

R392. Health, Disease Control and Prevention, Environmental Services.

R392-105. Agritourism Food Establishment Sanitation.

R392-105-1. Authority and Purpose.

(1) This rule is authorized under Sections 26-1-5 and 26-15-2, and Subsections 26-15b-105(2) and 26-1-30(23).

(2) This rule establishes minimum standards for the sanitation, operation, and maintenance of an agritourism food establishment, as defined by this rule, and in order to safeguard public health and ensure that food is safe, unadulterated, and honestly presented, provides for the prevention and control of health hazards associated with an agritourism food establishment.

R392-105-2. Applicability.

This rule applies to an agritourism food establishment, as defined, and does not apply to any other type of food establishment.

R392-105-3. Definitions.

As used in this rule:

(1) "Agricultural tourism activity" means an educational or recreational activity that:

(a) takes place on a farm or ranch or other commercial agricultural, aquacultural, horticultural, or forestry operation; and

(b) allows an individual to tour, explore, observe, learn about, participate in, or be entertained by an aspect of agricultural operations.

(2) "Agritourism" means the travel or visit by the general public to a working farm, ranch, or other commercial agricultural, aquacultural, horticultural, or forestry operation for the enjoyment of, education about, or participation in the activities of the farm, ranch, or other commercial agricultural, aquacultural, horticultural, or forestry operation.

(3) "Agritourism food establishment" means a non-commercial kitchen facility on a farm where food is handled, stored, or prepared to be offered for sale on the same farm in connection with an agricultural tourism activity.

(4) "Agritourism food establishment permit" means a permit issued by a local health department to the operator for the purposes of operating an agritourism food establishment.

(5) "Clean" means the condition of being visibly free from dirt, soil, stain, leftover food particles, or other materials not intended to be a part of the object in question.

(6) "Department" means the Utah Department of Health.

(7) "Farm" means a working farm, ranch, or other commercial agricultural, aquacultural, horticultural, or forestry operation.

(8) "FDA Food Code" or "Food Code" means the version of U.S. Public Health Service, Food and Drug Administration, Model Food Code as incorporated by reference with exceptions and amendments in Rule R392-100.

(9) "Food" means:

(a) a raw, cooked, or processed edible substance, ice, nonalcoholic beverage, or ingredient used or intended for use or for sale, in whole or in part, for human consumption; or

(b) chewing gum.

(10) "Hot water" means water heated to a temperature of not less than 110 deg F at the outlet.

(11) "Imminent health hazard" means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on the number of potential injuries and the nature, severity, and duration of the anticipated injury. An imminent health hazard may include an emergency such as a fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent foodborne illness outbreak, gross insanitary occurrence or condition, or other circumstances that may endanger public health.

(12) "Linens" means fabric items such as cloth hampers, cloth napkins, table cloths, wiping cloths, and work garments including cloth gloves.

(13) "Local health department" has the same meaning as defined in Section 26A-1-102.

(14) "Local health officer" means the director of the jurisdictional local health department or a designated representative.

(15) "Operator" means a person who owns, manages, or controls, or who has the duty to manage or control, the farm.

(16) "Plumbing fixture" means a receptacle or device that is connected to the water supply system of the premises; or discharges wastewater, liquid-borne waste materials, or sewage to the drainage system of the premises.

(17) "Ready-to-eat food" means the same as defined in the FDA Food Code.

(18) "Sanitized" means the application of cumulative heat or chemicals on cleaned food, ice, or potable water contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of 5 logs, which is equal to a 99.999% reduction, of representative disease microorganisms of public health importance.

(19) "Time/temperature control for safety food" or "TCS" means food that requires time/temperature controls for safety to limit pathogenic microorganism growth or toxin formation.

(20) "Wastewater" means sewage, industrial waste, or other liquid or waterborne substances causing or capable of causing pollution of waters of the state.

(21) "Working farm, ranch, or other commercial agricultural, aquacultural, horticultural, or forestry operation" means an operation involved in the growing or harvesting of plants or crops, the raising of livestock, poultry, or aquatic animals, or similar activities conducted by a farmer on a site such as a farm, ranch, orchard, dairy farm, or freshwater pond and whose primary income is derived from such operations.

R392-105-4. General Requirements.

(1) This rule does not require a construction change in any portion of an agritourism food establishment if the agritourism food establishment was in compliance with the law in effect at the time the facility was constructed, except that the local health officer may require construction changes if it is determined the agritourism food establishment or portion thereof is creating an imminent health hazard.

