

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	Amend
750.10	Amend
750.570	New Section
750.3400	New Section
750.3410	New Section
750.3420	New Section
750.3430	New Section
- 4) Statutory Authority: Authorized by the Illinois Food, Drug and Cosmetic Act [410 ILCS 620], Food Handling Regulation Enforcement Act [410 ILCS 625], and Sanitary Food Preparation Act [410 ILCS 650].
- 5) A Complete Description of the Subjects and Issues Involved: As currently written, this Part is in conflict with the Food Handling Regulation Enforcement Act, which was recently amended by Public Act 098-0566 to require food handler training for any food handler working in a retail food establishment. This rulemaking will add definitions, course content, course approval, and requirements for food handler training.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 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 No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
750.551	Amend	January 24, 2014; 38 Ill. Reg. 2787
750.1820	Amend	January 24, 2014; 38 Ill. Reg. 2787
750.1830	Amend	January 24, 2014; 38 Ill. Reg. 2787
750.1840	Amend	January 24, 2014; 38 Ill. Reg. 2787

- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand any State mandates on units of local government.
- 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
dph.rules@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Food service establishments (e.g., restaurants, long-term care facilities, schools, grocery stores)
- B) Reporting, bookkeeping or other procedures required for compliance: There will be no change in the reporting, bookkeeping or other procedures required for compliance.
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2014

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

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER m: FOOD, DRUGS AND COSMETICS

PART 750
FOOD SERVICE SANITATION CODE

SUBPART A: GENERAL PROVISIONS

Section	
750.5	Incorporated and Referenced Materials
750.10	Definitions
750.20	Inspections and Inspection Report

SUBPART B: FOOD SUPPLIES

Section	
750.100	General
750.110	Special Requirements
750.120	General – Food Protection
750.130	General – Food Storage
750.140	Refrigerated Storage
750.150	Hot Storage
750.151	Ready-to-Eat Potentially Hazardous Food, Date Marking
750.152	Ready-to-Eat Potentially Hazardous Food, Disposition
750.153	Time as a Public Health Control
750.155	Damaged Food Containers
750.160	General – Food Preparation
750.170	Raw Fruits and Raw Vegetables
750.180	Cooking Potentially Hazardous Foods
750.185	Minimum Food Temperature and Holding Time Required Under Section 750.180(a)(2) for Cooking All Parts of Pork and Game Animals, Comminuted Fish and Meats, and Injected Meats
750.186	Oven Parameters Required for Destruction of Pathogens on the Surface of Roasts of Beef and Corned Beef
750.187	Minimum Holding Times Required at Specified Temperatures for Cooking All Parts of Roasts of Beef and Corned Beef
750.188	Plant Food Cooking for Hot Holding
750.189	Microwave Cooking
750.190	Dry Milk and Dry Milk Products
750.200	Liquid, Frozen, Dry Eggs and Egg Products

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

750.208	Preparation for Immediate Service
750.210	Reheating for Hot Holding
750.220	Nondairy Products
750.230	Product Thermometers
750.240	Thawing Potentially Hazardous Foods
750.250	Food Display and Service of Potentially Hazardous Food
750.260	Display Equipment
750.270	Reuse of Tableware
750.280	Dispensing Utensils
750.290	Ice Dispensing
750.300	Condiment Dispensing
750.310	Milk and Cream Dispensing
750.320	Re-Service
750.325	Special Requirements for Highly Susceptible Populations
750.330	General – Food Transportation
750.340	Public Health Protection
750.350	Preventing Health Hazards, Provision for Conditions Not Addressed
750.360	Variances
750.370	Justification for and Documentation of Proposed Variance

SUBPART C: PERSONNEL

Section	
750.500	General – Employee Health
750.510	General – Personal Cleanliness
750.512	When to Wash Hands
750.514	Where to Wash Hands
750.516	Hand Antiseptics
750.520	General – Clothing
750.530	General – Employee Practices
750.540	Management Sanitation Training and Certification
750.550	Management Sanitation Certification Examination (Repealed)
750.551	Certificate Issuance
750.560	Certificate Revocation or Suspension
<u>750.570</u>	<u>Food Handler Training</u>

