
ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Food Service Sanitation Code
- 2) Code Citation: 77 Ill. Adm. Code 750
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
750.5	Amendment
750.10	Amendment
750.110	Amendment
750.120	Amendment
750.140	Amendment
750.150	Amendment
750.151	New
750.152	New
750.153	New
750.188	New
750.189	Amendment
750.208	New
750.210	Amendment
750.240	Amendment
750.250	Amendment
750.310	Amendment
750.340	New
750.350	New
750.360	New
750.370	New
750.510	Amendment
750.512	New
750.514	New
750.520	Amendment
750.530	Amendment
750.540	Amendment
750.551	Amendment
750.2030	Amendment
750.2040	Amendment
750.3200	Amendment
- 4) Statutory Authority: Illinois Food, Drug and Cosmetic Act [410 ILCS 620] and the Sanitary Food Preparation Act [410 ILCS 650] and authorized by Section 21 of the Illinois Food, Drug and Cosmetic Act [410 ILCS 620/21] and Section 11.1 of the

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Sanitary Food Preparation Act [410 ILCS 650/11.1] and the Food Handling Regulation Enforcement Act [410 ILCS 625].

5) A Complete Description of the Subjects and Issues Involved:

These rules establish definitions; define regulatory requirements for inspectors conducting inspections of food service establishments regarding management and personnel, food operations, and equipment and facilities; and employee restrictions as they apply to ill personnel. The purpose of this Code is to safeguard public health by providing consumers with food that is safe, unadulterated and honestly presented, which will prevent illnesses caused from ingesting food. The proposed amendments consist of changes in temperature requirements of potentially hazardous food items and in the definition of a potentially hazardous food item. These proposed changes are supported by current science as submitted at the National Conference for Food Protection (CFP) and are contained in the federal Food and Drug Administration's Model Food Code.

The recommendations of the CFP are nationally accepted and incorporated into the FDA Model Food Code, which is re-written every four years, with a supplement that comes out every two years. The proposed changes to the Illinois Code are based upon the FDA Model Food Code. The FDA Model Food Code is an important part of the strategy for achieving uniform national food safety standards and for enhancing the efficiency and effectiveness of our nation's food safety system. The FDA Model Food Code reflects the current science, emerging food safety issues, and imminent health hazards related to food safety.

Regulations related to the temperatures of potentially hazardous foods, time as a public health control, date marking, and the definition of potentially hazardous food items have also been included in this proposed update of the Illinois Food Service Sanitation Code.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: FDA Model Food Code

7) Will this rulemaking replace any emergency rulemaking currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? Yes

10) Are there any other proposed rulemakings pending on this Part? No

11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand any state mandates on units of local government.

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- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may present their comments concerning this rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield, Illinois 62761
217-782-2043

e-mail: rules@idph.state.il.us

- 13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Local health departments and retail food establishments
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

- 14) Regulatory Agenda on which this rulemaking was summarized:

July 2006

The full text of the Proposed Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER m: FOOD, DRUGS AND COSMETICS

PART 750

FOOD SERVICE SANITATION CODE

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750.10	Definitions
750.20	Inspections and Inspection Report

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750.APPENDIX B	Examination Date Notification Form
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750.APPENDIX E

Monitor's Agreement Form

AUTHORITY: Implementing the Illinois Food, Drug and Cosmetic Act [410 ILCS 620] and the Sanitary Food Preparation Act [410 ILCS 650] and authorized by Section 21 of the Illinois Food, Drug and Cosmetic Act [410 ILCS 620/21] and Section 11.1 of the Sanitary Food Preparation Act [410 ILCS 650/11.1] and the Food Handling Regulation Enforcement Act [410 ILCS 625].

SOURCE: Adopted December 23, 1975; amended at 2 Ill. Reg. 19, p. 180, effective May 13, 1978; old rules repealed, new rules adopted and codified at 7 Ill. Reg. 1336, effective January 25, 1983; amended at 7 Ill. Reg. 16415, effective November 23, 1983; amended at 11 Ill. Reg. 2345, effective February 1, 1987; amended at 11 Ill. Reg. 18735, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 14380, effective September 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17918, effective December 1, 1988; amended at 13 Ill. Reg. 1819, effective January 30, 1989; amended at 13 Ill. Reg. 18888, effective December 1, 1989; amended at 14 Ill. Reg. 19975, effective January 1, 1991; amended at 14 Ill. Reg. 20535, effective January 1, 1991; amended at 16 Ill. Reg. 15995, effective October 1, 1992; amended at 17 Ill. Reg. 18588, effective October 15, 1993; amended at 20 Ill. Reg. 2171, effective January 20, 1996; amended at 20 Ill. Reg. 3210, effective February 5, 1996; amended at 22 Ill. Reg. 19009, effective October 1, 1998; amended at 31 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 750.5 Incorporated and Referenced Materials

- a) The following materials are ~~incorporated or~~ referenced in this Part:
- 1) Alternative Health Care Delivery Act [210 ILCS 3]
 - 2) Nursing Home Care Act [210 ILCS 45]
 - 3) Good Samaritan Food Donor Act [745 ILCS 50]
 - 4) Hospital Licensing Act [210 ILCS 85]
 - 5) Food, Drug and Cosmetic Act [21 USC 301]
 - 6) Illinois Food, Drug and Cosmetic Act [410 ILCS 620]
 - 7) Grade A Pasteurized Milk and Milk Products Act [410 ILCS 635]

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- 8) Meat and Poultry Inspection Act [225 ILCS 650]
- 9) Sanitary Food Preparation Act [410 ILCS 650]
- 10) Control of Communicable Diseases Code (77 Ill. Adm. Code 690)
- 11)a) Salvage Warehouses and Stores for Foods, Alcoholic Liquors, Drugs, Medical Devices and Cosmetics (77 Ill. Adm. Code 725)-
- 12)b) The Illinois Plumbing Code (77 Ill. Adm. Code 890)-
- 13) Public Area Sanitary Practice Code (77 Ill. Adm. Code 895)
- 14)e) Drinking Water Systems Code (77 Ill. Adm. Code 900)-
- 15) Private Sewage Disposal Code (77 Ill. Adm. Code 905)
- 16) Illinois Water Well Construction Code (77 Ill. Adm. Code 920)
- b) The Following materials are incorporated in this Part:
 - 1)d) Official Methods of Analysis of the Association of Official Analytical Chemists, 15th-18th Edition, published by the Association of Official Analytical Chemists (1990 2006), 111 North Nineteenth Street, Suite 210, Arlington, Virginia 22209.
 - 2)e) Standard Methods for the Examination of Dairy Products, 17th 15th Edition, published by the American Public Health Association (20041989), 800 I Street, 1015 Fifteenth Street, N.W., Washington, D.C. 20001-3710 20036.
 - 3)f) Code of Federal Regulations, published by the Office of the Federal Register, National Archives and Records Administration (20051995), U.S. Government Printing Office, 732 N. Capitol Street, NW, Washington, D.C. 20401. Superintendent of Documents, Mail Stop: SSOP, Washington, D.C. 20402-9328
 - A)4) 9 CFR 1 (Animals and Animal Products; Animal Welfare, Definition of Terms);

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- ~~B)2)~~ 9 CFR 301 (Animals and Animal Products; Mandatory Meat Inspection, Definitions);
 - ~~C)3)~~ 9 CFR 318 (Animals and Animal Products; Mandatory Meat Inspection, Entry into official establishments; reinspection and preparation of products); ~~and~~
 - ~~D)4)~~ 9 CFR 381 (Animals and Animal Products; Mandatory Poultry Products Inspection, Poultry products inspection regulations);
 - E) 21 CFR 110: Current Good Manufacturing Practice in Manufacturing, Packaging, or Holding Human Food;
 - F) 21 CFR 133: Cheeses and Related Cheese Products;
 - G) 21 CFR 131: Milk and Cream;
 - H) 21 CFR 114: Acidified Foods;and
 - D) 9 CFR 317: Labeling, Marking Devices, and Containers.
- c) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any amendments or editions subsequent to the date specified.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

Section 750.10 Definitions

The following definitions shall apply in the interpretation and the enforcement of this Part:

"Acceptable product list" means a list of foods, acceptable to the regulatory authority, that, ~~which~~ because of their characteristics, will present a barrier to the growth of Clostridium botulinum.

