



## Ohio Administrative Code

### Rule 3717-1-03.2 Food: protection from contamination after receiving.

Effective: March 1, 2019

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[Comment: For publication dates of the Code of Federal Regulations (C.F.R.) referenced in this rule, see paragraph (B)(15)(b) of rule 3717-1-01 of the Administrative Code.]

(A) Preventing contamination from hands.

(1) Food employees shall wash their hands as specified under paragraph (B) of rule 3717-1-02.2 of the Administrative Code.

(2) Except when washing fruits and vegetables as specified under paragraph (G) of this rule or as specified in paragraph (A)(4) of this rule, food employees may not contact exposed, ready-to-eat food with their bare hands and shall use suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment.

(3) Paragraph (A)(2) of this rule does not apply to a food employee that contacts exposed, ready-to-eat food with bare hands at the time the ready-to-eat food is being added as an ingredient to a food that:

(a) Contains a raw animal food and is to be cooked in the food service operation or retail food establishment to heat all parts of the food to the minimum temperatures specified in paragraphs (A)(1), (A)(4) and (B) of rule 3717-1-03.3 of the Administrative Code; or

(b) Does not contain a raw animal food but is to be cooked in the food service operation or retail food establishment to heat all parts of the food to a temperature of at least one hundred forty-five degrees Fahrenheit (sixty-three degrees Celsius).

(4) Food employees not serving a highly susceptible population, may contact exposed ready-to-eat food with their bare hands if:



- (a) The license holder obtains prior approval from the licensor;
- (b) Written procedures are maintained in the food service operation or retail food establishment and made available to the licensor upon request that include:
- (i) For each bare hand contact procedure, a listing of the specific ready-to-eat foods that are touched by bare hands;
  - (ii) Diagrams and other information showing that handwashing facilities, installed, located, equipped, and maintained as specified under paragraphs (G), (L), and (O) of rule 3717-1-05.1 of the Administrative Code, and paragraphs (B), (C), and (E) of rule 3717-1-06.2 of the Administrative Code are in an easily accessible location and in close proximity to the work station where the bare hand contact procedure is conducted.
- (c) A written employee health policy that details how the food service operation or retail food establishment complies with rule 3717-1-02.1 of the Administrative Code including:
- (i) Documentation that food employees and conditional employees acknowledge that they are informed to report information about their health as it relates to gastrointestinal symptoms and diseases that are transmittable through food as specified under paragraph (A) of rule 3717-1-02.1 of the Administrative Code;
  - (ii) Documentation that food employees and conditional employees acknowledge their responsibilities as specified under paragraph (A) of rule 3717-1-02.1 of the Administrative Code; and
  - (iii) Documentation that the person in charge acknowledges the responsibilities as specified under paragraphs (B), (C), (D), and (E) of rule 3717-1-02.1 of the Administrative Code.
- (d) Documentation that food employees acknowledge that they have received training in:
- (i) The risks of contacting the specific ready-to-eat foods with bare hands;



- (ii) Proper handwashing as specified under paragraph (B) of rule 3717-1-02.2 of the Administrative Code;
  - (iii) When to wash their hands as specified under paragraph (C) of rule 3717-1-02.2 of the Administrative Code;
  - (iv) Where to wash their hands as specified under paragraph (D) of rule 3717-1-02.2 of the Administrative Code;
  - (v) Proper fingernail maintenance as specified under paragraph (F) of rule 3717-1-02.2 of the Administrative Code;
  - (vi) Prohibition of jewelry as specified under paragraph (G) of rule 3717-1-02.2 of the Administrative Code; and
  - (vii) Good hygienic practices as specified under paragraphs (A) and (B) of rule 3717-1-02.3 of the Administrative Code.
- (e) Documentation that hands are washed before food preparation and as necessary to prevent cross contamination by food employees as specified under paragraphs (A), (B), (C), and (D) of rule 3717-1-02.2 of the Administrative Code during all hours of operation when the specific ready-to-eat foods are prepared;
- (f) Documentation that food employees contacting ready-to-eat food with bare hands use two or more of the following control measures to provide additional safeguards to hazards associated with bare hand contact:
- (i) Double handwashing;
  - (ii) Nail brushes;
  - (iii) A hand antiseptic after handwashing as specified under paragraph (E) of rule 3717-1-02.2 of the Administrative Code;



(iv) Incentive programs such as paid sick leave that assist or encourage food employees not to work when they are ill; or

(v) Other control measures approved by the licensor; and

(g) Documentation that corrective action is taken when paragraphs (A)(4)(a) to (A)(4)(f) of this rule are not followed.

