# ARTICLE 7. FOOD AND DRUGS

## Rule 1. False and Misleading Labeling

### 410 IAC 7-1-1 Misleading labeling *(Expired)*

Sec. 1. *(Expired under IC 4-22-2.5, effective January 1, 2002.)*

## Rule 2. New Drugs; Determination

### 410 IAC 7-2-1 Newness of drug *(Repealed)*

Sec. 1. *(Repealed by Indiana State Department of Health; filed Jun 7, 1990, 11:20 a.m.: 13 IR 1855)*

### 410 IAC 7-2-2 Manufacturer, processor, repackager, or wholesale distributor of drugs, cosmetics, or medical devices registration fee *(Repealed)*

Sec. 2. *(Repealed by Indiana State Department of Health; filed Apr 16, 1996, 4:10 p.m.: 19 IR 2285)*

## Rule 3. Guaranty

### 410 IAC 7-3-1 Guaranty liability *(Expired)*

Sec. 1. *(Expired under IC 4-22-2.5, effective January 1, 2002.)*

## Rule 4. Hearings

### 410 IAC 7-4-1 Informal hearings *(Expired)*

Sec. 1. *(Expired under IC 4-22-2.5, effective January 1, 2002.)*

## Rule 5. Food Misbranding

### 410 IAC 7-5-1 Misbranding of food; what constitutes

Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-42-1

Sec. 1. (A) Among representations in the labeling of a food which render such food misbranded is a false or misleading representation with respect to another food or a drug, device, or cosmetic.

Providing however, the labeling of a food which contains two or more ingredients may be misleading by reason (among other reasons) of the designation of such food in such labeling by a name which includes or suggests the name of one or more but not all such ingredients, even though the names of all such ingredients are stated elsewhere in the labeling.

(B) If a food is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase which reveals the connection such person has with such food, such as "Manufactured for and Packed by _____", "Distributed by _____", or other similar phrase which expresses the facts.

(C) The statement of the place of business shall include the street address, if any, of such place, unless such street address is shown in a current city directory or telephone directory.

(D) When a person manufactures, packs, or distributes a food at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where each package of such food was manufactured or packed or is to be distributed, if such statement is not misleading in any particular.

(E) The requirement that the label shall contain the name and place of business of the manufacturer, packer, or distributor shall

not be considered to relieve any food from the requirement that its label shall not be misleading in any particular.

(F) (1) The statement of the quantity of the contents shall reveal the quantity of food in the package, exclusive of wrappers and other material packed with such food.

(2) The statement shall be expressed in the terms of weight, measure, numerical count, or a combination of numerical count and weight or measure, which are generally used by consumers to express quantity of such food and which give accurate information as to quantity thereof. But if no general consumer usage in expressing accurate information as to the quantity of such food exists, the statement shall be in terms of liquid measure if the food is liquid, or in terms of weight if the food is solid, semisolid, viscous, or a mixture of solid and liquid; except that such statement may be in terms of dry measure if the food is a fresh fruit, fresh vegetable, or other dry commodity.

(G) (1) A statement of weight shall be in terms of the avoirdupois pound and ounce. A statement of liquid measure shall be in terms of the United States gallon if 231 cubic inches and quart, pint, and fluid ounce subdivisions thereof, and, except in case of frozen food which is so consumed, shall express the volume at 68° Fahrenheit (20° Centigrade). A statement of dry measure shall be in terms of the United States bushel of 2150.42 cubic inches and peck, dry quart, and dry pint, subdivision thereof; or in terms of the United States standard barrel and its subdivisions of third, half, and three-quarters barrel. However, in the case of an export shipment, the statement may be in terms of a system of weight or measure in common use in the country to which such shipment is exported.

(2) A statement weight or measure in the terms specified in subdivision (1) of this paragraph may be supplemented by a statement in terms of the metric system of weight or measure.

(3) Unless an unqualified statement of numerical count gives accurate information as to the quantity of food in the package, it shall be supplemented by such statement of weight, measure, or size of the individual units of the food as will give such information.

(H) Statements of quantity shall contain only such fractions as are generally used in expressing the quantity of the food. A common fraction shall be reduced to its lowest terms; a decimal fraction shall not be carried out to more than two places.

(I) (1) If the quantity of food in the package equals or exceeds the smallest unit of weight or measure which is specified in paragraph (G) of this regulation, and which is applicable to such food under the provisions of paragraph (F) (2) of this regulation, the statement shall express (except as provided in subdivision (2) of this paragraph) the number of the largest of such units contained in the package (for example, the statement on the label of a package which contains one quart of food shall be "1 quart", and not "2 pints" or "32 fluid ounces"). Where such number is a whole number and a fraction, there may be substituted for the fraction, its equivalent in smaller units, if any smaller is specified in such paragraph (G) (for examples, 1 3/4 quarts may be expressed as "1 quart 1 1/2 pints" or "1 quart 1 pint 8 fluid ounces"; 1 1/4 pounds may be expressed as "1 pound 4 ounces"). The stated number of any unit which is smaller than the largest unit specified in such paragraph (G) contained in the package shall not equal or exceed the number of such smaller units in the next larger unit so specified (for examples, instead of "1 quart 16 fluid ounces" the statement shall be "1 1/2 quarts" or "1 quart 1 pint"; instead of "24 ounces" the statement shall be "1 1/2 pounds" or "1 pound 8 ounces").

(2) In the case of a food with respect to which there exists an established custom of stating the quantity of the contents as a fraction of a unit, which unit is larger than the quantity contained in the package, or as units smaller than the largest unit contained therein, the statement may be made in accordance with such custom if it is informative to consumers.

(J) A food shall be exempt from compliance with the requirements of clause (2) of Section 13 (e) of the Act if–

(1) the quantity of the contents, as expressed in terms applicable to such food under the provisions of paragraph (F) (2) of this regulation, is less than one-half ounce avoirdupois, or less than one-half fluid ounce, or (in case the units of the food can be easily counted without opening the package) less than six units; or

(2) the statement of the quantity of the contents of the package, together with all other words, statements, and information required by or under authority of the Act to appear on the label, cannot, because of insufficient label space, be so placed on the label as to comply with the requirements of Section 13 (f) of the Act and regulations promulgated thereunder.

(K) A word, statement, or other information required by or under authority of the Act to appear on the label may lack that prominence and conspicuousness required by Section 13 (f) of the Act by reason (among other reasons) of–

(1) the failure of such word, statement, or information to appear on the part or panel of the label which is presented or displayed under customary conditions of purchase;

(2) the failure of such word, statement, or information to appear on two or more parts or panels of the label, each of which has sufficient space therefor, and each of which is so designed as to render it likely to be, under customary conditions of purchase, the part or panel displayed;

(3) the failure of the label to extend over the area of the container or package available for such extension, so as to provide sufficient label space for the prominent placing of such word, statement, or information;

(4) insufficiency of label space (for the prominent placing of such word, statement, or information) resulting from the use of label space for any word, statement, design, or device which is not required by or under authority of the Act to appear on the label;

(5) insufficiency of label space (for the prominent placing of such word, statement, or information) resulting from the use of label space to give materially greater conspicuousness to any other word, statement, or information, or to any design or device; or

(6) smallness or style of type in which such word, statement, or information appears, insufficient background contrast, obscuring designs of vignettes, or crowding with other written, printed, or graphic matter.

(L) No exemption depending on insufficiency of label space, as prescribed in regulations promulgated under Section 13 (e) or (i) of the Act shall apply if such insufficiency is caused by–

(1) the use of label space for any word, statement, design, or device which is not required by or under authority of the Act to appear on the label;

(2) the use of label space to give greater conspicuousness to any word, statement, or other information than is required by Section 13 (f) of the Act; or

(3) the use of label space for any representation in a foreign language.

(M) (1) All words, statements, and other information required by or under authority of the Act to appear on the label or labeling shall appear thereon in the English language.

(2) If the label contains any representation in a foreign language, all words, statements, and other information required by or under authority of the Act to appear on the label shall appear thereon in the foreign language.

(3) If the labeling contains any representation in a foreign language, all words, statements, and other information required by or under authority of the Act to appear on the label or labeling shall appear on the labeling in the foreign language.

(N) If an ingredient (which itself contains two or more ingredients) conforms to a definition and standard of identity prescribed by regulations under Section 11 of the Acts, such ingredient may be designated on the label of such food by the name specified in the definition and standard, supplemented, in case such regulations require the naming of optional ingredients present in such ingredient, by a statement showing the optional ingredients which are present in such ingredient.

(O) No ingredient shall be designated on the label as a spice, flavoring, or coloring unless it is a spice, flavoring, or coloring, as the case may be, within the meaning of such term as commonly understood by consumers. The term "coloring" shall not include any bleaching substance.

(P) An ingredient which is both a spice and a coloring, or both a flavoring and a coloring, shall be designated as spice and coloring, or flavoring and coloring as the case may be, unless such ingredient is designated by its specific name.

(Q) A label may be misleading by reason (among other reasons) of–

(1) the order in which the names of ingredients appear thereon, or the relative prominence otherwise given such names; or

(2) its failure to reveal the proportion of, or other fact with respect to, an ingredient, when such proportion or other fact is material in the light of the representation that such ingredient was used in fabricating the food.

(R) (1) A food shall be exempt from the requirements of clause 2 of Section 13 (i) of the Act if all words, statements, and other information required by or under authority of the Act to appear on the label of such food, cannot, because of insufficient label space, be so placed on the label as to comply with the requirements of Section 13 (f) of the Act and regulations promulgated thereunder. But such exemption shall be on the condition that, if the omission from the label of the statement of the quantity of the contents affords sufficient space to state legibly thereon all the information required by such clause (2), such statement of the quantity of the contents shall be omitted as authorized by regulation (m) (2) under Section 13 (e) of the Act, and the information required by such clause (2) shall be so stated as prominently as practicable even though the statement is not of such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase.

(2) In the case of an assortment of different items of food, when variations in the items which make up different packages packed from such assortment normally occur in good packing practice, and when such variations result in variation in the ingredients in different packages, such food shall be exempt from compliance with the requirements of clause (2) of Section 13 (i) of the Act with respect to any ingredient which is not common to all packages. But such exemption shall be on the condition that the label shall bear, in conjunction with the names of such ingredients as are common to all packages, a statement in terms which are as informative as practicable and which are not misleading, indicating that other ingredients may be present.

(S) (1) The term "artificial flavoring" means a flavoring containing any sapid or aromatic constituent, which constituent was manufactured by a process of synthesis or other similar artifice.

(2) The term "artificial coloring" means a coloring containing any dye or pigment, which dye or pigment was manufactured by a process of synthesis or other similar artifice, or a coloring which was manufactured by extracting a natural dye or natural pigment from a plant or other material in which such dye or pigment was naturally produced.

(3) The term "chemical preservative" means any chemical which, when added to food, tends to prevent or retard deterioration thereof; but does not include common salt, sugars, vinegars, spices or oils extracted from spices, or substances added to food by direct exposure thereof to wood smoke.

(T) A food which is subject to the requirements of Section 13 (k) of the Act shall bear labeling, even though such food is not in package form.

(U) A statement of artificial flavoring, artificial coloring, or chemical preservative shall be placed on the food, or on its container or wrapper, or on any two or all of these, as may be necessary to render such statement likely to be read by the ordinary individual under customary conditions of purchase and use of such food.

(V) A food shall be exempt from compliance with the requirements of Section 13 (k) of the Act if it is not in package form and the units thereof are so small that a statement of artificial flavoring, artificial coloring, or chemical preservative, as the case may be, cannot be placed on such units with such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase and use. *(Indiana State Department of Health; Reg HFD 5; filed Oct 18, 1945, 10:30 am: Rules and Regs. 1947, p. 1313; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

## Rule 6. Labeling Requirements; Exemptions in Case of Food

**410 IAC 7-6-1 Shipments for processing; labeling exemptions**

Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-42-1

Sec. 1. (A) Except as provided by paragraphs (B) and (C) of this regulation, a shipment or other delivery of a food which is, in accordance with the practice of the trade, to be processed, labeled, or repacked in substantial quantity at an establishment other than that where originally processed or packed, shall be exempt, during the time of introduction into and movement in commerce and the time of holding in such establishment, from compliance with the labeling requirements of Section 13 (c), (g), (h), (i), (j) and (k) of the Act if–

(1) the person who introduced such shipment or delivery into commerce is the operator of the establishment where such food is to be processed, labeled, or repacked; or

(2) in case such person is not such operator, such shipment or delivery is made to such establishment under a written agreement signed by and containing the post-office address of such person and such operator, and containing such specifications for the processing, labeling, or repacking, as the case may be, of such food in such establishment as will insure, if such specifications are followed, that such food will not be adulterated or misbranded within the meaning of the Act upon completion of such processing, labeling, or repacking. Such person and such operator shall each keep a copy of such agreement until all such shipment or delivery has been removed from such establishment, and shall make such copies available for inspection at any reasonable hour to the Secretary or his authorized agent who requests them.