(2) The operator of an agritourism food establishment shall:

(a) comply with the provisions of this rule; and

(b) be responsible for the conduct of employees to ensure compliance with this rule.

(3) Agritourism food establishments are exempt from the requirements of Rule R392-100, Food Service Sanitation, unless otherwise stated in this rule.

(4) Severability - If any provision of this rule, or its application to any person or circumstance is declared invalid, the application of such provisions to other persons or circumstances, and the remainder of this rule, may not be affected thereby.

(5) An agritourism food establishment employee who works with unpackaged food, food equipment or utensils, or food-contact surfaces for an agritourism food establishment is a food handler, and shall meet the requirements of Rule R392-103.

R392-105-5. Agritourism Food Establishment Permit Requirements.

(1) An operator shall operate an agritourism food establishment only after obtaining a valid permit to operate issued by a local health department that has jurisdiction over the area in which the farm is located.

(2) An operator shall only qualify for an agritourism food establishment permit if:

(a) poultry products that are served at the agritourism establishment are slaughtered and processed in compliance with the Poultry Products Inspection Act, 21 U.S.C. Sec. 451 et seq., and the applicable regulations issued pursuant to that act;

(b) meat not described in Subsection (2)(a) that is served at the agritourism food establishment is slaughtered and processed in compliance with the Federal Meat Inspection Act, 21 U.S.C. Sec. 601 et seq., 9 CFR 303.1 and the applicable regulations issued pursuant to that act;

(c) a kitchen facility used to prepare food for the agritourism food establishment meets the requirements of this rule;

(d) the agritourism food establishment is in operation for no more than 14 consecutive days at a time; and

(e) the operator complies with the requirements of this rule, including payment of a permit fee.

(3) A local health department shall impose a fee for an agritourism food establishment permit in an amount that reimburses the local health department for the cost of regulating the agritourism food establishment.

(4) An operator applying for an agritourism food establishment permit shall provide to the local health department:

(a) written consent to enter the premises where food is prepared, cooked, stored, or harvested for the agritourism food establishment;

(b) a list of any agritourism food service events scheduled within the permit period; and

(c) written standard operating procedures that include:

(i) food that will be stored, handled, and prepared;

(ii) the proposed procedures and methods of food preparation and handling;

(iii) procedures, methods, and schedules for cleaning utensils and equipment;

(iv) procedures and methods for the disposal of refuse; and

(v) a plan for maintaining time/temperature control for safety food at the appropriate temperatures for each TCS food.

(5) At least 14 days prior to the event, the operator shall notify the local health department of any agritourism food service event not listed on the application as required in Subsection R392-105-5(4)(b), and scheduled after the application has been submitted.

(a) The operator shall include the following agritourism food service event details:

(i) type of event;

(ii) event start date;

(iii) duration of event; and

(iv) contact information for the event operator.

(b) The operator may provide this notification by mail, email, or in person.

(6) A local health officer may require local health department approval of the procedures and plans specified in Subsection R392-105-5(4) before issuing an agritourism food establishment permit.

(7) In addition to a fee charged under Subsection R392-105-5(3), if the local health department is required to inspect the farm as a source of an adulterated food or an outbreak of illness caused by a contaminated food and finds, as a result of that inspection, that the farm has produced an adulterated food or was the source of an outbreak of illness caused by a contaminated food, the local health department may charge and collect from the farm a fee for that inspection.

(8) An agritourism food establishment permit:

(a) is nontransferable;

(b) is renewable on an annual basis;

(c) is restricted to the location listed on the permit; and

(d) shall provide the operator the opportunity to update the information required in Subsection R392-105-5(5)(a) as well as the food types and products handled without requiring the operator to renew the permit.

(9) This section does not prohibit an operator from applying for a different type of food event permit from a local health department such as a food establishment permit or a temporary food service permit.

(10) Nothing in this rule prevents a local health department from revoking an agritourism food establishment permit issued by the local health department if the operation of the agritourism food establishment violates the terms of:

(a) the permit

(b) this rule; or

(c) Chapter 26-15b.

(11) If a permit application is denied, or a permit is revoked, the agritourism food establishment operator may request information from a local health officer that includes:

(a) the specific reasons and rule citations for permit denial; and

(b) any actions the applicant must take to qualify, or requalify, for a permit.

(12) A local health department issuing an agritourism food establishment permit may not require:

(a) submission of plans and specifications before construction or remodel of a kitchen facility except for the plans and procedures required in Subsection R392-105-5(4);

(b) a pre-operational inspection before issuing or renewing the permit; or

(c) food safety manager certification.

