

RULES
OF
ALABAMA STATE BOARD OF HEALTH
BUREAU OF ENVIRONMENTAL SERVICES
CHAPTER 420-3-22
FOR FOOD ESTABLISHMENT SANITATION

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420-3-22-.01 General Provisions

(1) **Purpose** - The purpose of these rules is to protect the health of the public within Alabama and provide to consumers food that is safe and unadulterated. These rules are promulgated to provide definitions; to set standards for sources of safe foods, and for storage, preparation, handling and service of food; to set standards for food establishment personnel, for food establishment equipment and utensils, for sanitary facilities and controls and for other facilities; to set standards for construction of food establishments; to provide for permit issuance, suspension and revocation, for inspections of food establishments and for examination and condemnation of food. These rules shall be interpreted and applied to promote the protection of public health. When applied only to a specific type of defined food establishment, these rules may be cited as rules for that type of food establishment sanitation, such as Rules for Food Service Sanitation, Rules for Retail Food Store Sanitation, and so forth.

(2) **Statutory authority** - The State Board of Health is authorized to adopt and promulgate these rules under and by virtue of the authority of Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

(3) **Definitions** - For the purpose of these rules:

(a) "Approved" means acceptable to the Health Officer based on a determination of conformity with appropriate standards and good public health practices.

(b) "Board" means the Board of Health of the State of Alabama as defined by Section 22-2-1, Code of Alabama, 1975, or the State Health Officer or his designee, when acting for the Board, for the purposes of these rules, the Bureau of Environmental Services.

(c) "Bulk food" means processed or unprocessed food in aggregate containers in a retail food store from which quantities desired by the consumer are drawn.

(d) "Bulk Water Dispensing Machine" or "Water Vending Machine" means any self-service device which, upon insertion of money, tokens, or otherwise upon receipt of payment, dispenses servings of drinking water in bulk into a container without the necessity of refilling the machine between each operation. The term does not include bottled water coolers or dispensers providing individual servings.

(e) "Caterer" means a person operating from a permitted food service establishment who contracts with one individual or firm to provide a predetermined menu and quantity of food at a specific site; the site or event not being open to the general public.

(f) "Child Day Care Center" means any child care facility receiving more than twelve children for daytime or nighttime care for all or part of a day. The term "child day care center" includes but is not limited to facilities commonly called "day care centers", "day nurseries", "nursery schools," "kindergarten", "play groups" and "nighttime centers" with or without stated

educational purposes. Such term further includes, but is not limited to, kindergarten or nursery schools or other programs operated as part of a private school and receiving more than twelve

children younger than lawful school age for daytime care for more than four hours a day with or without stated educational purposes.

(g) "Code of Federal Regulations" (CFR) means the compilation of the rules published in the Federal Register by the executive departments and agencies of the federal government and contains FDA rules in 21 CFR, USDA rules in 7 CFR and 9 CFR and EPA rules in 40 CFR.

(h) "Comminuted" means reduced in size by methods including chopping, flaking, grinding, or mincing. The term includes fish or meat products that are reduced in size and restructured or reformulated such as gefilte fish, formed roast beef, gyros, ground beef, and sausage.

(i) "Commissary" means a permitted food establishment to which a mobile food unit or transportation vehicle returns daily for such things as discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding food.

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

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

(l) "Employee" means the permit holder, individual having supervisory or management duties and any other person working in a food establishment.

(m) "Equipment" means stoves, ovens, ranges, hoods, slicers, mixers, meat blocks, tables, counters, reach-in refrigerators or freezers, sinks, warewashing machines, steam tables and similar items other than utensils used in the operation of a food establishment.

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

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

(p) "Food establishment" means both food service establishments and retail food stores.

(q) "Food processing establishment" means a commercial establishment in which food is manufactured or packaged for human consumption. The term does not include a food service establishment or a retail food store.

(r) "Food service establishment" means any place, vehicle or vessel where food for individual portion service is prepared, stored, held, transported, served or dispensed and includes any such place regardless of whether consumption is on or off the premises. The term also includes delicatessen type operations that prepare food intended for individual portion service; and also includes all schools and day care centers. The term does not include private gatherings with a limited and identifiable membership where no sale of food takes place. A sale of food shall be any

situation in which there is a charge for profit for the food, or a membership fee is required for entry or participation.

(s) "Frozen dessert" means any clean, frozen or partially frozen combination of two or more of the following: milk, milk products, egg or egg products, sweetening agents, water, fruit or harmless and wholesome food products, certified natural or artificial flavors or colors, or harmless stabilizers or emulsifiers and shall be taken to mean and include ice cream, frozen custards, ice milk, sherbets, imitation frozen desserts or any product used for similar purposes and designated as a frozen dessert by the Health Officer.

(t) "Hazard Analysis Critical Control Point (HACCP) plan" means a written document that specifies the formal procedures for controlling public health hazards in a food preparation process.

(u) "Health Officer" means the Health Officer of the county or district in which the food establishment in question is located as provided in Section 22-3-2 Code of Alabama, 1975; or the authorized representative.

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

(w) "Injected" means manipulating a meat so that infectious or toxigenic microorganisms may be introduced from its surface to its interior through tenderizing with deep penetration or injecting the meat such as with juices which may be referred to as "injecting" or "pinning," or "stitch pumping."

(x) "Kitchenware" means all multiuse utensils other than tableware.

(y) "Law" includes Federal, State and local statutes, ordinances and rules.

(z) "Limited Food Service Establishment" means those establishments which dispense or sell only the following food items in single-service articles: hard cheese, such as cheddar; dip ice cream; any fully cooked luncheon meat including wieners; any fully cooked smoked meat; any non-potentially hazardous beverage or food or any combination of these, provided that meat items are received in fully cooked form from an approved processing facility. The term does not include a food establishment where a food is cooled and subsequently reheated or where any food preparation operation involves cooking a raw food.

(aa) "Limited Retail Food Store Establishment" means those establishments which sell or market only prepackaged food items. The term does not include establishments which handle only prepackaged, non-potentially hazardous foods, roadside markets that offer only fresh fruits and vegetables for sale, food service establishments, or food and beverage vending machines.

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

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

(dd) "Molluscan shellfish" means any edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions thereof, except when the scallop product consists only of the shucked adductor muscle.

(ee) "Packaged" means bottled, canned, cartoned or securely wrapped.

(ff) "Permit" means the document issued by the Health Officer which authorizes a person to operate a food establishment.

(gg) "Person" includes any individual, partnership, corporation, association or other legal entity.

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

(ii) "Plumbing fixtures" means a receptacle or device that is permanently or temporarily connected to the water distribution system of the food establishment and demands a supply of water from the system; or discharges used water, waste materials or sewage directly or indirectly to the drainage system of the food establishment.

(jj) "Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs including shell eggs, meat, poultry, fish, molluscan shellfish, edible crustacea or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms or the growth and toxin production of *Clostridium botulinum*. The term includes foods associated with foodborne illness such as cooked rice, cooked pasta, garlic-in-oil preparations, baked potatoes, and cut melons. The term does not include foods which have a pH level of 4.6 or below; or a water activity (aw) of 0.85 or less; or food products in hermetically sealed containers processed to achieve and maintain commercial sterility under unrefrigerated conditions.

(kk) "Pushcart" means a non-selfpropelled mobile food unit limited to serving non-potentially hazardous foods or commissary wrapped foods maintained at proper temperatures, or limited to the preparation and serving of foods such as frankfurters with non-potentially hazardous condiments.

(ll) "Ready-to-eat" means food that is in a form that is edible without washing, cooking or additional preparation by the food establishment or the consumer and that is reasonably expected to be consumed in that form.

(mm) "Reconstituted" means dehydrated food products recombined with water or other liquids.

(nn) "Retail Food Store" means any establishment or section of an establishment where food and food products are offered to the consumer and intended for off premise consumption. The term includes delicatessens that offer prepared food in bulk quantities only. The term does not include establishments which handle only prepackaged, nonpotentially hazardous food; roadside markets that offer only fresh fruits and fresh vegetables for sale; food service establishments; or food and beverage vending machines.

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

(pp) "Sanitize" means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on cleaned food contact surfaces of utensils and equipment.

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

(rr) "Sewage" means any liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.

(ss) "Shall" means a mandatory requirement.

(tt) "Shellstock" means raw, in-shell molluscan shellfish.

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

(vv) "Single-use articles" means items such as, but not limited to aluminum foil; bread wrappers; butcher paper; formed aluminum food containers; ketchup bottles; number 10 cans; plastic tubs or buckets except those meeting the requirements of [420-3-22-.12\(4\)](#); plastic wrap; and waxpaper, that are not designed, or intended, to be reused.

(ww) "State Health Department" means the State of Alabama, Department of Public Health, as defined by Section 22-1-1, Code of Alabama, 1975, and any officer, agent or employee of the said department authorized to act for the department with respect to the enforcement and administration of these rules.

(xx) "Tableware" means multiuse eating and drinking utensils.

(yy) "Temporary food service establishment" means a food service establishment that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration.

(zz) "Transportation" (transported) means movement of food within the food establishment or delivery of food from that food establishment to another place while under control of the person in charge.

(aaa) "Utensil" means any food-contact implement used in the storage, preparation, transportation, dispensing, sale or service of food such as kitchenware or tableware that is

multiuse, single-service or single-use; gloves used in contact with food; and food temperature measuring devices.

(bbb) "Warewashing" means the cleaning and sanitizing of food-contact surfaces of equipment and utensils.

AUTHOR: Ronald Dawsey

STATUTORY AUTHORITY: Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

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420-3-22-.02 Food Supplies.

(1) General - Food shall be in sound condition, free from spoilage, filth, or other contamination, and shall be safe for human consumption. Food shall be obtained from sources that comply with all laws relating to food and food labeling. The use of food in hermetically sealed containers that was not prepared in a food processing establishment is prohibited. Food prepared in a private home, or other unpermitted facility, shall not be used or offered for sale.

(2) Special Requirements

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

(b) Fresh and frozen shucked molluscan shellfish shall be obtained from an approved source in non-returnable packages legibly identified with the name and address of the original shellstock processor, shucker-packer, or repacker, the State Certification number and the "sell by" date for packages with a capacity of less than one-half gallon or the date shucked for packages with a capacity of one-half gallon or more.

1. Each original container of shellstock shall be obtained from an approved source and shall be identified by an attached tag that states the name and address of the original shellfish processor, the kind and quantity of shellfish, the certification number issued by the State or foreign shellfish control agency, where applicable, and a statement that the tag is to be retained for 90 days after the container is emptied.

2. The identity of the source of shellstock that are sold or served by the food establishment shall be maintained by retaining the shellstock tags or labels for 90 calendar days from the date the container is emptied. The food establishment shall use a recordkeeping system approved by the Health Officer and that keeps the tags or labels in chronological order correlated to the date when, or dates during which, the shellstock are sold or served. If shellstock are removed from their tagged or labeled container, the food establishment shall use only one tagged or labeled container at a time or use more than one tagged or labeled container only after obtaining approval from the Health Officer of an operations plan which assures that shellstock from one tagged or

labeled container are not commingled with shellstock from another container before being ordered by the consumer.

3. Raw molluscan shellstock shall not be sold or shucked after the mollusk is dead as evidenced by a gaping shell that will not close when tapped or lightly hit.

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

(d) Mushroom species picked in the wild shall be obtained from sources where each mushroom is individually inspected and found to be safe by a mushroom identification expert approved by the Health Officer. This section does not apply to cultivated wild mushroom species that are grown, harvested and processed in an operation that is approved by the Health Officer or to wild mushroom species if they are in a packaged form and are the product of a permitted food processing establishment.

(e) Only ice which has been manufactured from potable water and handled in a sanitary manner shall be used or offered for sale. Ice offered for sale for human consumption off premises shall be packaged.

(f) Except for rabbit processed within Alabama, game animal meat and ratite meat offered for sale or service in a food establishment shall be inspected and approved for sale by the regulatory agency having jurisdiction over that particular species.

AUTHOR: Ronald Dawsey

STATUTORY AUTHORITY: Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

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420-3-22-.03 Food Protection.

(1) General - At all times, including while being served, stored, prepared, displayed, dispensed, packaged, or transported, food shall be protected from cross contamination between foods and from potential contamination by insects, insecticides, rodents, rodenticides, dust, coughs, sneezes, probe-type price or probe-type identification tags, unclean equipment and utensils, unnecessary handling, flooding, drainage, and overhead leakage or condensation, or other agents of public health significance. The temperature of potentially hazardous foods shall be 45F or below or 140F or above at all times, except as otherwise provided in these rules. Hermetically sealed packages shall be handled so as to maintain product and container integrity. Food items that are spoiled or that are in damaged containers that may affect the product and those food items that have been returned to, or are being detained by the food establishment because of spoilage, container damage, or other public health considerations, shall be segregated and held in designated areas pending proper disposition unless disposed of under the supervision of the Health Officer.