(5) Food employees shall minimize bare hand and arm contact with exposed food that is not in a ready-to-eat form.

(B) Preventing contamination when tasting.

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

(C) Packaged and unpackaged food - preventing contamination by separation, packaging, and segregation.

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

(a) Except as specified in paragraph (C)(1)(a)(iii) of this rule, separating raw animal foods during storage, preparation, holding, and display from:

(i) Raw ready-to-eat food including other raw animal food such as fish for sushi or molluscan shellfish, or other raw ready-to-eat food such as fruits and vegetables; and

(ii) Cooked ready-to-eat food.

(iii) Frozen, commercially processed and packaged raw animal food may be stored or displayed with or above frozen, commercially processed and packaged, ready-to-eat food.

(b) Except when combined as ingredients, separating types of raw animal foods from each other such



as beef, fish, lamb, pork, and poultry during storage, preparation, holding, and display by:

- (i) Using separate equipment for each type; or
  - (ii) Arranging each type of food in equipment so that cross contamination of one type with another is prevented; and
  - (iii) Preparing each type of food at different times or in separate areas.
- (c) Cleaning equipment and utensils as specified under paragraph (B)(1) of rule 3717-1-04.5 of the Administrative Code and sanitizing as specified under paragraph (C) of rule 3717-1-04.6 of the Administrative Code;
- (d) Cleaning hermetically sealed containers of food of visible soil before opening;
- (e) Protecting food containers that are received packaged together in a case or overwrap from cuts when the case or overwrap is opened;
- (f) Storing damaged, spoiled, or recalled food being held in the food service operation or retail food establishment as specified under paragraph (D) of rule 3717-1-06.3 of the Administrative Code;
- (g) Separating fruits and vegetables, before they are washed as specified under paragraph (G) of this rule from ready-to-eat food.
- (2) Storing the food in packages, covered containers, or wrappings. This provision does not apply to:
- (a) Whole, uncut, raw fruits and vegetables and nuts in the shell, that require peeling or hulling before consumption;
  - (b) Primal cuts, quarters, or sides of raw meat or slab bacon that are hung on clean, sanitized hooks or placed on clean, sanitized racks;
  - (c) Whole, uncut, processed meats such as country hams, and smoked or cured sausages that are



placed on clean, sanitized racks;

(d) Food being cooled as specified under paragraph (E)(2)(b) of rule 3717-1-03.4 of the Administrative Code; or

(e) Shellstock.

(D) Food storage containers - identified with common name of food.

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

(E) Pasteurized eggs - substitute for raw eggs for certain recipes.

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

(1) Cooked as specified under paragraph (A)(1)(a) or (A)(1)(b) of rule 3717-1-03.3 of the Administrative Code; or

(2) Included in paragraph (A)(3) of rule 3717-1-03.3 of the Administrative Code.

(F) Protection from unapproved additives.

(1) Food shall be protected from contamination that may result from the addition of, as specified in paragraph (I) of rule 3717-1-03.1 of the Administrative Code:

(a) Unsafe or unapproved food or color additives; and

(b) Unsafe or unapproved levels of approved food and color additives.



(2) A food employee may not:

(a) Apply sulfiting agents to fresh fruits or vegetables intended for raw consumption or to a food considered to be a good source of vitamin B<sub>1</sub>; or

(b) Except for grapes, serve or sell food specified under paragraph (F)(2)(a) of this rule that is treated with sulfiting agents before receipt by the food service operation or retail food establishment.

(G) Washing fruits and vegetables.

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

(1) Fruits and vegetables may be washed by using chemicals as specified under paragraph (F) of rule 3717-1-07.1 of the Administrative Code; and

(2) Whole, raw fruits and vegetables that are intended for washing by the consumer before consumption need not be washed before they are sold.