R392-105-6. Construction and Maintenance Requirements.

(1) Materials for indoor floor, wall, and ceiling surfaces of an agritourism food establishment shall be smooth, durable, and easily cleanable for areas where food is stored, prepared, held under temperature control, or served.

(2) The exterior of an agritourism food establishment shall be constructed of weather-resistant materials, and shall effectively protect the establishment interior from the entry of dust, debris, stormwater, insects, and rodents.

(3) If used, mats and duckboards shall be designed to be removable and easily cleanable.

(4) Physical facilities shall be maintained in good repair.

- (5)(a) Physical facilities shall be cleaned as often as necessary to keep them clean and free of debris.
- (b) Except for cleaning that is necessary due to a spill or other accident, cleaning shall be done during periods when the least amount of food is exposed such as after closing.
- (6) Light intensity within the interior of an agritourism food establishment shall be well lit by natural or artificial light whenever food is being prepared.
- (7)(a) An agritourism food establishment shall have at least one conveniently located handwashing station provided with warm water, soap, and disposable hand towels.
- (b) Toilet facilities shall be equipped with proper handwashing stations.
- (8) An agritourism food establishment shall have a properly maintained kitchen sink installed with hot and cold water.
- (9) The operator shall supply hot water to all sinks.
- (10) A toilet room shall be:
 - (a) available to employees during all hours of operation; and
 - (b) equipped with proper handwashing facilities as described in Subsection R392-105-6(7).

R392-105-7. Equipment Requirements.

- (1) Materials that are used in the construction of utensils and food contact surfaces of equipment shall retain their characteristic qualities under normal use conditions.
- (2) Food contact surfaces shall be smooth, easily cleanable, and in good repair.
- (3) Utensils shall be maintained in a sanitary manner between uses.
- (4) Non-food contact surfaces made of materials ordinarily used in residential settings shall be kept clean.
- (5) Fixed floor-mounted and table-mounted equipment shall be sanitized between uses.
- (6) Sponges may not be used in contact with cleaned and sanitized or in-use food-contact surfaces.
- (7) Linens may not be used in contact with food unless they are used to line a container for the service of foods and the linens are replaced each time the container is refilled for a new consumer.
- (8) Ventilation in food preparation and warewashing areas shall be designed and maintained to allow the escape of gases, odors, steam, heat, grease, vapors, and smoke from the kitchen.
- (9) Plumbing fixtures shall be kept clean from the accumulation of residue and debris.
- (10) Except for transport or display not to exceed four hours, an operator may not use a non-mechanical container such as a cooler for temperature control of TCS foods regardless of whether the container is used with or without ice or reusable ice packs.
- (11) The operator shall maintain an operational non-fixed temperature-measuring device in each mechanically refrigerated unit or hot food storage unit.
- (12) An operator shall equip the agritourism food establishment with at least one food temperature measuring device with a small diameter probe.
 - (a) Food temperature measuring devices may not have sensors or stems constructed of glass unless the thermometer with a glass sensor or stem is encased in a shatterproof coating such as a candy thermometer.
 - (b) A food temperature measuring device shall be:
 - (i) easily readable;
 - (ii) readily accessible; and
 - (iii) properly calibrated.
- (13)(a) Receptacles and waste handling units for refuse and recyclables and for use with materials containing food residue shall be durable, cleanable, insect and rodent resistant, leakproof, and nonabsorbent.
- (b) Receptacles and waste handling units for refuse and recyclables used with materials containing food residue and used outside the agritourism food establishment shall be:
 - (i) designed and constructed to have tight-fitting lids, doors, or covers; and
 - (ii) maintained in good repair.
- (c) Refuse and recyclables shall be stored in receptacles or waste handling units so that they are inaccessible to insects and rodents.
- (d) Receptacles and waste handling units for refuse and recyclables shall be kept covered inside the agritourism food establishment:
 - (i) if the receptacles and units contain food residue and are not in continuous use, or
 - (ii) after they are filled.
- (14) Refuse and recyclables shall be removed from the agritourism food establishment premises at a frequency that will minimize the development of objectionable odors and other conditions that attract or harbor insects and rodents.
- (15) An operator shall furnish or equip an agritourism food establishment with adequate electrical power to ensure uninterrupted service during food preparation and food service, and when storing any time/temperature control for safety food.

R392-105-8. Requirements for Cleaning Equipment and Utensils.