"Barrier" means a safety factor of a physical, biological, or chemical nature that ~~which~~ inhibits or minimizes the growth of microorganisms, including those which may be infectious or toxigenic.

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"Beef pattie mix" (or "Beef Patties" if in pattie form) means chopped beef with or without the addition of beef fat as such and/or seasonings.

"Category I facility" means a food establishment that presents a high relative risk of causing food-borne ~~foodborne~~ illness, based on the large number of food handling operations typically implicated in food-borne ~~foodborne~~ outbreaks and/or the type of population served by the facility. Category I facilities include those where the following operations occur:

Potentially ~~cooling of potentially~~ hazardous foods are cooled, as part of the food handling operation at the facility;

Potentially ~~potentially~~ hazardous foods are prepared hot or cold and held hot or cold for more than 12 hours before serving;

Potentially ~~potentially~~ hazardous cooked and cooled foods must be reheated;

Potentially ~~potentially~~ hazardous foods are prepared for off-premises serving for which time-temperature requirements during transportation, holding and service are relevant;

Complex ~~complex~~ preparation of foods or extensive handling of raw ingredients with hand contact for ready-to-eat foods occurs as part of the food handling operations at the facility;

Vacuum ~~vacuum~~ packaging and/or other forms of reduced oxygen packaging are performed at the retail level; or

Immunocompromised ~~Immuno-compromised~~ individuals such as the elderly, young children under age four ~~4~~ and pregnant women are served, where these individuals compose ~~comprise~~ the majority of the consuming population.

"Category II facility" means a food establishment that presents a medium relative risk of causing food-borne ~~foodborne~~ illness, based upon few food handling operations typically implicated in food-borne ~~foodborne~~ illness outbreaks. Category II facilities include those where the following operations occur:

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Hot ~~hot~~ or cold foods are held at required temperatures for no more than 12 hours and are restricted to same-day services;

Foods ~~foods are~~ prepared from raw ingredients, using ~~use~~ only minimal assembly; and

Foods ~~foods~~ that require complex preparation (whether canned, frozen or fresh prepared) are obtained from approved food-processing plants, high-risk food service establishments or retail food stores.

"Category III facility" means a food establishment that presents a low relative risk of causing food-borne ~~foodborne~~ illness, based upon few or no food handling operations typically implicated in food-borne ~~foodborne~~ illness outbreaks. Category III facilities include those where the following operations occur:

Only ~~only~~ pre-packaged foods are available or served in the facility, and any potentially hazardous foods available are commercially pre-packaged in an approved processing plant;

Only ~~only~~ limited preparation of non-potentially hazardous foods and beverages, such as snack foods and carbonated beverages, occurs at the facility; or

Only ~~only~~ beverages (alcoholic and non-alcoholic) are served at the facility.

"Certification Number" means a unique combination of letters and numbers assigned by a shellfish control authority to a molluscan shellfish dealer according to the provisions of the National Shellfish Sanitation Program.

"Certified food service manager or supervisor" means a person certified in compliance with Section 750.540.

"Cold smoke process" is a smoking process used to apply smoke or a smoke flavor at or below ambient temperature to food products not sufficiently darkened in the original smoking operation.

"Commercially prepared sweet baked goods" means an individually portioned and

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wrapped, non-potentially hazardous yeast or cake-type bread, bun, croissant or roll with or without filling and/or icing.

“Commingle” means to combine shellstock harvested on different days or from different growing areas as identified on the tag or label; or to combine shucked shellfish from containers with different container codes or different shucking dates.

"Comminuted" means reduced in size by methods including chopping, flaking, grinding or mincing. It 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; and a mixture of two 2 or more types of meat that have been reduced in size and combined, such as sausages made from two 2 or more meats.

"Commissary" means a catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged or stored.

"Controlled atmosphere packaging (CAP)" means an active packaging system that ~~which~~ continuously maintains the desired atmosphere within the package throughout the shelf life of the product. CAP uses an agent to bind or "scavenge" oxygen permeating the package, or a sachet to emit a gas.

"Cook-chill processing" means a process in which a plastic bag is filled with hot cooked food and the air is expelled while the bag is being sealed before being blast or tumble chilled.

"Corrosion-resistant materials" means those materials which ~~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 environment.

"Critical control point" means any point or procedure in a specific food processing or packaging operation where loss of control may result in an unacceptable health risk.

"Curing" means the placing in or on edible flesh of approved ingredients, such as a solution or mixture containing chloride and nitrite salts of sodium or potassium, water, sodium erythorbate or ascorbate, sodium phosphates, sweeteners (dextrose

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and cane sugar) and flavorings.

"Dedicated equipment or personnel" means equipment or personnel reserved solely for the use of one food processing operation to prevent cross-contamination.

"Department" means the Illinois Department of Public Health.

"Easily cleanable" means that surfaces are readily accessible and made of such material and finish and so fabricated that residue may be effectively removed by normal cleaning methods.

"Employee" means individuals having supervisory or management duties, and any other person working in a food service establishment.

"Equipment" means stoves, ovens, ranges, hoods, slicers, mixers, meat blocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, and similar items, other than utensils, used in the operation of a food service establishment.

"Extensively remodeled" means ~~conversion of~~ ~~whenever~~ an existing structure is ~~converted~~ for use as a retail food establishment; any structural additions or alterations to existing establishments; changes, modifications and extensions of plumbing systems, excluding routine maintenance.

"Field dressed" means the removal of the visceral organs of an animal following the animal's death in the field.

"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.

"Food-contact surface" 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 to surfaces normally in contact with food.

"Food employee" means an individual working with unpackaged food, food equipment or utensils, or food-contact surfaces.

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"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, retail food store, or commissary operation.

"Food service establishment" means any place where food is prepared and intended for, though not limited to, individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term also includes delicatessen-type operations that prepare foods intended for individual portion service. The term does not include lodging facilities serving only a continental breakfast, (a continental breakfast is one limited to only coffee, tea, and/or juice and commercially prepared sweet baked goods), private homes or a closed family function where food is prepared or served for individual family consumption, retail food stores or the location of food vending machines.

"Full time" means 30 hours per week or the length of time the facility is in operation, whichever is less.

"Game animal" means an animal, the products of which are food, that is not classified as cattle, sheep, swine, or goat in 9 CFR 301 (Mandatory Meat Inspection, Definitions); as poultry in 9 CFR 381 (Mandatory Poultry Products Inspection, Poultry products inspection regulations); as meat in the Illinois Meat and Poultry Act [225 ILCS 650]; or as fish. Game animal includes wild and not domestically raised animals such as reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, bear, and muskrat; aquatic and nonaquatic birds such as wild ducks and geese, quail, and pheasant; nonaquatic reptiles such as rattlesnakes; and aquatic mammals. It also includes exotic animals as defined in 9 CFR 1 (Animal Welfare, Definition of Terms), such as lion, tiger, leopard, elephant, camel, antelope, anteater, kangaroo and water buffalo, and species of foreign domestic cattle, such as Ankole, Gayal and Yak.

"Ground beef" means chopped or ground beef with or without seasoning and without the addition of beef fat and shall not contain more than 30 percent fat.

"Hamburger" means chopped beef with or without the addition of beef fat and/or seasoning and shall not contain more than 30 percent fat.