(3) Devices used for on-site generation of chemicals meeting the requirements specified in 21 C.F.R. 173.315, for the washing of raw, whole fruits and vegetables shall be used in accordance with the manufacturer's instructions.

(H) Ice used as exterior coolant - prohibited as ingredient.

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

(I) Storage or display of food in contact with water or ice.



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

(2) Unpackaged food may not be stored in direct contact with undrained ice, except that:

(a) Whole, raw fruits or vegetables; cut, raw vegetables such as celery or carrot sticks or cut potatoes; and tofu may be immersed in ice or water; or

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

(J) Food contact with equipment and utensils.

Food shall only contact the surfaces of:

(1) Equipment and utensils that are cleaned as specified under rule 3717-1-04.5 of the Administrative Code and sanitized as specified under rule 3717-1-04.6 of the Administrative Code; or

(2) Single-service and single-use articles; or

(3) Linens, such as cloth napkins, as specified under paragraph (L) of this rule that are laundered as specified under rule 3717-1-04.7 of the Administrative Code.

(K) In-use utensils - between-use storage.

During pauses in food preparation or dispensing, food preparation and dispensing utensils shall be stored:

(1) Except as specified under paragraphs (K)(2) and (K)(3) of this rule, in the food with their handles above the top of the food and the container;

(2) In any manner within a food ingredient, provided the entire ingredient batch undergoes further





cooking as specified in rule 3717-1-03.3 of the Administrative Code, and the utensil is cleaned and sanitized at a frequency specified under paragraphs (A) and (B) of rule 3717-1-04.5 of the Administrative Code and paragraph (B) of rule 3717-1-04.6 of the Administrative Code;

(3) In food that is not time/temperature controlled for safety with their handles above the top of the food within containers or equipment that can be closed, such as bins of sugar, flour, or cinnamon;

(4) On a clean portion of the food preparation table or cooking equipment only if the in-use utensil and the food-contact surface of the food preparation table or cooking equipment are cleaned and sanitized at a frequency specified under paragraphs (A) and (B) of rule 3717-1-04.5 of the Administrative Code and paragraph (B) of rule 3717-1-04.6 of the Administrative Code;

(5) In running water of sufficient velocity to flush particulates to the drain, if used with moist food such as ice cream or mashed potatoes;

(6) In a clean, protected location if the utensils, such as an ice scoops, are used only with a food that is not time/temperature controlled for safety; or

(7) In a container of water if the water is maintained at a temperature of at least one hundred thirty-five degrees Fahrenheit (fifty-seven degrees Celsius) and the container is cleaned at a frequency specified under paragraph (B)(2)(g) of rule 3717-1-04.5 of the Administrative Code.

(L) Linens and napkins - use limitation.

Linens, such as cloth napkins, may not be used in contact with food unless they are used in the dough raising process or to line a container for the service of foods and the linens and napkins are replaced each time the container is refilled for a new consumer.

(M) Wiping cloths - use limitation.

(1) Cloths that are in use for wiping food spills from tableware and carry-out containers that occur as food is being served shall be:



- (a) Maintained dry; and
  - (b) Used for no other purpose.
- (2) Cloths that are in use for wiping counters and other equipment surfaces shall be:
- (a) Held between uses in a chemical sanitizer solution at a concentration specified under paragraph (N) of rule 3717-1-04.4 of the Administrative Code; and
  - (b) Laundered daily as specified under paragraph (B)(4) of rule 3717-1-04.7 of the Administrative Code.
- (3) Cloths that are in use for wiping surfaces in contact with raw animal foods shall be kept separate from cloths used for other purposes.
- (4) Dry wiping cloths and the chemical sanitizing solutions specified in paragraph (M)(2)(a) of this rule in which wet wiping cloths are held between uses shall be free of food debris and visible soil.
- (5) Containers of chemical sanitizing solutions specified in paragraph (M)(2)(a) of this rule in which wet wiping cloths are held between uses shall be stored off the floor and used in a manner that prevents contamination of food, equipment, utensils, linens, single-service articles, or single-use articles.
- (6) Single-use disposable sanitizer wipes shall be used in accordance with EPA - approved manufacturer's label use instructions.
- (N) Gloves - use limitation.
- (1) If used, single-use gloves shall be used for only one task such as working with ready-to-eat food or with raw animal food, used for no other purpose, and discarded when damaged or soiled, or when interruptions occur in the operation.
  - (2) Slash-resistant gloves that are used to protect the hands during operations requiring cutting shall