(B) An exemption of a shipment or other delivery of a food under clause (1) of paragraph (A) of this regulation shall, at the beginning of the act of removing such shipment or delivery, or any part thereof, from such establishment, become void ab initio if the food comprising such shipment, delivery, or part is adulterated or misbranded within the meaning of the Act when so removed.

(C) An exemption of a shipment or other delivery of a food under clause (2) of paragraph (A) of this regulation shall become void ab initio with respect to the person who introduced such shipment or delivery into commerce upon refusal by such person to make available for inspection a copy of the agreement, as required by such clause.

(D) An exemption of a shipment or other delivery of a food under clause (2) of paragraph (A) of this regulation shall expire–

(1) at the beginning of the act of removing such shipment or delivery, or any part thereof, from such establishment if the food comprising such shipment, delivery, or part is adulterated or misbranded within the meaning of the Act when so removed; or

(2) upon refusal by the operator of the establishment where such food is to be processed, labeled, or repacked, to make available for inspection a copy of the agreement, as required by such clause.

*(Indiana State Department of Health; Reg HFD 6; filed Oct 18, 1945, 10:30 am: Rules and Regs. 1947, p. 1321; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

## Rule 6.5. Wholesale Manufacturers, Processors, Repackagers, and Distributors of Food

### 410 IAC 7-6.5-1 Fee schedule *(Repealed)*

Sec. 1. *(Repealed by Indiana State Department of Health; filed Apr 16, 1996, 4:10 p.m.: 19 IR 2285)*

## Rule 7. Adulterated Drugs and Devices

### 410 IAC 7-7-1 Designation of drug *(Expired)*

Sec. 1. *(Expired under IC 4-22-2.5, effective January 1, 2002.)*

## Rule 8. Misbranded Drugs and Devices

### 410 IAC 7-8-1 Misbranded drugs; what constitutes *(Expired)*

Sec. 1. *(Expired under IC 4-22-2.5, effective January 1, 2002.)*

## Rule 9. Application for New Drugs; Delivery

### 410 IAC 7-9-1 Shipment of new drug; filing application for new drug *(Expired)*

Sec. 1. *(Expired under IC 4-22-2.5, effective January 1, 2002.)*

## Rule 10. Coal-Tar Hair Dye

### 410 IAC 7-10-1 Definition of coal-tar hair dye *(Expired)*

Sec. 1. *(Expired under IC 4-22-2.5, effective January 1, 2002.)*

## Rule 11. Misbranded Cosmetics

### 410 IAC 7-11-1 Misbranded cosmetics; what constitutes *(Expired)*

Sec. 1. *(Expired under IC 4-22-2.5, effective January 1, 2002.)*

## Rule 12. Labeling Exemptions in Case of Cosmetics

### 410 IAC 7-12-1 Shipments for processing; labeling exemptions *(Expired)*

Sec. 1. *(Expired under IC 4-22-2.5, effective January 1, 2002.)*

## Rule 13. Cold Storage Locker Plants

**410 IAC 7-13-1 Application for license; facilities; hearing officer *(Expired)***

Sec. 1. *(Expired under IC 4-22-2.5, effective January 1, 2014.)*

## Rule 14. Cold Storage Warehouses

**410 IAC 7-14-1 Definition of cold storage warehouse; marking goods; inspection *(Expired)***

Sec. 1. *(Expired under IC 4-22-2.5, effective January 1, 2002.)*

## Rule 15. Sanitation of Public Eating and Drinking Establishments *(Repealed)*

*(Repealed by Indiana State Department of Health; filed Jul 6, 1983, 11:18 am: 6 IR 1394, eff one hundred twenty (120) days after filing with secretary of state)*

## Rule 15.1. Sanitation of Public Eating and Drinking Establishments *(Repealed)*

*(Repealed by Indiana State Department of Health; filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984)*

## Rule 15.5. Sanitation of Bed and Breakfast Establishments

**410 IAC 7-15.5-1 Applicability**

Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 1. The definitions in this rule apply throughout this rule. *(Indiana State Department of Health; 410 IAC 7-15.5-1; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2572; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-2 "Bed and breakfast establishment" defined**

Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 2. "Bed and breakfast establishment" means an operator occupied residence that:
(1) provides sleeping accommodations to the public for a fee;
(2) has no more than fourteen (14) guest rooms;
(3) provides breakfast to its guests as part of the fee; and
(4) provides sleeping accommodations for no more than thirty (30) consecutive days to a particular guest.

The term does not include hotels, motels, boarding houses, or food service establishments. *(Indiana State Department of Health; 410 IAC 7-15.5-2; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2572; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-3 "Corrosion-resistant materials" defined**

Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 3. "Corrosion-resistant materials" means those materials that maintain their original surface characteristics under prolonged contact with food, the normal use of cleaning compounds and bactericidal solutions, and other conditions-of-use environment. *(Indiana State Department of Health; 410 IAC 7-15.5-3; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2572; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep*

*11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-4 "Department" defined**
Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 4. "Department" means the Indiana state department of health. *(Indiana State Department of Health; 410 IAC 7-15.5-4; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2572; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-5 "Easily cleanable" defined**
Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 5. "Easily cleanable" means readily accessible and made of materials which allow for residue to be effectively removed by normal cleaning methods. *(Indiana State Department of Health; 410 IAC 7-15.5-5; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2572; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-6 "Employee" defined**
Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 6. "Employee" means the operator permit holder, individuals having supervisory or management duties, and any other person working in a bed and breakfast establishment. *(Indiana State Department of Health; 410 IAC 7-15.5-6; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2572; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-7 "Equipment" defined**
Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 7. "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 bed and breakfast establishment. *(Indiana State Department of Health; 410 IAC 7-15.5-7; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2572; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-8 "Food" defined**
Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 8. "Food" means any raw, cooked, or processed edible substance, ice, beverage, drink, or ingredient used or intended for use or for sale in whole or in part for human consumption. *(Indiana State Department of Health; 410 IAC 7-15.5-8; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2572; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-9 "Food contact surface" defined**

Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 9. "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 onto surfaces normally in contact with food. *(Indiana State Department of Health; 410 IAC 7-15.5-9; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2573; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-10 "Food processing establishment" defined**

Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 10. "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, bed and breakfast establishment, or commissary operation. *(Indiana State Department of Health; 410 IAC 7-15.5-10; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2573; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-11 "Guest" defined**

Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 11. "Guest" means an individual who rents a guest room in a bed and breakfast establishment. *(Indiana State Department of Health; 410 IAC 7-15.5-11; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2573; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-12 "Guest room" defined**

Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 12. "Guest room" means a sleeping room intended to accommodate not more than four (4) guests each night. *(Indiana State Department of Health; 410 IAC 7-15.5-12; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2573; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-13 "Hermetically sealed container" defined**

Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 13. "Hermetically sealed container" means a container designed and intended to be secure against the entry of micro-organisms and to maintain the commercial sterility of its contents after processing. *(Indiana State Department of Health; 410 IAC 7-15.5-13; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2573; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-14 "Kitchenware" defined**
Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 14. "Kitchenware" means all multiuse utensils, other than tableware. *(Indiana State Department of Health; 410 IAC 7-15.5-14; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2573; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-15 "Local board" defined**
Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 15. "Local board" means the local board of health or its authorized representative. *(Indiana State Department of Health; 410 IAC 7-15.5-15; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2573; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-16 "Operator" defined**
Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 16. "Operator" means an owner, or the owner's agent, of a bed and breakfast establishment who resides within the establishment or on contiguous property. *(Indiana State Department of Health; 410 IAC 7-15.5-16; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2573; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-17 "Packaged" defined**
Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 17. "Packaged" means bottled, canned, cartoned, or securely wrapped. *(Indiana State Department of Health; 410 IAC 7-15.5-17; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2573; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-18 "Person" defined**
Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 18. "Person" includes any individual, partnership, copartnership, firm, company, corporation, association, trust, estate, or other legal entity, and its or their successors, assigns, or agents. *(Indiana State Department of Health; 410 IAC 7-15.5-18; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2573; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-19 "Person in charge" defined**
Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 19. "Person in charge" means the individual present in a bed and breakfast establishment who is the apparent supervisor of the bed and breakfast establishment at the time of inspection. If no individual is the apparent supervisor, then any employee present is the person in charge. *(Indiana State Department of Health; 410 IAC 7-15.5-19; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2573; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-20 "Potentially hazardous food" defined**

Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 20. "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 micro-organisms. The term does not include foods which have a Ph level at or below four and six-tenths (4.6) or a water activity (Aw) value at or below eighty-five hundredths (0.85) under standard conditions or food products in hermetically sealed containers processed to prevent spoilage. *(Indiana State Department of Health; 410 IAC 7-15.5-20; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2574; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-21 "Reconstituted" defined**

Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 21. "Reconstituted" means dehydrated food products recombined with water or other liquids. *(Indiana State Department of Health; 410 IAC 7-15.5-21; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2574; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-22 "Safe materials" defined**

Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 22. "Safe materials" means articles manufactured from or composed of materials that may not reasonably be expected to become a component or otherwise affect the characteristics of any food. If materials used are food additives or color additives, they are "safe" only if they are used in conformity with requirements of IC 16-1-28 *[IC 16-1 was repealed by P.L.2-1993, SECTION 209, effective July 1, 1993.]* and IC 16-1-29 *[IC 16-1 was repealed by P.L.2-1993, SECTION 209, effective July 1, 1993.]*. *(Indiana State Department of Health; 410 IAC 7-15.5-22; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2574; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-23 "Sanitization" defined**

Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 23. "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 on utensils and equipment. *(Indiana State Department of Health; 410 IAC 7-15.5-23; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2574; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-24 "Sealed" defined**
Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 24. "Sealed" means free of cracks or other openings that permit the entry or passage of moisture. *(Indiana State Department of Health; 410 IAC 7-15.5-24; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2574; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-25 "Single-service articles" defined**
Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 25. "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 (1) time, one (1) person use. *(Indiana State Department of Health; 410 IAC 7-15.5-25; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2574; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-26 "Tableware" defined**
Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 26. "Tableware" means multiuse eating and drinking utensils. *(Indiana State Department of Health; 410 IAC 7-15.5-26; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2574; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-27 "Utensils" defined**
Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 27. "Utensils" means any implement used in the storage, preparation, transportation, or service of food. *(Indiana State Department of Health; 410 IAC 7-15.5-27; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2574; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-28 Food supplies**
Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 28. (a) Food shall be in sound condition, free from spoilage, filth, or other contamination and shall be safe for human consumption. Food shall be obtained from sources that comply with requirements of IC 16-1-28 *[IC 16-1 was repealed by P.L.2-1993, SECTION 209, effective July 1, 1993.]* and IC 16-1-29 *[IC 16-1 was repealed by P.L.2-1993, SECTION 209, effective July 1, 1993.]* relating to food and food labeling. The use of food in hermetically sealed containers that was not prepared in a food processing establishment is prohibited except those jams and jellies which are not potentially hazardous foods.

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

(c) Only clean whole eggs, with shells 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.

*(Indiana State Department of Health; 410 IAC 7-15.5-28; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2574; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-29 Food protection**

Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 29. (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. The temperature of potentially hazardous food shall be at or below forty-five degrees Fahrenheit (45°F) or at or above one hundred forty degrees Fahrenheit (140°F) at all times, except as otherwise provided in this rule.

(b) The person in charge of a bed and breakfast establishment that is affected by a fire, flood, extended power outage, or a similar significant occurrence that creates a reasonable probability that food in the establishment may have been contaminated, or that the temperature level of food which is in a potentially hazardous form may have caused that food to have become hazardous to health, shall take action necessary to protect the public health, and shall promptly notify the department and the local board of the emergency. *(Indiana State Department of Health; 410 IAC 7-15.5-29; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2575; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-30 Food storage**

Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 30. (a) Food, whether raw or prepared, if removed from the container or package in which it was obtained, shall be stored in a clean, covered container except during necessary periods of preparation or service. Container covers shall be impervious and nonabsorbent.

(b) Containers of food shall be stored above the floor in a manner that protects the food from splash and other contamination, and that permits easy cleaning of the storage area.