"Hazard Analysis Critical Control Point (HACCP) Program" means a

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comprehensive food safety control plan ~~that which~~ includes a step-by-step description of the food processing, packaging and storage procedure, including identification of critical control points (CCPs); the food-contact surface cleaning and sanitizing procedures; lot identification procedure; and training procedures.

"Hermetically sealed container" means a container designed and intended to be secure against the entry of microorganisms and, in the case of low acid canned foods, to maintain the commercial sterility of its content after processing.

"Highly susceptible population" means persons who are more likely than other people in the general population to experience food-borne disease because they:

Are immunocompromised; preschool age children, or older adults; and

Obtain food at a facility that provides services such as custodial care, health care, or assisted living, such as a child or adult day care center, kidney dialysis center, hospital or nursing home; or nutritional or socialization services, such as a senior center.

"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, pinning or stitch pumping.

"Kitchenware" means all multi-use utensils other than tableware.

"Law" includes State and local statutes, ordinances, and regulations.

"Lodging facilities" means any hotel, motel, motor inn, lodge, and inn or other quarters that provide ~~which provides~~ temporary sleeping facilities open to the public.

"Lot" means a unique run of processed or packaged product with a specifically designated date and processing operation.

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

~~"Modified Atmosphere Packaging (MAP)" means a one time gas flushing and~~

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~~sealing process. The gas atmosphere within the package after sealing is then allowed to passively change due to factors of container permeability and food product respiration.~~

"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.

"Official Methods of Analysis" means the Official Methods of Analysis of the Association of Official Analytical Chemists, 18th ~~15th~~ Edition, or Standard Methods for Examination of Dairy Products, 17th ~~15th~~-Edition, as incorporated in Section 750.5 (b)(1)(d) and (2) (e).

"Operational Supervision" means the on-site supervision and management of the food service facility, operations, and employees.

"Packaged" means bottled, canned, cartoned, or securely wrapped. The term "packaged" does not include a wrapper, carry-out box, or other non-durable container used to containerize food for the purpose of facilitating food protection during service and receipt of the food by the consumer.

"Partially defatted beef fatty tissue" means a beef by-product derived from the low temperature rendering (not exceeding 120 ° Fahrenheit) of fresh beef tissue. Such product shall have a pinkish color and a fresh odor and appearance.

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

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

"Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms; growth and toxin production of Clostridium botulinum; or in raw shell eggs, the growth of Salmonella Enteritidis. "Potentially hazardous food" includes an animal food (a

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food of animal origin) that is raw or heat treated; a food of plant origin that is heat treated or consists of raw seed sprouts; cut melons; and garlic-in-oil mixtures that are not modified in a way that results in mixtures that do not support the growth of infectious or toxigenic microorganisms. The term does not include foods that: ~~which have:~~

Have a pH level of 4.6 or below; ~~or~~

Have a water activity (a[w]) value of 0.85 or less; or;

Are a food, in an unopened hermetically sealed container, that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution.

"Preservative" means any curing agent or curing accelerator (specific chemical agent ~~that~~ ~~which~~ extends the shelf life of the product) ~~that~~ ~~which~~ cures, accelerates color fixing or preserves color in meat or poultry products, including sodium nitrate or potassium nitrate, sodium nitrite or potassium nitrite, ascorbic acid, erythorbic acid, glucono delta lactone, sodium ascorbate, sodium erythorbate, citric acid, sodium citrate or sodium benzoate.

"Processing" means to manufacture, compound, intermix or prepare food products for sale or for customer service.

"Pushcart" means a non-self-propelled vehicle limited to serving non-potentially hazardous foods or commissary-wrapped food maintained at proper temperatures, or limited to the preparation and serving of frankfurters.

"Ratite" means a flightless bird such as an emu, ostrich, or rhea.

"Ready-to-eat food" 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. Ready-to-eat food includes:

Unpackaged potentially hazardous food that is cooked to the temperature and time required for specific food under Section 750.180;

Washed and ~~Raw, washed,~~ cut raw fruit and vegetables;

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Whole raw fruits and vegetables that are intended for consumption without the need for further washing, such as at a buffet, but excluding ~~excludes~~ whole raw fruits and vegetables offered for retail sale; and

Other food presented for consumption for which further washing or cooking is not required and from which rinds, peels, husks, or shells are removed.

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

"Reduced-Oxygen Packaging" means the reduction of the amount of oxygen in a package by removing oxygen; displacing oxygen and replacing it with another gas or combination of gases; or otherwise controlling the oxygen content to a level below that normally found in the atmosphere (approximately 21% at sea level); and a process that involves a food for which the hazards Clostridium botulinum or Listeria monocytogenes require control in the final packaged form. "Reduced Oxygen Packaging" includes :

Vacuum packaging, in which air is removed from a package of food and the package is hermetically sealed so that a vacuum remains inside the package;

Modified atmosphere packaging, in which the atmosphere of a package of food is modified so that its composition is different from air, but the atmosphere may change over time due to the permeability of the packaging material or the respiration of the food. Modified atmosphere packaging includes reduction in the proportion of oxygen, total replacement of oxygen, or an increase in the proportion of other gases such as carbon dioxide or nitrogen;

Controlled atmosphere packaging, in which the atmosphere of a package of food is modified so that until the package is opened, its composition is different from air, and continuous control of that atmosphere is maintained, such as by using oxygen scavengers or a combination of total replacement of oxygen, non-respiring food, and impermeable packaging material;

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Cook chill packaging, in which cooked food is hot filled into impermeable bags that have the air expelled and are then sealed or crimped closed. The bagged food is rapidly chilled and refrigerated at temperatures that inhibit the growth of psychotropic pathogens; or

Sous vide packaging, in which raw or partially cooked food is placed in a hermetically sealed, impermeable bag, cooked in the bag, rapidly chilled, and refrigerated at temperatures that inhibit the growth of psychotropic pathogens.

"Regulatory authority" means the State and/or local enforcement authority or authorities having jurisdiction over the food service establishment.

"Re-service" means the transfer of food that is unused and returned by a consumer after being served or sold and in the possession of the consumer, to another person.

"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 of or otherwise affecting the characteristics of any food. If materials used are food additives or color additives as defined in Section section 201(s) or (t) of the federal Federal Food, Drug, and Cosmetic Act [(21 USC 301) et seq.], they are "safe" only if they are used in compliance conformity with regulations established pursuant to Section 409 or Section 706 of the Food, Drug and Cosmetic Act [21 USC 301]-Act. Other materials are "safe" only if, as used, they are not food additives or color additives as defined in Sectionsection 201(s) or (t) of the federal Federal Food, Drug, and Cosmetic Act and are used in compliance conformity with all applicable regulations of the Food, Drug and Cosmetic Act that are incorporated by reference in Section 750.5 of this Part and Drug Administration.

"Sanitization" 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 (when those disease organisms which may be present are destroyed so as to prevent transfer) on cleaned food-contact surfaces of utensils and equipment the application of cumulative heat or chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of 5 logs, which is equal to

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a 99.999% reduction, of representative disease microorganisms of public health importance.

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

"Shellfish control authority" means a state, federal, foreign, tribal, or other government entity legally responsible for administering a program that includes certification of molluscan shellfish harvesters and dealers for interstate commerce.

"Shellstock" means raw in-shell molluscan shellfish.

"Shucked shellfish" means molluscan shellfish that have one or both shells removed.

"Showering" means a potable water spray with or without liquid smoke in the smoke house ~~that which~~, depending on when the water spray is applied, maintains humidity, ~~and~~ flavors, decreases cooking time, promotes rapid cooling or reduces casing shrinkage.

"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.

"Single-Use articles" means utensils and bulk food containers designed and constructed to be used once and discarded. "Single-Use articles" includes items such as wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles, etc. and number 10 cans that do not meet the materials, durability, strength, and cleanability specification under Subpart D of this Part, specifically Sections 750.600, 750.630, and 750.650 for multi-use utensils.