be used in direct contact only with food that is subsequently cooked as specified under rule 3717-1-03.3 of the Administrative Code such as frozen food or a primal cut of meat. This does not prohibit the use of slash-resistant gloves with ready-to-eat food that will not be subsequently cooked if the slash-resistant gloves have a smooth, durable, and nonabsorbent outer surface; or if the slash-resistant gloves are covered with a smooth, durable, nonabsorbent glove, or a single-use glove.

(3) Cloth gloves may not be used in direct contact with food unless the food is subsequently cooked as required under rule 3717-1-03.3 of the Administrative Code such as frozen food or a primal cut of meat.

(4) The use of latex gloves is prohibited in food service operations and retail food establishments. Types of non-latex gloves that are permitted for use in food service operations and retail food establishments include but are not limited to nitrile, polyethylene, and vinyl.

(O) Using clean tableware for second portions and refills.

(1) Except for refilling a consumer's drinking cup or container without contact between the pouring utensil and the lip-contact area of the drinking cup or container, food employees may not use tableware, including single-service articles, soiled by the consumer, to provide second portions or refills.

(2) Self-service consumers may not be allowed to use soiled tableware, including single-service articles, to obtain additional food from the display and serving equipment; except that drinking cups and containers may be reused by self-service consumers if refilling is a contamination-free process as specified under paragraphs (P)(1), (P)(2), and (P)(4) of rule 3717-1-04.1 of the Administrative Code.

(P) Refilling returnables.

(1) Except as specified in paragraphs (P)(2) to (P)(5) of this rule, empty containers returned to a food service operation or retail food establishment for cleaning and refilling with food shall be cleaned and refilled in a regulated food processing plant.



(2) A take-home food container returned to a food service operation or a retail food establishment may be refilled at a food service operation or a retail food establishment with food if the food container is:

(a) Designed and constructed for reuse and in accordance with the requirements specified under rule 3717-1-04 and 3717-1-04.1 of the Administrative Code;

(b) One that was initially provided by the food service operation or retail food establishment to the consumer, either empty or filled with food by the food service operation or retail food establishment, for the purpose of being returned for reuse;

(c) Returned to the food service operation or retail food establishment by the consumer after use;

(d) Subject to the following steps before being refilled with food:

(i) Cleaned as specified under rule 3717-1-04.5 of the Administrative Code;

(ii) Sanitized as specified under rule 3717-1-04.6 of the Administrative Code; and

(iii) Visually inspected by a food employee to verify that the container, as returned, meets the requirements specified under rules 3717-1-04 and 3717-1-04.1 of the Administrative Code.

(3) A take-home food container returned to a food service operation or retail food establishment may be refilled at a food service operation or retail food establishment with beverage if:

(a) The beverage is not a time/temperature controlled for safety food;

(b) The design of the container and of the rinsing equipment and the nature of the beverage, when considered together, allow effective cleaning at home or in the food service operation or retail food establishment;

(c) Facilities for rinsing before refilling returned containers with fresh, hot water that is under pressure and not recirculated are provided as part of the dispensing system;



(d) The consumer-owned container returned to the food service operation or retail food establishment for refilling is refilled for sale or service only to the same consumer; and

(e) The container is refilled by:

(i) An employee of the food service operation or retail food establishment; or

(ii) The owner of the container if the beverage system includes a contamination-free transfer process as specified under paragraphs (P)(1), (P)(2) and (P)(4) of rule 3717-1-04.1 the Administrative Code that cannot be bypassed by the owner of the container.