- (1) Equipment food-contact surfaces and utensils shall be clean to sight and touch, and shall be sanitized before use after cleaning.
- (2) The food-contact surfaces of cooking equipment and pans shall be kept free of encrusted grease deposits and other soil accumulations.
- (3) Nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.
- (4) Equipment food-contact surfaces and utensils shall be cleaned and sanitized:
 - (a) before each use with a different type of raw animal food such as beef, fish, lamb, pork, or poultry;
 - (b) each time there is a change from working with raw foods to working with ready-to-eat foods;
 - (c) between uses with raw fruits and vegetables and with time/temperature control for safety foods;
 - (d) before using or storing a food temperature measuring device; and
 - (e) at any time during the operation when contamination may have occurred.
- (5) Equipment food contact surfaces and utensils shall be cleaned throughout the day at least every four hours if used with TCS food.
- (6) Utensils and equipment contacting food that is not TCS shall be cleaned:
 - (a) at any time when contamination may have occurred;
 - (b) at least every 24 hours;
 - (c) before restocking consumer self-service equipment and utensils such as condiment dispensers and display containers; and

(d) in equipment such as ice bins and beverage dispensing nozzles and enclosed components of equipment such as ice makers, cooking oil storage tanks and distribution lines, beverage and syrup dispensing lines or tubes, coffee bean grinders, and water vending equipment:

- (i) at a frequency specified by the manufacturer; or
 - (ii) at a frequency necessary to preclude accumulation of soil or mold.
- (7) If using a kitchen sink for dishwashing, washed utensils and equipment shall be rinsed, after cleaning and prior to sanitizing, by using a distinct, separate water rinse.
- (8) After cleaning and sanitizing, equipment and utensils shall be air-dried or used after adequate draining.
- (9) The wash, rinse, and sanitize solutions shall be maintained clean.
- (10) Clean and sanitized equipment and utensils shall be stored:
- (a) in a self-draining position that allows air drying; and
 - (b) covered or inverted.
- (11) Single-service and single-use articles may not be reused.
- (12) Linens that do not come in direct contact with food shall be laundered between operations if they become wet, sticky, or visibly soiled.
- (13)(a) Cloths in-use for wiping food spills from tableware and carry-out containers that occur as food is being served shall be:
- (i) maintained dry; and
 - (ii) used for no other purpose.
- (b) Cloths in-use for wiping counters and other equipment surfaces shall be:
- (i) held between uses in a container of chemical sanitizer solution at a concentration specified under Subsection R392-105-9(3); and
 - (ii) laundered daily when used.
- (c) Cloths in-use for wiping surfaces in contact with raw animal foods shall be kept separate from cloths used for other purposes.
- (d) Dry wiping cloths and the chemical sanitizing solutions specified in Subsection R392-105-8(13)(b)(i) in which wet wiping cloths are held between uses shall be free of food debris and visible soil.
- (e) Containers of chemical sanitizing solutions specified in Subsection R392-105-8(13)(b)(i) in which wet wiping cloths are held between uses shall be stored off the floor and used in a manner that prevents contamination of food, equipment, utensils, linens, and single-service, or single-use articles.
- (f) Single-use disposable sanitizer wipes shall be EPA-approved for foodservice and used in accordance with manufacturer's label use instructions.
- (14) Soiled linens shall be:
- (a) stored and laundered separately from household laundry; and
 - (b) stored to prevent contamination of food, clean equipment, clean utensils, and single-service and single-use articles.

R392-105-9. Requirements for Sanitizing Equipment and Utensils.

(1) After being cleaned as required in Section R392-105-8, equipment and utensils shall be sanitized in chemical manual or mechanical operations, including the application of sanitizing chemicals by immersion, manual swabbing, brushing, or pressure spraying methods, using a solution as specified under Subsection R392-105-9(2).

(2) Chemical sanitizers, including chemical sanitizing solutions generated on-site, and other chemical antimicrobials applied to food-contact surfaces shall:

- (a) meet requirements specified in 40 CFR 180.940 and 40 CFR 180.2020; and
 - (b) be used in accordance with the EPA-registered label use instructions.
- (3) The concentration of chemical sanitizer solution shall be maintained as follows:
- (a) chlorine sanitizer solutions shall have a minimum concentration and temperature of 50 to 100 ppm at 100 deg F with an associated contact time of 7 seconds; and
 - (b) quaternary ammonium compound solutions shall have a minimum temperature of 75 deg F and a concentration as indicated by the manufacturer's use directions included in the labeling.
- (4) When manual warewashing and sanitizing of utensils or food-contact equipment is done in an agritourism food establishment, the operator shall provide a test kit or other device that accurately measures the concentration in parts per million of chemical sanitizer solution.