"Smoke generator" means a piece of equipment attached or integral to a smoke house, which provides smoke to the smoke house, usually by slowly augering sawdust onto a heating element with the resulting smoke being drawn into the smokehouse.

"Smoke house" means a piece of equipment or room sized enclosure used to conduct the smoking process, with a smoke source, adequate ventilation, heat and

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humidity source if necessary, approved plumbing and waste lines if necessary, support structures for the food products to be smoked and a method to determine internal product temperature.

"Smoking" means the process of subjecting meat cuts and other foods to an environment of heat and smoke generated from hardwood, hardwood sawdust, corn cobs or natural liquid smoke that has been transformed into a gaseous state by application of direct heat.

"Smooth" means a food-contact surface that is free of pits and inclusions with a cleanability equal to or exceeding that of (100 grit) number 3 stainless steel; a nonfood-contact surface of equipment equal to that of commercial grade hot-rolled steel free of visible scale; and a floor, wall, or ceiling having an even or level surface with no roughness or projections that render it difficult to clean.

"Special event" means a unique event at a particular location, such as a celebration, festival or fundraiser, which ~~that~~ occurs no more than twice a year.

"Tableware" means multi-use eating and drinking utensils.

"Temperature-measuring device" means a thermometer, thermocouple, thermistor, or other device that indicates the temperature of food, air, or water.

"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.

"Utensil" means a food-contact ~~any~~ implement or container used in the storage, preparation, transportation, dispensing, sale or service of food-, such as kitchenware or tableware that is multi-use, single service, or single use; gloves used in contact with food; temperature-sensing probes of food temperature measuring devices; and probe-type or identification tags used in contact with food.

"Variance" means a written document issued by the regulatory authority, which authorizes a modification or waiver of one or more requirements of this Part if, in the opinion of the regulatory authority, a health hazard or nuisance will not result from the modification or waiver.

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"Voluntary inspection" means an inspection of meat or poultry products that are not subject to the federal or State meat or poultry inspection laws, and for which the federal or State mark of inspection is requested.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

SUBPART B: FOOD SUPPLIES

Section 750.110 Special Requirements

- a) Fluid milk and fluid milk products used or served shall be pasteurized and shall meet the Grade A quality standards as established by the Illinois Grade A Pasteurized Milk and Milk Products Act [410 ILCS 635] ~~law~~. Dry milk and dry-milk products shall be pasteurized.
- b) Fresh and frozen shucked shellfish (oysters, clams, or mussels) shall be packed in non-returnable packages identified with the name and address of the original shell stock processor, shucker/packer, or repacker, and the interstate certification number issued according to the ~~law~~ Illinois Food, Drug and Cosmetic Act [410 ILCS 620]. Shell stock and shucked shellfish shall be kept in the container in which they were received until they are used. Each container of unshucked shell stock (oysters, clams, or mussels) shall be identified by the attached tag that states the name and address of the original shell stock processor, the repacker or reshipper, the kind and quantity of shell stock, and an interstate certification number issued by the state or foreign shellfish control agency. Each tag affixed to a container of certified shell stock along with its accompanying invoice and each shucked shellfish invoice shall be retained for a period of 90 days and be made available for inspection by the regulatory authority ~~health department~~.
- c) Only clean whole Grade A 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) Game animals received for sale or service must comply with the criteria specified as follows: ~~below~~.
 - 1) Game animals commercially farm raised for food shall be raised, slaughtered, and processed under either a routine or voluntary inspection

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program, as follows: ~~provided below~~.

- A) For a routine (mandatory) inspection program conducted by the United States Department of Agriculture or Illinois Department of Agriculture, the game animals shall be raised, slaughtered and processed according to applicable laws governing meat and poultry.
 - B) Any voluntary inspection program shall be conducted by the agency that has animal health jurisdiction (the United States Department of Agriculture, Illinois Department of Agriculture or other regulatory agency).
- 2) Field-dressed wild game animals donated under the Good Samaritan Food Donor Act [745 ILCS 50] shall:
- A) Receive a postmortem inspection by a veterinarian, veterinarian's designee, professional biologist or other person familiar with the conditions, parasites and diseases of the species, approved by the regulatory agency that has animal health jurisdiction;
 - B) Have been field dressed and transported according to requirements specified by the regulatory agency that has animal health jurisdiction; and
 - C) Be processed according to laws governing meat and poultry as determined by the regulatory agency that has animal health jurisdiction and conducts the inspection program.
- 3) Exotic species of animals, including animals raised for exhibition purposes in a zoo or circus, used for food shall:
- A) Be raised, slaughtered and processed under a voluntary or mandatory inspection program; or
 - B)
 - i) Receive ante mortem and postmortem examination; and
 - ii) Be slaughtered and processed according to laws governing

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meat and poultry as determined by the regulatory agency that has animal health jurisdiction and conducts the inspection program.

- e) Uninspected, field-dressed, wild game served at special events such as wild game dinners shall:
 - 1) Have placards displayed in a conspicuous location throughout the event that identify ~~identifying~~ the food served as uninspected wild game as provided for in the Good Samaritan Food Donor Act [745 ILCS 50];~~;~~
 - 2) Comply with all other food sanitation requirements specified in this Part;
and
 - 3) Not be served at institutions and facilities such as nursing homes and hospitals that primarily serve highly susceptible individuals.
- f) Each retail food establishment location shall obtain written permission from the appropriate regulatory authority responsible for retail food protection in that jurisdiction before packaging foods in a reduced-oxygen atmosphere. Reduced-oxygen packaging shall consist of cook-chill processing, vacuum-packaging, modified-atmosphere packaging (MAP) or controlled atmosphere packaging (CAP). The request from the retail establishment and approval from the regulator shall be product specific and shall be issued according to the requirements listed in Subpart K of this Part.
- g) Every food pre-packaged in advance of retail sale must bear the following information in English on its label:
 - 1) The common and/or usual name of the product;
 - 2) The name, address and zip code of the manufacturer, processor, packer, preparer or distributor;
 - 3) The net contents of the package;
 - 4) A list of ingredients in the order of their predominance by weight with ingredients shown by their common or usual name; and

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- 5) A list of any artificial color, artificial flavor or preservative used.
- h) Foods packaged or repackaged by charitable or not-for-profit organizations for distribution to people in need shall bear the common and/or usual name of the product and the name of the distributing organization. A list of ingredients for any multi-ingredient product shall be posted or made available upon request. Prepared, ready-to-eat foods donated by food service establishments to charitable or not-for-profit organizations are exempt from the ingredient listing requirements of this subsection.
- i) ~~Ground~~ ~~The processing and labeling of ground~~ meats/poultry and other meat/poultry products shall be processed and labeled ~~done~~ in compliance with Subpart L of this Part.
- j) Pasteurized soft serve mix and frozen desserts shall comply with the standards ~~Standards~~ listed below.

Product	Bacterial standard plate count not more than	Coliform determination not more than	Storage temperature
Mix	50,000/ml*	10/ml	41° F
Frozen Dessert Plain	50,000/ml*	10/ml	Frozen
Frozen Dessert Flavored	50,000/ml*	20/ml	Frozen

*Except frozen yogurt with live culture added.

The products shall be tested in accordance with tests and examinations contained in the 18th ~~15th~~ edition of Official Methods of Analysis of the Association of Official Analytical Chemists or in the 17th ~~15th~~ edition of Standard Methods for the Examination of Dairy Products.

~~*Except frozen yogurt with live culture added.~~

- k) Consumer Advisory. ~~If Effective July 1, 1996,~~ If a food service establishment offers any raw or under-cooked animal food, such as meat, poultry, eggs or seafood (including shellfish), in ready-to-eat form or offers any ready-to-eat food containing animal food as a raw ingredient, the food service establishment

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operator shall advise consumers of the presence of such raw or under-cooked animal food and advise consumers of the increased health risk of eating such foods in raw or under-cooked form, especially for certain populations.