SUBPART D: EQUIPMENT AND UTENSILS

Section	
750.600	General – Materials
750.610	Solder

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

750.620	Wood
750.630	Plastics
750.640	Mollusk and Crustacea Shells
750.650	General – Design and Fabrication
750.660	Accessibility
750.670	In-Place Cleaning
750.680	Thermometers
750.690	Non-Food-Contact Surfaces
750.700	Ventilation Hoods
750.710	General – Equipment Installation and Location
750.720	Table-Mounted Equipment
750.730	Portable Equipment
750.740	Floor-Mounted Equipment
750.750	Aisles and Working Spaces

SUBPART E: CLEANING, SANITIZING, AND STORAGE OF
EQUIPMENT AND UTENSILS

Section	
750.800	Cleaning Frequency
750.810	Wiping Cloths
750.820	Manual Cleaning and Sanitizing
750.830	Mechanical Cleaning and Sanitizing
750.840	Drying
750.850	Equipment, Utensil, and Tableware Handling
750.860	Equipment, Utensil, and Tableware Storage
750.870	Pre-Set Tableware
750.880	Single-Service Articles
750.890	Prohibited Storage Area

SUBPART F: SANITARY FACILITIES AND CONTROLS

Section	
750.1000	General – Water Supply
750.1010	Transportation
750.1020	Bottled Water
750.1030	Water Under Pressure
750.1040	Steam
750.1050	General – Sewage Disposal
750.1060	General – Plumbing
750.1070	Nonpotable System

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

750.1080	Backflow
750.1090	Grease Traps
750.1100	Drains
750.1110	General – Toilet Facilities
750.1120	General – Lavatory Facilities
750.1130	Containers – Garbage and Refuse
750.1140	Garbage and Refuse Storage
750.1150	Disposal of Garbage and Rubbish
750.1160	General – Insect and Rodent Control
750.1170	Protection of Openings Against Entrance of Insects and Rodents

SUBPART G: CONSTRUCTION AND MAINTENANCE OF
PHYSICAL FACILITIES

Section	
750.1200	General – Floors
750.1210	General – Walls and Ceilings
750.1220	General – Cleaning Physical Facilities
750.1230	General – Lighting
750.1240	Protective Light Shielding
750.1250	General – Ventilation
750.1260	Special Ventilation
750.1270	Dressing Areas
750.1280	Lockers
750.1290	Poisonous or Toxic Materials Permitted
750.1300	Labeling of Poisonous or Toxic Materials
750.1310	Storage of Poisonous or Toxic Materials
750.1320	Use of Poisonous or Toxic Materials
750.1330	Personal Medications
750.1340	First-Aid Supplies
750.1350	General – Premises
750.1360	Living Areas
750.1370	Laundry Facilities
750.1380	Linens and Clothes Storage
750.1390	Cleaning Equipment Storage
750.1400	Animals

SUBPART H: MOBILE FOOD SERVICE

Section	
750.1500	General – Mobile Food Units

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

750.1510	Restricted Operation
750.1520	Single-Service Articles
750.1530	Water Systems
750.1540	Waste Retention
750.1550	Base of Operations
750.1560	Servicing Area
750.1570	Servicing Operations

SUBPART I: TEMPORARY FOOD SERVICE

Section	
750.1600	General – Temporary Food Service Establishments
750.1610	Restricted Operations
750.1620	Ice
750.1630	Equipment
750.1640	Water
750.1650	Wet Storage
750.1660	Waste Disposal
750.1670	Handwashing
750.1680	Floors
750.1690	Walls and Ceilings of Food Preparation Areas
750.1700	Single-Service Articles

SUBPART J: FOOD SERVICE SANITATION MANAGER CERTIFICATION

Section	
750.1800	General
750.1810	Instructor Approval
750.1815	Instructor Denial
750.1820	Course Content
750.1830	Course Approval
750.1831	Alternative Methods of Training
750.1835	Make Up Work
750.1836	Home Study
750.1837	Course Waiver
750.1838	Course Denial
750.1840	Reciprocity
750.1850	Certification Examination
750.1855	Testing Criteria
750.1860	Examination Notification
750.1861	Class Enrollment Form

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

750.1862	Administration of Examination
750.1865	Monitors
750.1868	Cheating
750.1870	Re-test Class
750.1876	Dictionary
750.1880	Retake Examination
750.1890	Certificates
750.1895	Change of Address