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

AUTHOR: Ronald Dawsey

STATUTORY AUTHORITY: Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

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420-3-22-.04 Food Storage.

(1) General

(a) Food, whether raw or prepared, if removed from the container or package in which it was obtained, shall be stored in a clean, covered container except during necessary periods of preparation or service. Whole and unprocessed fresh raw vegetables and fresh raw fruits shall be exempted from this requirement. Container covers shall be impervious and nonabsorbent, except that linens or napkins may be used for lining or covering bread or roll containers. During periods of storage, subprimal cuts of meat shall be covered with single-service wrapping material. Primal cuts, quarters or sides of meat, or processed meats such as country hams, slab bacon, and smoked or cured sausages may be hung uncovered on clean, sanitized hooks or placed on clean, sanitized metal racks in such a manner as to preclude contamination of any food products in storage.

(b) Containers of food shall be stored a minimum of six inches above the floor in a manner that protects the food from splash and other contamination and that permits easy cleaning of the storage area except that containers of food may be stored on dollies, skids, racks or open ended pallets, provided such equipment is easily movable, either by hand or with the use of pallet moving equipment that is kept on the premises and used. Such storage area shall be kept clean. Cased food packaged in cans, glass or other waterproof containers need not be elevated when the case of food is not exposed to floor moisture and the storage area is kept clean.

(c) Food and containers of food shall not be stored under unshielded sewer lines; under leaking water lines, including leaking automatic fire sprinkler heads; under water lines on which water has condensed; in locker rooms; in toilet rooms; in mechanical rooms; under open stairwells; or other places where contamination is likely to occur.

(d) Ready-to-eat food shall be stored in a way that protects it against cross contamination. Raw fruits and vegetables shall not be stored under raw foods of animal origin if cross contamination is possible.

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

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

(2) Refrigerated Storage

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

(b) Potentially hazardous food requiring refrigeration after preparation shall be rapidly cooled to an internal temperature of 45F or below. Potentially hazardous foods of large volume or prepared in large quantities shall be rapidly cooled utilizing such methods as shallow pans, agitation, quick chilling or water circulation external to the food container so that the internal temperature of the food reaches 70F within two hours and 45F within an additional four hours. Potentially hazardous food to be transported shall be prechilled and held at a temperature of 45F or below unless maintained in accordance with [420-3-22-.04\(3\)](#). Potentially hazardous food shall be cooled to 45F or below within four hours if prepared from ingredients at ambient temperature, such as reconstituted foods and canned tuna.

(c) Potentially hazardous frozen foods shall be kept frozen and should be stored at an air temperature of 0F or below except for defrost cycles and brief periods of loading or unloading.

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

(3) Hot Storage

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

(b) The internal temperature of potentially hazardous foods requiring hot storage shall be 140F or above except during necessary periods of preparation. Potentially hazardous food to be transported shall be held at a temperature of 140F or above unless maintained in accordance with [420-3-22-.04\(2\)](#).

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STATUTORY AUTHORITY: Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

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420-3-22-.05 Food Preparation.

(1) General - Food shall be prepared with the least possible manual contact, with suitable utensils, and on surfaces that prior to use have been cleaned, rinsed and sanitized to prevent cross contamination. Salads and other ready-to-eat foods shall be prepared in either separate rooms or in areas that are separated by a barrier or open space sufficient to prevent cross contamination from areas used for processing raw potentially hazardous food.

(2) Raw fruits and raw vegetables - Raw fruits and raw vegetables shall be thoroughly washed with potable water before being cooked or served. Whole, raw fruits and vegetables that are intended for washing by the consumer before consumption need not be washed before they are sold.

(3) Cooking potentially hazardous foods - Potentially hazardous foods requiring cooking, including shell eggs that are broken and prepared for immediate service and in response to a consumer's order, shall be cooked to heat all parts of the food to a temperature of at least 145F for 15 seconds, except that:

(a) Poultry, poultry stuffing, stuffed meats and stuffings containing meat shall be cooked to heat all parts of the food to at least 165F for 15 seconds.

(b) Pork and any food containing pork and any game animal meat, such as rabbit or venison, or ratites, shall be cooked to heat all parts of the food to at least 155F for 15 seconds.

(c) Rare roast beef shall be cooked to an internal temperature of at least 130F and rare beef steak shall be cooked to a temperature of 130F unless otherwise ordered by the immediate consumer. Minimum holding times required at specified temperatures for cooking all parts of roasts of beef and corned beef are:

TEMPERATURE	TIME	TEMPERATURE	TIME	TEMPERATURE	TIME
130	121	136	32	142	8
132	77	138	19	144	5
134	47	140	12	145	3

with temperature in F and time in minutes. Holding time may include post-oven heat rise.

(d) Comminuted meats, and comminuted fish, injected meats and eggs not cooked as specified in [420-3-22.05\(3\)](#) shall be cooked to heat all parts of the food to 155F for at least 15 seconds, or 150F for at least one minute, or 145F for at least three minutes.

(e) Potentially hazardous foods cooked in a microwave oven shall be heated an additional 25F above the temperatures specified in [420-3-22-.05\(3\)\(a\)](#) through (d), covered during cooking to

retain surface moisture, rotated or stirred throughout cooking time or midway during cooking time to compensate for uneven distribution of heat, and allowed to stand covered for two minutes after cooking to obtain temperature equilibrium.

(f) The State Health Officer may specify a higher cooking temperature for a particular food if it becomes necessary in order to protect the public health.

(g) A food establishment operator may serve a food item cooked to less than the specified temperature if individually ordered by the immediate consumer.

(4) Dry milk and dry milk products - Reconstituted dry milk and dry milk products may be used in instant desserts and whipped products, or for cooking and baking purposes.

(5) Liquid, frozen, dry eggs and egg products - Liquid, frozen, dry eggs and egg products shall be used only for cooking and baking purposes. Raw eggs shall not be used as an ingredient in the preparation of uncooked, ready-to-eat, menu items. Commercially pasteurized egg and egg products may be substituted for shell eggs in the preparation of items such as Caesar salad, eggnog, ice cream and egg-fortified beverages. In child day care centers, shell eggs shall not be pooled if the pooled eggs are to be held before or after cooking. The use of centrifugal egg breaking machines in the food establishment is prohibited.

(6) Reheating - Potentially hazardous foods that have been cooked and then refrigerated shall be reheated rapidly, not to exceed two hours in any circumstance, to 165F or higher throughout, or to 190F if reheated in a microwave oven, before being placed in a hot food holding facility. Provided, that remaining unsliced portions of roasts of beef that are cooked as specified in [420-3-22-.05\(3\)\(c\)](#) may be reheated using those same minimum time and temperature conditions in [420-3-22-.05\(3\)\(c\)](#). Steam tables, bainmaries, warmers, and similar hot food holding facilities are prohibited for the rapid reheating of potentially hazardous foods. Ready-to-eat potentially hazardous food taken from a hermetically sealed container or from an intact package from an approved food processing establishment, shall be initially heated to at least 140F within two hours for hot holding.

(7) Nondairy products - Nondairy creaming, whitening, or whipping agents may be reconstituted on the premises only when they will be stored in sanitized, covered containers not exceeding one gallon in capacity and cooled to 45F or below within four hours after preparation.

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

(9) Thawing potentially hazardous foods - Potentially hazardous foods shall be thawed:

(a) In refrigerated units at a temperature not to exceed 45F; or

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

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

(d) As part of the conventional cooking process.

(10) Reduced oxygen packaging

(a) A food establishment that packages food using a reduced oxygen, or vacuum, packaging method shall first have a Hazard Analysis Critical Control Point plan of operations approved by the Health Officer that:

1. Identifies the food to be packaged;

2. Limits the food packaged to a food that does not support the growth of *Clostridium botulinum* because it:

i. has a pH of 4.6 or less; or

ii. has a water activity of 0.91 or less; or

iii. is a meat cured at a processing plant regulated by the U.S. Department of Agriculture or Alabama Department of Agriculture and Industries and using a combination of nitrites, nitrates, and salt that at the time of processing consists of 120ppm (mg/L) or higher concentration of sodium nitrite and a brine concentration of at least 3.50% and is received in an intact package, or

iv. is a food with a high level of competing microorganisms such as raw meat or raw poultry;

3. Specifies methods for maintaining the food at 45F or below;

4. Describes how the packages shall be prominently and conspicuously labeled on the principal display panel in bold type on a contrasting background, with instructions to maintain the food at 45F or below, such as "Important - Must Be Kept Refrigerated" or "Important - Must Be Kept Frozen" and to discard the food within 14 calendar days of its' packaging if it is not served for on-premises consumption, or consumed if served or sold for off-premises consumption;

5. Limits the shelf life to no more than 14 calendar days from packaging to consumption or the original manufacturer's "sell by" or "use by" date, whichever occurs first and prohibits repackaging a product under aerobic conditions or freezing a product once it is outdated;

6. Includes operational procedures that prohibit contacting food with bare hands and that identify a designated area, dedicated equipment and the method by which physical barriers or methods of separation of raw foods and ready-to-eat foods minimize cross contamination, delineate cleaning and sanitization procedures for food contact surfaces, and the method by which access to the processing equipment is restricted to trained personnel.

7. The plan shall be kept readily available in the food establishment. A list of products approved for reduced oxygen packaging shall be kept conspicuously posted along with a notice that no other items are to be so packaged.

(b) A food establishment shall not package fish or fishery products, including shrimp or crawfish, using a reduced oxygen method except for fish or fishery products that are frozen before, during and after packaging.

(c) A food establishment shall obtain approval from the county Health Officer and the Board when using a reduced oxygen method of packaging food other than as specified in [420-3-22-.05\(10\)\(a\)](#) and (b) where a barrier to Clostridium botulinum exists. Such approval shall be based on a plan submitted by the establishment and utilizing Hazard Analysis Critical Control Point (HACCP) principles.

(11) Smoking or curing operations

(a) Smoking or curing of meat or poultry in the food establishment, if not done under regulation by the U.S. Department of Agriculture or the Alabama Department of Agriculture and Industries, shall be done in accordance with the processing standards for smoking and curing meat or poultry of 9 CFR. All aspects of smoking or curing operations must be conducted in an area specifically designated for this purpose. There must be an effective separation to prevent cross contamination between raw and cooked foods or cured and uncured foods. Access to processing equipment shall be restricted to responsible trained personnel who are familiar with the potential hazards inherent in curing foods.

(b) A food establishment that smokes or cures meat or poultry shall first have a Hazard Analysis Critical Control Point (HACCP) plan of operations approved by the Health Officer. This plan shall specify the steps of compliance with the standards of 9 CFR.

(12) Raw or raw-marinated fish or fishery products

(a) Before service or sale in a ready-to-eat form, raw, raw-marinated, or partially cooked fish other than molluscan shellfish, shall be frozen throughout to a temperature of -4 (minus four degrees)F or below for 168 hours (seven days) or to -31 (minus 31 degrees)F for 15 hours.

(b) If the freezing process is performed in the food establishment, the person in charge shall record the freezing temperature and time to which the product is subjected and shall retain the records at the food establishment for 90 calendar days beyond the time of service or sale of the fish.

(c) If the fish are frozen by a supplier, a written agreement or statement from the supplier stipulating that the fish are properly frozen may substitute for these records.

AUTHOR: Ronald Dawsey

STATUTORY AUTHORITY: Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

HISTORY: Adopted on November 20, 1996; effective date December 25, 1996; replaces Chapter 420-3-14 and Chapter 420-3-19. Repeals filed on November 20, 1996; repeals became effective on December 25, 1996.

420-3-22-.06 Food Display and Service.

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

(a) Time only, rather than time in conjunction with temperature, may be used as the public health control for cooked ready-to-eat potentially hazardous food that is displayed or held for hot service for immediate consumption, if:

1. The food container is marked or otherwise identified with the time within which it shall be served or discarded; and
2. The food is served or discarded within two hours from the point in time when the food is removed from temperature control; and
3. Food in unmarked containers or packages, or for which the time expires, is discarded; and
4. Written procedures that assure compliance with these provisions are maintained in the establishment and made available to the Health Officer upon request.

(2) Nondairy product dispensing - Nondairy creaming or whitening agents shall be provided in an individual service container or drawn from a refrigerated dispenser designed for such service.