(c) Food and containers of food shall not be stored under exposed or unprotected sewers or waterlines, except for automatic fire protection sprinkler heads that may be required by law. The storage of food in toilet rooms or vestibules is prohibited.

(d) Food not subject to further washing or cooking before serving shall be stored in a way that protects it against cross-contamination from food requiring washing or cooking.

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

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

(g) 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.

(h) Each mechanically refrigerated facility storing potentially hazardous food shall be provided with a numerically scaled indicating thermometer or recording thermometer, accurate to plus or minus three degrees Fahrenheit (±3°F), which is:

(1) located to measure the air temperature in the warmest part of the facility; and

(2) located to be easily readable.

(i) Potentially hazardous food requiring refrigeration after preparation shall be rapidly cooled to an internal temperature of forty-five degrees Fahrenheit (45°F) or below.

(j) Potentially hazardous foods of large volume or prepared in large quantities which require refrigeration shall be rapidly cooled, utilizing such methods as shallow pans, agitation, quick chilling, or water circulation external to the food container so that the cooling period shall not exceed four (4) hours.

(k) Frozen food shall be kept frozen and should be stored at a temperature of zero degrees Fahrenheit (0°F) or below.

(l) Ice intended for human consumption shall not be used as a medium for cooling stored food, food containers, or food utensils.

(m) 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 or recording thermometer, accurate to plus or minus three degrees Fahrenheit (±3°F), located to measure the air temperature in the coolest part of the facility and located to be easily readable. Where it is impractical to install thermometers on equipment, a product thermometer must be available and used to check internal food temperature.

(n) The internal temperature of potentially hazardous foods requiring hot storage shall be one hundred forty degrees Fahrenheit (140°F) or above except during necessary periods of preparation. Potentially hazardous food to be transported shall be held at a temperature of one hundred forty degrees Fahrenheit (140°F) or above unless maintained in accordance with subsection (i).

(o) Upon delivery, intact shell eggs shall be stored at an ambient temperature of forty-five degrees Fahrenheit (45°F) or below.

*(Indiana State Department of Health; 410 IAC 7-15.5-30; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2575; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-31 Food preparation**

Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 31. (a) Food shall be prepared with the least possible manual contact, with suitable utensils and on surfaces that prior to use have been cleaned, rinsed, and sanitized to prevent cross-contamination.

(b) Raw fruits and raw vegetables shall be thoroughly washed with potable water before being cooked or served.

(c) Potentially hazardous foods being processed shall be cooked to heat all parts of the food to a temperature of at least one hundred forty degrees Fahrenheit (140°F), except that:

(1) poultry, poultry stuffings, stuffed meats, and stuffings containing meat shall be cooked to heat all parts of the food to at least one hundred sixty-five degrees Fahrenheit (165°F) with no interruption of the cooking process; and

(2) pork and pork products shall be cooked to heat all parts of the food to at least one hundred fifty degrees Fahrenheit (150°F), or, if cooked in a microwave oven, to at least one hundred seventy degrees Fahrenheit (170°F).

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

(e) Liquid, frozen, dry eggs, and egg products shall be used only for cooking and baking purposes.

(f) Potentially hazardous foods that have been cooked and then refrigerated, shall be reheated rapidly to one hundred sixty-five degrees Fahrenheit (165°F) or higher throughout before being served or before being placed in a hot food storage facility. Steam tables, bainmaries, warmers, and similar hot food holding facilities are prohibited for the rapid reheating of potentially hazardous foods.

(g) Nondairy creaming, whitening, or whipping agents may be reconstituted on the premises only when they will be stored in sanitized, covered containers not exceeding one (1) gallon in capacity and cooled to forty-five degrees Fahrenheit (45°F) or below within four (4) hours after preparation.

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

(i) Potentially hazardous foods shall be thawed:

(1) in refrigerated units at a temperature not to exceed forty-five degrees Fahrenheit (45°F);

(2) under potable, running water of a temperature of seventy degrees Fahrenheit (70°F) or below, with sufficient water velocity to agitate and float off loose food particles into the overflow;

(3) 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

(4) as part of the conventional cooking process.

*(Indiana State Department of Health; 410 IAC 7-15.5-31; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2576; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19*

*p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-32 Food display and service**

Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 32. (a) Intact shell eggs shall be displayed at an ambient temperature of forty-five degrees Fahrenheit (45°F) or below. Other potentially hazardous food shall be kept at an internal temperature of forty-five degrees Fahrenheit (45°F) or below or at an internal temperature of one hundred forty degrees Fahrenheit (140°F) or above during display and service, except that rare roast beef shall be held for service at a temperature of at least one hundred thirty degrees Fahrenheit (130°F).

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

(c) To avoid unnecessary manual contact with food, suitable dispensing utensils shall be used by employees or provided to consumers who serve themselves.

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

(e) Food on display shall be protected from consumer contamination by the use of packaging or by the use of easily cleanable counter, serving line or salad bar protector devices, display cases, or by other effective means. Enough hot or cold food facilities shall be available to maintain the required temperature of potentially hazardous food on display.

(f) Reuse of soiled tableware by self-service consumers returning to the service area for additional food is prohibited. Beverage cups and glasses are exempt from this requirement. *(Indiana State Department of Health; 410 IAC 7-15.5-32; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2576; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-33 Personnel**

Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 33. (a) No person who has a communicable or infectious disease such as an open wound, an acute respiratory infection, or vomiting or diarrhea caused by an infection, shall work in a bed and breakfast establishment in any capacity in which epidemiological evidence indicates the person may spread the disease.

(b) Employees shall thoroughly wash their hands and the exposed portions of their arms with soap and warm water before starting work, during work, as often as is necessary to keep them clean, and after smoking, eating, drinking, or using the toilet. Employees shall keep their fingernails clean and trimmed.

(c) The outer clothing of all employees shall be clean.

(d) Employees shall consume food only in areas that will not result in contamination of other food, equipment, utensils, or other items needing protection.

(e) Employees shall not use tobacco in any form while engaged in food preparation or service, nor while in areas used for equipment or utensil washing or for food preparation. Employees shall use tobacco only in designated areas.

(f) Employees shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices during all working periods in the bed and breakfast establishment. *(Indiana State Department of Health; 410 IAC 7-15.5-33; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2577; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-34 Equipment, utensils; materials**

Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 34. (a) Multiuse equipment and utensils shall be:

(1) constructed and repaired with safe materials, including finishing materials;

(2) corrosion-resistant and nonabsorbent; and

(3) smooth, easily cleanable, and durable under conditions of normal use.

Single-service articles shall be made from clean, sanitary, safe materials. Equipment, utensils, and single-service articles shall not impart odors, color, or taste, nor contribute to the contamination of food.

(b) If solder is used, it shall be composed of safe materials and be corrosion-resistant.

(c) Hard maple or other nonabsorbent material that meets the general requirements set forth in subsection (a) may be used for cutting blocks, cutting boards, salad bowls, and baker's tables. Wood may be used for single-service articles, such as chopsticks, stirrers, or ice cream spoons.

(d) Safe plastic or safe rubber or safe rubberlike materials that are resistant under normal conditions of use to scratching, scoring, decomposition, crazing, chipping, and distortion, that are of sufficient weight and thickness to permit cleaning and sanitizing by normal dishwashing methods, and which meet the general requirements set forth in subsection (a) are permitted for repeated use.

(e) Reuse of single-service articles is prohibited. *(Indiana State Department of Health; 410 IAC 7-15.5-34; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2577; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-35 Equipment, utensils; design and fabrication**

Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 35. (a) All equipment and utensils, including plasticware, shall be designed and fabricated for durability under conditions of normal use and shall be resistant to denting, buckling, pitting, chipping, and crazing.

(b) Food contact surfaces shall be easily cleanable, smooth, and free of breaks, open seams, cracks, chips, pits, and similar imperfections. Cast iron may be used as a food contact surface only if the surface is heated, such as in grills, griddle tops, and skillets.

(c) Indicating thermometers required for immersion into food or cooking media shall be of metal stem-type construction, numerically scaled, and accurate to plus or minus two degrees Fahrenheit (±2°F).

(d) Surfaces of equipment not intended for contact with food, but which are exposed to splash or food debris or which otherwise require frequent cleaning, shall be designed and fabricated to be smooth, washable, and readily accessible for cleaning, and shall be of such materials and in such repair as to be easily maintained in a clean and sanitary condition.

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

(f) Equipment that was installed in a bed and breakfast establishment prior to the effective date of this rule and does not fully meet all of the design and fabrication requirements of this section, shall be deemed acceptable in that establishment if it is in good repair, capable of being maintained in a sanitary condition, and the food contact surfaces are nontoxic. Replacement equipment and new equipment acquired after the effective date of this rule shall meet the requirements of this rule. *(Indiana State Department of Health; 410 IAC 7-15.5-35; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2577; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-36 Equipment, utensils; installation and location**

Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 36. (a) Equipment, including ice makers and ice storage equipment, shall not be located under exposed or unprotected sewers or waterlines, open stairwells, or other sources of contamination. This requirement does not apply to automatic fire protection sprinkler heads.

(b) Equipment shall be installed in a manner which will facilitate the cleaning of the equipment and adjacent areas. *(Indiana State Department of Health; 410 IAC 7-15.5-36; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2578; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-37 Equipment, utensils; cleaning and sanitizing**

Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 37. (a) Tableware shall be washed, rinsed, and sanitized after each use.

(b) To prevent cross-contamination, kitchenware and food contact surfaces of equipment shall be washed, rinsed, and sanitized after each use and following any interruption of operations during which time contamination may have occurred.

(c) Where equipment and utensils are used for the preparation of potentially hazardous foods, the food contact surfaces of equipment and utensils shall be washed, rinsed, and sanitized.

(d) The food contact surfaces of all cooking equipment shall be kept free of encrusted grease deposits and other accumulated soil.

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

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

(g) For manual washing, rinsing, and sanitizing of utensils and equipment, a sink with not fewer than two (2) compartments shall be provided and used. Sink compartments shall be large enough to permit the accommodation of the equipment and utensils, and each compartment of the sink shall be supplied with hot and cold potable, running water. Fixed equipment and utensils and equipment too large to be cleaned in sink compartments shall be washed and sanitized manually.

(h) A method for the proper handling of soiled utensils prior to washing, and for cleaned utensils following sanitizing, shall be provided and located so as not to interfere with the proper use of the dishwashing facilities.

(i) Equipment and utensils shall be preflushed or prescraped and, when necessary, presoaked to remove food particles and soil.

(j) Sinks shall be cleaned prior to use.

(k) Except for fixed equipment and utensils too large to be cleaned in sink compartments, manual washing, rinsing, and sanitizing shall be conducted in the following sequence for three (3) compartment sinks:

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

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

(3) Equipment and utensils shall be sanitized in the third compartment according to one (1) of the methods included in subsection (m)(1) through (m)(5).

(l) When a two (2) compartment sink is utilized for utensil and equipment washing, one (1) of the following two (2) methods shall be used:

(1) Equipment and utensils shall be thoroughly cleaned in the first compartment with a hot detergent solution that is kept clean and rinsed free of detergent with clean water in the second compartment, then the first compartment shall be drained and refilled for sanitization in accordance with subsection (m)(1) through (m)(5).

(2) Equipment and utensils shall be thoroughly cleaned in the first compartment with a detergent sanitizer solution that is kept clean and shall be sanitized in the second compartment in hot water in accordance with subsection (m)(1), or with a solution containing the same detergent sanitizer in accordance with subsection (m)(2) through (m)(5). Sanitizers or detergent sanitizers shall be of the type which do not require a freshwater rinse.

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

(1) immersion for at least one-half (1/2) minute in clean, hot water at a temperature of at least one hundred seventy degrees Fahrenheit (170°F);

(2) immersion for at least one (1) minute in a clean solution containing at least fifty (50) parts per million of available chlorine

as a hypochlorite and at a temperature of at least seventy-five degrees Fahrenheit (75°F);

(3) immersion for at least one (1) minute in a clean solution containing at least twelve and five-tenths (12.5) parts per million of available iodine and at a pH at which the efficacy has been demonstrated to be effective by the manufacturer and at a temperature of at least seventy-five degrees Fahrenheit (75°F);

(4) immersion in quaternary ammonium compound solutions that are of a concentration indicated by the manufacturers' label instructions, and shall be used only in water with five hundred (500) parts per million hardness or less;

(5) immersion in a clean solution containing any other chemical sanitizing agent approved by the Indiana state department of health that will provide the equivalent bactericidal effect of a solution containing at least fifty (50) parts per million of available chlorine as a hypochlorite at a temperature of at least seventy-five degrees Fahrenheit (75°F) for one (1) minute; or

(6) rinsing, spraying, or swabbing with a chemical sanitizing solution of at least twice the strength required for that particular sanitizing solution under subdivisions (2), (3), and (5) in the case of equipment too large to sanitize by immersion.

