulteration;**

**(3)Ensures that an individual who works with food:**

**(a)Washes hands as necessary to protect food and food contact surfaces from contamination; and**

**(b)Is excluded if ill as set forth in Regulation .14A and B of this chapter;**

**(4)Cools potentially hazardous food:**

**(a)As set forth in Regulation .09A-C of this chapter; and**

**(b)In equipment that complies with Regulations .15A of this chapter;**

**(5)Maintains potentially hazardous food:**

**(a)Hot:**

**(i)At hot holding temperatures as set forth in Regulation .06B(7) of this chapter; and**

**(ii)In equipment that complies with Regulation .15A of this chapter; or**

**(b)Cold:**

**(i)At refrigeration temperatures as set forth in Regulation .06B(8) of this chapter; and**

**(ii)In equipment that complies with Regulation .15A of this chapter;**

**(6)Cooks and reheats potentially hazardous food:**

**(a)As set forth in Regulations .10 and .11C of this chapter; and**

**(b)In equipment that complies with Regulation .15A of this chapter;**

**(7)Provides an adequate supply of potable water for:**

**(a)Food preparation;**

**(b)Hand washing;**

**(c)Utensil washing;**

**(d)Toilet facilities; and**

**(e)Facility sanitation; and**

**(8)Properly discharges sewages as set forth in Regulation .18F and G of this chapter;**

**(C)A food service facility is inspected:**

**(1)As needed for the enforcement of this chapter;**

**(2)When a high priority food service facility:**

**(b)Except as provided in D of this regulation, using:**

- (i) A comprehensive inspection; and
- (c) That operates fewer than 12 months in a year, using one comprehensive inspection:
- (ii) During each 4 month interval if the operating season is 4 months or greater;**
- (3) When a moderate priority food service facility:
- (b) Except as provided in D of this regulation, using:**
- (i) A comprehensive inspection, and
- (c) That operates fewer than 12 months a year, using a comprehensive inspection during each period of 6 months or less;**
- (4) When a low priority food service facility, using a comprehensive inspection at a minimum of once every 2 years **except that a HACCP compliance inspection is not required;** and
- (5) When a temporary food service facility, using a comprehensive inspection during each licensure period; and**
- (D) A food service facility is inspected as soon as possible when the food service facility has been associated with foodborne illness, using a:**
- (a) HACCP compliance inspection that focuses on the food implicated with illness; and**
- (b) Upon completion of the HACCP compliance inspection, either a:**
- (i) Comprehensive inspection; or**
- (ii) Monitoring inspection.**

### **.31 Time Period for Correction of Violations**

- (A) The person-in-charge shall correct:
  - (1) Critical item violations immediately;
  - (2) Other violations except as provided in A(3) of this regulation within:

**(b) Another time period specified by the approving authority based on applicable State and local laws, regulations, and ordinances; and**
  - (3) Other violations at a temporary food service facility within:

**(b)Another time period specified by the approving authority based on applicable State and local laws, regulations, and ordinances.**

**.32 Choking Posters.**

**.33 Plan Review.**

**(A)The person-in-charge shall ensure that plans and specifications are submitted to the approving authority before a food establishment is:**

**(B)The person-in-charge shall ensure that the information submitted to the approving authority includes:**

**(1)A scale drawing of the proposed facility that identifies the layout and arrangement of work areas and the location of all equipment;**

**(2)A description of:**

**(a)Materials to be used for interior finishes;**

**(b)The layout and types of lighting to be used;**

**(c)The proposed ventilation system; and**

**(d)Methods and facilities for trash storage and disposal;**

**(3)A plumbing diagram, including specification of the method of sewage disposal and the source of potable water;**

**(4)A complete list of specifications for the proposed food equipment;**

**(6)General food handling information and procedures for:**

**(a)Receiving;**

**(b)Storage;**

**(c)Thawing; and**

**(d)Preparation;**

**(7)A list of foods that will be:**

**(a)Prepared in advance of service; or**

**(b)Distributed of premises;**

**(8)A description of the food systems that will be used, such as:**

**(a)Cook-hot hold-serve;**

**(b)Cook-cool-reheat-hot hold- serve; and**

**(c)Cook-cool-cold hold-serve; and**

**(9)Any other information that is required by the approving authority to ascertain compliance of the plans and specifications with all applicable State and local laws, regulations, and ordinances.**