(3) Condiment dispensing

(a) Condiments, seasonings and dressings for self-service use shall be provided in individual packages, from dispensers or from containers protected in accordance with Rule [420-3-22-.06\(7\)](#).

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

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

(5) Dispensing utensils - To avoid unnecessary manual contact with food, suitable dispensing utensils shall be used by employees or provided to consumers who serve themselves. During pauses in food preparation or dispensing, food preparation and dispensing utensils shall be:

- (a) Stored in the food with the dispensing utensils handle extended out of the food; or
- (b) Stored clean and dry; or
- (c) Stored in running water; or

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

(e) On a clean portion of the food preparation table or cooking equipment and shall be cleaned and sanitized at a frequency specified in [420-3-22-.15\(1\)](#), or

(f) In a clean, protected location if the utensils, such as ice scoops, are used only with a food that is not potentially hazardous.

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

(7) Food display - Food on display, other than whole, unprocessed raw fruits and unprocessed raw vegetables, shall be protected from consumer contamination by the use of packaging or by the use of easily cleanable counter, serving line or salad bar protector devices, display cases, or by other effective means. All food shall be displayed above the floor in a manner that will protect the food from contamination. Enough hot or cold food facilities shall be available to maintain the required temperature of potentially hazardous food on display. Frozen foods should be displayed below or behind product food lines according to cabinet manufacturers' specifications

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

(9) Recreational camps - In recreational camps, food may be dispensed from containers placed on tables around which participants are seated. Each participant may choose and partake of food desired. Such food dispensing shall be closely supervised by the operator to preclude the mishandling and/or contamination of food. Leftover food from containers placed on the tables shall be discarded after one meal service.

(10) Consumer advisories

(a) If raw or undercooked molluscan shellfish is offered for sale, the permit holder shall inform consumers of the increased risk associated with eating such food in a raw or undercooked form.

(b) Placards, display case or menu advisories, table tents or other effective written means approved by the Health Officer shall be used.

(c) Only wording approved by the Health Officer shall be used for written notices.

(11) Food sample demonstrations and food promotions - When food sample demonstrations and food promotions are authorized in the food establishment, the person in charge shall ensure that such activities comply with the applicable sanitation provisions of these rules.

AUTHOR: Ronald Dawsey

STATUTORY AUTHORITY: Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

HISTORY: Adopted on November 20, 1996; effective date December 25, 1996; replaces Chapter 420-3-14 and Chapter 420-3-19. Repeals filed on November 20, 1996; repeals became effective on December 25, 1996.

420-3-22-.07 Food Transportation.

(1) **General** - During transportation, food and food utensils shall be kept in covered containers or completely wrapped or packaged so as to be protected from contamination, except for hanging primal cuts, quarters or sides of beef and raw fruits and raw vegetables. Foods in original individual packages do not need to be over-wrapped or covered if the original package has not been torn or broken. During transportation, including transportation to another location for service or catering operations, food shall meet the requirements of these rules relating to food protection and food storage.

AUTHOR: Ronald Dawsey

STATUTORY AUTHORITY: Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

HISTORY: Adopted on November 20, 1996; effective date December 25, 1996; replaces Chapter 420-3-14 and Chapter 420-3-19. Repeals filed on November 20, 1996; repeals became effective on December 25, 1996.

420-3-22-.08 Employee Health.

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

AUTHOR: Ronald Dawsey

STATUTORY AUTHORITY: Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

HISTORY: Adopted on November 20, 1996; effective date December 25, 1996; replaces Chapter 420-3-14 and Chapter 420-3-19. Repeals filed on November 20, 1996; repeals became effective on December 25, 1996.

420-3-22-.09 Personal Cleanliness.

(1) **General** - Employees shall thoroughly wash their hands and the exposed portion of their arms with soap and warm water before starting work, during work as often as is necessary to keep them clean, and after smoking, eating, drinking or using the toilet, before and after handling raw meat, or raw poultry, or raw seafood. Employees shall keep their fingernails clean and trimmed so that the fingernails do not extend beyond the finger. Employees who handle food or food contact surfaces shall not wear false fingernails or nail polish while engaged in such work. While preparing food, employees shall not wear jewelry on their arms and hands except for a plain ring such as a wedding band. This prohibition does not apply to a wristwatch if it is not in contact with food.

AUTHOR: Ronald Dawsey

STATUTORY AUTHORITY: Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

HISTORY: Adopted on November 20, 1996; effective date December 25, 1996; replaces Chapter 420-3-14 and Chapter 420-3-19. Repeals filed on November 20, 1996; repeals became effective on December 25, 1996.

420-3-22-.10 Clothing.

(1) General

- (a) The outer clothing of all employees shall be clean.
- (b) Employees shall use effective hair restraints to prevent the contamination of food or food contact surfaces.

AUTHOR: Ronald Dawsey

STATUTORY AUTHORITY: Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

HISTORY: Adopted on November 20, 1996; effective date December 25, 1996; replaces Chapter 420-3-14 and Chapter 420-3-19. Repeals filed on November 20, 1996; repeals became effective on December 25, 1996.

420-3-22-.11 Employee Practices.

(1) General

- (a) Employees shall consume food only in designated dining areas. An employee dining area shall not be so designated if consuming food there may result in contamination of other food, equipment, utensils, or other items needing protection. An employee at a work station may drink from a closed beverage container such as an insulated container with a lid and straw provided that the container is handled to prevent the contamination of the employee's hands; the container; unpackaged food; clean equipment, utensils, and linens; and unwrapped single-service and single-use items.

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

(c) Employees shall handle soiled tableware in way that minimizes contamination of their hands.

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

AUTHOR: Ronald Dawsey

STATUTORY AUTHORITY: Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

HISTORY: Adopted on November 20, 1996; effective date December 25, 1996; replaces Chapter 420-3-14 and Chapter 420-3-19. Repeals filed on November 20, 1996; repeals became effective on December 25, 1996.

420-3-22-.12 Equipment and Utensils - Materials.

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

(2) Solder and Metals - If solder is used, it shall be composed of safe materials and be corrosion resistant. Solder and flux containing lead in excess of 0.2% shall not be used on food contact surfaces.

(a) Copper and copper alloys such as brass shall not be used in contact with a food that has a pH below 7, such as vinegar, fruit juice, or wine, or for a fitting or tubing installed between a backflow prevention device and a carbonator.

(b) Galvanized metal shall not be used for utensils or food contact surfaces of equipment that are used for beverages, or foods that will readily absorb moisture from the air, or moist foods.

(c) Pewter shall not be used as a food contact surface. Imitation pewter meeting the requirements of [420-3-22-.12\(1\)](#) may be used as a food contact surface.

(d) Ceramic, china, crystal, and decorative utensils such as hand painted ceramic or china that are used as a food contact surface shall be lead-free or contain levels of lead not exceeding the limits of the following utensil categories:

Utensil Category	Description	Maximum Lead ppm (mg/L)
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Hot beverage mugs	Coffee mugs	0.5
Large hollowware	Bowls >1.16 Qt.	1.0
Small hollowware	Bowls <1.16 Qt.	2.0
Flat Utensils	Plates, saucers	3.0

(3) Wood - Hard maple or equivalently nonabsorbent materials that meet the general requirements set forth in [420-3-22.12\(1\)](#) of these rules may be used for cutting blocks, cutting boards, doughnut sticks, waffle cone molds, salad bowls, and baker's tables. Wood may be used for single-service articles, such as chop sticks, stirrers or ice cream spoons. The use of wood as a food contact surface under other circumstances is prohibited, except raw fruits, raw vegetables and nuts in the shell may be kept in the wood shipping containers in which they were received until the food is used. If the nature of the food requires removal of rinds, husks, peels, or shells before consumption, the whole, uncut raw food may be kept in untreated wood containers or in containers treated with a preservative specified in 21 CFR 178.3800.

(4) Plastics - Safe plastic or safe rubber or safe rubber-like materials that are resistant under normal conditions of use to scratching, scoring, decomposing, crazing, chipping and distorting; that are of sufficient weight and thickness to permit cleaning and sanitizing by normal dishwashing methods; and which meet the general requirements set forth in [420-3-22-.12\(1\)](#) are permitted for repeated use.

(5) Mollusk and crustacea shells - Mollusk and crustacea shells may be used only once as a serving container. Further reuse of such shells for food service is prohibited. Except for mollusk and crustacea shells cleaned and sanitized by a method approved by the Health Officer, the use of such shells obtained from other establishments is prohibited.

(6) Single-service articles - Reuse of single-service articles is prohibited.

(7) Gloves - Gloves that are used to protect hands during operations requiring cutting, or cloth gloves may be used in direct contact with food only if such food is subsequently cooked as specified in [420-3-22-.05](#) such as frozen food or a primal cut of meat. Cloth gloves shall be laundered before being used with different types of raw foods from an animal source such as beef, lamb, pork, poultry and fish.

AUTHOR: Ronald Dawsey

STATUTORY AUTHORITY: Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

HISTORY: Adopted on November 20, 1996; effective date December 25, 1996; replaces Chapter 420-3-14 and Chapter 420-3-19. Repeals filed on November 20, 1996; repeals became effective on December 25, 1996.

420-3-22-.13 Equipment and Utensils - Design and Fabrication.

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

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

(b) Equipment containing bearings and gears requiring unsafe lubricants shall be designed and constructed so that the lubricant cannot leak, drip, or be forced into food or onto food contact surfaces. Only lubricants meeting the requirements of 21 CFR 178.3570 shall be used on equipment designed to receive lubrication of bearings and gears on or within food contact surfaces.

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

(d) Sinks and drain boards shall be self-draining.

(2) Accessibility - Unless designed for in-place cleaning, food contact surfaces shall be accessible for cleaning and inspection:

(a) Without being disassembled; or

(b) By disassembling without the use of tools; or

(c) By easy disassembling with the use of only simple tools, such as a mallet, a screwdriver or an open end wrench kept available near the equipment; or

(d) If accessible by kick plates, the kick plates are designed so that the areas behind them are accessible for inspection and cleaning by being removable or capable of being rotated open without unlocking equipment doors and by one of the methods specified in [420-3-22-.13\(2\)\(a\)](#) through (c).

(3) In-place cleaning - Equipment intended for in-place cleaning shall be so designed and fabricated that:

(a) Cleaning and sanitizing solutions can be circulated throughout a fixed system using an effective cleaning and sanitizing regimen;

(b) Cleaning and sanitizing solutions will contact all interior food contact surfaces; and,

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

(4) Pressure spray cleaning - Fixed equipment designed and fabricated to be cleaned and sanitized by pressure spray methods shall have sealed electrical wiring, switches and connections.

(5) Thermometers - Indicating thermometers required for immersion into food or cooking media shall be of metal stem type construction, numerically scaled and accurate to $\pm 2F$.

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

(7) Ventilation hoods - Ventilation hoods and devices shall be designed to prevent grease or condensation from collecting on walls and ceilings, and from dripping into food or onto food contact surfaces. Ventilation hoods shall be smooth and easy to clean. Filters or other grease extracting equipment shall be readily removable for cleaning and replacement if not designed to be cleaned in place.

(8) Existing equipment - Equipment that was installed in a food establishment prior to the effective date of these rules and that does not fully meet all of the design and fabrication requirements of this rule shall be deemed acceptable in that establishment if it is in good repair, capable of being maintained in a sanitary condition and the food contact surfaces are nontoxic. Replacement equipment and new equipment acquired after the effective date of these rules shall meet the requirements of these rules.

AUTHOR: Ronald Dawsey

STATUTORY AUTHORITY: Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

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420-3-22-.14 Equipment Installation & Location.

(1) General - Equipment, including ice makers and ice storage equipment, shall not be located under unshielded sewer lines; under leaking water lines, including leaking automatic fire sprinkler heads; under water lines on which water has condensed; in locker rooms; in toilet rooms; in mechanical rooms; under open stairwells; or other places where contamination is likely to occur.

(2) Table mounted equipment

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

(b) Equipment is portable within the meaning of 420-3-22-.14(2)(a) if;

1. Its' weight does not exceed 30 pounds or it is equipped with a mechanical means of safely tilting the equipment; and
2. It has no utility connection, or has a utility connection that disconnects quickly, or has a flexible utility connection line of sufficient length to permit the equipment to be moved for easy cleaning.

(3) Floor mounted equipment

(a) Floor mounted equipment, unless readily movable, shall be:

1. Sealed to the floor; or
2. Installed on a raised platform of concrete or other smooth masonry in a way that meets all requirements for sealing or floor clearance; or
3. Elevated on legs to provide at least a six-inch clearance between the floor and equipment, except that vertically mounted floor mixers may be elevated to provide at least a four-inch clearance between the floor and equipment if no part of the floor under the mixer is more than six inches from cleaning access.
4. Display shelving units, display refrigeration units, and display freezer units, are exempt from the provisions of [420-3-22-.14\(3\)\(a\)](#) 1, 2, and 3 if they are installed so that the floor beneath the units can be cleaned.

