



Ohio Administrative Code

Rule 3717-1-03.7 Food: special requirements for highly susceptible populations.

Effective: September 5, 2024

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

In a food service operation or retail food establishment that serves a highly susceptible population:

(A) The following criteria apply to juice:

(1) For the purposes of paragraph (A) of this rule, children who are nine years of age or less and receive food in a school, day care setting, or similar facility that provides custodial care are included as highly susceptible populations;

(2) Prepackaged juice or a prepackaged beverage containing juice, that bears a warning label as specified in 21 C.F.R. 101.17(g), that has not been specifically processed to prevent, reduce, or eliminate the presence of pathogens, or a packaged juice or beverage containing juice, that bears a warning label as specified in rule 3717-1-08 of the Administrative Code, cannot be served or offered for sale; and

(3) Unpackaged juice that is prepared on the premises for service or sale in a ready-to-eat form is obligated to be processed under a HACCP plan and as specified in 21 C.F.R. 120.24. This is not intended to include freshly prepared fruit or vegetable purees that are prepared on-site that are not beverages or ingredients of beverages.

(B) Food employees are not permitted to contact ready-to-eat food as specified under paragraph (A)(2) of rule 3717-1-03.2 of the Administrative Code.

(C) The following foods are not permitted to be served or offered for sale in a ready-to-eat form:

(1) Raw animal foods such as raw fish, raw-marinated fish, raw molluscan shellfish, and steak



tartare;

(2) A partially cooked animal food such as lightly cooked fish, rare meat, soft-cooked eggs that are made from raw eggs, and meringue;

(3) Raw seed sprouts; and

(4) Packaged food as specified under paragraph (E) of rule 3717-1-03.3 of the Administrative Code.

(D) Pasteurized eggs or egg products are to be substituted for raw eggs in the preparation of:

(1) Foods such as Caesar salad, hollandaise or Bearnaise sauce, mayonnaise, meringue, eggnog, ice cream, and egg-fortified beverages; and

(2) Recipes in which more than one egg is broken and the eggs are combined, unless:

(a) The raw eggs are combined immediately before cooking for one consumer's serving at a single meal, cooked as specified under paragraph (A)(1)(a) of rule 3717-1-03.3 of the Administrative Code, and served immediately, such as an omelet, souffle, or scrambled eggs;

(b) The raw eggs are combined as an ingredient immediately before baking and the eggs are thoroughly cooked to a ready-to-eat form, such as a cake, muffin, or bread; or

(c) The preparation of the food is conducted under a HACCP plan that:

(i) Identifies the food to be prepared;

(ii) Prevents contacting ready-to-eat food with bare hands;

(iii) Includes specifications and practices that ensure:

(a) Salmonella Enteritidis growth is controlled before and after cooking; and



(b) Salmonella Enteritidis is destroyed by cooking the eggs according to the temperature and time specified in paragraph (A)(1)(b) of rule 3717-1-03.3 of the Administrative Code.

(iv) Contains HACCP information as specified in paragraph (L) of rule 3717-1-03.4 of the Administrative Code, and includes procedures that:

(a) Control cross contamination of ready-to-eat food with raw eggs; and

(b) Delineate cleaning and sanitization procedures for food-contact surfaces; and

(v) Describes the training program that ensures the food employee responsible for the preparation of the food understands the procedures to be used.

(E) Time only, as the public health control as specified under paragraph (I)(4) of rule 3717-1-03.4 of the Administrative Code, cannot be used for raw eggs.

(F) Food may be re-served as specified under paragraphs (X)(2) and (X)(3) of rule 3717-1-03.2 of the Administrative Code, except that:

(1) Any food served to patients or clients who are under contact precautions in medical isolation or quarantine, or protective environment isolation is not to be re-served to others outside.

(2) Packages of food from any patients, clients, or other consumers should not be re-served to persons in protective environment isolation.