SUBPART K: REDUCED OXYGEN PACKAGING

Section

750.2000	General
750.2010	Acceptable Products
750.2020	Employee Training
750.2030	Refrigeration Requirements
750.2031	Labeling – Refrigeration Statements
750.2032	Labeling – "Use By" Dates
750.2040	Safety Barriers
750.2041	Fish and Fishery Products
750.2042	Safety Barrier Verification
750.2050	Hazard Analysis Critical Control Point (HACCP) Program
750.2060	Precautions Against Contamination
750.2070	Disposition of Expired Product
750.2080	Dedicated Area/Restricted Access

SUBPART L: MEAT/POULTRY PROCESSING AND LABELING

Section

750.3000	Exceptions
750.3100	Meat and Poultry Labeling
750.3200	Smoked Meat, Poultry and Other Food Products
750.3300	Curing of Meat and Poultry

SUBPART M: FOOD HANDLER TRAINING

Section

<u>570.3400</u>	<u>General Requirements</u>
<u>570.3410</u>	<u>Course Content</u>
<u>570.3420</u>	<u>Course Approval</u>
<u>570.3430</u>	<u>Requirements for Food Handlers</u>

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

750.APPENDIX A	Retail Food Sanitary Inspection Report
750.APPENDIX B	Examination Date Notification Form
750.APPENDIX C	Class Enrollment Form
750.APPENDIX D	Permission to Retake Certification Examination Form
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 32 Ill. Reg. 11980, effective July 10, 2008; amended at 37 Ill. Reg. 20365, effective December 6, 2013; amended at 38 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 750.5 Incorporated and Referenced Materials

- a) The following materials are 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) Federal Food, Drug, and Cosmetic Act (21 USC 301)

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 6) Illinois Food, Drug and Cosmetic Act [410 ILCS 620]
 - 7) Grade A Pasteurized Milk and Milk Products Act [410 ILCS 635]
 - 8) Meat and Poultry Inspection Act [225 ILCS 650]
 - 9) Sanitary Food Preparation Act [410 ILCS 650]
 - 10) Freedom of Information Act [5 ILCS 140]
 - ~~1140~~) Control of Communicable Diseases Code (77 Ill. Adm. Code 690)
 - ~~1244~~) Salvage Warehouses and Stores for Foods, Alcoholic Liquors, Drugs, Medical Devices and Cosmetics Code (77 Ill. Adm. Code 725)
 - ~~1342~~) ~~The~~ Illinois Plumbing Code (77 Ill. Adm. Code 890)
 - ~~1443~~) Public Area Sanitary Practice Code (77 Ill. Adm. Code 895)
 - ~~1544~~) Drinking Water Systems Code (77 Ill. Adm. Code 900)
 - ~~1645~~) Private Sewage Disposal Code (77 Ill. Adm. Code 905)
 - ~~1746~~) ~~Illinois~~ Water Well Construction Code (77 Ill. Adm. Code 920)
- b) The following materials are incorporated in this Part:
- 1) Official Methods of Analysis of the Association of Official Analytical Chemists, 18th Edition, Association of Official Analytical Chemists (2006), 111 North Nineteenth Street, Suite 210, Arlington, Virginia 22209.
 - 2) Standard Methods for the Examination of Dairy Products, 17th Edition, American Public Health Association (2004), 8001 I Street, Washington, D.C. 20001-3710.
 - 3) The following Federal Regulations, Office of the Federal Register, National Archives and Records Administration (2005), U.S. Government Printing Office, 732 N. Capitol Street NW, Washington, D.C. 20401.
 - A) 9 CFR 1: Animals and Animal Products; Animal Welfare, Definition of Terms;

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- B) 9 CFR 301: Animals and Animal Products; Mandatory Meat Inspection, Definitions;
 - C) 9 CFR 318: Animals and Animal Products; Mandatory Meat Inspection, Entry into official establishments; reinspection and preparation of products;
 - D) 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;
 - I) 9 CFR 317: Labeling, Marking Devices, and Containers;
 - J) 21 CFR 170.39 – Threshold of regulation for substances used in food-contact articles;
 - K) 21 CFR 178 – Indirect Food Additives: Adjuvants, Production Aides, and Sanitizers (as regulated for use as a food additive with conditions of safe use);
 - L) 21 CFR 182 – Substances Generally Recognized as Safe;
 - M) 21 CFR 184 – Direct Food Substances Affirmed as Generally Recognized as Safe; and
 - N) 21 CFR 186 – Indirect Food Substances Affirmed as Generally Recognized as Safe (for use in contact with food).
- 4) "Approved Drug Products with Therapeutic Equivalence Evaluations", prepared by the Center for Drug Evaluation and Research, U.S. Food and Drug Administration (available on-line at <http://www.fda.gov/cder/ob/default.htm>).