(b) Equipment is easily movable if:

1. It is mounted on wheels or casters; and
2. It has no utility connection or has a utility connection that disconnects quickly, or has a flexible utility line of sufficient length to permit the equipment to be moved for easy cleaning.

(c) Unless sufficient space is provided for easy cleaning between, behind and above each unit of fixed equipment, the space between it and adjoining equipment units and adjacent walls or ceilings shall be not more than 1/32 inch; or if exposed to seepage, the equipment shall be sealed to the adjoining equipment or adjacent walls or ceilings.

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

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420-3-22-.15 Equipment and Utensil Cleaning and Sanitization.

(1) Cleaning frequency

(a) Tableware shall be washed, rinsed and sanitized after each use.

(b) Utensils and food contact surfaces of equipment shall be cleaned and sanitized:

1. Each time there is a change in processing between species of potentially hazardous food from an animal source, such as raw beef, raw pork, raw poultry, or raw seafood or a change in processing from raw to ready-to-eat foods;

2. After any interruption of operations during which time contamination may have occurred; and

3. After final use each work day.

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

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

(e) Nonfood contact surfaces of equipment, including transport vehicles, shall be cleaned as often as is necessary to keep the equipment free of accumulation of dust, dirt, food particles and other debris.

(f) A warewashing machine; the compartment of sinks used for washing and rinsing equipment, utensils, or raw foods, or laundering wiping cloths; and drainboards or other equipment used to substitute for drainboards as specified in [420-3-22-.15\(3\)\(b\)](#) shall be cleaned:

1. Before use;

2. Throughout the day at a frequency necessary to prevent recontamination of equipment and utensils and to assure that the equipment performs its intended function, and

3. If used, at least daily.

(2) Wiping cloths

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

(b) Moist cloths or sponges used for wiping food spills on kitchenware and food contact surfaces of equipment shall be clean and rinsed frequently in one of the sanitizing solutions permitted in [420-3-22-.15\(3\)\(e\)](#) and used for no other purpose. These cloths and sponges shall be stored in the

sanitizing solution between uses.

(c) Moist cloths or sponges used for cleaning nonfood contact surfaces of equipment such as counters, dining table tops and shelves shall be clean and rinsed as specified in [420-3-22-.15\(2\)\(b\)](#) and used for no other purpose. These cloths and sponges shall be stored in the sanitizing solution between uses.

(d) Single-service disposable towels may be used in lieu of wiping cloths or sponges if they are discarded after each use.

(3) Manual cleaning and sanitizing

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

(b) Drainboards or easily movable dish tables of adequate size, or oversink drying racks, or a combination of these shall be provided for proper handling of soiled utensils prior to washing and for cleaned utensils following sanitizing and shall be located so as not to interfere with the proper use of the warewashing facilities.

(c) Equipment and utensils shall be preflushed or pre-scraped and, when necessary, presoaked to remove gross food particles and soil.

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

1. Sinks shall be cleaned prior to use.

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

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

4. Equipment and utensils shall be sanitized in the third compartment according to one of the methods included in [420-3-22-.15\(3\)\(e\)1](#) through [420-3-22-.15\(3\)\(e\)6](#).

(e) The food contact surfaces of all equipment and utensils shall be sanitized by:

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

2. Immersion for at least one minute in a clean solution containing at least 50 parts per million, but not more than 200 parts per million, of available chlorine as a hypochlorite and at a temperature of at least 75F; or

3. Immersion for at least one minute in a clean solution containing at least 12.5 parts per million, but not more than 25 parts per million, of available iodine and having a pH not higher than 5.0 and at a temperature of at least 75F; or
4. Immersion for at least one minute in a clean solution containing 200 parts per million of a quaternary ammonium compound and having a temperature of at least 75F, the quaternary ammonium compound having been compounded by the manufacturer to assure effectiveness in water up to 500 parts per million hardness at use concentration or as otherwise specified by the manufacturer; or
5. Immersion in a clean solution containing any other chemical sanitizing agent allowed under 21 CFR 178.1010 that will provide the equivalent bactericidal effect of a solution containing at least 50 parts per million of available chlorine as a hypochlorite at a temperature of at least 75F for one minute; or
6. Treatment with steam free from materials or additives other than those specified in 21 CFR 173.310 in the case of equipment too large to sanitize by immersion, but in which steam can be confined; or
7. Rinsing spraying, or swabbing with a chemical sanitizing solution of the same strength required for that particular sanitizing solution under [420-3-22-.15\(3\)\(e\)5](#) in the case of equipment too large to sanitize by immersion.

(f) When hot water is used for sanitizing, the following facilities shall be provided and used:

1. An integral heating device or fixture installed in, on, or under the sanitizing compartment of the sink, capable of maintaining the water at a temperature of at least 170F; and
2. A numerically scaled indicating thermometer, accurate to ± 3 F convenient to the sink for frequent checks of water temperature; and
3. Dish or utensil baskets of such size and design to permit complete immersion of the tableware, kitchenware, utensils, and equipment in the hot water.

(g) When chemicals are used for sanitization, they shall not have concentrations higher than the maximum permitted under 21 CFR 173.1010, and a test kit or other device that accurately measures the parts per million concentration of the solution shall be provided and used.

(4) Mechanical cleaning and sanitizing

(a) Cleaning and sanitizing may be done by spray-type or immersion warewashing machines or by any other type of machine or device if it is demonstrated that it thoroughly cleans and sanitizes equipment and utensils. These machines and devices shall be properly installed and maintained in good repair. Machines and devices shall be operated in accordance with manufacturer's instructions, and utensils and equipment placed in the machine shall be exposed to all warewashing cycles. Automatic detergent dispensers, wetting agent dispensers, and liquid sanitizer injectors, if any, shall be properly installed and maintained. Warewashing machines shall be provided with an easily accessible and readable data plate affixed to the machine by the

manufacturer that indicates the machine's design and operating specifications including the temperatures required for washing, rinsing and sanitizing; the conveyor speed for conveyor machines or cycle time for rack machines; and, except when the machine is designed to use only a pumped sanitizing rinse, the pressure required for the fresh water sanitizing rinse.

(b) Except for warewashing machines designed to use only a pumped sanitizing rinse, the pressure of final rinse water supplied to spray type warewashing machines shall not be less than 15 nor more than 25 pounds per square inch measured in the water line immediately adjacent to the final rinse control valve. A 1/4 inch IPS valve shall be provided immediately upstream from the final rinse control valve to permit checking the flow pressure of the final rinse water.

(c) Machine or water line mounted, numerically scaled indicating thermometers, accurate to $\pm 3F$, shall be provided to indicate the temperature of the water in each tank of the machine and the temperature of the final rinse water as it enters the manifold.

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

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

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

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

1. The temperature of the wash water shall not be less than 120F.
2. The wash water shall be kept clean.
3. Chemicals added for sanitization purposes shall be automatically dispensed.
4. Utensils and equipment shall be exposed to the final chemical sanitizing rinse in accordance with the manufacturer's specification for time and concentration.
5. The chemical sanitizing rinse water temperature shall be not less than 75F nor less than the temperature specified by the machine's manufacturer.
6. Chemical sanitizers used shall meet the requirements of 21 CFR 178.1010.

7. A test kit or other device that accurately measures the parts per million concentration of the solution shall be available and used.

(h) Machines using hot water for sanitizing may be used provided that wash water and pumped rinse water shall be kept clean and water shall be maintained at not less than the temperature stated in [420-3-22-.15\(4\)\(h\)1](#) through 420-3-22-.15(4)(h)5.

1. Single tank, stationary rack, dual temperature machine:

Wash temperature.....150F

Final rinse temperature.....180F

2. Single tank, stationary rack, single temperature machine:

Wash temperature.....165F

Final rinse temperature.....165F

3. Single tank, conveyor machine:

Wash temperature.....160F

Final rinse temperature.....180F

4. Multitank, conveyor machine:

Wash temperature.....150F

Pumped rinse temperature.....160F

Final rinse temperature.....180F

5. Single tank, pot, pan, and utensil washer (either stationary or moving rack):

Wash temperature.....140F

Rinse temperature.....180F

6. The warewashing machine shall provide a utensil surface temperature of 160F as measured by an irreversible (or maximum) registering thermometer or other temperature measuring device.

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

(5) Drying - Unless used immediately after sanitization, all equipment and utensils shall be air dried.

AUTHOR: Ronald Dawsey

STATUTORY AUTHORITY: Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

HISTORY: Adopted on November 20, 1996; effective date December 25, 1996; replaces Chapter 420-3-14 and Chapter 420-3-19. Repeals filed on November 20, 1996; repeals became effective on December 25, 1996.

420-3-22-.16 Equipment and Utensil Storage.

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

(2) Storage

(a) Cleaned and sanitized utensils and equipment shall be stored at least six inches above the floor in a clean, dry location in a way that protects them from contamination by splash, dust, and other means. The food contact surfaces of fixed equipment shall also be protected from contamination. Equipment and utensils shall not be placed under unshielded sewer lines; under leaking water lines, including leaking automatic fire sprinkler heads; under water lines on which water has condensed; in locker rooms; in toilet rooms; in mechanical rooms; in dressing rooms; under open stairwells; or in other places where contamination is likely to occur.

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

(c) Glasses and cups shall be stored inverted. Other stored utensils shall be covered or inverted, wherever practical. Facilities for the storage of knives, forks, and spoons shall be designed and used to present the handle to the employee or consumer. Unless tableware is prewrapped, holders for knives, forks and spoons at self-service locations shall protect these articles from contamination and present the handle of the utensil to the consumer.

(3) Single-service articles

(a) Single-service articles and single-use articles shall be stored at least six inches above the floor in closed cartons or containers which protect them from contamination or on easily movable dollies, skids, racks, or open-ended pallets and shall not be placed under unshielded sewer lines; under leaking water lines, including leaking automatic fire sprinkler heads; under water lines on which water has condensed; in locker rooms; in toilet rooms; in mechanical rooms; in dressing rooms; under open stairwells; or in other places where contamination is likely to occur.

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

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

(4) Prohibited storage area - The storage of food equipment, utensils, single-use articles, or single-service articles under unshielded sewer lines; under leaking water lines, including leaking automatic fire sprinkler heads; under water lines on which water has condensed; in locker rooms; in toilet rooms; in mechanical rooms; in dressing rooms; under open stairwells; or in other places where contamination is likely to occur is prohibited.

AUTHOR: Ronald Dawsey

STATUTORY AUTHORITY: Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

HISTORY: Adopted on November 20, 1996; effective date December 25, 1996; replaces Chapter 420-3-14 and Chapter 420-3-19. Repeals filed on November 20, 1996; repeals became effective on December 25, 1996.

420-3-22-.17 Water Supply.

(1) General - Enough potable water for the needs of the food establishment shall be provided from a source operated and constructed according to law.

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

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

(4) Water under pressure - Water under pressure at the required temperatures shall be provided to all fixtures and equipment that use water.

(5) Steam - Steam used in contact with food or food contact surfaces shall be free from any materials or additives other than those specified in 21 CFR 173.310.

(6) Bacterial Quality Standards - Annually at least one water sample shall be collected from any food establishment whose water supply is not required by law to be permitted by the Alabama Department of Environmental Management. If the sample results show coliform present as reported by the Alabama Department of Public Health, Bureau of Clinical Laboratories, a resample shall be taken within seven days. Whenever two consecutive samples taken on separate days show coliform present, the permit to operate shall be suspended by the Health Officer in accordance with appropriate administrative procedures. A sample result of coliform absent with no confluent growth is required prior to reinstatement of the permit.

(7) Bulk Water Dispensing Machines or Water Vending Machines

(a) The Health Officer may collect samples of water from bulk water dispensing machines as often as necessary to protect the public health. The sample shall meet the bacterial standards of this rule.

(b) If the sample results show coliform present or confluent growth as reported by the Alabama Department of Public Health, Bureau of Clinical Laboratories, the Health Officer shall send a written notice thereof to the permit holder or the person in charge. An additional sample shall be taken within seven days of sending such notice. Immediate suspension of the authorization to operate the dispensing machine in question shall be instituted whenever the bacterial quality standards of this rule is violated by two consecutive samples. The suspension shall remain effective until a sample result of coliform absent with no confluent growth is obtained.

(c) Water from a bulk water dispensing device, or water vending machine, shall not be sold, given away, or otherwise distributed while the dispensing unit's operation is ordered suspended by the Health Officer as specified in [420-3-22-.17\(7\)\(b\)](#).