R392-105-10. Food Safety Requirements.

- (1) An agritourism food establishment shall:
- (a) take steps to avoid any potential contamination to:
 - (i) food;
 - (ii) equipment;
 - (iii) utensils; or
 - (iv) unwrapped single-service and single-use articles; and
 - (b) prevent an individual from entering the food preparation, food storage, and warewashing areas while food is being prepared:
 - (i) if the individual is known to be suffering from:
 - (A) symptoms associated with acute gastrointestinal illness; or
 - (B) a communicable disease that is transmissible through food; or
 - (ii) if the individual is unnecessary to the food establishment operation while food is being prepared.
- (2)(a) Food shall be safe, unadulterated, and honestly presented.
- (b) Food shall be offered for human consumption in a way that does not mislead or misinform the consumer.
- (c) Food or color additives, colored overwraps, or lights may not be used to misrepresent the true appearance, color, or quality of a food.
- (3) Amenable meat that may be used in the preparation of food shall be obtained from sources that comply with 9 C.F.R. 303.1.
- (4) Food packages shall be in good condition and protect the integrity of the contents so that the food is not exposed to adulteration or potential contaminants.
- (5)(a) Raw eggs shall be received and maintained in a clean and sound condition, and shall be held in refrigerated equipment that maintains an ambient temperature of 45 degrees or less. Eggs shall be stored in a manner that does not allow for contamination.
- (b) An operator may not collect or store eggs in a previously used egg carton or package that is not designed or intended for reuse.

(c) Pasteurized eggs or egg products shall be substituted for raw eggs in the preparation of foods such as Caesar salad, hollandaise or Bearnaise sauce, mayonnaise, meringue, eggnog, ice cream, and egg-fortified beverages that are not cooked.

(d) Raw, unpasteurized eggs may be used in recipes that will not be cooked if the agritourism food establishment has a consumer advisory, as required in Subsection R392-105-11(4).

(6)(a) Molluscan shellfish, shucked shellfish and shellstock shall comply with 3-202.17, 3-202.18, 3-203.11, and 3-203.12 of the FDA Food Code.

(b) When received by an agritourism food establishment, shellstock shall be reasonably free of mud, dead shellfish, and shellfish with broken shells. Dead shellfish or shellstock, or those with badly broken shells, shall be discarded.

(7) Ice for use as a food or a cooling medium shall be made from potable water.

(8) Ice may not be used as food after use as a medium for cooling the exterior surfaces of food such as melons or fish, packaged foods such as canned beverages, or cooling coils and tubes of equipment.

(9) Food shall only contact surfaces of equipment and utensils that are cleaned and sanitized as specified in Sections R392-105-8 and R392-105-9 or single-service and single-use articles.

(10)(a) Food shall be protected from contamination by storing the food in a manner that does not allow for contamination.

(b) Food storage locations shall be smooth, of durable construction, easily cleanable, and kept free of debris.

(11) Items not ordinarily found in a home kitchen shall be placed or stored away from food preparation areas.

(12) Food shall be protected from cross contamination by:

(a) separating raw animal foods during storage, preparation, holding, and display from:

(i) raw ready-to-eat food, and

(ii) cooked ready-to-eat food;

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

(i) using separate equipment for each type of food;

(ii) arranging each type of food in equipment so that cross contamination of one type with another is prevented; and

(iii) preparing each type of food at different times or in separate areas;

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

(d) protecting food containers that are received packaged together in a case or overwrap from cuts when the case or overwrap is opened;

(e) storing and segregating damaged, spoiled, or recalled food in designated areas within the agritourism food establishment that are separated from food, equipment, utensils, linens, and single-service and single-use articles; and

(f) separating fruits and vegetables before they are washed from ready-to-eat food.

(13) Raw fruits and vegetables shall be thoroughly washed in water to remove soil and other contaminants before being cut, combined with other ingredients, cooked, served, or offered for human consumption in ready-to-eat form.

(14) Food shall be prepared, handled, or stored only in kitchen and food storage areas except that cooking in an open air barbeque, grill, or outdoor wood-burning oven is permitted.

(15) Except for containers holding food that can be readily and unmistakably recognized such as dry pasta, working containers holding food or food ingredients that are removed from their original packages for use in the agritourism food establishment, such as cooking oils, flour, herbs, potato flakes, salt, spices, and sugar shall be identified with the common name of the food.