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

(1) An integral heating device or fixture installed in or under the sanitizing compartment of the sink capable of maintaining the water at a temperature of at least one hundred seventy degrees Fahrenheit (170°F).

(2) A numerically scaled indicating thermometer, accurate to plus or minus three degrees Fahrenheit (±3°F), convenient to the sink for frequent checks of water temperature.

(3) Dish baskets of such size and design to permit complete immersion of the tableware, kitchenware, and equipment in the hot water.

(o) When chemicals are used for sanitization, they shall not have concentrations higher than those specified by the manufacturer, and a test kit or other device that accurately measures the parts per million concentration of the solution shall be provided and used.

(p) Cleaning and sanitizing may be done by spray-type or immersion dishwashing machines or by any other type of machine or device if it is demonstrated that it thoroughly cleans and sanitizes equipment and utensils. These machines and devices shall be properly installed and maintained in good repair.

(q) Drain boards or dish tables shall be provided and be of adequate size for the proper handling of soiled utensils prior to washing and for cleaned utensils following sanitization and shall be so located and constructed as not to interfere with the proper use of the dishwashing facilities.

(r) Equipment and utensils shall be flushed or scraped and, when necessary, soaked to remove food particles and soil prior to being washed in a dishwashing machine.

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

(1) the temperature of the wash water shall not be less than one hundred twenty degrees Fahrenheit (120°F);

(2) the wash water shall be kept clean;

(3) chemicals added for sanitization purposes shall be automatically dispensed;

(4) utensils and equipment shall be exposed to the final chemical sanitizing rinse in accordance with manufacturers' specifications for time and concentration;

(5) the chemical sanitizing rinse water temperature shall not be less than seventy-five degrees Fahrenheit (75°F) nor less than the temperature specified by the machine's manufacturer;

(6) chemical sanitizers used shall meet requirements for safe usage; and

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

(t) Machines using hot water for sanitizing may be used provided that wash water and rinse water shall be kept clean, and water shall be maintained at a temperature of not less than one hundred sixty degrees Fahrenheit (160°F) as measured by a maximum registering thermometer, thermolabel (temperature-sensitive tape), or other accepted method on the utensil contact surface.

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

(v) After sanitization, all equipment and utensils shall be air dried. *(Indiana State Department of Health; 410 IAC 7-15.5-37; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2578; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-38 Equipment, utensils; storage and handling**

Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 38. (a) Cleaned and sanitized equipment and utensils shall be handled in a way that protects them from contamination. Spoons, knives, and forks shall be touched only by their handles. Cups, glasses, bowls, plates, and similar items shall be handled without contact with inside surfaces or surfaces that contact the user's mouth.

(b) Cleaned and sanitized utensils and equipment shall be stored above the floor in a clean, dry location in a way that protects them from contamination by splash, dust, and other means. The food contact surfaces of fixed equipment shall also be protected from contamination. Equipment and utensils shall not be placed under exposed sewers or waterlines, except for automatic fire protection sprinkler heads.

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

(d) Single-service articles shall be stored above the floor in closed cartons or containers which protect them from contamination and shall not be placed under exposed sewers or waterlines, except for automatic fire protection sprinkler heads.

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

(f) The storage of food equipment, utensils, or single-service articles in toilet rooms or vestibules is prohibited. *(Indiana State Department of Health; 410 IAC 7-15.5-38; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2580; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-39 Water supply**

Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 39. (a) A bed and breakfast establishment shall be provided with a safe, potable water supply through the use of a public water supply system if the water supply is reasonably available to the bed and breakfast establishment. If a public water supply system is not available, water shall be provided by a system approved by the local board.

(b) The water for a bed and breakfast establishment shall be supplied under pressure. The water supply and distribution system shall be sized and constructed to deliver water at twenty (20) pounds per square inch minimum pressure to all fixtures and appurtenances during periods of peak water demand.

(c) For bed and breakfast establishments which are not connected to public water supply and which have six (6) or fewer rooms for rent, the minimum distance between wells and buried pump suction lines and from sources of contamination shall be in accordance with the following:

| | |
|---|---|
| Sewers and drains | 50 feet |
| Exception: Sewers and drains of waterworks grade ductile iron pipe with mechanical joints or PVC pressure sewer pipe with an SDR rating of twenty-six (26) or less, having mechanical or compression joints, may be located within the fifty (50) foot distance. In no case, however, shall sewers be located closer than twenty (20) feet to dug and bored water supply wells nor closer than ten (10) feet to drilled and driven water supply wells or subsurface pump suction lines. | |
| Septic tanks, soil absorption systems, wastewater treatment facilities, and privies | 50 feet |
| Streams, lakes, ponds, and ditches | 25 feet |
| Property lines | 50 feet |
| Exception: The distances enumerated herein shall be doubled for soil absorption systems constructed where there exist horizons, layers, or strata within thirty-four (34) inches of the ground surface with a loading rate greater than seventy-five hundredths (0.75) gallons per day per square foot as determined from 410 IAC 6-8.1-49, Table V, unless that hazard can be overcome through system design. | |

(d) For bed and breakfast establishments which are not connected to public water supply and which have more than six (6) rooms for rent, the minimum distance between wells and buried pump suction lines and from sources of contamination shall be in

accordance with the following:

| | |
|---|---|
| Sewers and drains | 100 feet |
| Septic tanks, soil absorption systems, wastewater treatment facilities, and privies | 100 feet |
| Streams, lakes, ponds, and ditches | 25 feet |
| Property lines | 100 feet |

Exception: Sewers and drains of waterworks grade ductile iron pipe with mechanical joints or PVC pressure sewer pipe with an SDR rating of twenty-six (26) or less, having mechanical or compression joints, may be located within the one hundred (100) feet distance. In no case, however, shall sewers be located closer than thirty (30) feet to water supply wells or subsurface pump suction lines.

Exception: The distances enumerated herein shall be doubled for soil absorption systems constructed where there exist horizons, layers, or strata within thirty-four (34) inches of the ground surface which are classified by the U.S. Department of Agriculture, Soil Conservation Service, as "severe due to poor filter" unless that hazard can be overcome through system design.

(e) Water supplies shall have no well head, well casing, pump, pumping machinery, or exposed pressure tanks or suction pumping located in any pit, room, or space which is walled in or otherwise enclosed so that it does not have free drainage by gravity to the surface of the ground at all times.

(f) All water supply wells shall be cased, and the annular space properly sealed, to a depth of at least twenty-five (25) feet below finished grade. The casing pipe of any well shall project not less than twelve (12) inches above flood level, finished grade, or the highest flood level of record, whichever is greater. No casing shall be cut off below grade except to install a pitless adapter.

(g) Well pumps, pressure tanks, storage tanks, etc., shall be sized to meet peak water demands and total daily demands. The minimum usable capacity of the pressure tank, in gallons, shall be three (3) times the installed well pump capacity, in gallons per minute. If the well or pump cannot meet peak demands, sufficient additional usable storage shall be provided to meet peak demands.

(h) Wells and potable water distribution systems shall be disinfected after construction and after each repair. Before releasing the potable system for use, the water shall be tested and shown to be bacteriologically acceptable in at least two (2) consecutive samples collected twenty-four (24) hours apart.

(i) The water supply of a bed and breakfast establishment may not be constructed or altered until the plans for construction or alteration have been submitted to and approved by the local board. *(Indiana State Department of Health; 410 IAC 7-15.5-39; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2580; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-40 Sewage disposal**

Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 40. (a) A water carriage system of collecting sewage shall be used. A bed and breakfast establishment shall dispose of sewage through the use of a public sewerage system if the sewerage system is available within a reasonable distance from the bed and breakfast establishment.

(b) If a public sewerage system is not available, all components of the sewage disposal collection and disposal system serving a bed and breakfast establishment with six (6) or fewer bedrooms shall be located in accordance with the provisions of 410 IAC 6-8.1-37(a).

(c) If a public sewerage system is not available, all components of the sewage disposal collection and disposal system serving a bed and breakfast establishment with more than six (6) bedrooms shall be located in accordance with the provisions of 410 IAC 6-10 or applicable rules of the water pollution control board.

(d) A sewage disposal system for a bed and breakfast establishment may not be constructed or altered until the following has been accomplished:

(1) Plans for construction or alteration of the septic tank soil absorption system for a bed and breakfast establishment with six (6) or fewer guest bedrooms have been forwarded to and approved by the local board in accordance with provisions of 410

IAC 6-8.1-33.

(2) Plans for construction or alteration of the septic tank soil absorption system for a bed and breakfast establishment with more than six (6) guest bedrooms have been forwarded to and approved by the department's division of sanitary engineering in accordance with the provisions of 410 IAC 6-10-5.

(3) Plans for construction or alteration of any sewage disposal system other than a septic tank soil absorption system have been forwarded to and approved by the commissioner of the department of environmental management under rules adopted by the water pollution control board.

*(Indiana State Department of Health; 410 IAC 7-15.5-40; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2581; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-41 Plumbing**

Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 41. (a) Plumbing shall be sized, installed, and maintained in accordance with 675 IAC 16. There shall be no cross-connection between the potable water supply and any nonpotable or questionable water supply nor any source of pollution through which the potable water supply might become contaminated.

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

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

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

(e) Drains shall be constructed in accordance with 675 IAC 16. *(Indiana State Department of Health; 410 IAC 7-15.5-41; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2582; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-42 Toilet facilities**

Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 42. (a) Toilet facilities shall be installed in accordance with 675 IAC 16, shall be conveniently located, and shall be accessible to employees at all times.

(b) Toilets and urinals shall be designed to be easily cleanable.

(c) Toilet rooms shall be completely enclosed and shall have tight fitting, solid doors, which shall be closed except during cleaning or maintenance.

(d) Toilet fixtures shall be kept clean and in good repair. A supply of toilet tissue shall be provided at each toilet at all times. Easily cleanable receptacles shall be provided for waste materials. *(Indiana State Department of Health; 410 IAC 7-15.5-42; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2582; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-43 Lavatory facilities**

Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 43. (a) Lavatories shall be located to permit convenient use by all employees in food preparation areas and utensil washing areas.

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

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

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

(e) A supply of hand cleansing soap or detergent shall be available at each lavatory. A supply of sanitary towels or a hand drying device providing heated air shall be conveniently located near each lavatory. Common towels are prohibited. If disposable towels are used, easily cleanable waste receptacles shall be conveniently located near the handwashing facilities.

(f) Lavatories, soap dispensers, hand drying devices, and all related fixtures shall be kept clean and in good repair. *(Indiana State Department of Health; 410 IAC 7-15.5-43; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2582; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-44 Solid waste collection and disposal**

Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 44. (a) Solid waste shall be kept in durable, easily cleanable, insect-proof, and rodent-proof containers that do not leak and do not absorb liquids. Plastic bags and wet-strength paper bags may be used to line these containers, and they may be used for storage inside the food service establishment.

(b) Containers used in food preparation and utensil washing areas shall be kept covered after they are filled.

(c) Containers stored outside the establishment, and dumpsters, compactors, and compactor systems shall be easily cleanable, shall be provided with tight fitting lids, doors, or covers, and shall be kept covered when not in actual use. In containers designed with drains, drain plugs shall be in place at all times, except during cleaning.

(d) There shall be a sufficient number of containers to hold all the solid waste that accumulates.

(e) Soiled containers shall be cleaned at a frequency to prevent insect and rodent attraction. Each container shall be thoroughly cleaned on the inside and outside in a way that does not contaminate food, equipment, utensils, or food preparation areas. Suitable facilities, including hot water and detergent or steam, shall be provided and used for washing containers. Liquid waste from compacting or cleaning operations shall be disposed of as sewage.

(f) Solid waste on the premises shall be stored in a manner to make it inaccessible to insects and rodents. Outside storage of unprotected plastic bags or wet-strength paper bags or baled units containing solid waste is prohibited. Cardboard or other packaging material not containing solid waste need not be stored in covered containers.