AUTHOR: Ronald Dawsey

STATUTORY AUTHORITY: Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

HISTORY: Adopted on November 20, 1996; effective date December 25, 1996; replaces Chapter 420-3-14 and Chapter 420-3-19. Repeals filed on November 20, 1996; repeals became effective on December 25, 1996.

420-3-22-.18 Sewage.

(1) General - All sewage, including liquid waste, shall be disposed of by a public sewerage system or by a sewage disposal system constructed and operated according to law. Nonwater-carried sewage disposal facilities are prohibited except as permitted by [420-3-22-.35\(1\) through \(11\)](#) (pertaining to temporary food service establishments) or as permitted by the Health Officer in remote areas or because of special situations.

AUTHOR: Ronald Dawsey

STATUTORY AUTHORITY: Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

HISTORY: Adopted on November 20, 1996; effective date December 25, 1996; replaces Chapter 420-3-14 and Chapter 420-3-19. Repeals filed on November 20, 1996; repeals became effective on December 25, 1996.

420-3-22-.19 Plumbing.

(1) General - Plumbing and plumbing fixtures shall be sized, installed and maintained according to local plumbing codes as enforced by local plumbing officials. There shall be no cross connection between the potable water supply and any nonpotable or questionable water supply nor any source of pollution through which the potable water supply might become contaminated.

(2) Nonpotable water system - A nonpotable water system is permitted only for purposes such as air conditioning and fire protection and only if the system is installed according to law and the nonpotable water does not contact, directly or indirectly, food, potable water, equipment that contacts food, or utensils. The piping of any nonpotable water system shall be durably identified so that it is readily distinguishable from piping that carries potable water.

(3) Backflow

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

(b) Carbonators - A backflow preventer shall be installed on the water supply line to a carbonating device so that the backflow preventer is upstream from the carbonating device and downstream from any copper in the water supply line.

(4) Grease traps - If used, grease traps shall be located to be easily accessible for cleaning.

(5) Garbage grinders - If used, garbage grinders shall be installed and maintained according to local plumbing codes as enforced by local plumbing officials.

(6) Drains - There shall be no direct connection between the sewerage system and any drains originating from equipment in which food, portable equipment, or utensils are placed, except a warewashing or culinary sink (not dipper wells) may have a direct connection if allowed by local plumbing codes as enforced by local plumbing officials. When a machine is located within five feet of a trapped floor drain, the warewasher waste outlet may be connected directly on the inlet side of a properly vented floor drain trap.

AUTHOR: Ronald Dawsey

STATUTORY AUTHORITY: Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

HISTORY: Adopted on November 20, 1996; effective date December 25, 1996; replaces Chapter 420-3-14 and Chapter 420-3-19. Repeals filed on November 20, 1996; repeals became effective on December 25, 1996.

420-3-22-.20 Toilet Facilities.

(1) Toilet Installation - Toilet facilities shall be installed according to law, shall be the number required by law as enforced by local plumbing officials, but at least one, shall be conveniently located, and shall be accessible to employees at all times.

(2) Toilet design - Toilets and urinals shall be designed to be easily cleanable.

(3) Toilet rooms - Toilet rooms shall be completely enclosed and shall have tight fitting, self-closing, solid doors, which shall be closed except during cleaning or maintenance, except as provided by law. Child day care centers shall not be required to have self-closing doors for toilet rooms used by children.

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

waste receptacle.

AUTHOR: Ronald Dawsey

STATUTORY AUTHORITY: Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

HISTORY: Adopted on November 20, 1996; effective date December 25, 1996; replaces Chapter 420-3-14 and Chapter 420-3-19. Repeals filed on November 20, 1996; repeals became effective on December 25, 1996.

420-3-22-.21 Handwashing Sinks.

(1) Handwashing sink installation

(a) Handwashing sinks shall be installed according to law and shall be located to permit convenient use by all employees in food preparation areas and utensil washing areas. Handwashing sinks shall be either located or shielded to prevent splash onto any food contact surface or food storage area or onto any utensil or single-service article storage area.

(b) Handwashing sinks shall be accessible to employees at all times.

(c) Handwashing sinks shall also be located in or immediately adjacent to toilet rooms or vestibules. Sinks used for food preparation or for washing equipment or utensils shall not be used for handwashing.

(2) Handwashing sink faucets - Each handwashing sink shall be provided with hot and cold water tempered by means of a mixing valve or combination faucet. Any self-closing, slow closing or metering faucet used shall be designed to provide a flow of water for at least 15 seconds without the need to reactivate the faucet. Steam mixing valves are prohibited.

(3) Handwashing sink supplies - A supply of hand cleansing soap or detergent shall be available at each handwashing sink or group of two adjacent handwashing sinks. A supply of sanitary towels or a hand drying device providing heated air shall be conveniently located near each sink. Common towels are prohibited. If disposable towels are used, easily cleanable waste receptacles shall be conveniently located near the handwashing facilities.

(4) Handwashing sink maintenance - Handwashing sinks soap dispensers, hand drying devices and all related fixtures shall be kept clean and in good repair.

AUTHOR: Ronald Dawsey

STATUTORY AUTHORITY: Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

HISTORY: Adopted on November 20, 1996; effective date December 25, 1996; replaces Chapter 420-3-14 and Chapter 420-3-19. Repeals filed on November 20, 1996; repeals became effective on December 25, 1996.

420-3-22-.22 Garbage and Refuse.

(1) Containers

- (a) Garbage and refuse shall be kept in durable, easily cleanable, insect proof and rodent proof containers that do not leak and do not absorb liquids. Plastic bags and wet strength paper bags may be used to line these containers. Such bags and durable plastic garbage and refuse containers may be used for storage inside the food establishments.
- (b) Containers used in food preparation and utensil washing areas shall be kept covered after they are filled and during nonworking hours.
- (c) Containers stored outside the establishment, and dumpsters, compactors and compactor systems, shall be easily cleanable; shall be provided with tight fitting lids, doors or covers; and shall be kept covered when not in actual use. In containers designed with drains, drain plugs shall be in place at all times except during cleaning.
- (d) There shall be a sufficient number of containers to hold all the garbage and refuse that accumulates.
- (e) Soiled containers shall be cleaned at a frequency to prevent insect and rodent attraction. Each container shall be thoroughly cleaned on the inside and outside in a way that does not contaminate food, equipment, utensils, or food preparation areas. Suitable facilities, including hot water and detergent or steam, shall be provided and used for washing containers. Liquid waste from compacting or cleaning operations shall be disposed of as sewage.

(2) Storage

- (a) Garbage and refuse on the premises shall be stored in a manner to make them inaccessible to insects and rodents. Outside storage of unprotected plastic bags or wet strength paper bags or baled units containing garbage or refuse is prohibited. Cardboard or other packaging material not containing garbage or food wastes need not be stored in covered containers.
- (b) Garbage or refuse storage rooms, if used, shall be constructed of easily cleanable, nonabsorbent, washable materials; shall be kept clean; shall be insect proof and rodent proof; and shall be large enough to store the garbage and refuse containers that accumulate.
- (c) Outside storage areas or enclosures shall be large enough to store the garbage and refuse containers that accumulate and shall be kept clean. Garbage and refuse containers, dumpsters, waste grease containers, and compactor systems located outside shall be stored on or above a smooth surface of nonabsorbent material, such as concrete or machine laid asphalt that is kept clean and maintained in good repair. If dumpsters are washed onsite, the dumpster pad shall be graded to drain to approved sewage disposal facilities and the conditions of [420-3-22-.22\(1\)\(e\)](#) concerning washing containers shall apply.

(3) Disposal

- (a) Garbage and refuse shall be disposed of often enough to prevent the development of odor and the attraction of insects and rodents.
- (b) Where garbage or refuse is burned on the premises, it shall be done by controlled incineration that prevents the escape of particulate matter in accordance with law. Areas around incineration

facilities shall be clean and orderly.

AUTHOR: Ronald Dawsey

STATUTORY AUTHORITY: Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

HISTORY: Adopted on November 20, 1996; effective date December 25, 1996; replaces Chapter 420-3-14 and Chapter 420-3-19. Repeals filed on November 20, 1996; repeals became effective on December 25, 1996.

420-3-22-.23 Insect and Rodent Control.

(1) General - Effective measures intended to minimize the presence of rodents, flies, cockroaches and other insects on the premises shall be utilized. The premises shall be kept in such condition as to prevent the harborage or feeding of insects or rodents.

(2) Openings - Openings to the outside shall be effectively protected against the entrance of rodents. Outside openings shall be protected against the entrance of insects by tight fitting, self-closing doors, closed windows, controlled air currents or other means. Screen doors shall be self-closing, and screens for windows, doors, skylights, transoms, intake and exhaust air ducts, and other openings to the outside shall be tight fitting and free of breaks. Screening material shall not be less than 16 mesh to the inch.

AUTHOR: Ronald Dawsey

STATUTORY AUTHORITY: Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

HISTORY: Adopted on November 20, 1996; effective date December 25, 1996; replaces Chapter 420-3-14 and Chapter 420-3-19. Repeals filed on November 20, 1996; repeals became effective on December 25, 1996.

420-3-22-.24 Floors.

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

(2) Floor carpeting - Carpeting, if used as a floor covering, shall be of closely woven construction, properly installed, easily cleanable, and maintained in good repair. Carpeting is prohibited in food preparation, equipment washing and utensil washing areas, in food storage areas, refuse storage rooms or areas and toilet room areas where urinals or toilet fixtures are located.

(3) Prohibited floor covering - The use of sawdust, wood shavings, peanut hulls, or similar material as a floor covering is prohibited.

(4) Floor drains - Properly installed, trapped floor drains shall be provided in floors that are water flushed for cleaning or that receive discharges of water or other fluid waste from equipment, or in areas where pressure spray methods for cleaning equipment are used. Such floors shall be constructed only of sealed concrete, terrazzo, ceramic tile, or similar materials, and shall be graded to drain. Floor drains in walk-in coolers may be directly connected to the sewer except where prohibited by local plumbing codes as enforced by local plumbing officials.

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

(6) Floor junctures - In all new or extensively remodeled establishments utilizing concrete, terrazzo, ceramic tile, or similar flooring materials, and where water flush cleaning methods are used, the junctures between walls and floors shall be coved and sealed. In all other cases, the juncture between walls and floors shall not present an open seam of more than 1/32 inch.

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

AUTHOR: Ronald Dawsey

STATUTORY AUTHORITY: Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

HISTORY: Adopted on November 20, 1996; effective date December 25, 1996; replaces Chapter 420-3-14 and Chapter 420-3-19. Repeals filed on November 20, 1996; repeals became effective on December 25, 1996.

420-3-22-.25 Walls and Ceilings.

(1) Maintenance - Walls and ceilings, including doors, windows, skylights, and similar closures, shall be maintained in good repair.

(2) Construction - The walls, including nonsupporting partitions, wall coverings and ceiling of walk-in refrigerating units, food preparation areas, equipment washing and utensil washing areas, toilet rooms and vestibules shall be light colored, smooth, nonabsorbent and easily cleanable. Concrete or pumice blocks used for interior wall construction in these locations shall be finished and sealed to provide an easily cleanable surface. Areas used only for dry storage need not meet these requirements for finished and sealed walls if the walls are kept clean.

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

(4) Utility line installation - Exposed utility service lines and pipes shall be installed in a way that does not obstruct or prevent cleaning of the walls and ceilings. Utility service lines and pipes shall not be unnecessarily exposed on walls or ceilings in walk-in refrigerating units, food preparation

areas, equipment washing and utensil washing areas, toilet rooms and vestibules.

(5) Attachments - Light fixtures, vent covers, wallmounted fans, decorative materials and similar equipment attached to walls and ceilings shall be easily cleanable and shall be maintained in good repair. In a consumer area, wall and ceiling surfaces and decorative items and attachments that are provided for ambiance need not meet this requirement for easily cleanable construction if they are kept clean.

(6) Covering material installation - Wall and ceiling covering materials shall be attached and sealed so as to be easily cleanable.

AUTHOR: Ronald Dawsey

STATUTORY AUTHORITY: Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

HISTORY: Adopted on November 20, 1996; effective date December 25, 1996; replaces Chapter 420-3-14 and Chapter 420-3-19. Repeals filed on November 20, 1996; repeals became effective on December 25, 1996.

420-3-22-.26 Cleaning Physical Facilities.

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

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

AUTHOR: Ronald Dawsey

STATUTORY AUTHORITY: Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

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420-3-22-.27 Lighting.