- 1) If entrees or menu items containing such raw or under-cooked animal food (e.g., steak tartare or Caesar salad containing raw unpasteurized eggs) are routinely offered, such consumer advisory shall clearly identify the food item that contains the raw or under-cooked animal food.
- 2) If a food service establishment does not routinely offer entrees or menu items containing raw or under-cooked animal food, but will serve under-cooked meat, eggs or seafood upon the request of a consumer/patron, a general consumer advisory shall be provided. This advisory does not need to identify the food item that a consumer might request in an under-cooked condition.
- 3) The required consumer advisory may be in the form of a brochure, deli case or menu advisory, label statement, table tent, placard or other written notification that is visible to patrons. The advisory shall include the following:

"The Illinois Department of Public Health advises that eating raw or under-cooked meat, poultry, eggs or seafood poses a health risk to everyone, but especially to the elderly, young children under age 4, pregnant women, and other highly susceptible individuals with compromised immune systems. Thorough cooking of such animal foods reduces the risk of illness."
- 4) If space permits, any consumer advisory may include additional language such as the following:

"For further information, contact your physician or public health department."
- 5) NOTE: Food service establishments whose primary consumers are highly susceptible individuals, such as nursing homes, hospitals, day care centers and nursery schools, shall not serve raw or under-cooked animal foods (see Section 750.180(b)).

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(Source: Amended at 31 Ill. Reg. ____, effective ____)

Section 750.120 General – Food Protection

- a) At all times, including while being stored, prepared, displayed, served, or transported, food shall be protected from potential contamination, including dust, insects, rodents, unclean equipment and utensils, unnecessary handling, coughs and sneezes, flooding, drainage, and overhead leakage or overhead drippage from condensation. ~~Prior to July 1, 1996, the temperature of potentially hazardous foods shall be 45°degrees F or below or 140 degrees F or above at all times, except as otherwise provided in this Part. Effective July 1, 1996, the~~ The temperature of potentially hazardous foods shall be 41°F or below, or ~~140-135°~~135°F or above, at all times, except as otherwise provided in this Part. ~~Refrigeration units unable to maintain a product temperature of 41°F may continue to be used until January 1, 2006, provided the product temperature is maintained at 45°F or less at all times and all potentially hazardous foods prepared on-site or opened containers/packages of commercially processed food products are dated and refrigerated for no longer than three days after preparation or opening, respectively. In the event the dated product is not used or sold within 3 days, the product shall be discarded.~~
- b) 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 regulatory authority. Upon receiving notice of this occurrence, the regulatory authority shall take whatever action that it deems necessary to protect the public health.

(Source: Amended at 31 Ill. Reg. ____, effective ____)

Section 750.140 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 storage facility storing potentially hazardous food shall be provided with a numerically scaled indicating thermometer, accurate to plus or minus 3°F, located to measure the air temperature in the warmest part of the facility and located to be

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easily readable. Recording thermometers, accurate to plus or minus 3°F, may be used in lieu of indicating thermometers.

- b) ~~Prior to July 1, 1996, potentially hazardous food requiring refrigeration after preparation shall be labeled or tagged with the date and time of preparation and rapidly cooled to an internal temperature of 45°F or below. Effective July 1, 1996, Potentially~~ potentially ~~potentially hazardous food requiring refrigeration after preparation shall be labeled or tagged with the date and time of preparation and rapidly cooled to an internal temperature of 41°F, unless the food is cooled to an internal temperature of 45°F and refrigerated at 45°F for no more than three days as specified in Section 750.120. Potentially hazardous foods of large volume or prepared in large quantities shall be rapidly cooled, utilizing such methods as limiting depth of food to 4 inches or less, agitation, quick chilling or water circulation external to the food container. Prior to July 1, 1996, potentially hazardous food to be transported shall be pre-chilled and held at a temperature of 45°F or below unless maintained in accordance with the hot storage requirements contained in Section 750.150. Effective July 1, 1996, potentially~~ Potentially ~~hazardous food to be transported shall be pre-chilled and held at a temperature of 41°F or below unless maintained in accordance with the hot storage requirements contained in Section 750.150.~~
- 1) ~~Effective July 1, 1996, cooked~~ Cooked ~~potentially hazardous food shall be cooled:~~
- A) ~~From 140~~135°F (60°C) to 70°F (21°C) within 2 hours; and
- B) From 70°F (21°C) to 41°F (4.5°C) or below within 4 more hours (or within a total of 6 hours).
- 2) ~~Effective July 1, 1996, potentially~~ Potentially ~~hazardous food shall be cooled to 41°F (4.5°C) or below within 4 hours if prepared from ingredients at ambient temperature, such as reconstituted foods and canned tuna.~~
- 3) ~~Effective July 1, 1996, fluid~~ Fluid ~~milk and milk products, shell eggs, and molluscan shellstock received in compliance with laws regulating the respective food during shipment from the supplier shall be cooled to 41°F (4.5°C) or below within 4 hours.~~

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- c) ~~Stored frozen foods shall be kept maintained frozen and should be stored at a temperature of 0°F or below.~~
- 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.
- e) ~~Upon delivery, intact shell eggs shall be stored at a temperature of 41°F or less, prior to July 1, 1996. Effective July 1, 1996, upon~~ Upon delivery, intact shell eggs shall be stored at a temperature of 41°F or less, ~~unless the eggs are dated and refrigerated at 45°F for no more than three days as specified in Section 750.120.~~

(Source: Amended at 31 Ill. Reg. ____, effective ____)

Section 750.150 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 plus or minus 3 ° F., located to measure the air temperature at the coldest part of the facility and located to be easily readable. Recording thermometers, accurate to plus or minus 3 ° F., may be used in lieu of indicating thermometers. Where it is impractical to install thermometers on equipment such as bain-maries, steam tables, steam kettles, heat lamps, calrod 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 food requiring hot storage shall be ~~140 degrees~~ 135°F or above except during necessary periods of preparation or when time is used as the public health control as specified in Section 750.153. Potentially hazardous food to be transported shall be held at a temperature of ~~140 degrees~~ 135 ° F or above unless maintained in accordance ~~with paragraph (b) of Section 750.140(b).~~

(Source: Amended at 31 Ill. Reg. ____, effective ____)

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Section 750.151 Ready-to-Eat Potentially Hazardous Food, Date Marking

a) On-Premises Preparation (prepare and hold cold)

Except when packaging food using a reduced oxygen packaging method, and except as specified in subsections (d) and (e) of this Section, refrigerated, ready-to-eat potentially hazardous food prepared and held in a food establishment for more than 24 hours shall be clearly marked to indicate the date or day by which the food shall be consumed on the premises, sold, or discarded, and maintained at 41°F or less for a maximum of 7 days. The day of preparation shall be counted as Day 1.

b) Commercially Processed Food (open and cold hold)

Except as specified in subsections (d)-(f) of this Section, refrigerated, ready-to-eat potentially hazardous food prepared and packaged by a food processing plant shall be clearly marked, at the time the original container is opened in a food establishment and if the food is held for more than 24 hours, to indicate the date or day by which the food shall be consumed on the premises, sold, or discarded, based on the temperature and time combination specified in subsection (a) of this Section and:

- 1) The day the original container is opened in the food establishment shall be counted as Day One; and
- 2) The day or date marked by the food establishment may not exceed a manufacturer's use-by date if the manufacturer determined the use-by date based on food safety.

c) A refrigerated, ready-to-eat potentially hazardous food ingredient or a portion of a refrigerated, ready-to-eat potentially hazardous food that is subsequently combined with additional ingredients or portions of food shall retain the date marking of the earliest-prepared or first-prepared ingredient.