(4) Consumer-owned, personal take-out beverage containers, such as thermally insulated bottles, nonspill coffee cups, and promotional beverage glasses, may be refilled by employees or the consumer if refilling is a contamination-free process as specified under paragraphs (P)(1), (P)(2), and (P)(4) of rule 3717-1-04.1 of the Administrative Code.

(5) Consumer-owner containers that are not food-specific may be filled at a water vending machine, bulk water machine or system.

(Q) Food storage - preventing contamination from the premises.

(1) Except as hereinafter provided in this rule, food shall be protected from contamination by storing the food:

(a) In a clean, dry location;

(b) Where it is not exposed to splash, dust, or other contamination; and

(c) At least six inches (fifteen centimeters) above the floor.

(2) Food in packages and working containers may be stored less than six inches (fifteen centimeters) above the floor on case lot handling equipment as specified under paragraph (II) of rule 3717-1-04.1



of the Administrative Code; and pressurized beverage containers, cased food in waterproof containers such as bottles or cans, and milk containers in plastic crates may be stored on a floor that is clean and not exposed to floor moisture.

(R) Food storage - prohibited areas.

Food may not be stored:

- (1) In locker rooms;
- (2) In toilet rooms;
- (3) In dressing rooms;
- (4) In garbage rooms;
- (5) In mechanical rooms;
- (6) Under sewer lines that are not shielded to intercept potential drips;
- (7) Under leaking water lines, including leaking automatic fire sprinkler heads, or under lines on which water has condensed;
- (8) Under open stairwells; or
- (9) Under other sources of contamination.

(S) Vended time/temperature controlled for safety food - original container.

Time/temperature controlled for safety food dispensed through a vending machine shall be in the package in which it was placed at the food service operation, retail food establishment, or food processing plant at which it was prepared.



(T) Food preparation - preventing contamination from the premises.

During preparation, unpackaged food shall be protected from environmental sources of contamination.

(U) Food display - preventing contamination by consumers.

Except for nuts in the shell and whole, raw fruits and vegetables that are intended for hulling, peeling, or washing by the consumer before consumption, food on display shall be protected from contamination by the use of packaging; counter, service line, or salad bar food guards; display cases; or other effective means.

(V) Condiments - protection.

(1) Condiments shall be protected from contamination by being kept in dispensers that are designed to provide protection, protected food displays provided with the proper utensils, original containers designed for dispensing, or individual packages or portions.

(2) Condiments at a vending machine location shall be in individual packages or provided in dispensers that are filled at an approved location, such as the food service operation or retail food establishment that provides food to the vending machine location on its premises, a food processing plant, or a properly equipped facility that is located on the site of the vending machine location.

(W) Consumer self-service operations.

(1) Raw, unpackaged animal food, such as beef, lamb, pork, poultry, and fish may not be offered for consumer self-service. This paragraph does not apply to:

(a) Consumer self-service of ready-to-eat foods at buffets or salad bars that serve foods such as sushi or raw shellfish;

(b) Ready-to-cook individual portions for immediate cooking and consumption on the premises such as consumer-cooked meats or consumer-selected ingredients for Mongolian barbecue; or



(c) Raw, frozen, shell-on shrimp, or lobster.

(2) Consumer self-service operations for ready-to-eat foods shall be provided with suitable utensils or effective dispensing methods that protect the food from contamination.

(3) Consumer self-service operations such as buffets and salad bars shall be monitored by food employees trained in safe operating procedures.

(X) Returned food and re-service of food.

After being served or sold and in the possession of a consumer, food that is unused or returned by the consumer may not be offered as food for human consumption; except a container of food that is not time/temperature controlled for safety may be re-served from one consumer to another if:

(1) The population served is not as specified in paragraphs (F)(1) and (F)(2) of rule 3717-1-03.7 of the Administrative Code; and

(2) The food is dispensed so that it is protected from contamination and the container is closed between uses, such as a narrow-neck bottle containing catsup, steak sauce, or wine; or

(3) The food, such as crackers, salt, or pepper, is in an unopened original package and is maintained in sound condition.

(Y) Miscellaneous sources of contamination.

Food shall be protected from contamination that may result from a factor or source not specified under paragraphs (A) to (X) of this rule.