(16) Animals shall be kept outside of food preparation and service areas during food service and food preparation.

(17) The operator shall protect food and food contact surfaces from physical hazards such as broken glass, hair or fur, and metal or wood debris.

(18) Food shall be protected from contamination that may result from a factor or source not specified elsewhere in this rule.

R392-105-11. Food Temperature Requirements.

(1) Any food requiring cooking, thawing, cooling, freezing, or reheating before service shall be cooked, frozen, or reheated as required in Part 3-4 of the FDA Food Code.

(2)(a) Stored frozen foods shall be maintained frozen. Commercially processed foods which are labeled to be kept frozen must be kept frozen until cooked or served.

(b) Commercially processed foods labeled to be kept frozen may be thawed under refrigeration at 41 deg F or below in accordance the manufacturer's directions if:

(i) records are kept or date marking used indicating when the food entered refrigeration; and

(ii) discarded seven days after entering the refrigerator.

(3) Except during preparation, cooking, or cooling time/temperature control for safety food shall be maintained:

(a) at 135 deg F or above, or

(b) at 41 deg F or less.

(4) Except for whole-muscle intact beef steak, if raw animal-derived food is served raw, undercooked, or without otherwise being processed to eliminate pathogens, the operator shall:

(a) notify the consumer as to which food is being served raw or undercooked; and

(b) inform the consumer by way of effective written means that there is a significantly increased risk of consuming such foods.

(5)(a) Ready-to-eat, TCS food prepared and held for more than 24 hours at a temperature of 41 deg F or less in an agritourism food establishment shall be clearly marked to indicate the date or day by which the food shall be consumed, sold, or discarded, which date shall be a maximum of seven days from the date of preparation, with the day of preparation being counted as day one.

(b) Ready-to-eat, TCS food prepared and packaged by a food processing plant, and opened and held for more than 24 hours at a temperature 41 deg F or less in an agritourism food establishment shall be clearly marked at the time the original container is opened in an agritourism food establishment to indicate the date or day by which the food shall be consumed, sold, or discarded, with the day the original container is opened being counted as Day 1, and the day or date marked by the agritourism food establishment may not exceed a manufacturer's use-by date if the manufacturer determined the use-by date based on food safety.

(6) A refrigerated, ready-to-eat time/temperature control for safety food ingredient or a portion of a refrigerated, ready-to-eat, TCS food that is subsequently combined with additional ingredients or portions of food shall retain the date marking of the earliest-prepared or first-prepared ingredient.

- (7) A food specified in Subsection R392-105-11(5) shall be discarded if it:
 - (a) exceeds the temperature and time combination specified in Subsection R392-105-11(5), except time that the product is frozen;
 - (b) is in a container or package that does not bear a date or day; or
 - (c) is appropriately marked with a date or day that exceeds a temperature and time combination as specified in Subsection R392-105-11(5).

R392-105-12. Poisonous or Toxic Materials.

- (1) Containers of poisonous or toxic materials and personal care items shall bear a legible manufacturer's label.
- (2) Working containers used for storing poisonous or toxic materials such as cleaners and sanitizers taken from bulk supplies shall be clearly and individually identified with the common name of the material.
- (3) Poisonous or toxic materials shall be stored so they cannot contaminate food, equipment, utensils, linens, and single-service and single-use articles by:
 - (a) separating the poisonous or toxic materials by spacing or partitioning; and
 - (b) locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, and single-service or single-use articles.
- (4) Only those poisonous or toxic materials that are required for the operation and maintenance of an agritourism food establishment, such as for the cleaning and sanitizing of equipment and utensils and the control of insects and rodents, shall be allowed in an agritourism food establishment.
- (5) Poisonous or toxic materials shall be:
 - (a) used according to:
 - (i) Rule R392-100 and local health department regulations;
 - (ii) manufacturer's use directions included in labeling, and, for a pesticide, manufacturer's label instructions that state that use is allowed in a food establishment;
 - (iii) the conditions of certification for use of the pest control materials; and
 - (iv) additional conditions that may be established by the local health officer; and
 - (b) applied so that:
 - (i) a hazard to employees or other persons is not constituted; and
 - (ii) contamination including toxic residues due to drip, drain, fog, splash or spray on food, equipment, utensils, linens, and single-service and single-use articles is prevented.
- (6) Restricted use pesticides may not be used in an agritourism food establishment.
- (7) A container previously used to store poisonous or toxic materials may not be used to store, transport, or dispense a food or beverage.
- (8) Rodent bait shall be contained in a covered, tamper-resistant bait station.
- (9) Tracking powder may not be used inside of an agritourism food establishment unless the powder is non-toxic, such as flour or talcum powder, and is used in such a manner that it cannot contaminate food, equipment, utensils, linens, and single-service or single-use articles.