d) A date-marking system that meets the criteria stated in subsections (a) and (b) of this Section may include:

- 1) Using a method approved by the regulatory authority for refrigerated, ready-to-eat potentially hazardous food that is frequently rewrapped, such

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as lunchmeat or a roast, or for which date marking is impractical, such as soft serve mix or milk in a dispensing machine;

- 2) Marking the date or day of preparation, with a procedure to discard the food on or before the last date or day by which the food must be consumed on the premises, sold, or discarded as specified under subsection (a) of this Section;
 - 3) Marking the date or day the original container is opened in a food establishment, with a procedure to discard the food on or before the last date or day by which the food must be consumed on the premises, sold, or discarded as specified under subsection (b) of this Section; or
 - 4) Using calendar dates, days of the week, color-coded marks, or other effective marking methods, provided that the marking system is disclosed to the regulatory authority upon request.
- e) Subsections (a) and (b) of this Section do not apply to individual meal portions served or repackaged for sale from a bulk container upon a consumer's request.
- f) Subsection (b) of this Section does not apply to the following food prepared and packaged by a food processing plant inspected by a regulatory authority:
- 1) Deli salads, such as ham salad, seafood salad, chicken salad, egg salad, pasta salad, potato salad, and macaroni salad, manufactured in accordance with 21 CFR 110: Current Good Manufacturing Practice in Manufacturing, Packaging, or Holding Human Food;
 - 2) Hard cheeses containing not more than 39% moisture as defined in 21 CFR 133: Cheeses and Related Cheese Products;
 - 3) Semi-soft cheeses containing more than 39% moisture, but not more than 50% moisture, as defined in 21 CFR 133: Cheeses and Related Cheese Products;
 - 4) Cultured dairy products as defined in 21 CFR 131: Milk and Cream;
 - 5) Preserved fish products, such as pickled herring and dried or salted cod, and other acidified fish products defined in 21 CFR 114: Acidified Foods;

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- 6) Shelf-stable, dry fermented sausages, such as pepperoni and Genoa salami that are not labeled “Keep Refrigerated” as specified in 9 CFR 317: Labeling, Marking Devices, and Containers; and
- 7) Shelf-stable salt-cured products such as proscuitto and Parma (ham) that are not labeled “Keep Refrigerated” as specified in 9 CFR 317: Labeling, Marking Devices, and Containers.

(Source: Added at 31 Ill. Reg. _____, effective _____)

Section 750.152 Ready-to-Eat Potentially Hazardous Food, Disposition

A food specified in Section 750.151 (a) or (b) shall be discarded if it:

- a) Exceeds either of the temperature and time combinations specified in Section 750.151(a), except time that the product is frozen;
- b) Is in a container or package that does not bear a date or day; or
- c) Is appropriately marked with a date or day that exceeds a temperature and time combination as specified in Section 750.151(a).

(Source: Added at 31 Ill. Reg. _____, effective _____)

Section 750.153 Time as a Public Health Control

- a) If time only, rather than time in conjunction with temperature, is used as the public health control for a working supply of potentially hazardous food before cooking, or for ready-to-eat potentially hazardous food that is displayed or held for service for immediate consumption:
 - 1) The food shall be marked or otherwise identified to indicate the time that is 4 hours past the point in time when the food is removed from temperature control;
 - 2) The food shall be cooked and served, served if ready to eat, or discarded within 4 hours from the point in time when the food is removed from temperature control;

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- 3) The food in unmarked containers or packages, or marked to exceed a 4 hour limit, shall be discarded; and
- 4) Written procedures shall be maintained in the food establishment and made available to the regulatory authority upon request, which ensure compliance with this Section and Section 750.140(b) for food that is prepared, cooked, and refrigerated before time is used as a public health control.
- b) In a food establishment that serves a highly susceptible population, time only, rather than time in conjunction with temperature, may not be used as the public health control for raw eggs.

(Source: Added at 31 Ill. Reg. _____, effective _____)

Section 750.188 Plant Food Cooking for Hot Holding

Fruits and vegetables that are cooked for hot holding shall be cooked to a temperature of 135°F (57°C).

(Source: Added at 31 Ill. Reg. _____, effective _____)

Section 750.189 Microwave Cooking

Raw animal foods cooked in a microwave oven shall be:

- a) Rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat;
- b) Covered to retain surface moisture;
- c) ~~Heated an additional 25°F (14°C) above the temperature specified in Section 750.180(a)(1), (2) and (4) to compensate for shorter cooking times; and~~
Heated to a temperature of at least 165°F (74°C) in all parts of the food; and
- d) Allowed to stand covered for 2 minutes after cooking to obtain temperature equilibrium.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

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Section 750.208 Preparation for Immediate Service

Cooked and refrigerated food that is prepared for immediate service in response to an individual consumer order, such as a roast beef sandwich au jus, may be served at any temperature.

(Source: Added at 30 Ill. Reg. _____, effective _____)

Section 750.210 Reheating for Hot Holding

- a) Except as specified under subsections (b)(c) (d) and (e) below, potentially ~~Potentially~~ hazardous foods that have been cooked and then refrigerated shall be reheated rapidly to at least 165°F ~~degrees F.~~ or higher for 15 seconds throughout before being served or before being placed in a hot food storage facility. Steam tables, ~~bains-marie, bainmaries,~~ warmers, and similar hot food holding facilities are prohibited for the rapid reheating of potentially hazardous foods.
- b) Except as specified under subsection (c) below, potentially hazardous food reheated in a microwave oven for hot holding shall be reheated so that all parts of the food reach a temperature of at least 165° F (74° C) and the food is rotated or stirred, covered, and allowed to stand covered for 2 minutes after reheating.
- c) Ready-to-eat food taken from a commercially processed, hermetically sealed container, or from an intact package from a food processing plant that is inspected by the food regulatory authority that has jurisdiction over the plant, shall be heated to a temperature of at least 135°F (57°C) for hot holding.
- d) Reheating for hot holding shall be done rapidly, and the time during which the food is between 41°F and 165°F may not exceed 2 hours.
- e) Remaining unsliced portions of roasts of beef that are cooked as specified under Sections 750.186 and 750.187 may be reheated for hot holding using the oven parameters and minimum time and temperature conditions specified under Sections 750.186 and 750.187.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

Section 750.240 Thawing Potentially Hazardous Foods

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Potentially hazardous foods shall be thawed:

- a) In refrigerated units in a way that the temperature of the food does not exceed ~~45°F, prior to July 1, 1996, and 41°F, effective July 1, 1996;~~ or
- b) Under potable running water at a temperature of 70°F or below, with sufficient water velocity to agitate and float off loose food particles into the overflow ~~overflow~~; or
- c) In a microwave oven only when the food will be immediately transferred to conventional cooking facilities as part of a 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.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

Section 750.250 Food Display and Service of Potentially Hazardous Food

~~Prior to July 1, 1996, potentially~~ Potentially hazardous foods shall be kept at an internal temperature of ~~45-41°F~~ or below or at an internal temperature of ~~140-135°F~~ or above during display and service, except that rare roast beef shall be held for service at a temperature of at least 130°F. ~~Effective July 1, 1996, potentially~~ Potentially hazardous foods shall be held during display and service at an internal temperature of 41°F or below, ~~unless the foods are dated and refrigerated at 45°F for no more than three days as specified in Section 750.120, or held during display and service at an internal temperature of 140-135 °F or above, except that rare roast beef shall be held for service at a temperature of at least 130°F.~~

(Source: Amended at 31 Ill. Reg. _____, effective _____)