(g) Solid waste shall be disposed of often enough to prevent the development of odor and the attraction of insects and rodents. *(Indiana State Department of Health; 410 IAC 7-15.5-44; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2582; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-45 Insect and rodent control**

Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 45. (a) Effective measures intended to minimize the presence of rodents, flies, cockroaches, and other insects on the premises shall be utilized. The premises shall be kept in such condition as to prevent the harborage or feeding of insects or rodents.

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

*(Indiana State Department of Health; 410 IAC 7-15.5-45; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2583; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-46 Floors**

Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 46. (a) Floors and floor coverings of all food preparation, food storage, and utensil washing areas shall be constructed of a smooth durable material and shall be maintained in good repair.

(b) Carpeting, if used as floor covering, shall be of closely woven construction, properly installed, easily cleanable, and maintained in good repair.

(c) Mats and duckboards shall be of nonabsorbent, grease-resistant materials and of such size, design, and construction as to facilitate their being easily cleaned. *(Indiana State Department of Health; 410 IAC 7-15.5-46; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2583; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-47 Walls and ceilings**

Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 47. (a) Walls and ceilings, including doors, windows, skylights, and similar closures, shall be maintained in good repair.

(b) The walls, including nonsupporting partitions, wall coverings, and ceilings of food preparation areas, equipment washing areas, and utensil washing areas, shall be easily cleanable.

(c) Studs, joints, and rafters shall not be exposed in food preparation areas, equipment washing areas, utensil washing areas, toilet rooms, and vestibules. If exposed in other rooms or areas, they shall be finished to provide an easily cleanable surface.

(d) Exposed utility service lines and pipes shall be installed in a way that does not obstruct or prevent cleaning of the walls and ceilings.

(e) Light fixtures, vent covers, wall mounted fans, decorative materials, and similar equipment attached to walls and ceilings shall be easily cleanable and shall be maintained in good repair.

(f) Wall and ceiling covering materials shall be attached and sealed so as to be easily cleanable. *(Indiana State Department of Health; 410 IAC 7-15.5-47; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2583; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-48 Cleaning physical facilities**

Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 48. (a) Cleaning of floors and walls, except emergency cleaning of floors, shall be done during periods when the least amount of food is exposed. Floors, mats, duckboards, walls, ceilings, and attached equipment and decorative materials shall be kept clean.

(b) In new or extensively remodeled establishments, at least one (1) utility sink shall be provided and used for the cleaning of mops and similar wet floor cleaning tools and for the disposal of mop water or similar liquid wastes. The use of lavatories, utensil washing or equipment washing, or food preparation sinks for this purpose is prohibited. *(Indiana State Department of Health; 410 IAC 7-15.5-48; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2584; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-49 Lighting**

Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 49. (a) Artificial light sources shall be installed to provide at least twenty (20) foot-candles of light on all food preparation surfaces and at equipment or utensil washing work levels.

(b) Artificial light sources shall be installed to provide, at a distance of thirty (30) inches from the floor, at least ten (10) foot-candles of light in all other areas. This shall also include dining areas during cleaning operations. *(Indiana State Department of Health; 410 IAC 7-15.5-49; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2584; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-50 Ventilation**

Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 50. All rooms shall have sufficient ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes. Ventilation systems shall be installed and operated in accordance with 675 IAC 18, and, when vented to the outside, shall not create an unsightly, harmful, or unlawful discharge. *(Indiana State Department of Health; 410 IAC 7-15.5-50; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2584; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-51 Poisonous or toxic materials**

Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-31

Sec. 51. (a) There shall be present in bed and breakfast establishments only those poisonous or toxic materials necessary for maintaining the establishment, cleaning and sanitizing equipment and utensils, and controlling insects and rodents.

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

(c) Poisonous or toxic materials consist of the following categories:

(1) Insecticides and rodenticides.

(2) Detergents, sanitizers, and related cleaning or drying agents, and caustics, acids, polishes, and other chemicals.

(d) Each of the preceding two (2) categories of poisonous or toxic materials shall be stored and physically located separate from each other. All poisonous or toxic materials shall be stored in cabinets or in a similar physically separate place used for no other purpose. To preclude contamination, poisonous or toxic materials shall not be stored above food, food equipment, utensils, or single-service articles, except that this requirement does not prohibit the convenient availability of detergents or sanitizers at utensil or dishwashing stations.

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

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

(g) Personal medications shall not be stored in food storage, preparation, or service areas.

(h) First aid supplies shall be stored in a way that prevents them from contaminating food and food contact surfaces. *(Indiana State Department of Health; 410 IAC 7-15.5-51; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2584; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-52 Premises**

Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-30; IC 16-41-31

Sec. 52. (a) Bed and breakfast establishments and all parts of property used in connection with their operations shall be kept clean and free of litter.

(b) Clean, laundered bed sheets and pillowcases shall be provided on each bed and shall be replaced by clean, freshly laundered sheets and pillowcases after the departure of each guest or lodger and prior to occupancy by the next guest.

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

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

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

(f) Live animals, including birds and turtles, shall be excluded from within the food service, preparation, and food storage areas. This exclusion does not apply to edible fish, crustacea, shellfish, or to fish in aquariums. Patrol dogs accompanying security or police officers, or guide dogs accompanying blind persons, partially blind persons, physically disabled persons, guide dog trainers, or persons with impaired hearing shall be permitted in dining areas. *(Indiana State Department of Health; 410 IAC 7-15.5-52; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2584; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-53 Occupancy register**

Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-29; IC 16-41-31

Sec. 53. (a) The operator of each bed and breakfast establishment shall keep a register, entry book, or card filing system containing the names and addresses, including the street number, town or city, and state, of every individual occupying the premises or any part thereof, and the dates and time when occupied.

(b) The register, entry book, or card filing system shall be kept open for inspection by the department, local board, or any law enforcement officer. It shall be maintained for every calendar year and may not be discarded or destroyed until the expiration of one (1) year after the calendar year for which it was maintained. *(Indiana State Department of Health; 410 IAC 7-15.5-53; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2585; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

**410 IAC 7-15.5-54 Fresh bedding**

Authority: IC 16-19-3-4; IC 16-41-31-5
Affected: IC 16-41-29; IC 16-41-31

Sec. 54. An owner, lessee, superintendent, or manager of a bed and breakfast establishment who furnishes beds and bedding for guests or lodgers shall provide each bed with the following:

(1) Undersheets sufficiently large to cover completely the mattress on each bed.

(2) Top sheets that are not less than ninety-nine (99) inches long and eighty-one (81) inches wide that may be folded over the blankets or other bed covering not less than two (2) feet.

*(Indiana State Department of Health; 410 IAC 7-15.5-54; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2585; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA; readopted filed Nov 13, 2019, 3:14 p.m.: 20191211-IR-410190391RFA)*

## Rule 16. Sanitation of Retail Food Markets *(Repealed)*

*(Repealed by Indiana State Department of Health; filed Jun 4, 1985, 2:33 pm: 8 IR 1297)*

## Rule 16.1. Sanitation in Retail Food Stores

**410 IAC 7-16.1-1 Definitions *(Repealed)***

Sec. 1. *(Repealed by Indiana State Department of Health; filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984)*

**410 IAC 7-16.1-2 Food supplies *(Repealed)***

Sec. 2. *(Repealed by Indiana State Department of Health; filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984)*

**410 IAC 7-16.1-3 Food protection *(Repealed)***

Sec. 3. *(Repealed by Indiana State Department of Health; filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984)*

**410 IAC 7-16.1-4 Food storage *(Repealed)***

Sec. 4. *(Repealed by Indiana State Department of Health; filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984)*

**410 IAC 7-16.1-5 Food preparation *(Repealed)***

Sec. 5. *(Repealed by Indiana State Department of Health; filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984)*

**410 IAC 7-16.1-6 Food display *(Repealed)***

Sec. 6. *(Repealed by Indiana State Department of Health; filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984)*

**410 IAC 7-16.1-7 Food transportation by retail food store *(Repealed)***

Sec. 7. *(Repealed by Indiana State Department of Health; filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984)*

**410 IAC 7-16.1-8 Personnel *(Repealed)***

Sec. 8. *(Repealed by Indiana State Department of Health; filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984)*

**410 IAC 7-16.1-9 Equipment and utensils; materials *(Repealed)***

Sec. 9. *(Repealed by Indiana State Department of Health; filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984)*

**410 IAC 7-16.1-10 Equipment and utensils; design, fabrication *(Repealed)***

Sec. 10. *(Repealed by Indiana State Department of Health; filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984)*

**410 IAC 7-16.1-11 Equipment and utensils; installation, location *(Repealed)***

Sec. 11. *(Repealed by Indiana State Department of Health; filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984)*

**410 IAC 7-16.1-12 Equipment and utensils; cleaning, sanitizing *(Repealed)***

Sec. 12. *(Repealed by Indiana State Department of Health; filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984)*

**410 IAC 7-16.1-13 Equipment and utensils; storage, handling *(Repealed)***

Sec. 13. *(Repealed by Indiana State Department of Health; filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984)*

**410 IAC 7-16.1-14 Water supply *(Repealed)***

Sec. 14. *(Repealed by Indiana State Department of Health; filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984)*

**410 IAC 7-16.1-15 Sewage disposal *(Repealed)***

Sec. 15. *(Repealed by Indiana State Department of Health; filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984)*

**410 IAC 7-16.1-16 Plumbing *(Repealed)***

Sec. 16. *(Repealed by Indiana State Department of Health; filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984)*

**410 IAC 7-16.1-17 Toilet facilities *(Repealed)***

Sec. 17. *(Repealed by Indiana State Department of Health; filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984)*

**410 IAC 7-16.1-18 Handwashing facilities *(Repealed)***

Sec. 18. *(Repealed by Indiana State Department of Health; filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984)*

**410 IAC 7-16.1-19 Garbage and refuse disposal *(Repealed)***

Sec. 19. *(Repealed by Indiana State Department of Health; filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984)*

**410 IAC 7-16.1-20 Insect and rodent control *(Repealed)***

Sec. 20. *(Repealed by Indiana State Department of Health; filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984)*

**410 IAC 7-16.1-21 Floors *(Repealed)***

Sec. 21. *(Repealed by Indiana State Department of Health; filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984)*

**410 IAC 7-16.1-22 Walls; ceilings *(Repealed)***

Sec. 22. *(Repealed by Indiana State Department of Health; filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984)*

**410 IAC 7-16.1-23 Cleaning physical facilities *(Repealed)***

Sec. 23. *(Repealed by Indiana State Department of Health; filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984)*

**410 IAC 7-16.1-24 Lighting *(Repealed)***

Sec. 24. *(Repealed by Indiana State Department of Health; filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984)*

**410 IAC 7-16.1-25 Ventilation *(Repealed)***

Sec. 25. *(Repealed by Indiana State Department of Health; filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984)*

**410 IAC 7-16.1-26 Employee dressing rooms; locker areas *(Repealed)***

Sec. 26. *(Repealed by Indiana State Department of Health; filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984)*

**410 IAC 7-16.1-27 Poisonous or toxic materials *(Repealed)***

Sec. 27. *(Repealed by Indiana State Department of Health; filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984)*

**410 IAC 7-16.1-28 Premises *(Repealed)***

Sec. 28. *(Repealed by Indiana State Department of Health; filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984)*

**410 IAC 7-16.1-29 Exemptions for existing facilities *(Repealed)***

Sec. 29. *(Repealed by Indiana State Department of Health; filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984)*

**410 IAC 7-16.1-30 Fee schedule *(Repealed)***

Sec. 30. *(Repealed by Indiana State Department of Health; filed Apr 16, 1996, 4:10 p.m.: 19 IR 2285)*

## Rule 17. Sanitation of Vending of Foods and Beverages

**410 IAC 7-17-1 Definitions *(Repealed)***

Sec. 1. *(Repealed by Indiana State Department of Health; filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984)*

**410 IAC 7-17-2 Sanitation requirements *(Expired)***

Sec. 2. *(Expired under IC 4-22-2.5, effective January 1, 2002.)*

**410 IAC 7-17-3 Communicable disease control *(Expired)***

Sec. 3. *(Expired under IC 4-22-2.5, effective January 1, 2002.)*

## Rule 18. Adoption by Reference from Code of Federal Regulations, Title 21, Chapter 1; Definitions and Standards

**410 IAC 7-18-1 Definitions and standards; adoption of federal regulations *(Expired)***

Sec. 1. *(Expired under IC 4-22-2.5, effective January 1, 2002.)*

## Rule 19. Retail and Manufactured Food Production and Processing *(Repealed)*

*(Repealed by Indiana State Department of Health; filed Dec 4, 2003, 3:05 p.m.: 27 IR 1169)*

## Rule 20. Retail Food Establishment Sanitation *(Repealed)*

*(Repealed by Indiana State Department of Health; filed Oct 13, 2004, 12:30 p.m.: 28 IR 906)*

## Rule 21. Wholesale Food Establishment Sanitation Requirements

**410 IAC 7-21-1 Applicability**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 1. The definitions in this rule apply throughout this rule. *(Indiana State Department of Health; 410 IAC 7-21-1; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1615, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-2 "Acid foods" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 2. "Acid foods" means foods that have a natural pH of 4.6 or below. *(Indiana State Department of Health; 410 IAC 7-21-2; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1615, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-3 "Acidified foods" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 3. (a) "Acidified foods" means low-acid foods to which acid or acid food is added; these foods include, but are not limited to:

(1) beans;
(2) cucumbers;
(3) cabbage;
(4) artichokes;
(5) cauliflower;
(6) puddings;
(7) peppers;
(8) tropical fruits; and
(9) fish;

singly or in any combination. They have a water activity ($a_w$) greater than eighty-five hundredths (0.85) and have a finished equilibrium pH of 4.6 or below. These foods may be called pickled, such as "pickled cauliflower".