R392-105-13. Personal Cleanliness and Protection from Contamination.

- (1) Agritourism food establishment employees may not contact exposed, ready-to-eat food with their bare hands and shall use suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment.
- (2) Agritourism food establishment employees shall minimize bare hand and arm contact with exposed food that is not in a ready-to-eat form.
- (3) If used, single-use gloves shall be used for only one task such as working with ready-to-eat food, used for no other purpose, and discarded when damaged or soiled, or when interruptions occur in the operation.
- (4) Agritourism food establishment employees shall keep their hands and exposed portions of their arms clean using the cleaning procedure specified in Subpart 2-301.12 of the FDA Food Code immediately before engaging in handling of food or clean equipment and utensils and:
 - (a) after touching bare human body parts other than clean hands and clean, exposed portions of arms;
 - (b) after using the toilet room;
 - (c) after coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking;
 - (d) after handling soiled equipment or utensils;
 - (e) during food preparation, as often as necessary to remove soil and contamination and to prevent cross contamination when changing tasks;
 - (f) when switching between working with raw food and working with ready-to-eat food;
 - (g) before donning gloves to initiate a task that involves working with food; and
 - (h) after engaging in other activities that contaminate the hands.
- (5) The operator shall provide each handwashing station with:
 - (a) a supply of hand cleaning liquid, powder, or bar soap; and
 - (b) individual, disposable hand towels or other hand drying equipment as approved by the local health officer.
- (6) Near each handwashing station in a conspicuous location, the operator shall place a sign or poster that notifies agritourism food establishment employees to wash their hands.
- (7) Agritourism food establishment employees shall clean their hands in a handwashing station and may not clean their hands in a sink used for food preparation or warewashing.
- (8) Agritourism food establishment employees shall keep their fingernails trimmed, filed, and maintained so the edges and surfaces are cleanable and not rough.
- (9) Unless wearing intact gloves in good repair, an agritourism food establishment employee may not wear fingernail polish or artificial fingernails when working with exposed food.
- (10) Except for a plain ring such as a wedding band, agritourism food establishment employees may not wear jewelry including medical information jewelry on their arms and hands.
- (11)(a) Agritourism food establishment employees shall wear clean outer clothing to prevent contamination of food, equipment, utensils, linens, and single-service and single-use articles.
 - (b) Employee changing or dressing shall occur outside of the kitchen facility.
- (12) Agritourism food establishment employees shall wear hair restraints such as hats, hair coverings or nets, beard restraints, and clothing that covers body hair, that are designed and worn to effectively keep their hair from contacting:
 - (a) exposed food;

- (b) clean equipment, utensils, and linens; and
- (c) unwrapped single-service and single-use articles.

(13) A agritourism food establishment employee may not use a utensil more than once to taste food that is to be sold or served.

(14) The agritourism food establishment shall be maintained free of insects, rodents, and other pests. The presence of insects, rodents, and other pests shall be controlled to eliminate their presence in the agritourism food establishment by:

- (a) routinely inspecting incoming shipments of food and supplies;
- (b) routinely inspecting the agritourism food establishment for evidence of pests; and
- (c) using pest management methods, if pests are found, such as trapping devices, eliminating harborage, or other means of pest control.

R392-105-14. Supervision, Employee Health, and Contamination Events.

(1) The operator shall be the person in charge or shall designate a person in charge and shall ensure that a person in charge is present at the agritourism food establishment during all hours of operation.

(2) The person in charge shall ensure that:

(a) persons unnecessary to the agritourism food establishment operation are not allowed in the agritourism food establishment during food preparation;

(b) employees and other persons entering the agritourism food establishment comply with this rule;

(c) employees are effectively cleaning their hands as specified in Subsection R392-105-13(4);

(d) employees are visibly observing foods as they are received to determine that they are delivered at the proper temperatures, protected from contamination, unadulterated, and accurately presented, and are placing foods into appropriate storage locations;

(e) employees are properly cooking TCS food;

(f) employees are using proper methods to rapidly cool TCS food;

(g) consumers who order raw or partially cooked TCS food of animal origin are informed that the food is not cooked sufficiently to ensure its safety, as required in Subsection R392-105-11(4);

(h) employees are properly sanitizing cleaned equipment and utensils;

(i) employees are preventing cross-contamination of ready-to-eat food with bare hands by properly using suitable utensils;

(j) employees are properly trained in food safety, including food allergy awareness;

(k) employees are informed in a verifiable manner of their responsibility to report, to the person in charge, information about their health and activities as they relate to diseases that are transmissible through food, as specified under Subsection R392-105-14(4); and

(l) written procedures, where required in this rule or by the local health officer, are maintained and implemented as required.