(1) General

(a) Permanently fixed artificial light sources shall be installed to provide at least 50 foot-candles of light on all food preparation surfaces and at equipment or utensil washing work levels. In areas where consumer ambiance requires lower light levels, such as a bar in a customer area, lights shall maintain at least 10 foot candles of light during customer service operations and 50 foot candles

for cleaning.

(b) Permanently fixed artificial light sources shall be installed to provide, at a distance of 30 inches from the floor:

1. At least 20 foot-candles of light in sales areas, in utensil and equipment storage areas and in handwashing and toilet areas; and

2. At least 10 foot-candles of light in walk-in refrigerating units, dry food storage areas, and all other areas. This shall also include dining areas during cleaning operation.

(2) Protective shielding

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

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

(c) Shielded, coated or otherwise shatter-resistant bulbs need not be used in areas used only for storing food in unopened packages if the integrity of the packages can not be affected by broken glass falling onto them and the packages are capable of being cleaned of debris from broken bulbs before the packages are opened.

AUTHOR: Ronald Dawsey

STATUTORY AUTHORITY: Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

HISTORY: Adopted on November 20, 1996; effective date December 25, 1996; replaces Chapter 420-3-14 and Chapter 420-3-19. Repeals filed on November 20, 1996; repeals became effective on December 25, 1996.

420-3-22-.28 Ventilation.

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

(2) Special ventilation

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

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

AUTHOR: Ronald Dawsey

STATUTORY AUTHORITY: Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

HISTORY: Adopted on November 20, 1996; effective date December 25, 1996; replaces Chapter 420-3-14 and Chapter 420-3-19. Repeals filed on November 20, 1996; repeals became effective on December 25, 1996.

420-3-22-.29 Dressing Rooms and Locker Areas.

(1) Dressing rooms and areas - If employees routinely change clothes within the establishment, rooms or areas shall be designated and used for the purpose. These designated rooms or areas shall not be used for food preparation, storage, or service, or for utensil washing or storage.

(2) Locker areas - Enough lockers or other suitable facilities shall be provided and used for the orderly storage of employee clothing and other belongings. Lockers or other suitable facilities may be located only in the designated dressing rooms or in food storage rooms or areas containing only completely packaged food or packaged single-service articles.

AUTHOR: Ronald Dawsey

STATUTORY AUTHORITY: Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

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420-3-22-.30 Poisonous or Toxic Materials.

(1) Materials permitted - There shall be present in food establishments only those poisonous or toxic materials necessary for maintaining the establishment, cleaning and sanitizing equipment and utensils, and controlling insects and rodents except those items being stored or displayed for retail sale as allowed in [420-3-22-.30\(7\)](#).

(2) Labeling of materials - Containers of poisonous or toxic materials shall be prominently and distinctly labeled according to law for easy identification of contents.

(3) Storage of materials

(a) Poisonous or toxic materials are of the following categories:

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

(b) Each of the two categories set forth in [420-3-22-.30\(3\)\(a\)](#) shall be stored and physically located separate from each other. All poisonous or toxic materials shall be stored in cabinets or in a similar physically separate place used for no other purpose. To preclude contamination, poisonous or toxic materials shall not be stored above food, food equipment, utensils, single-use

or single-service articles, except that this requirement does not prohibit the convenient availability of detergents or sanitizers at utensil or warewashing stations.

(4) Use of materials

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

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

(5) Personal medications - Personal medication shall not be stored in food storage, preparation, or service areas or in warewashing areas. Employee medications requiring refrigeration may be stored in a designated area in a refrigerator that is not accessible to the public and in a manner to preclude contamination of food. A container used for storing employee medications shall be conspicuously labeled "Medicine."

(6) First aid supplies - First aid supplies shall be stored in a way that prevents them from contaminating food and food contact surfaces.

(7) Storage and display of materials for retail sale - Poisonous or toxic materials stored or displayed for retail sale shall be separated from food and single-service articles by spacing, partitioning or dividers. These materials shall not be stored or displayed above food or single-service articles.

AUTHOR: Ronald Dawsey

STATUTORY AUTHORITY: Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

HISTORY: Adopted on November 20, 1996; effective date December 25, 1996; replaces Chapter 420-3-14 and Chapter 420-3-19. Repeals filed on November 20, 1996; repeals became effective on December 25, 1996.

420-3-22-.31 Premises.

(1) General

(a) Food establishments and all parts of property used in connection with their operations shall be kept reasonably free of litter.

(b) The walking and driving surfaces of all exterior areas of food establishments shall be surfaced with concrete or asphalt, or with gravel or similar material effectively treated to facilitate maintenance and minimize dust. These surfaces shall be graded to facilitate drainage and shall be kept free of litter. Condensate drainage and other non-sewage liquids and rainwater shall be drained from point of discharge to disposal according to law.

(c) Only articles necessary for the operation and maintenance of the food establishment shall be stored on the premises.

(d) The traffic of unnecessary persons through the food preparation and utensil washing area is prohibited.

(2) Living area - No operation of a food establishment shall be conducted in any room used as living or sleeping quarters. Food establishment operations shall be separated from any living or sleeping quarters by complete partitioning and solid, self-closing doors.

(3) Laundry facilities

(a) Laundry facilities in a food establishment shall be restricted to the washing and drying of linens, cloths, uniforms and aprons necessary to the operation. If such items are laundered on the premises, an electric or gas dryer shall be provided and used except in food establishments in which on-premises laundering is limited to wiping cloths intended to be used before drying, or wiping cloths are air-dried as specified in [420-3-22-.31\(3\)\(c\)](#), a mechanical clothes dryer need not be provided.

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

(c) Wiping cloths laundered in a food establishment that does not have a mechanical clothes dryer shall be air-dried in a location and in a manner so that contamination of food, equipment, utensils, linens, single-service and single-use articles and the wiping cloths is prevented. After laundering, wiping cloths may be stored in a sanitizing solution without first being dried.

(d) In food establishments in which only wiping cloths are laundered as specified in [420-3-22-.31\(3\)\(a\)](#), the wiping cloths may be laundered in a mechanical washer, or a sink designated only for laundering wiping cloths, or a warewashing or food preparation sink that is cleaned as specified in [420-3-22-.15\(1\)\(f\)](#).

(4) Linen and work clothes storage

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

(b) Soiled work clothes and linens shall be stored in nonabsorbent containers or washable laundry bags until removed for laundering.

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

(6) Animals - Live animals, including birds and turtles, shall be excluded from within the food operational premises and from adjacent areas under the control of the permit holder. This exclusion does not apply to edible fish, crustacea, shellfish, or to fish in aquariums. Patrol dogs

accompanying security or police officers, or guide animals aiding disabled persons, shall be permitted in dining areas. Live or dead fish bait shall be stored separately from food or food products.

AUTHOR: Ronald Dawsey

STATUTORY AUTHORITY: Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

HISTORY: Adopted on November 20, 1996; effective date December 25, 1996; replaces Chapter 420-3-14 and Chapter 420-3-19. Repeals filed on November 20, 1996; repeals became effective on December 25, 1996.

420-3-22-.32 Mobile Food Service.

(1) General - Mobile food units or pushcarts shall comply with the requirements of 420-3-22-.32 except as otherwise provided in this paragraph and in 420-3-22-.32(2). The Health Officer may impose additional requirements to protect against health hazards related to the conduct of the food service establishment as a mobile operation, may prohibit the sale of some or all potentially hazardous food, and when no health hazard will result, may waive or modify requirements of this rule relating to physical facilities, except those requirements of 420-3-22-.32(4) and (5), ~~420-3-22-.33~~, and ~~420-3-22-.34~~. Pushcarts shall have overhead protection to cover the food area, such as an umbrella.

(2) Restricted Operation - Mobile food units or pushcarts serving only food prepared, packaged in individual servings, transported and stored under conditions meeting the requirements of these rules, or beverages that are not potentially hazardous and are dispensed from covered urns or other protected equipment, need not comply with requirements of these rules pertaining to the necessity of water and sewage systems nor to those requirements pertaining to the cleaning and sanitization of equipment and utensils, if the required equipment for cleaning and sanitizing exists at the commissary. Handwashing facilities shall be provided on mobile food units or pushcarts whenever unpackaged food is handled.

(3) Single-service articles - Mobile food units or pushcarts shall provide only single-service articles for use by the consumer.

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

(5) Water retention - If liquid waste results from operation of a mobile food unit, the waste shall be stored in a permanently installed retention tank that is of at least 15 percent larger capacity than the water supply tank. Liquid waste shall not be discharged from the retention tank when the mobile food unit is in motion and shall be discharged into an approved disposal facility. All

connections on the vehicle for servicing mobile food unit waste disposal facilities shall be of a different size or type than those used for supplying potable water to the mobile food unit. The waste connection shall be located lower than the water inlet connection to preclude contamination of the potable water system.

(6) Caterer - Caterers shall furnish the following information along with the application for a Food Permit:

- (a) A list of the general types of foods proposed to be catered such as "barbecue pork", "baked goods" or similar general descriptions;
- (b) A description of food preparation processes and, if potentially hazardous food is to be cooled prior to service, a description of cooling methods; and,
- (c) A description of methods and equipment for food storage, food display, and food service.

AUTHOR: Ronald Dawsey

STATUTORY AUTHORITY: Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

HISTORY: Adopted on November 20, 1996; effective date December 25, 1996; replaces Chapter 420-3-14 and Chapter 420-3-19. Repeals filed on November 20, 1996; repeals became effective on December 25, 1996.

420-3-22-.33 Commissary.

(1) Base of operations

- (a) Mobile food units or pushcarts shall operate from a commissary or other fixed food service establishment and shall report at least daily to such location for all supplies and for all cleaning and servicing operations.
- (b) The commissary or other fixed food service establishment used as a base of operation for mobile food units or pushcarts shall be constructed and operated in compliance with the requirements of these rules.

AUTHOR: Ronald Dawsey

STATUTORY AUTHORITY: Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

HISTORY: Adopted on November 20, 1996; effective date December 25, 1996; replaces Chapter 420-3-14 and Chapter 420-3-19. Repeals filed on November 20, 1996; repeals became effective on December 25, 1996.

420-3-22-.34 Servicing Area and Operations.

(1) Servicing area

- (a) A mobile food unit servicing area shall be provided and should include at least overhead protection for any supplying, cleaning or servicing operation. Within this servicing area, there

shall be a location provided for the flushing and drainage of liquid wastes separate from the location provided for water servicing and for the loading and unloading of food and related supplies. This servicing area will not be required where only packaged food is placed on the mobile food unit or pushcart or where mobile food units do not contain waste retention tanks.

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

(c) The construction of the walls and ceilings of the servicing area is exempted from the provisions of [420-3-22-.25](#).

(2) Servicing operations

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

(b) The mobile food unit liquid waste retention tank, where used, shall be thoroughly flushed and drained during the servicing operation. All liquid waste shall be discharged to a sanitary sewerage disposal system in accordance with [420-3-22-.18](#).

AUTHOR: Ronald Dawsey

STATUTORY AUTHORITY: Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

HISTORY: Adopted on November 20, 1996; effective date December 25, 1996; replaces Chapter 420-3-14 and Chapter 420-3-19. Repeals filed on November 20, 1996; repeals became effective on December 25, 1996.

420-3-22-.35 Temporary Food Service Establishments.

(1) General - A temporary food service establishment shall comply with the requirements of these rules, except as otherwise provided in this rule. The Health Officer may impose additional requirements to protect against potential health hazards related to the conduct of the temporary food service establishment, may prohibit the sale of some or all potentially hazardous foods, and when no health hazard will result, may waive or modify requirements of these rules. It shall be unlawful for any person to operate a temporary food service establishment unless such person possesses a valid permit issued by the Health Officer for the operation of such establishment.

(2) Restricted operations

(a) These provisions are applicable whenever a temporary food service establishment is permitted, under the provisions of [420-3-22.35\(1\)](#), to operate without complying with all the requirements of this rule.

(b) Only those potentially hazardous foods approved by the Health Officer for preparation or service at the temporary food service establishment shall be prepared or served.

(3) Ice - Ice that is consumed or that contacts food shall be made under conditions meeting the requirements of these rules. The ice shall be obtained only in chipped, crushed or cubed form and in single-use, safe, plastic or wet strength paper bags filled and sealed at the point of manufacture. Block ice may be used in mechanical ice shaving devices. The ice shall be held in these bags or in containers approved by the Health Officer until it is dispensed in a way that protects it from contamination. Drainage from ice shall be disposed of in such a way that no health or sanitation problem is created.

(4) Equipment

(a) Equipment shall be located and installed in a way that prevents food contamination and that also facilitates cleaning the establishment. Cooking equipment shall be located so as to be separated from the public.