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 5) Tentative Final Monograph: "Topical Antimicrobial Drug Products for Over-the-Counter Human Use: Health-Care Antiseptic Drug Products", prepared by the Center for Drug Evaluation and Research, U.S. Food and Drug Administration (available on-line at http://www.fda.gov/cder/otcmonographs/category_sort/antimicrobial.htm).
- 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 38 Ill. Reg. _____, effective _____)

Section 750.10 Definitions

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

"Assessment of knowledge" means a written or an online evaluation of a student's achievement in a food handler training course.

"Balut" means an embryo inside a fertile egg that has been incubated for a period sufficient for the embryo to reach a specific stage of development after which it is removed from the incubation before hatching.

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

"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.

"Beverage" means a liquid for drinking, including water.

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

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

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

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

Potentially hazardous cooked and cooled foods must be reheated;

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

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

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

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

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

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

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 illness, based upon few or no food handling operations typically implicated in food-borne illness outbreaks. Category III facilities include

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

those where the following operations occur:

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

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 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 or more types of meat that have been reduced in size and combined, such as sausages made from two 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.

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

"Consumer" means a person who is a member of the public, takes possession of food, is not functioning in the capacity of an operator of a food establishment or food processing plant, and does not offer the food for resale.

"Controlled atmosphere packaging" or "CAP" means an active packaging system that 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 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 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.

"Director" means the Director of the Illinois Department of Public Health or his or her designee.

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

"Egg" means the shell egg of avian species such as chicken, duck, goose, guinea,

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

quail, ratites or turkey. The term does not include a balut; the egg of reptile species such as alligator; or an egg product.

"Egg Product" means all, or a portion of, the contents found inside eggs separated from the shell and pasteurized in a food processing plant, with or without added ingredients, intended for human consumption, such as dried, frozen or liquid eggs. The term does not include food that contains eggs only in a relatively small proportion, such as cake mixes.

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

"Entity" means a business, non-profit organization, institution or certified local health department.

"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 an existing structure 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" or "food handler" means an individual working with unpackaged food, food equipment or utensils, or food-contact surfaces. "Food employee" or "food handler" does not include unpaid volunteers in a food establishment, whether permanent or temporary.

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

"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 and retail food stores where food and food products are offered to the consumer and intended for, though not limited to, off-premises consumption. The term does not include lodging facilities serving only a continental breakfast (a continental breakfast is one limited to coffee, tea and juice and commercially prepared sweet baked goods), private homes or a closed family function where food is prepared or served for individual family consumption, establishments that handle only prepackaged spirits, roadside markets that offer only fresh fruits and fresh vegetables, 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 Meat and Poultry Act; 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.

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

"Hazard" means a biological, chemical, or physical property that may cause an unacceptable consumer health risk.

"Hazard Analysis Critical Control Point Program" or "HACCP" means a comprehensive food safety control plan that 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.

"Juice" means the aqueous liquid expressed or extracted from one or more fruits or vegetables, purées of the edible portions of one or more fruits or vegetables, or any concentrates of ~~the such~~ liquid or puree. The term does not include, for purposes of HACCP, liquids, purées, or concentrates that are not used as beverages or ingredients of beverages.

"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 temporary sleeping facilities open to the public.

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

"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.

"Molluscan shellfish" means any edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions of the scallop, 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 Edition, or Standard Methods for Examination of Dairy Products, 17th Edition, as incorporated in Section 750.5(b)(1) and (2).

"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°F) of fresh beef tissue. The product shall have a pinkish color and a fresh odor and appearance.

"Pasteurized shell eggs" means eggs still in their shells that have been heat treated to destroy *Salmonella enteritidis* to the FDA standard of 5-log reduction and, thus, are exempt from status of a potentially hazardous food because no viable salmonellae exist.

"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 requires time/temperature

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

control for safety 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 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 tomatoes; 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:

Have a pH level of 4.6 or below;

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; or

Are eggs with shell intact that have been pasteurized to destroy all viable salmonellae.