(3) The operator, person in charge, and employees shall abide by Subpart 2-201 of the FDA Food Code in reporting of diseases, symptoms, and the exclusion or restriction of those working in the agritourism food establishment.

(4) Agritourism food establishment employees experiencing persistent sneezing, coughing, or a runny nose that causes discharges from the eyes, nose, or mouth may not work with exposed food; clean equipment, utensils, and linens; or unwrapped single-service or single-use articles.

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

R392-105-15. Inspections, Corrective Actions, and Prevention of Foodborne Disease.

(1) A local health officer shall:

(a) ensure compliance with this rule when inspecting a kitchen facility;

(b) inspect the kitchen facility of a farm that requests an agritourism food establishment permit only:

(i) for an initial inspection, no more than one week before the agritourism food establishment is scheduled to begin operation;

(ii) for an unscheduled inspection if the local health department conducts the inspection within three days before or after the day on which the agritourism food establishment is scheduled to begin operation; or

(iii) for subsequent inspections if:

(A) the local health department provides the operator with reasonable advanced notice about an inspection; or

(B) the local health department has a valid reason to suspect that the agritourism food establishment is the source of an adulterated food or of an outbreak of illness caused by a contaminated food; and

(c) document the reason for any inspection on an inspection report form approved by the Department after the permitting inspection, keep a copy of that documentation on file with the agritourism food establishment's permit, and provide a copy of that documentation to the operator.

(2) Upon presenting proper identification and providing notice of the intent to conduct an inspection as specified in Subsection R392-105-15(1)(b), the operator shall allow the local health officer to determine if the agritourism food establishment is in compliance with this rule by allowing access to the establishment, allowing inspection, and providing information and records specified in this rule.

(3) If an operator denies access to the local health officer, the local health officer shall:

(a) inform the operator that:

(i) the operator is required to allow access to the local health officer as specified under Subsection R392-105-15(1);

(ii) access is a condition of the acceptance and retention of a permit to operate as specified under Section R392-105-5; and

(iii) if access is denied, an order issued by an appropriate authority allowing access may be obtained; and

(b) make a final request for access; and

(c) if the operator continues to refuse access, provide details of the denial of access on an inspection report form.

(5) The local health officer shall document at least the following on an inspection report form that has been approved by the Department:

(a) specific factual observations of noncompliant conditions or other deviations from this rule that require correction by the operator including:

(i) failure of the operator to demonstrate the knowledge of foodborne illness prevention; and

(ii) failure of employees and the operator to report a disease or medical condition; and

(b) time frame for correction of violations.

(6) At the conclusion of the inspection the local health officer shall provide a copy of the completed inspection report and the notice to correct violations to the operator or to the person in charge, and request a signed acknowledgement of receipt.

(7)(a) The local health officer shall inform a person who declines to sign an acknowledgement of receipt of inspectional findings that:

- (i) an acknowledgment of receipt is not an agreement with findings;
 - (ii) refusal to sign an acknowledgement of receipt will not affect the operator's obligation to correct the violations noted in the inspection report within the time frames listed; and
 - (iii) a refusal to sign an acknowledgement of receipt is noted in the inspection report and conveyed to the historical record for the agritourism food establishment.
- (b) The local health officer shall then make a final request that the person in charge sign an acknowledgement of receipt of inspectional findings.
- (8) The local health officer shall treat the inspection report as a public document and shall make it available for disclosure.
 - (9) Repeat violations may prompt further compliance and enforcement actions.
 - (10)(a) An operator shall immediately discontinue operations and notify the local health department if an imminent health hazard exists.
 - (b) If operations are discontinued as required by the local health officer or in response to an imminent health hazard, the operator shall obtain approval from the local health officer before resuming operations.
 - (11) A local health officer may conduct subsequent inspections, as needed and in accordance with Subsection R392-105-15(1)(b)(iii), to ensure the timely resolution of inspection findings after providing the operator with reasonable advanced notice about the inspection.

KEY: agritourism, farm, food, public health

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