(b) A three compartment sink of adequate size shall be provided to wash, rinse, and sanitize equipment and utensils. For establishments preparing or serving only food items listed in [420-3-22-.01\(3\)\(z\)](#), Limited Food Service Establishment, a two compartment utensil washing sink may be used.

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

(5) Single-service articles - All temporary food service establishments shall provide only single-service articles for use by the consumer.

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

(7) Wet storage - Storage of packaged food in contact with water or undrained ice is prohibited. Wrapped sandwiches shall not be stored in direct contact with ice.

(8) Waste - All sewage, including liquid waste, shall be disposed of according to law.

(9) Handwashing - A convenient handwashing facility shall be available for employee handwashing. This facility shall consist of at least warm running water, soap, and individual paper towels. A temporary food service establishment in which any unwrapped food is handled shall provide such a facility. The use of single-use disposable, plastic gloves and a hand sanitizer is recommended for food handlers, but shall not be substituted for an approved handwashing facility. Utensil washing sinks shall not be used for handwashing.

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

(11) Walls and ceiling of food preparation area

(a) Ceiling shall be made of wood, canvas, or other material that protects the interior of the establishment from the weather. Walls and ceilings of food preparation areas shall be constructed in a way that prevents the entrance of insects. Doors to food preparation areas shall be solid or screened and shall be self-closing. Screening material used for walls, doors, or windows shall be at least 16 mesh to the inch.

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

AUTHOR: Ronald Dawsey

STATUTORY AUTHORITY: Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

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420-3-22-.36 Limited Food Establishments.

(1) Limited Food Service Establishments

(a) General - A limited food service establishment shall comply with the requirements of these rules, except as otherwise provided. The application for a permit and the permit shall specify the designated food items that will be served. Establishments serving only coffee in single-service cups and utilizing single-service stirrers and non-potentially hazardous coffee condiments do not require a permit or inspections. It shall be the responsibility of the person applying for a Limited Food Service Permit to show evidence satisfactory to the Health Officer that any proposed food items for sale meet the requirements of [420-3-22-.01\(3\)\(z\)](#).

(b) Facilities

1. An adequately sized sink having at least two compartments furnished with hot and cold water and a drain board or easily movable dish table shall be used for cleaning all equipment and utensils in a limited food service establishment. When a two compartment sink is used, an approved chemical sanitizer with appropriate test kits shall be provided.

2. At least one handwashing sink shall be provided convenient to the work area. Each handwashing sink shall be provided with hot and cold water tempered by means of a mixing valve or combination faucet. Soap and individual paper towels shall be furnished at each handwashing sink.

3. Limited food service establishments shall have the garbage and refuse container cleaning facilities specified in [420-3-22-.22\(1\)\(a\)](#) through (e). Outside storage of garbage and refuse containers shall be in accordance with [420-3-22-.22\(2\)\(a\)](#), (b), and (c) except that portion which requires storage of outside garbage containers on or above a smooth surface of nonabsorbent material such as concrete or machine laid asphalt. Dumpsters shall be exempt from [420-3-22-](#)

.22(1)(e) provided that insanitary conditions do not develop which create a health hazard or cleaning problem.

4. The construction requirements of any area wherein equipment and utensils are washed or operation of equipment such as popcorn machines may result in grease, steam or water accumulations shall include those specified in 420-3-22-.25(1), (2) and (3). The construction requirements of 420-3-22-.25(2) and (3) shall not apply to any food service area or toilet room area of the limited food establishment in which no health hazard or cleaning problem will be created.

(c) Inspections - The minimum inspection frequency for limited food service establishments shall be annually. Water sample standards of 420-3-22-.17 shall be applicable to limited food service establishments.

(2) Limited Retail Food Store Establishments

(a) General - A limited retail food store establishment shall comply with the requirements of these rules except as otherwise provided. The application for a permit and the permit shall specify that only prepackaged food items shall be marketed.

(b) Facilities

1. Equipment and utensil cleaning facilities shall not be required in limited retail food store establishments which market only prepackaged food items.

2. At least one handwashing sink shall be provided and supplied with water, hand cleanser, and individual paper towels.

3. A limited retail food store establishment shall have the garbage and refuse cleaning facilities specified in 420-3-22-.22(1)(e) or demonstrate other effective means for keeping the containers clean.

4. Floors, walls and ceilings of the limited retail food store shall be maintained in good repair and shall be kept clean.

(c) Inspections - The minimum inspection frequency for limited retail food store establishments shall be annually. Water sample requirements of 420-3-22-.17 shall be applicable to limited retail food stores.

AUTHOR: Ronald Dawsey

STATUTORY AUTHORITY: Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

HISTORY: Adopted on November 20, 1996; effective date December 25, 1996; replaces Chapter 420-3-14 and Chapter 420-3-19. Repeals filed on November 20, 1996; repeals became effective on December 25, 1996.

420-3-22-.37 Child Day Care Food Service

(1) **General** - Child care facilities receiving prepared, ready-to-eat meals from outside sources shall use only catered meals obtained from a food handling establishment permitted and inspected by the health department. During transportation, food shall meet the requirements of these rules relating to food protection and storage.

(2) **Formula and juice** - Formula and juice served in baby bottles shall be fully prepared and packaged (ready-to-feed) and identified for the appropriate child at the child's home and provided daily to the child care facility by the parent(s)/ guardian; or provided by the child care facility as a pre-packaged, ready-to-feed, fully prepared and packaged single-use item; or formula and juice as prescribed by the child's physician or parent(s)/guardian may be provided by the child care facility if bottles are sanitized in accordance with these rules. Any excess formula, mothers' milk, or juice shall be discarded after each feeding. Formula and juice which require refrigeration, and baby food (after opening and recovering) shall be identified for the appropriate child and shall be refrigerated according to these rules.

(3) **Bottles labeled** - In child care facilities, baby bottles used for drinking water purposes shall be properly labeled identifying the appropriate child and shall be stored and handled in such a manner as to prevent contamination.

(4) **Medications** - In child care centers, medications which require refrigeration shall be stored in a designated area in a refrigerator which is not accessible to children and precludes contamination of food.

(5) **Food dispensing** - Food may be dispensed from containers placed on tables around which participants are seated. Each participant may choose and partake of food desired. Food dispensing shall be closely supervised by the operator to preclude the mishandling and/or contamination of food.

AUTHOR: Ronald Dawsey

STATUTORY AUTHORITY: Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

HISTORY: Adopted on November 20, 1996; effective date December 25, 1996; replaces Chapter 420-3-14 and Chapter 420-3-19. Repeals filed on November 20, 1996; repeals became effective on December 25, 1996.

420-3-22-.38 Permits.

(1) **General** - It shall be unlawful for any person to operate a food establishment in Alabama unless such person possesses a valid permit issued by the Health Officer for the operation of such establishment. Only persons who comply with the provisions of these rules shall be entitled to receive and retain such a permit. Permits shall not be transferable with respect to person, food establishment, or location. The permit shall be kept posted by the proprietor in a conspicuous place within the food establishment, but shall remain the property of the Health Department. The permit shall be revocable for violation of these rules.

(2) Issuance of permits

(a) Any person desiring to operate a food establishment shall make written application for a permit on forms provided by the Health Officer. Such application shall include the name and address of each applicant, the location and type of the proposed food establishment and the signature of each applicant. The permits shall be applied for and issued on forms prescribed by the State Health Officer. Permits shall automatically expire on the date upon which state, county and municipal annual privilege licenses expire or on a date designated by the Health Officer, and shall be renewable each year upon written application from the operator within ninety days prior to date of expiration of food permits and within one hundred eighty days of expiration of limited food permits and upon compliance with the laws and rules.

(b) Prior to approval of an application for a permit, the Health Officer shall inspect the proposed food establishment to determine compliance with the requirements of these rules.

(c) The Health Officer shall issue a permit to the applicant if his inspection reveals that the proposed food establishment complies with the requirements of these rules. The permit shall be specific for the type of food establishment for which the permit is requested on the application, such as food service establishment, retail food store and so forth.

(3) Suspension of permits

(a) Permits may be suspended temporarily by the Health Officer for failure of the permit holder to comply with the requirements of these rules. When a permit holder fails to comply with any notice issued under the provisions of [420-3-22-.38\(5\)](#), the permit holder or operator shall be notified in writing that the permit is, upon service of the notice, immediately suspended and that an opportunity for a hearing shall be provided if a written request of a hearing is filed with the Health Officer within seven days. If no written request for a hearing is filed within seven days, the suspension is sustained. The Health Officer shall end the suspension at any time if reasons for suspension no longer exist.

(b) Any person whose permit has been suspended may at any time make application for a reinspection for the purpose of reinstatement of the permit. Following receipt of a written request, including a statement signed by the applicant that, in his opinion, the conditions causing suspension of the permit have been corrected, the Health Officer shall make a reinspection. If the applicant is complying with the requirements of these rules, the permit shall be reinstated.

(c) Notwithstanding the other provisions of these rules, whenever the Health Officer finds insanitary or other conditions in the operation of a food establishment which, in his judgment, constitutes a substantial hazard to the public's health, he may, without warning, issue a written notice to the permit holder or operator citing such conditions, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken; and, if deemed necessary, such order shall state that the permit is immediately suspended, and all food operations shall be immediately discontinued. Any person to whom such order is issued shall comply immediately therewith.

(4) Revocation of permits

(a) The Health Officer may, after providing opportunity for hearing, revoke a permit for serious or repeated violations of any of the requirements of these rules or for interference with the Health Officer in the performance of his duty or for failure to comply with the provisions of a notice of permit suspension issued under [420-3-22-.38\(3\)](#).

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

(5) Service of notice - A notice provided for in these rules is properly served when it is delivered to the holder of the permit or the person in charge or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit. A copy of the notice shall be filed in the records of the Health Officer.

(6) Hearings - Hearings shall be provided in accordance with the rules of the Board.

(7) Application after revocation - Whenever a revocation of a permit has become final, the holder of the revoked permit may make written application for a new permit.

AUTHOR: Ronald Dawsey

STATUTORY AUTHORITY: Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

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420-3-22-.39 Inspections.

(1) Inspection frequency

(a) Food establishments shall be inspected at least four times each year with a maximum lapse of 120 days between inspections. Limited food establishments shall be inspected at least annually. Bars and lounges not meeting the definition of limited food service establishment but serving only beverages, or only beverages along with limited food service items, shall be inspected at least annually. Food establishments earning a sanitation score of less than 85 on the last inspection shall be inspected again within the next 30 days. Legal notices (ADPH-F-Insp.-17/7-82 or similar form prescribed by the State Health Officer) shall be issued when four-point or five-point weighted items are violated and the necessary reinspections shall be made in accordance with [420-3-22-.39\(4\)](#). Additional inspections of food establishments shall be performed as often as necessary for the enforcement of these rules.

(b) The State of Alabama, Department of Public Health, shall make Food Sanitation Surveys and Program Evaluations as determined by the State Health Officer. Surveys shall be made in accordance with the provisions of these rules and the results incorporated in the annual Alabama

Public Health Report. The Department shall provide education and training in food sanitation and in regulation interpretation, standardized inspection techniques and enforcement procedures for food protection program personnel.

(c) A county health department may make application to the Board to initiate an alternative, pilot or trial inspection program that varies from the requirements of [420-3-22-.39\(1\)\(a\)](#). The Board shall approve such application only if equivalent public health protection and total program time is maintained.

(2) Access - The Health Officer, after proper identification, shall be permitted to enter any food establishment at any reasonable time for the purpose of making inspections to determine compliance with these rules. The Health Officer shall be permitted to examine the records of the establishment to obtain information pertaining to food and supplies purchased, received or used, or to persons employed.

(3) Report of inspections - Whenever an inspection of a food establishment is made, the findings shall be recorded on the inspection report form, as shown in Appendix A of these rules, or a similarly designed form as approved by the State Health Officer. The inspection report form shall summarize the requirements of these rules and shall set forth a weighted point value for each requirement. Inspectional remarks shall be written to reference, by rule number, the rule violated and shall state the corrections to be made. The rating score of the establishment shall be the total of the weighted point values for all violations subtracted from 100. The original of the inspection report form shall be conspicuously displayed for public view within the establishment. The score shall be promptly entered on the Food Inspection Chart in the county health department. A copy of the inspection report shall be filed with the records of the county health department. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it according to law.

(4) Correction of violations

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

1. If an imminent health hazard exists, such as complete lack of refrigeration, or sewage backup into the establishment, or a complete lack of hot water under pressure, or an inspection score of less than sixty on an inspection for enforcement purposes (not an inspection for training or survey purposes), the establishment shall immediately cease operations. Operations shall not be resumed until authorized by the Health Officer.
2. All violations of four-point or five-point weighted items shall be corrected as soon as possible, but in any event, within ten days following the inspection.
3. All one-point or two-point weighted items shall be corrected as soon as possible, but in any event, by the time of the next routine inspection.