Section 750.310 Milk and Cream Dispensing

- a) Milk and milk products for drinking purposes shall be provided to the consumer in an unopened, commercially filled package not exceeding one pint in capacity, or drawn from a commercially filled container stored in a mechanically refrigerated bulk milk dispenser. Where a bulk milk dispenser for milk and milk products is not available and portions of less than ~~1/2 one-half~~ pint are required for mixed drinks, cereal, or dessert service, milk and milk products may be poured from a commercially filled container, ~~of not more than one-half gallon capacity.~~

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- b) Milk and milk products for drinking purposes in hospitals, nursing homes or day care centers may be dispensed from commercially filled containers into individual serving vessels by food service personnel for service to the consumer.
- c) Cream or half and half shall be provided in an individual service container, protected pour-type pitcher, or drawn from a refrigerated dispenser designed for such service.
- d) ~~Prior to July 1, 1996, remote mix supplying systems for frozen dessert dispensers shall be so designed, constructed, refrigerated and equipped that all mix therein is maintained at not more than 45° F until subject to freezing. Effective July 1, 1996, remote~~ Remote mix supplying systems for frozen dessert dispensers shall be so designed, constructed, refrigerated and equipped so that all mix therein is maintained at not more than 41°F until subject to freezing. Product pumps and flexible lines shall be maintained under continuous refrigeration or insulation when product is within the system. Systems shall be supported and sloped to drain at least ~~1 one~~ inch per 10 ~~ten~~ feet, preventing retention of fluid. All product lines shall be equipped with an indicating thermometer accurate to plus or minus 2° F. Flexible plastic lines are permitted up to 30 feet if they are in one continuous length and contain sanitary fittings on the terminal ends.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

Section 750.340 Public Health Protection

The regulatory authority shall apply this Part to promote its underlying purpose of safeguarding public health and ensuring that food is safe, unadulterated, and honestly presented when offered to the consumer.

(Source: Added at 31 Ill. Reg. _____, effective _____)

Section 750.350 Preventing Health Hazards, Provision for Conditions Not Addressed

- a) If necessary to protect against public health hazards or nuisances, the regulatory authority shall impose specific requirements in addition to the requirements contained in this Part that are referenced and incorporated in Section 750.5.
- b) The regulatory authority shall document the conditions that necessitate the

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imposition of additional requirements and the underlying public health rationale. The documentation shall be provided to the permit applicant or permit holder, and a copy shall be maintained in the regulatory authority's file for the food establishment.

(Source: Added at 31 Ill. Reg. _____, effective _____)

Section 750.360 Variances

The regulatory authority may grant a variance by modifying or waiving the requirements of this Part if, in the opinion of the regulatory authority, a health hazard or nuisance will not result from the variance. If a variance is granted, the regulatory authority, shall retain the information specified under Section 750.370 in its records for the food establishment.

(Source: Added at 31 Ill. Reg. _____, effective _____)

Section 750.370 Justification for and Documentation of Proposed Variance

Before a variance from a requirement of this Part is approved, the information that shall be provided by the person requesting the variance and retained in the regulatory authority's file on the food establishment shall include:

- a) The requirement of this Part for which the variance is requested, citing relevant Section numbers; and
- b) An explanation of how the potential public health hazards and nuisances addressed by the relevant Sections of this Part will be alternatively addressed.

(Source: Added at 31 Ill. Reg. _____, effective _____)

Section 750.510 General - Personal Cleanliness

- a) Food employees ~~Employees shall thoroughly keep their wash their hands and the exposed portions of their arms clean. 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.~~ Employees shall keep their fingernails clean, and trimmed, filed, and maintained so that the edges and surfaces are cleanable and not rough. Unless wearing intact gloves in good repair, a food employee may not wear fingernail polish or artificial fingernails when working with exposed

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food.

- b) Food employees shall clean their hands and exposed portions of their arms for at least 20 seconds, using a cleaning compound.
- c) Food employees shall use the following cleaning procedure in the order stated to clean their hands and exposed portions of their arms:
 - 1) Rinse under clean running warm water;
 - 2) Apply an amount of cleaning compound recommended by the cleaning compound manufacturer;
 - 3) Rub together vigorously for at least 20 seconds while:
 - A) Paying particular attention to removing soil from underneath the fingernails during the cleaning procedure, and
 - B) Creating friction on the surfaces of the hands and arms, fingertips, and areas between the fingers;
 - 4) Thoroughly rinse under clean running warm water; and
 - 5) Immediately follow the cleaning procedure with thorough drying, using a method as specified under Section 750.1120(e).
- d) To avoid re-contaminating their hands, food employees shall use disposable paper towels or similar clean barriers when touching surfaces such as manually operated faucet handles on a hand-washing sink or the handle of a restroom door.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

Section 750.512 When to Wash Hands

Food employees shall clean their hands and exposed portions of their arms immediately before engaging in food preparation, including working with exposed food, clean equipment and utensils, and unwrapped single-service articles, and:

- a) After touching bare human body parts other than clean hands and clean exposed

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portion of arms;

- b) After using the toilet room;
- c) After caring for or handling service animals;
- d) After coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking;
- e) After handling soiled equipment or utensils;
- f) During food preparation, as often as is necessary to remove soil and contamination and to prevent cross-contamination when changing tasks;
- g) When switching between working with raw food and working with ready-to-eat food;
- h) Before donning gloves for working with food; and
- i) After engaging in other activities that contaminate the hands.

(Source: Added at 31 Ill. Reg. _____, effective _____)

Section 750.514 Where to Wash Hands

Food employees shall clean their hands in a hand-washing sink or approved automatic hand-washing facility and may not clean their hands in a sink used for food preparation or ware washing, or in a service sink or a curbed cleaning facility used for disposing mop water and similar liquid waste.

(Source: Added at 31 Ill. Reg. _____, effective _____)

Section 750.520 General - Clothing

- 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,~~ such as hats, hair coverings or nets, beard restraints, and clothing that covers body hair, which are designed and worn to effectively keep

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their hair from contacting exposed food; clean equipment, utensils, and lines; and unwrapped single-service and single-use articles.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

Section 750.530 General - Employee Practices

- a) Employees may 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.
- b) A food employee may drink from a closed beverage container if the container is handled to prevent contamination of:
 - 1) The employee's hands;
 - 2) The container; and
 - 3) Exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.
- ~~cb)~~ Employees shall not use tobacco in any form while engaged in food preparation or service, nor while in any equipment or utensil washing or food preparation areas. Employees may ~~shall~~ use tobacco in any form only in designated areas. Areas shall not be designated for that purpose if the use of tobacco might result in the contamination of food, equipment, utensils or other items needing protection.
- ~~de)~~ Employees shall handle soiled tableware in a way that avoids contamination of their hands.
- ~~ed)~~ Employees shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices during all working periods in the food service establishment.
- f) Food employees shall not wear jewelry on their arms and hands while preparing food, except for a plain ring such as a wedding band, or medical information jewelry.

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(Source: Amended at 31 Ill. Reg. _____, effective _____)

Section 750.540 Management Sanitation Training and Certification

- a) All food service establishments as defined in Section 750.10, except Category III facilities, shall be under the operational supervision of a certified food service sanitation manager. Category III facilities do not require the operational supervision of a certified food service sanitation manager.
- 1) Category I facilities. ~~Effective October 1, 1999,~~ Category I facilities as defined in Section 750.10 shall have a certified food service sanitation manager on the premises at all times that potentially hazardous food is being handled, except as specified in subsections (a)(1)(A) and (B) of this Section. A certified food service sanitation manager is not required on the premises during hours of operation when all food products sold have been prepared and packaged commercially or prepared under the supervision of a certified food service sanitation manager.
 - A) All community-based programs licensed by the Department of Human Services and operating under rules that do not reference this Part are exempt from subsection (a)(1) of this Section (e.g., Community Integrated Living Arrangements, including the formerly licensed Community Residential Alternatives; Supervised Living Arrangements; Home Individual Placements and Special Home Placements; Child and Specialized Group Homes or Child Care Institutions for no more than 7 to 10 individuals).
 - B) Health care facilities licensed under the Hospital Licensing Act [210 ILCS 85], Nursing Home Care Act [210 ILCS 45], or Alternative Health Care Delivery Act [210 ILCS 3] that are subject to this Part may comply in one of the following alternative ways:
 - i) Health care facilities may develop a list of foods approved by a certified food service sanitation manager that, under specific circumstances, may be prepared or served by trained staff under the supervision of a health care professional without the presence of a certified food service sanitation manager. These specific circumstances may include late night snacks or light meals prepared at the

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request of a physician or individual patient/resident. The list of foods shall include instructions for preparing, serving and storing the foods.