(b) Excluded from the definition of acidified foods are:

(1) carbonated beverages;
(2) jams;
(3) jellies;
(4) preserves; and
(5) acid foods;

(including such foods as standardized and nonstandardized food dressings and condiment sauces) that contain small amounts of low-acid food and have a resultant finished equilibrium pH that does not significantly differ from that of the predominant acid or acid food, and foods that are stored, distributed, and retailed under refrigeration. *(Indiana State Department of Health; 410 IAC 7-21-3; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1615, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-4 "Adequate" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 4. "Adequate" means that which is needed to accomplish the intended purpose in keeping with good public health practice. *(Indiana State Department of Health; 410 IAC 7-21-4; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1615, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-5 "Adulterated" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42

Sec. 5. "Adulterated" has the meaning set forth under IC 16-42-1 through IC 16-42-4. *(Indiana State Department of Health; 410 IAC 7-21-5; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1615, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-6 "Allergen" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 6. "Allergen" means foods that are commonly known to cause serious allergenic responses, including, but not limited to, the following:

(1) Milk.
(2) Eggs.
(3) Fish.
(4) Crustacea.
(5) Mollusks.
(6) Tree nuts.
(7) Wheat.
(8) Legumes, particularly peanuts and soybeans.

*(Indiana State Department of Health; 410 IAC 7-21-6; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1615, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-7 "Batter" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 7. "Batter" means a semifluid substance, usually composed of flour and other ingredients, into which principal components of food are dipped or with which they are coated, or which may be used directly to form bakery foods. *(Indiana State Department of Health; 410 IAC 7-21-7; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1616, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-8 "Blanching" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 8. "Blanching", except for tree nuts and peanuts, means a prepackaging heat treatment of foodstuffs for a sufficient time and at a sufficient temperature to partially or completely inactivate the naturally occurring enzymes and to affect other physical or biochemical changes in the food. *(Indiana State Department of Health; 410 IAC 7-21-8; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1616, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-9 "Bottled drinking water" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 9. "Bottled drinking water" means water that is sealed in bottles, packages, or other containers and offered for sale for human consumption, including bottled mineral water. *(Indiana State Department of Health; 410 IAC 7-21-9; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1616, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-10 "CFR" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 10. "CFR" means the Code of Federal Regulations. *(Indiana State Department of Health; 410 IAC 7-21-10; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1616, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-11 "CIP system" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 11. "CIP" means cleaned in place by the circulation or flowing by mechanical means through a piping system of a detergent solution, water rinse, and sanitizing solution onto or over equipment surfaces that require cleaning. The term does not include the cleaning of equipment, such as band saws, slicers, or mixers that are subjected to in-place manual cleaning without the use of a CIP system. *(Indiana State Department of Health; 410 IAC 7-21-11; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1616, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-12 "Critical control point" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 12. "Critical control point" means a point or procedure in a specific food process where loss of control may result in an unacceptable health risk. *(Indiana State Department of Health; 410 IAC 7-21-12; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1616, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-13 "Department" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 13. "Department" means the Indiana state department of health or its authorized representative. *(Indiana State Department of Health; 410 IAC 7-21-13; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1616, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-14 "Drinking water" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 14. "Drinking water" means water that meets the requirements of 327 IAC 8. The term is traditionally known as potable water. The term includes water, except where the term used connotes that the water is not potable, such as boiler water, mop water, wastewater, and nondrinking water. *(Indiana State Department of Health; 410 IAC 7-21-14; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1616, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-15 "Food" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 15. "Food" means the following:
(1) All articles used for food, drink, confectionery, or condiment whether simple, mixed, or compound.
(2) All substances or ingredients used in the preparation of the items described in subdivision (1).
*(Indiana State Department of Health; 410 IAC 7-21-15; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1616, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-16 "Food-contact surface" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 16. "Food-contact surface" means a surface of equipment or a utensil:
(1) with which food normally comes into contact; or
(2) from which food may drain, drip, or splash into a food, or onto a surface normally in contact with food.
*(Indiana State Department of Health; 410 IAC 7-21-16; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1616, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-17 "Food employee" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 17. "Food employee" means an individual working with food, food equipment or utensils, or food-contact surfaces. *(Indiana State Department of Health; 410 IAC 7-21-17; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1617, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-18 "HACCP plan" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 18. "HACCP plan" means a written document that delineates the formal procedures for following the Hazard Analysis Critical Control Point principles developed by the National Advisory Committee on Microbiological Criteria for Foods. *(Indiana State Department of Health; 410 IAC 7-21-18; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1617, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-19 "Lot" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 19. "Lot" means the food produced during a period of time indicated by a specific code. *(Indiana State Department of Health; 410 IAC 7-21-19; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1617, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-20 "Low-acid food" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 20. "Low-acid food" means any food, other than alcoholic beverages, with a finished equilibrium pH greater than 4.6 and a water activity ($a_w$) greater than eighty-five hundredths (0.85). *(Indiana State Department of Health; 410 IAC 7-21-20; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1617, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-21 "Micro-organisms" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 21. "Micro-organisms" means yeasts, molds, bacteria, protozoa, and viruses and includes, but is not limited to, species having public health significance. The term "undesirable micro-organisms" includes those micro-organisms that are of public health significance and those of nonpublic health significance that result in food spoilage or that indicate that food is contaminated with filth, or that otherwise may cause food to be adulterated. "Microbial" is used in some instances instead of using an adjectival phrase containing the word micro-organism. *(Indiana State Department of Health; 410 IAC 7-21-21; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1617, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-22 "Pest" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 22. "Pest" refers to any objectionable animals or insects, including, but not limited to, the following:
(1) Birds.
(2) Rodents.
(3) Flies.

(4) Larvae.
*(Indiana State Department of Health; 410 IAC 7-21-22; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1617, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-23 "pH" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 23. "pH" means the symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution. Values between zero (0) and seven (7) indicate acidity, and values between seven (7) and fourteen (14) indicate alkalinity. The value for pure distilled water is seven (7), which is considered neutral. *(Indiana State Department of Health; 410 IAC 7-21-23; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1617, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-24 "Plant" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 24. "Plant" means the building or facility or parts thereof, used for or in connection with the manufacturing, packaging, labeling, holding, or storing of human food. *(Indiana State Department of Health; 410 IAC 7-21-24; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1617, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-25 "Potentially hazardous food" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 25. (a) "Potentially hazardous food" means a natural or synthetic food and requires temperature control because it is in a form capable of supporting any of the following:
(1) The rapid and progressive growth of infectious or toxigenic micro-organisms.
(2) The growth and toxin production of Clostridium botulinum.
(3) In raw shell eggs, the growth of Salmonella enteritidis.
(b) The term includes the following:
(1) A food of animal origin that is raw or heat-treated.
(2) A food of plant origin that is heat-treated or consists of raw seed sprouts.
(3) Cut melons.
(4) Garlic-in-oil mixtures that are not modified in a way that results in mixtures that do not support growth as specified under subsection (a).
(c) The term does not include any of the following:
(1) An air-cooled hard-boiled egg with shell intact.
(2) A food with a water activity ($a_w$) value of eighty-five hundredths (0.85) or less.
(3) A food with a pH level of four and six-tenths (4.6) or below when measured at seventy-five (75) degrees Fahrenheit.
(4) A food, in an unopened hermetically sealed container that is commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution.
(5) A food for which laboratory evidence demonstrates that the rapid and progressive growth of infectious or toxigenic micro-organisms or the growth of Salmonella enteritidis in eggs or Clostridium botulinum cannot occur, such as a food that:
(A) has an $a_w$ and a pH that are above the levels specified under subdivisions (2) and (3); and

(B) may contain a preservative, other barrier to the growth of micro-organisms, or a combination of barriers that inhibit the growth of micro-organisms.

(6) A food that may contain an infectious or toxigenic micro-organism or chemical or physical contaminant at a level sufficient to cause illness, but that does not support the growth of micro-organisms as specified under subsection (a).

*(Indiana State Department of Health; 410 IAC 7-21-25; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1617, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-26 "Public health significance" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 26. "Public health significance" means:

(1) the potential for causing diseases with symptoms, such as, but not limited to:
(A) diarrhea;
(B) fever;
(C) jaundice;
(D) vomiting or sore throat with fever; or
(E) boils; or

(2) for diseases such as, but not limited to:
(A) Salmonella spp.;
(B) Shigella spp.;
(C) Escherichia coli 0157:H7; or
(D) Hepatitis A virus associated with foodborne or waterborne transmission that are reportable according to 410 IAC 1-2.3.

*(Indiana State Department of Health; 410 IAC 7-21-26; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1618, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-27 "Quality control operation" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-2-2; IC 16-42-5

Sec. 27. "Quality control operation" means a planned and systematic procedure for taking all actions necessary to prevent food from being adulterated as defined under IC 16-42-2-2. *(Indiana State Department of Health; 410 IAC 7-21-27; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1618, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-28 "Reduced oxygen packaging" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 28. (a) "Reduced oxygen packaging" means the following:

(1) The reduction of the amount of oxygen in a package by:
(A) removing oxygen;
(B) displacing oxygen and replacing it with another gas or combination of gases; or
(C) otherwise controlling the oxygen content to a level below that normally found in the surrounding twenty-one percent (21%) oxygen atmosphere.

(2) A process as specified in subdivision (1) that involves a food for which Clostridium botulinum is identified as a

microbiological hazard in the final packaged form.

(b) The term includes the following:

(1) 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, such as sous vide.

(2) 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 any of the following:

(A) Reduction in the proportion of oxygen.

(B) Total replacement of oxygen.

(C) An increase in the proportion of other gases, such as carbon dioxide or nitrogen.

(3) 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 as such by using oxygen scavengers or a combination of total replacement of oxygen, nonrespiring food, and impermeable packaging material.

*(Indiana State Department of Health; 410 IAC 7-21-28; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1618, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-29 "Restricted use pesticide" defined**

Authority: IC 16-42-5-5
Affected: IC 15-16-4-37; IC 16-42-5

Sec. 29. "Restricted use pesticide" has the same meaning as defined in IC 15-3-3.5-2(27) *[IC 15-3 was repealed by P.L.2-2008, SECTION 83, effective July 1, 2008. See IC 15-16-4-37.]. (Indiana State Department of Health; 410 IAC 7-21-29; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1619, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-30 "Rework" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 30. "Rework" means clean, unadulterated food that has been removed from processing for reasons other than insanitary conditions or that has been successfully reconditioned by reprocessing and that is suitable for use as food. *(Indiana State Department of Health; 410 IAC 7-21-30; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1619, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-31 "Sanitization" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 31. "Sanitization" means the application of cumulative heat or chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of five (5) logs, which is equal to a ninety-nine and nine hundred ninety-nine thousandths percent (99.999%) reduction of representative disease-causing micro-organisms of public health significance. *(Indiana State Department of Health; 410 IAC 7-21-31; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1619, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-32 "Scheduled process" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 32. "Scheduled process" means the process selected by a processor as adequate for use under food manufacturing conditions to achieve and maintain a food that will not permit the growth of micro-organisms having a public health significance. The term includes control of pH and other critical factors equivalent to the process established by a competent processing authority.
*(Indiana State Department of Health; 410 IAC 7-21-32; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1619, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-33 "Water activity" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 33. "Water activity" indicated by the symbol $a_w$ means water activity that is a measure of the free moisture in a food and the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature.
*(Indiana State Department of Health; 410 IAC 7-21-33; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1619, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-34 "Wholesale food establishment" defined**

Authority: IC 16-42-5-5
Affected: IC 15-17-5; IC 15-18-1; IC 16-42-11

Sec. 34. (a) "Wholesale food establishment" means any establishment within Indiana that manufactures, packages, stores, repackages, or transports human food products for distribution to another entity for resale or redistribution.