4. When the rating score of the establishment is less than seventy, the establishment shall initiate corrective action on all identified violations within 48 hours. One or more reinspections will be conducted at reasonable time intervals to assure correction.

5. When the rating score of the establishment is less than sixty on an inspection for enforcement purposes (not an inspection for training or survey purposes), the permit shall be immediately suspended. The permit shall remain suspended until all critical items are corrected and the rating score is eighty-five or above. Reinspections will be conducted at reasonable time intervals and in accordance with the provisions of [420-3-22-.38\(3\)\(b\)](#).

6. In the case of temporary food service establishments, all violations shall be corrected within 24 hours. If violations are not corrected within 24 hours, the establishment shall immediately cease food service operations until authorized to resume by the Health Officer.

7. Failure to conspicuously post for public view any document issued by the Health Officer and required by these rules to be so posted, shall be corrected as soon as possible, but in any event, within ten days following the inspection.

(b) The inspection report shall state that failure to comply with any time limits for corrections may result in cessation of operations. An opportunity for hearing on the inspection findings or the time limitations or both will be provided if a written request is filed with the Health Officer within seven days following cessation of operations. If a request for hearing is received, a hearing shall be held in accordance with the Rules of the Board.

(c) Whenever a food establishment is required under the provisions of [420-3-22-.38\(3\)](#) or [420-3-22-.38\(4\)](#) to cease operations, it shall not resume operations until it is shown on reinspection that conditions responsible for the order to cease operations no longer exist. Opportunity for reinspection shall be offered within a reasonable time.

AUTHOR: Ronald Dawsey

STATUTORY AUTHORITY: Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

HISTORY: Adopted on November 20, 1996; effective date December 25, 1996; replaces Chapter 420-3-14 and Chapter 420-3-19. Repeals filed on November 20, 1996; repeals became effective on December 25, 1996.

420-3-22-.40 Examination and Condemnation of Food.

(1) General - Food may be examined or sampled by the Health Officer as often as necessary for enforcement of these rules. The Health Officer may, upon written notice to the owner or person in charge, specifying with particularity the reason therefore, place a hold order on any food which he believes is in violation of [420-3-22-.02](#) or any other section of the rules. The Health Officer shall tag, label, or otherwise identify any food subject to the hold order. No food subject to a hold order shall be used, served or moved from the establishment. The Health Officer shall permit storage of the food under conditions specified in the hold order unless storage is not possible without risk to the public health, in which case the food shall be destroyed in accordance with Section 22-10-3, Code of Alabama, 1975. The hold order shall state that a request for hearing may be filed within seven days and that if no hearing is requested the food shall be destroyed. If a request for hearing is received, the hearing shall be held in accordance with the Rules of the Board. On the basis of evidence produced at that hearing, the hold order may be vacated, or the owner or person in charge of the food may be directed by written order to denature or destroy such food or to bring it into compliance with the provisions of these rules.

(2) Frozen Desserts

(a) During any consecutive six months, at least one sample of frozen dessert products containing dairy ingredients shall be taken. These samples shall be taken from each dispensing freezer in an establishment. Proprietors of the establishment shall furnish the Health Officer, upon his request, the names of all distributors from whom their frozen dessert products are obtained. Bacterial plate counts, coliform determinations, phosphatase tests, examination for presence of growth inhibitors and other official laboratory tests shall be performed in laboratories approved and operated under the direction and supervision of the State Board of Health. Examination may include such other chemical and physical determinations as the Health Officer may deem necessary for the detection of adulteration. The Health Officer shall notify, in writing, the person concerned of the results of laboratory examination of all samples collected from the retail establishment.

(b) Whenever the bacteria count, coliform determination, or cooling temperature exceeds the limit of the standard for frozen desserts, the Health Officer shall send a written notice thereof to the person concerned. An additional sample shall be taken within 21 days after the sending of such notice but not before the lapse of three days. Immediate suspension of the affected product in violation, and the dispensing unit in question, shall be instituted whenever the standard is violated by two consecutive bacteria counts, coliform determinations, or cooling temperatures, or any combination thereof. The suspension shall become effective immediately for a period of not less than, but not limited, to three days. An opportunity for a hearing on the test results, or the time limitations, or both shall be provided if a written request is filed with the Health Officer within seven days following the suspension of affected product or equipment. If request for a hearing is received, a hearing shall be held within five days of receipt of the request.

(c) When the product and equipment have been suspended due to consecutive violation(s) of any of the bacterial, coliform, or cooling temperature standards, the Health Officer shall collect an additional sample within seven days, but not before the lapse of three days from the date of suspension. The retail frozen dessert operation shall be reinstated when the results of the sample

meet all the quality standards. The suspension will remain in effect until a sample meeting the standard is obtained.

(3) Quality Standards - The bacterial limits and quality standards contained within this section are those established in applicable rules pertinent to the specific food or food products. All examinations, tests, or other quality control determinations shall be conducted in accordance with methods prescribed by the State of Alabama, Department of Public Health.

(a) Grade A pasteurized milk and milk products at no time after pasteurization shall have a bacterial plate count exceeding 20,000 per milliliter or a coliform count in excess of 10 per milliliter. The level of all constituents shall be within the legal definition as prescribed by applicable rules.

(b) The bacterial plate count of frozen desserts shall at no time exceed 60,000 per gram nor shall the coliform count exceed 10 per gram. The level of all constituents shall be within the legal definition as prescribed by applicable rules provided that cultured frozen desserts are exempt from the bacterial plate count.

(c) Grade A pasteurized cultured milk products shall at no time have a coliform count in excess of 10 per milliliter.

(d) The bacterial quality of potable water and ice to be used for human consumption in food establishments shall meet the standards specified in [420-3-22-.17\(6\)](#).

AUTHOR: Ronald Dawsey

STATUTORY AUTHORITY: Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

HISTORY: Adopted on November 20, 1996; effective date December 25, 1996; replaces Chapter 420-3-14 and Chapter 420-3-19. Repeals filed on November 20, 1996; repeals became effective on December 25, 1996.

420-3-22-.41 Food Establishments and Food Processing Establishments Outside Jurisdiction of the Health Officer.

(1) General - Food from food establishments or food processing establishments outside the jurisdiction of the Health Officer of the State of Alabama may be sold within the State of Alabama if such establishments conform to the provisions of these rules or to substantially equivalent provisions. To determine the extent of compliance with such provisions, the State Health Officer may accept reports from responsible authorities in other jurisdictions where such food establishment or food processing establishments are located.

AUTHOR: Ronald Dawsey

STATUTORY AUTHORITY: Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

HISTORY: Adopted on November 20, 1996; effective date December 25, 1996; replaces Chapter 420-3-14 and Chapter 420-3-19. Repeals filed on November 20, 1996; repeals became effective on December 25, 1996.

420-3-22-.42 Review of Plans.

(1) **Submission of plans** - Whenever a food establishment is constructed or remodeled and whenever an existing structure is converted to use as a food establishment, properly prepared plans and specifications for such construction, remodeling, or conversion shall be submitted to the Health Officer for review and approval before construction, remodeling or conversion is begun. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans, and construction materials of work areas, and the type and model of proposed fixed equipment and facilities, and upon request of the Health Officer, the proposed foods to be sold or served and handling or processing steps for those foods. The Health Officer shall approve the plans and specifications if they meet the requirements of these rules. No food establishment shall be constructed, remodeled, or converted except in accordance with plans and specifications approved by the Health Officer. Plans shall be reviewed within twenty working days after receipt. Confidential material submitted to the Health Officer must be treated in accordance with the provisions of Title 36-12-40.

(2) **Pre-operational inspection** - Whenever plans and specifications are required by Rule 420-3-22-.42 to be submitted to the Health Officer, the Health Officer shall inspect the food establishment prior to the start of operations, to determine compliance with the approved plans and specifications and with the requirements of these rules.

AUTHOR: Ronald Dawsey

STATUTORY AUTHORITY: Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

HISTORY: Adopted on November 20, 1996; effective date December 25, 1996; replaces Chapter 420-3-14 and Chapter 420-3-19. Repeals filed on November 20, 1996; repeals became effective on December 25, 1996.

420-3-22-.43 Procedure when Infection is Suspected.

(1) **General** - When the Health Officer has reasonable cause to suspect possible disease transmission by an employee of a food establishment, he shall secure a morbidity history of the suspected employee or make any other investigation as indicated and shall take appropriate action. The Health Officer may require any or all of the following measures:

- (a) The immediate exclusion of the employee from employment in food establishments.
- (b) The immediate closing of the food establishment concerned until, in the opinion of the Health Officer, no further danger of disease outbreak exists.
- (c) Restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease.
- (d) Adequate medical and laboratory examination of the employee and of other employees and of his and their body discharges.

AUTHOR: Ronald Dawsey

STATUTORY AUTHORITY: Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

HISTORY: Adopted on November 20, 1996; effective date December 25, 1996; replaces Chapter 420-3-14 and Chapter 420-3-19. Repeals filed on November 20, 1996; repeals became effective on December 25, 1996.

420-3-22-.44 Repealer.

Except for those rules promulgated under the authority of Code of Alabama, 1975, Sections 22-21-20, et seq., all rules promulgated by the Board which are in conflict with these rules or any portion thereof are hereby expressly repealed.

AUTHOR: Ronald Dawsey

STATUTORY AUTHORITY: Sections 22-2-2(6) and 22-20-5, Code of Alabama, 1975.

HISTORY: Adopted on November 20, 1996; effective date December 25, 1996; replaces Chapter 420-3-14 and Chapter 420-3-19. Repeals filed on November 20, 1996; repeals became effective on December 25, 1996.

RULES
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FOOD ESTABLISHMENT SANITATION
APPENDIX B

A critical item is a provision of these rules pertaining to food operations that, if in non-compliance, is more likely than other items to contribute to food contamination or illness. A critical item is also an administrative provision of these rules that, if in non-compliance, substantially impairs, misrepresents, or does not present the information required to be made available to the public.

Critical items of food operations are denoted on the Inspection Report as either 4-point or 5-point violations. These are requirements of the rules on:

Food source, contamination or adulteration, and spoilage,

Time and temperature requirements of potentially hazardous foods,

Adequate facilities to maintain temperatures of potentially hazardous foods,

Prevention of cross contamination,

Damaged or detained food segregated from food intended to be sold or served,

Re-service of opened, potentially hazardous foods,

Personnel infected with a communicable disease restricted from food operations,

Hygienic practices of employees including:

eating, drinking, or using tobacco in a food area in any manner other than expressly allowed in the rules, or

disposing of mop water in a utensil washing sink, or

wearing false fingernails, or

improper or inadequate handwashing,

Sanitization of equipment and utensils,

Water from an approved source,

Hot and cold water under pressure to all sink compartments,

Sewage and waste water, including mop water, grease and spillage/runoff from garbage storage, disposed according to law,

Cross-connections, backflow and back siphonage potential,

Number, convenience and accessibility of toilets,

Number, convenience and accessibility of handwashing sinks,

Design of handwashing sink faucets, including mixing valves and timed, self-closing faucets,

Presence of insects, rodents, birds, turtles or other animals unless expressly allowed by the rules,

Openings to the outside protected against the entrance of insects or other vermin into the establishment,

Toxic items stored, labeled and used properly.

Administrative critical items do not have demerit points for violation, but they are to be corrected with the same 10-day maximum time allowed for operations critical items. These include:

Posting the permit in a conspicuous place,

Posting the current inspection report in a conspicuous place,

Posting information, or otherwise notifying the public, on raw or undercooked foods if expressly required by these rules.

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APPENDIX C
COOKING TEMPERATURES

FOOD	TEMPERATURE	TIME
Potentially hazardous foods not otherwise specified, including eggs for immediate service	145F	15 sec
Pork and any food containing pork; game animals; ratites	155F	15 sec
Poultry, poultry stuffing, stuffed meats and stuffings containing meat	165F	15 sec
Comminuted meats, comminuted fish, injected meats and eggs other than Part 1 above	155F	15 sec
	150F	or
	145F	1 min or 3 min

ROASTS OF BEEF AND CORNED BEEF

TEMPERATURE	TIME	TEMPERATURE	TIME	TEMPERATURE	TIME
130	121	136	32	142	8
132	77	138	19	144	5
134	47	140	12	145	3

Temperature in F and time in minutes. Holding time may include post-oven heat rise.

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FOOD ESTABLISHMENT SANITATION

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