- ii) Health care facilities as specified in subsection (a)(1)(B) are exempt from the requirement of subsection (a)(1) of this Section, provided that the food service in each facility is under the operational supervision of a manager or supervisor who has been certified in food service sanitation and the food service staff annually receive in-service food sanitation training as follows: for nursing homes, in accordance with the rules promulgated pursuant to the Nursing Home Care Act; and for all other health care facilities, 5 hours annually.
 - 2) Category II facilities as defined in Section 750.10 shall employ a minimum of one full-time certified food service sanitation manager at each establishment.
- b) Special Circumstances.
- 1) New food service establishments except Category III facilities shall have a certified food service sanitation manager from the initial day of operation or shall provide documentation of enrollment in an approved course to be completed within three months.
 - 2) Food service establishments that ~~which~~ are not in compliance with this Section because of employee turnover or other loss of certified personnel, shall have three months from date of loss of certified personnel to comply.
 - 3) Incidental absences of the certified food service sanitation manager due to temporary illness, short errands off the premises, etc., shall not constitute a violation of this Section, provided that there is documentation that a certified food service sanitation manager was scheduled to work at that time.
- c) Certification shall be achieved by:
- 1) Successfully completing a Department ~~department~~ approved course and a

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monitored examination offered by a testing organization in compliance with the criteria in Subpart J of this Part; and

- 2) Payment to the Department of a \$35 certificate fee.
- d) Original certificates of certified managers shall be maintained at the place of business and shall be made available for inspection.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

Section 750.551 Certificate Issuance

- a) Original certificates issued under this Part shall:
 - 1) Be ~~be~~ issued only after the ~~this~~ Department has received both:
 - A) Evidence of successful completion of an approved Food Service Sanitation Manager Certification examination with a final score of 75% or higher; and
 - B) Payment of a \$35 fee.
 - 2) Be issued as of the date when the individual successfully completed the examination, and
 - 3) Expire ~~expire~~ five years from the date of the original issuance.
- b) Replacement or duplicate certificates issued under this Part shall:
 - 1) Be ~~be~~ issued after the ~~this~~ Department has received payment of a \$10 fee; and
 - 2) Have ~~have~~ the same expiration date as the original certificate.
- c) Renewal certificates shall be issued by the Department at the written request of the certificate holder if the request, documentation of meeting recertification training and/or testing requirements and payment of a \$35 fee are ~~is~~ received by the Department prior to or on the certificate's expiration date. Renewed certificates shall expire five years from the date of the original certificate's

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expiration date.

- 1) ~~Effective October 1, 1999, certified~~ Certified food service sanitation managers shall have completed one of the following training and/or testing activities within the previous five years before expiration of their certificates:
 - A) ~~A Complete a~~ Department-approved 15 hour certification training course;
 - B) ~~A Complete a~~ Department-approved examination, developed in compliance with Section 750.1850, with a passing score of 75% or higher;
 - C) ~~A Complete a~~ minimum five-hour refresher course provided by an Illinois approved instructor, as defined in Section 750.1810, using a curriculum provided by the Department; or
 - D) ~~Other Complete other~~ training, a minimum of five hours in length, that has received pre-approval by the Department.
- d) If a certificate renewal application is received by the Department with a postmark no later than 30 days after the certificate's expiration date, it shall be renewed, provided ~~that a the~~ the written request for renewal is accompanied by ~~a written request for renewal,~~ documentation of having met recertification criteria as listed in subsection (c) of this Section and ~~payment of~~ the \$35 fee. Any fees submitted after the expiration date of the certificate ~~that which~~ are not accompanied by all necessary items listed in this subsection (d) are non-refundable.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

Section 750.2030 Refrigeration Requirements

~~Prior to July 1, 1996, all retail processed foods in reduced oxygen packages must be refrigerated at 45°F or below or kept frozen at 0°F or below. Effective July 1, 1996, all~~ All retail processed foods in reduced oxygen packages shall be refrigerated at 41°F or below, at all times, except as otherwise provided in this Part. ~~Refrigeration units unable to maintain a product temperature of 41°F may continue to be used until January 1, 2006, provided the product temperature is maintained at 45°F or less at all times and all potentially hazardous foods prepared on site or~~

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~~opened containers/packages of commercially processed food products are dated and refrigerated for no longer than three days after preparation or opening, respectively.~~

(Source: Amended at 31 Ill. Reg. _____, effective _____)

Section 750.2040 Safety Barriers

~~Prior to July 1, 1996, refrigeration at 45°F or less is required as the primary safety barrier. Effective July 1, 1996, all~~ All retail processed foods in reduced-oxygen packages shall be refrigerated at 41°F or below, at all times, except as otherwise provided in Section 750.2030. Only refrigerated foods that possess one or more of the following secondary safety barriers can be packaged in a reduced-oxygen atmosphere at retail:

- a) Foods with a water activity (a^w) below .931, or
- b) Foods with an acidity (pH) of less than 4.6, or
- c) Foods with high levels of non-pathogenic competing organisms (such as raw meat or raw poultry) that prohibit the growth of pathogenic bacteria, or
- d) Meat or poultry products processed under U.S.D.A. or Illinois Department of Agriculture supervision, with a nitrite level of at least 120 PPM and a minimum brine concentration of 3.5%, or
- e) Frozen foods, provided that the product is maintained in a frozen state before, during and after packaging.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

Section 750.3200 Smoked Meat, Poultry and Other Food Products

- a) Any smoking operation shall comply with all other applicable requirements of this Part.
- b) Approved materials for use with a smoke generator include hardwood, hardwood sawdust, corn cobs, and natural liquid smoke. Products approved by U.S.D.A., FDA or the Illinois Department of Agriculture meet these safety requirements.
- c) The internal temperature of any smoked product shall comply with the

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requirements of Section 750.180 (Cooking Potentially Hazardous Foods).

- 1) Automatic recording thermometers with internal product temperature probes or a metal-stemmed thermometer shall be available and used whenever product is smoked.
 - 2) Product to be smoked shall be uniformly sized to ensure that each piece reaches the required end cooking temperature.
 - 3) When a cold smoking process is used for cosmetic purposes, that is, to add smoke color or flavor to a pre-cooked product, the cold smoke process must be of such duration that the product temperature remains at or below ~~45°F prior to July 1, 1996, and at or below 41°F, effective July 1, 1996.~~
- d) A Hazard Analysis Critical Control Point program shall be available in the processing area to describe the smoking process. It shall consist of written procedures describing the preparation, smoking, handling, packaging and holding of the smoked products, and, ~~It~~ shall include, at a minimum:
- 1) Defrosting procedures, if used;
 - 2) Time/Temperature requirements for cooking and smoking;
 - 3) Cooling procedures;
 - 4) Identification of the critical control points in the procedure with a description of how these will be monitored and controlled;
 - 5) Designation of a dedicated work area where raw product is handled and a separate work area for cooked or smoked product to prevent cross-contamination;
 - 6) Description of the cleaning and sanitizing procedures, including frequency; and
 - 7) Samples of labels with all ingredients contained in the product.

(Source: Amended at 31 Ill. Reg. _____, effective _____)