(b) The term does not include the following:

(1) A residential kitchen in a private home.

(2) Bed and breakfast establishments subject to 410 IAC 7-15.5.

(3) An establishment engaged solely in the harvesting, storage, or distribution of one (1) or more raw agricultural commodities, that is not ordinarily cleaned, prepared, treated, or otherwise processed before being marketed to the consuming public.

(4) Meat and poultry processing plants subject to IC 15-2.1-24 *[IC 15-2.1 was repealed by P.L.2-2008, SECTION 83, effective July 1, 2008. See IC 15-17-5.]*; dairy processing plants subject to IC 15-2.1-23 *[IC 15-2.1 was repealed by P.L.2-2008, SECTION 83, effective July 1, 2008. See IC 15-18-1.]* and 345 IAC 8; or shell egg plants subject to 370 IAC 1-10-1 and IC 16-42-11.

(5) Any establishments as defined in 410 IAC 7-24-79, except when engaged in activities under subsection (a) or when producing acidified foods in hermetically sealed containers.

*(Indiana State Department of Health; 410 IAC 7-21-34; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1619, eff one hundred twenty (120) days after filing with secretary of state; errata filed Jan 9, 2002, 12:50 p.m.: 25 IR 1644; errata filed Jan 21, 2005, 10:32 a.m.: 28 IR 1695; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-35 Personnel health**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 35. (a) The plant management shall take all reasonable measures and precautions to ensure compliance with the following:

(1) Any person who, by medical examination or supervisory observation, is shown to have, or appears to have:

(A) an illness;

(B) an open lesion, including:
(i) boils;
(ii) sores; or
(iii) infected wounds; or
(C) any other abnormal source of microbial contamination;
by which there is a reasonable possibility of food, food-contact surfaces, or food-packaging materials becoming contaminated shall be excluded or restricted from any operations, which may result in contamination until the condition is corrected. Personnel shall be instructed to report such health conditions to supervisory personnel.
(2) An exclusion shall be applied if a food employee is diagnosed with an illness due to Salmonella spp., Shigella spp., Escherichia coli 0157:H7, or Hepatitis A virus. A food employee shall be restricted from working with exposed food, food-contact surfaces, clean equipment, and utensils or food-packaging materials if the food employee:
(A) has a symptom caused by illness, infection, or other source that is associated with an acute gastrointestinal illness, such as diarrhea, fever, vomiting, jaundice, or sore throat with fever;
(B) has a lesion containing pus, such as a boil or infected wound that is open or draining and is:
(i) on the hands or wrists unless an impermeable cover, such as a finger cot or stall protects the lesion and a single-use glove is worn over the impermeable cover;
(ii) on exposed portions of the arms unless the lesion is protected by an impermeable cover; or
(iii) on the other parts of the body unless the lesion is covered by a dry, durable, tight-fitting bandage; or
(C) is not experiencing a symptom of acute gastroenteritis as specified in this subdivision, but has a stool that yields a specimen culture that is positive for Salmonella spp., Shigella spp., or Escherichia coli 0157:H7.
(3) An exclusion may be removed when supervisory personnel obtains from the excluded person written medical documentation from a physician, a nurse practitioner, or a physician assistant that the excluded person may work in an unrestricted capacity.
(4) A restriction may be removed by supervisory personnel when the restricted person:
(A) is free of the symptoms of illness specified in subdivision (2) and no foodborne illness occurs that may have been caused by the restricted person;
(B) is suspected of causing foodborne illness but:
(i) is free of the symptoms specified under subdivision (2)(A); and
(ii) provides written medical documentation from a physician, a nurse practitioner, or a physician assistant stating that the restricted person is free of the infectious agent that is suspected of causing the person's symptoms or causing foodborne illness; or
(C) provides written medical documentation from a physician, a nurse practitioner, or a physician assistant stating that the symptoms experienced result from a chronic noninfectious condition, such as Crohn's disease, irritable bowel syndrome, or ulcerative colitis.
(b) The department may issue an order of restriction or exclusion to a wholesale food establishment without prior warning, notice of a hearing, or a hearing if the order states the following:
(1) The reasons for the restriction or exclusion that is ordered.
(2) The evidence that the wholesale food establishment shall provide in order to demonstrate that the reasons for the restriction or exclusion has been eliminated.
(3) That a suspected food employee or the wholesale food establishment may request an appeal hearing by submitting a timely request as provided in law.
(4) The name and address of the department's representative to whom a request for an appeal hearing may be made.
*(Indiana State Department of Health; 410 IAC 7-21-35; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1619, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-36 Personnel hygienic practices**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 36. All persons working in direct contact with food, food-contact surfaces, and food-packaging materials shall conform to good hygienic practices while on duty. The methods for maintaining good hygiene include, but are not limited to, the following:

(1) Wearing clean outer garments suitable to the operation in a manner that protects against the contamination of food, food-contact surfaces, or food-packaging materials.

(2) Maintaining adequate personal cleanliness, including:

(A) keeping fingernails clean and neatly trimmed; and

(B) not wearing fingernail polish or artificial fingernails;

while working with exposed food.

(3) Washing hands thoroughly in an adequate hand washing facility as follows:

(A) Before starting work.

(B) After each absence from the work station.

(C) After touching bare human body parts other than clean hands and clean, exposed portions of arms.

(D) After using the toilet room.

(E) After caring for or handling service animals or aquatic animals.

(F) After coughing, sneezing, or using a handkerchief or disposable tissue.

(G) After drinking, unless the handling of the container allows for no direct contamination, and after eating or using tobacco.

(H) After handling soiled surfaces, equipment, or utensils.

(I) During food preparation, as often as necessary to remove soil and contamination and to prevent cross-contamination when changing tasks.

(J) When switching between working with raw food and working with ready-to-eat food.

(K) Directly before touching ready-to-eat food or food-contact surfaces.

(L) At any other time when the hands may have become soiled or contaminated.

(4) Wearing no jewelry while preparing food. If hand jewelry cannot be removed or if approval is given by supervisory personnel for the wearing of a wedding band, it may be covered by an impermeable cover, such as a glove, that can be maintained in an intact, clean, and sanitary condition and that protects against contamination.

(5) Maintaining gloves in an intact, clean, and sanitary condition if they are used in direct contact with food. The gloves shall be made of an impermeable material.

(6) Wearing hair restraints, such as nets, hats, beard restraints, and clothing that covers body hair, which are designed and worn effectively to keep hair from contacting exposed food, clean food-contact equipment, and utensils.

(7) Storing employees' food and personal belongings in a designated location separate from food processing, storage, and packaging areas.

(8) Confining the following to areas other than where food and food processing equipment may be exposed or where equipment or utensils are washed and stored:

(A) eating food;

(B) chewing gum;

(C) drinking beverages; or

(D) using tobacco.

(9) Taking any other necessary precautions to protect against contamination of food, food-contact surfaces, or food-packaging materials with micro-organisms or foreign substances, including, but not limited to, the following:

(A) Perspiration.

(B) Hair.

(C) Cosmetics.

(D) Tobacco.

(E) Chemicals.

(F) Medicines applied to the skin.

*(Indiana State Department of Health; 410 IAC 7-21-36; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1620, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-37 Personnel training**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 37. (a) Personnel responsible for identifying sanitation failures or food contamination shall have an educational background or experience, or a combination thereof, to provide a level of competency necessary for production of unadulterated, honestly presented, safe food. Food employees and supervisory personnel involved in food processing shall receive appropriate training in proper food-handling techniques, foodborne illness prevention, and food protection principles and be informed of the danger of poor personal hygiene and insanitary practices.

(b) Competent supervisory personnel shall be clearly assigned responsibility for assuring compliance by all food employees engaged in food processing with all requirements. Supervisory personnel shall hold a certification or be trained at a minimum on the following areas of knowledge as are applicable to the operations conducted at the wholesale food establishment:

(1) The relationship between the prevention of foodborne disease and the personal hygiene of a food employee.

(2) Responsibility of supervisory personnel for preventing the transmission of foodborne disease by a food employee who has an illness or medical condition that may cause foodborne disease.

(3) Symptoms associated with the diseases that are transmissible through food.

(4) Required food temperatures and times for safe cooking, cooling and reheating of potentially hazardous foods, and refrigerated storage temperatures include those for meat, poultry, eggs, and fish.

(5) The relationship between the prevention of foodborne illness and the management and control of the following:

(A) Cross-contamination.

(B) Hand contact with ready-to-eat foods.

(C) Hand washing.

(D) Maintaining the wholesale food establishment in a clean condition and in good repair.

(6) The correct procedures for cleaning and sanitizing utensils and food-contact surfaces of equipment.

(7) Poisonous or toxic materials identification and the procedures necessary to ensure that they are safely stored, dispensed, used, and disposed of according to law.

(8) Knowledge of important processing points in the operation from purchasing through sale or service.

(9) The principles and details of a HACCP plan, if used, or if required by federal or state law, or if an agreement between the department and the establishment exists.

(10) Water sources identification and measures taken to ensure that it remains protected from contamination, such as providing protection from backflow and precluding the creation of cross-connections.

*(Indiana State Department of Health; 410 IAC 7-21-37; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1621, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-38 Physical facilities and grounds**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 38. (a) The grounds surrounding a food plant under the control of the operator shall be kept in a condition that will protect against the contamination of food. The methods for adequate maintenance of grounds include, but are not limited to, the following:

(1) Properly storing or removing unnecessary equipment, removing litter and waste, and cutting weeds or grass within the immediate vicinity of the physical facility that may constitute an attractant, breeding place, or harborage for pests.

(2) Maintaining roads and parking lots so that they do not constitute a source of contamination in areas where food is exposed.

(3) Adequately draining areas that may contribute contamination to food by seepage, footborne filth, or providing a breeding place for pests.

(4) Operating systems for waste treatment and removal of liquid and solid waste at such a frequency that the waste does not constitute a source of contamination in areas where food is exposed.

(5) Constructing, if needed, an outdoor storage surface of nonabsorbent material, such as concrete or asphalt that shall be smooth, durable, and sloped to drain for refuse, recyclables, and returnables. Refuse, recyclables, and returnables shall be

handled by:

(A) storing them in receptacles or waste handling units so that they are inaccessible to insects and rodents;

(B) keeping receptacles and waste handling units for refuse, recyclables, and returnables covered with tight-fitting lids or doors; and

(C) locating receptacles and waste handling equipment at a distance from the building that minimizes the entrance of pests and other vermin.

(b) If the wholesale food establishment grounds are bordered by grounds not under the operator's control and not maintained in the manner described in subsection (a)(1) through (a)(3), care shall be exercised in the plant by inspection, extermination, or other means to exclude pests, dirt, and filth that may be a source of food contamination.

(c) Physical facilities shall be adequate in size, construction, and design to facilitate maintenance and sanitary operations for food manufacturing purposes. Methods for maintaining a sanitary operation include, but are not limited to, the following:

(1) Providing sufficient space for placement of equipment and storage of materials.

(2) Taking precautions to reduce the potential for contamination of food, food-contact surfaces, or food-packaging materials with micro-organisms, chemicals, filth, or other extraneous material. The potential for contamination shall be reduced by adequate food safety controls and operating practices or effective design, including the separation of operations in which contamination is likely to occur, by one (1) or more of the following means:

(A) Location.

(B) Time.

(C) Partition.

(D) Air flow.

(E) Enclosed systems.

(F) Other effective means.

(3) Locating areas designated for employees to eat, drink, and use tobacco so that food and equipment are protected from contamination.

(4) Prohibiting a person from living or sleeping in a room used for food-handling or in a room opening directly into a wholesale food establishment. If living or sleeping quarters are located on the premises, such as those provided for security personnel, it shall be separated from rooms and areas used for wholesale food establishment operations by complete partitioning and solid self-closing doors.

(5) Protecting food in outdoors bulk fermentation vessels by any effective means, including, but not limited to, the following:

(A) Using protective coverings.

(B) Controlling areas over and around the vessels to eliminate harborages for pests.

(C) Checking on a regular basis for pests and pest infestation.