**(C)The approving authority shall:**

**(1) Conduct a priority assessment of the facility based upon the information obtained in B of this regulation; and**

**(3) Designate as a high priority facility, a facility that:**

**(a) Is a health care facility; or**

**(4) Designate as a moderate priority facility, a facility that serves potentially hazardous food:**

**(b) That is held hot for greater than 4 hours if the food is a commercially processed food that will subsequently be discarded;**

**and**

**(5) Designate as a low priority facility, a facility that serves:**

**(i) Commercially packaged potentially hazardous foods directly to the consumer; or**

**(ii) Hand-dipped ice cream.**

**(D) The person-in-charge shall ensure that a HACCP plan is submitted to the approving authority for each high or moderate priority facility as specified in C of this regulation.**

**(E) The person-in-charge shall ensure that the HACCP plan includes the:**

**(2) Critical limits for each CCP;**

**(3) Monitoring procedures at each CCP;**

**(4) Corrective action that will be taken if there is a loss of control, at a CCP due to:**

**(d) Any other factor that causes loss of control at a CCP;**

**(5) Verification procedures that will ensure proper monitoring of each CCP, such as:**

**(a) Calibration of cooking and holding equipment and the thermometers; and**

**(b) Review of records such as temperature logs;**

**(6) Written procedures for employee training in HACCP plan procedures; and**

**(7) A list of the food service equipment that will be used at each CCP.**

**(F) The person-in-charge shall construct the HACCP plan by:**

**(1) Listing, for each CCP, the:**

**(a) Menu items controlled by the CCP;**

- (b)Equipment used; and**
- (c)Monitoring, corrective action, and verification procedures;**
- (2)Incorporation of the requirements of E of this regulation into a recipe of preparation instruction; or**
- (3)Another way that meets the requirements of E of this Regulation.**

#### **.34 HACCP Plan Compliance.**

- **The person-in-charge of a high or moderate priority food service facility shall ensure that:**
- **(A)A HACCP plan is:**
  - (1)In compliance with Regulation .33E and F of this chapter;**
  - (2)Within the food preparation area during operation;**
  - (3)Readily accessible to employees at all times; and**
  - (4)Updated as follows:**
    - (a)When a change in food processes or procedures change one or more CCP; and**
    - (C)Changes to the HACCP plan are submitted to the approving authority before implementation of the HACCP plan.**

#### **.35 Enforcement Procedures.**

- (G)The approving authority shall ensure that an action to suspend or revoke a license:
  - (1)Complies with the provisions of:
    - (b)Health-General Article 21-315, Annotated Code of Maryland; and**
- (H)When an immediate and substantial danger is found to exist to public health, **safety, or welfare that imperatively requires emergency action, pursuant to State Government Article, 10-226(c)(2), Annotated Code of Maryland, the:**
  - (1)Approving authority **shall:**
- (J)The approving authority **shall ensure** that appropriate steps are taken to ensure that the licensee ceases operation of the food service facility upon suspension or revocation of the license, including:

- (K) A person whose food service facility license has been suspended or revoked may apply for reinspection and reinstatement of the license by submitted to the approving authority a written request **that details the actions taken by the person to correct each violation of a food statute or regulation that caused the suspension or revocation.**

#### **.36 Foodborne Disease Investigation and Control.**

- The approving authority shall ensure that:
- (A) When there is a reasonable cause to suspect foodborne disease transmission from a food service facility employee:
  - (3) Immediate exclusion of the employee from **all food handling positions** within the facility; and

#### **.37 Sampling, Detention, and Condemnation of Food.**

- The approving authority shall:
- (C) Take action on a food in accordance with Health-General Article 21-211, 21-253, and 21-254, Annotated Code of Maryland by:
  - (1) Issuing a detention order;**
  - (2) Destroying the food; or**
  - (3) Making the food unusable for consumption.**

#### **.38 Penalties.**

#### **.39 Federal Compliance.**

- **In addition to the other requirements set forth in this chapter, the person in charge shall ensure that the food service facility meets all of the requirements applicable to food sources, storage, preparation, and service that are set forth at:**
  - **(A) 21 CFR, as amended;**
  - **(B) 9 CFR, as amended; and**
  - **(C) 21 U.S.C. 343, as amended.**