"Preservative" means any curing agent or curing accelerator (specific chemical agent that extends the shelf life of the product) that 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

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

includes:

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

Washed and cut raw fruit and vegetables;

Whole raw fruits and vegetables that are intended for consumption without the need for further washing, such as at a buffet, but excluding 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

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

maintained, such as by using oxygen scavengers or a combination of total replacement of oxygen, non-respiring food, and impermeable packaging material;

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 to another person of food that is unused and returned by a consumer after being served or sold and in the possession of the consumer.

"Restaurant" means any business, or type of food service establishment, that is primarily engaged in the sale of ready-to-eat food for immediate consumption. For the purpose of this definition, "Primarily engaged" means having sales of ready-to-eat food for immediate consumption comprising at least 51% of the total sales, excluding the sale of liquor. (Section 3.06 of the Food Handling Regulation Enforcement Act)

"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 201(s) or (t) of the federal Food, Drug, and Cosmetic Act, they are "safe" only if they are used in compliance with regulations established pursuant to section 409 or 706 of the Food, Drug, and Cosmetic Act. Other materials are "safe" only if, as used, they are not food additives or color additives as defined in section 201(s) or (t) of the federal Food, Drug, and Cosmetic Act and are used in compliance with all applicable regulations of the Food, Drug, and Cosmetic Act that are incorporated by reference in Section 750.5 of this Part.

"Sanitization" means the application of cumulative heat or chemicals on cleaned

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

food-contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of at least 5 logs, which is equal to 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.

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

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

"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" include 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 that provides smoke to the smoke house, usually by slowly augering sawdust onto a heating element with the resulting smoke being drawn into the smoke house ~~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 humidity source if necessary, approved plumbing and waste lines if necessary,

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

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 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 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, that 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.

"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.

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 38 Ill. Reg. _____, effective _____)

SUBPART C: PERSONNEL

Section 750.570 Food Handler Training

All food handlers, other than someone holding a food service sanitation manager certificate, shall receive or obtain training in basic food handling principles as outlined in Subpart M of this Part. Food handlers working for a temporary food service establishment are exempt from this requirement.

(Source: Added at 38 Ill. Reg. _____, effective _____)

SUBPART M: FOOD HANDLER TRAINING

Section 750.3400 General Requirements

- a) All food handlers, other than someone holding a food service sanitation manager certificate, shall receive or obtain training in basic food handling principles as outlined in Section 750.3410 within 30 days after employment.
- b) The regulation of food handler training is considered to be an exclusive function of the State, and local regulation is prohibited. (Section 3.05 of the Food Handling Regulation Enforcement Act)

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 750.3410 Course Content

- a) Food handler training programs shall cover and assess knowledge of the following topics:
 - 1) The relationship between time and temperature with respect to foodborne illness, including the relationship between time and temperature and micro-organisms during the various food handling preparation and serving states, and the type, calibration, and use of thermometers in monitoring food temperatures.
 - 2) The relationship between personal hygiene and food safety, including the association of hand contact, personal habits and behaviors, and the food

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

handler's health to foodborne illness, and recognition of how policies, procedures and management contribute to improved food safety practices.

- 3) Methods of preventing food contamination in all stages of food handling, including terms associated with contamination and potential hazards prior to, during and after delivery.
- 4) Procedures for cleaning and sanitizing equipment and utensils.
- 5) Problems and potential solutions associated with temperature control, preventing cross-contamination, and housekeeping and maintenance.
(Section 3.05(b) of the Food Handling Regulation Enforcement Act)

- b) All food handler training courses shall have an assessment of knowledge.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 750.3420 Course Approval

- a) If an entity uses an American National Standards Institute (ANSI) food handler training accredited program, that training program shall be automatically approved by the Department (Section 3.06(e) of the Food Handling Regulation Enforcement Act).
- b) Certified local health departments in counties serving jurisdictions with a population of 100,000 or less, as reported by the U.S. Census Bureau in the 2010 Census of Population, and the other six counties (Will, Kane, McHenry, Tazewell, Kendall, and Macon) listed in the Act, may have a food handler training program. The training program must meet the requirements of Section 750.3410 and be approved by the Department. (Section 3.06 (f) of the Food Handling Regulation Enforcement Act) These certified local health departments with approved training programs can teach food handlers in restaurants and in food service establishments that are not restaurants only within the certified local health department's jurisdiction. The training program shall maintain a list of individuals trained for a minimum of five years from the date of the individuals' training.
- c) Any entity can provide food handler training to employees working in a restaurant by using an ANSI accredited food handler training program, including the ANSI assessment. The entity shall register the training program with the Department using an application provided by the Department. The training program shall

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

maintain a list of individuals trained for a minimum of five years from the date of the individuals' training.

- d) *If a business with an internal training program is approved in another state prior to August 27, 2013, then the business's training program and assessment shall be automatically approved by the Department upon the business providing proof that the program is approved in that state. (Section 3.06(c) of the Food Handling Regulation Enforcement Act) The business shall register the training program with the Department using an application provided by the Department. For the purpose of this Section, "business" means an organization that provides a food handler training program that was approved in another state prior to August 27, 2013.*
- e) Any entity can provide food handler training to employees working in a food service establishment that is not a restaurant by using a food handler training program that meets the training and assessment requirements listed in Section 750.3410. The entity providing the training program shall apply for Department approval using an application provided by the Department.
- 1) *Training may be conducted by any means available, including, but not limited to: on-line, computer, classroom, live trainers, remote trainers, and certified food service sanitation managers. (Section 3.05(c) of the Food Handling Regulation Enforcement Act)*
- 2) *There must be at least one commercially available approved food handler training module at a cost of no more than \$15 per employee; training may include, but is not limited to, online, computer, classroom, live trainers, remote trainers and certified food service sanitation managers.- If an approved food handler training module is not available at that cost, then provisions of this Section shall not apply and food handlers shall comply with Section 3.06 of the Food Handling Regulation Enforcement Act. (Section 3.05(c) of the Food Handling Regulation Enforcement Act)*
- f) *Any and all documents, materials, or information related to a restaurant or business food handler training module submitted to the Department is confidential and shall not be open to public inspection or dissemination and is exempt from disclosure under Section 7 of the Freedom of Information Act. (Section 3.06(g) of the Food Handling Regulation and Enforcement Act).*

(Source: Added at 38 Ill. Reg. _____, effective _____)

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 750.3430 Requirements for Food Handlers

- a) Food handlers employed by a restaurant:
- 1) *All food handlers employed by a restaurant, other than someone holding a food service sanitation manager certificate, shall receive or obtain ANSI accredited training or a Department approved training in basic food handling principles, as outlined in Section 750.3410, by July 1, 2014. From July 1, 2014 through December 31, 2014, enforcement of the provisions of this Section shall be limited to education and notification of requirements to encourage compliance. (Sections 3.06(b) and(i) of the Food Handling Regulation and Enforcement Act)*
 - 2) Existing employees shall receive training by July 1, 2014 and every three years after that date.
 - 3) New employees shall receive training within 30 days after employment and every three years after the initial training.
 - 4) Training is transferable between employers, except for training obtained through an internal training program.
- b) Food handlers employed by a food service establishment that is not a restaurant:
- 1) *All food handlers employed by a food service establishment that is not a restaurant, other than someone holding a food service sanitation manager certificate, shall receive or obtain training in basic food handling principles, as outlined in Section 750.3410, by July 1, 2016. From July 1, 2016 through December 31, 2016, enforcement of the provisions of this Section shall be limited to education and notification of the requirements to encourage compliance. (Sections 3.05(a) and (e) of the Food Handling Regulation and Enforcement Act)*
 - 2) Existing employees shall receive training by July 1, 2016.
 - 3) New employees shall receive training within 30 days after employment.
 - 4) Training is not transferable between individuals or employers.
- c) *All food handlers employed in nursing homes, licensed day care homes and facilities, hospitals, schools, and long-term care facilities must renew their*

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

training every three years. (Section 3.06(b) of the Food Handling Regulation and Enforcement Act)

- d) Kane County shall issue expirations of food handler training to food handlers in accordance with Sections 3.06 (b) of the Food Handling Regulation Enforcement Act starting July 1, 2014. If a food handler in Kane County received training prior to July 1, 2014, then the expiration of the certificate issued shall be valid. Upon expiration, then the food handler shall obtain training in accordance with the frequency set forth in Section 3.06(b) of the Food Handling Regulation Enforcement Act.

- f) There is no limit to how many times an employee may take the training. (Section 3.05(a) and 3.06(b) of the Food Handling Regulation and Enforcement Act)

- g) Proof that a food handler has been trained shall be available upon reasonable request by a State or local health department inspector and may be in an electronic format. (Sections 3.05(a) and 3.06(b) of the Food Handling Regulation and Enforcement Act)

(Source: Added at 38 Ill. Reg. _____, effective _____)