(D) Skimming the fermentation vessels, when necessary.

(6) Constructing facility in such a manner that:

(A) floors, walls, and ceilings may be adequately cleaned and maintained in good repair;

(B) drip or condensate from fixtures, ducts, and pipes does not contaminate food, food-contact surfaces, or food-packaging materials; and

(C) aisles or working spaces are provided between equipment and walls and food products and walls and are adequately unobstructed and have adequate width to permit employees to perform their duties and to protect against contaminating food or food-contact surfaces with clothing or personal contact.

(7) Providing sufficient lighting in hand washing areas, dressing and locker rooms, toilet rooms, and all areas where food is examined, processed, or stored and where equipment or utensils are cleaned. Light bulbs shall be protected in the following manner:

(A) Shielded, coated, or otherwise shatter-resistant in areas suspended over exposed food in any step of preparation and over clean equipment, utensils, and linens.

(B) Shielded, coated, or otherwise shatter-resistant bulbs need not be used in areas used only for storing food in unopened packages if:

(i) the integrity of the packages cannot be affected by broken glass falling onto them; and

(ii) the packages are capable of being cleaned of debris from broken bulbs before the packages are opened.

(8) Providing adequate ventilation or control equipment to minimize odors and vapors, including steam and noxious fumes,

in areas where they may contaminate food, and locate and operate fans and other air blowing equipment in a manner that minimizes the potential for contaminating food, food-packaging materials, and food-contact surfaces. To comply:

(A) intake and exhaust air ducts shall be cleaned and filters changed so they are not a source of contamination by dust, dirt, and other materials; and

(B) ventilation systems may not create a public health hazard or nuisance or unlawful discharge, if vented to the outside.

(9) Protecting outer openings against the entry of insects, rodents, or other vermin by:

(A) filling or closing holes and other gaps along floor, walls, and ceilings;

(B) closed, tight-fitting windows;

(C) solid, self-closing, and tight-fitting doors, except emergency exit and dock doors do not need to be self-closing; and

(D) using screening, air curtains, or other effective means, when appropriate.

*(Indiana State Department of Health; 410 IAC 7-21-38; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1621, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-39 Sanitary operations; general maintenance**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 39. (a) The plant shall be:

(1) maintained in a sanitary condition; and

(2) kept in repair sufficient to prevent food from becoming adulterated.

Cleaning and sanitizing of utensils and equipment shall be conducted in a manner that protects against contamination of food, food-contact surfaces, or food-packaging materials.

(b) Food-contact surfaces, utensils, and equipment shall be cleaned as frequently as necessary to protect against contamination of food by performing the following:

(1) Food-contact surfaces of equipment and utensils used for manufacturing or holding low moisture food shall be in a dry, clean, and sanitary condition at the time of use. When the food-contact surfaces are wet cleaned, they shall be sanitized and thoroughly dried before subsequent use.

(2) In wet processing, when cleaning is performed to protect against the introduction of micro-organisms into food, food-contact surfaces shall be cleaned and sanitized before use and after any interruption during which the food-contact surfaces may have become contaminated.

(3) Where equipment and utensils are used in a continuous production operation, food-contact surfaces of the equipment shall be cleaned and sanitized as necessary to prevent contamination.

(4) Nonfood-contact surfaces of equipment used in the operation of food plants should be cleaned as frequently as necessary to protect against contamination of food.

(5) Single-service articles, such as utensils intended for one-time use, paper cups, and paper towels, should be stored in appropriate containers and shall be handled, dispensed, used, and disposed of in a manner that protects against contamination of food or food-contact surfaces.

(6) Cleaned and sanitized portable equipment with food-contact surfaces and utensils shall be stored in a location and manner that protects food-contact surfaces from contamination.

(7) Sanitizing agents shall be effective and safe under conditions of use. Any facility, procedure, or machine is acceptable for cleaning and sanitizing equipment and utensils if it is established that the facility, procedure, or machine will routinely render equipment and utensils clean and sanitized.

(8) Chemical sanitizers and other chemical antimicrobials applied to food-contact surfaces shall meet the requirements specified in 21 CFR 178.1010.

*(Indiana State Department of Health; 410 IAC 7-21-39; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1623, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-40 Toxic and poisonous substances; pest control**

Authority: IC 16-42-5-5
Affected: IC 15-16-5; IC 16-42-5

Sec. 40. (a) Cleaning compounds and sanitizing agents used in cleaning and sanitizing procedures shall be free from undesirable micro-organisms and shall be safe and adequate under the conditions of use. Compliance with this requirement may be verified by an effective means, including, but not limited to, purchase of substances under a supplier's guarantee or certification, or examination of the substances for contamination.

(b) Only the following toxic materials may be used or stored in a plant where food is processed or exposed:

(1) Chemicals required for maintaining clean and sanitary conditions.

(2) Chemicals necessary for use in laboratory testing procedures.

(3) Chemicals necessary for plant and equipment maintenance and operation.

(4) Chemicals necessary for use in the plant's operations.

(c) Toxic cleaning compounds, sanitizing agents, and pesticide chemicals shall be identified, held, and stored in a manner that protects against contamination of food, food-contact surfaces, or food-packaging materials. Poisonous or toxic materials shall be stored and transported according to the following:

(1) Separating the poisonous or toxic materials by spacing or partitioning.

(2) Locating the poisonous or toxic materials in an area that is not above food, equipment, linens, or food-contact surfaces.

(d) Poisonous or toxic materials shall be applied and used according to all relevant regulations promulgated by other federal, state, and local government agencies and according to the following:

(1) Manufacturers' use directions on the label.

(2) The conditions of certification for use of the pest control materials.

(3) Applied in a manner that does not constitute a hazard to personnel or does not contaminate by drip, drain, fog, splash, or spray any food, equipment, utensils, linens, or other food-contact surface. For pesticide use, this is achieved by:

(A) removing the items;

(B) covering the items with impermeable covers; or

(C) taking other appropriate preventive action and cleaning and sanitizing equipment, utensils, and food-contact surfaces after application.

(4) Chemicals used to wash or peel whole fruits and vegetables shall meet the requirements specified in 21 CFR 173.315.

(5) Chemicals used as boiler water additives shall meet the requirements as specified in 21 CFR 173.310.

(6) A restricted use pesticide shall be applied only by an applicator certified according to 312 IAC 15-3-3.6 or a person under the direct supervision of a certified applicator.

(e) Pests shall not be allowed in any area of a wholesale food establishment. Effective measures shall be taken to exclude pests from the processing areas and to protect against the contamination of food on the premises by pests. The use of insecticides or rodenticides is permitted only under precautions and restrictions that protect against the contamination of food, food-contact surfaces, and food-packaging materials, such as the following:

(1) Rodent bait shall be contained in a covered, tamper-resistant bait station.

(2) Toxic tracking powder pesticide may not be used in wholesale food establishments.

(f) Guard dogs and service animals may be allowed in some areas of a plant if the presence of the animals cannot result in contamination of food, food-contact surfaces, or food-packaging materials. *(Indiana State Department of Health; 410 IAC 7-21-40; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1623, eff one hundred twenty (120) days after filing with secretary of state; errata filed Jan 9, 2002, 12:50 p.m.: 25 IR 1645; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-41 Plumbing and sewage systems**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 41. Each facility shall be equipped with effective plumbing and sewage facilities and adequate accommodations, including, but not limited to, the following:

(1) The water supply shall be sufficient for the operations intended and shall be derived from an approved source. Drinking water and water used for food processing operations shall meet bacteriological and chemical quality standards specified in 327 IAC 8-2. Running water at a suitable temperature and under pressure as needed shall be provided in all areas where required for the processing of food, for the cleaning of equipment, utensils, and food-packaging materials, or for employee sanitary facilities.

(2) If a food processing plant obtains water from a water system not subject to 327 IAC 8-2 for its operations, the operator shall sample the water at least annually for bacterial analysis by a certified laboratory, maintain records of analyses of sample results for three (3) years, and provide such records to the department upon request.

(3) A plumbing system shall be of sufficient size and shall be designed, constructed, installed, and maintained according to the applicable Indiana plumbing code, 675 IAC 16-1.3, to do the following:

(A) Carry sufficient quantities of water to required locations throughout the facility.

(B) Properly convey sewage and liquid disposable waste from the facility.

(C) Avoid constituting a source of contamination to food, water supplies, equipment, and utensils or creating an unsanitary condition.

(D) Provide sufficient floor drainage in all areas where floors are subject to flooding-type cleaning or where normal operations release or discharge water or other liquid waste on the floor.

(E) Prevent backflow or backsiphonage from, or cross-connection between, piping systems that discharge wastewater or sewage and piping systems that carry water for food or food manufacturing. This shall be accomplished by the following:

(i) Installing a backflow or backsiphonage prevention device on a water supply system which meets the standards in 675 IAC 16-1.3 for construction, installation, maintenance, inspection, and testing for that specific application and type of approved device.

(ii) Using an air gap, if necessary, between the water supply inlet and the flood level rim of the plumbing fixture, equipment, or nonfood equipment. It shall be at least twice the diameter of the water supply inlet and may not be less than one (1) inch.

It shall be a minimum of two (2) pipe diameters of the pipe or six (6) inches, whichever is the lesser.

(4) Sewage disposal shall be conveyed into an approved sanitary sewerage system or other system, including the use of sewage transport vehicles, pumps, hoses, and connections that are constructed, maintained, and operated according to law.

*(Indiana State Department of Health; 410 IAC 7-21-41; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1624, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-42 Sanitary facilities and controls**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 42. (a) Each facility shall provide its employees with adequate, readily accessible toilet facilities. Compliance with this requirement shall be accomplished by, but not limited to, the following:

(1) Maintaining the facilities in a sanitary condition.

(2) Keeping the facilities in good repair at all times.

(3) Providing self-closing doors.

(4) Providing doors that do not open into areas where food is exposed to airborne contamination, except where alternate means have been taken to protect against contamination, such as double doors or positive airflow systems.

(b) Each facility shall provide its employees with hand washing facilities that are adequate, readily accessible, and convenient. Compliance with this requirement shall be accomplished by providing the following:

(1) Hand washing facilities at each location in the plant where good sanitary practices require employees to wash their hands. Each hand washing facility shall be:

(A) furnished with hot and cold running water tempered by means of a mixing valve or combination faucet; and

(B) capable of reaching a minimum water temperature of eighty-five (85) degrees Fahrenheit within sixty (60) seconds.

(2) Effective hand-cleaning preparations.

(3) Sanitary towel service, paper towels, or suitable drying devices.

(4) Devices or fixtures, such as water control valves, designed and constructed to protect against recontamination of clean hands.

(5) Signs directing food employees handling unprotected food, unprotected food-packaging materials, and food-contact surfaces to wash and, where appropriate, sanitize their hands. These signs should be posted in the processing room and in all other areas where employees handle food, food-packaging materials, or food-contact surfaces. If necessary, the signs should be multilingual.

(c) If mops or similar wet floor cleaning tools are used, at least one (1) service sink or one (1) curbed cleaning facility equipped with a floor drain and supplied with hot and cold water under pressure shall be provided and conveniently located.

(d) Receptacles and waste handling units for refuse, recyclables, and returnables and for use with materials containing food residue shall be durable, cleanable, insect-resistant, rodent-resistant, leakproof, nonabsorbent, and maintained in good repair.

(e) Rubbish and any offal shall be so conveyed, stored, and disposed of as to minimize the development of odor, minimize the potential for the waste becoming an attractant and harborage or breeding place for pests, and protect against contamination of food, food-contact surfaces, water supplies, and ground surfaces. *(Indiana State Department of Health; 410 IAC 7-21-42; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1625, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-43 Equipment and utensils**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 43. (a) All processing equipment and utensils shall be so designed and of such material and workmanship as to be effectively cleanable and shall be properly maintained. The design, construction, and use of equipment and utensils shall preclude the adulteration of food with lubricants, fuel, metal fragments, contaminated water, or any other contaminants. All equipment shall be so installed and maintained as to facilitate the cleaning of the equipment and of all adjacent spaces. Food-contact surfaces shall be corrosion-resistant when in contact with food. They shall be made of nontoxic materials and designed to withstand the environment of their intended use and the action of food and, if applicable, cleaning compounds and sanitizing agents. Food-contact surfaces shall be maintained to protect food from being contaminated by any source, including unlawful indirect food additives by the following means:

(1) Seams on food-contact surfaces shall be smoothly bonded or maintained so as to minimize accumulation of food particles, dirt, and organic matter and thus minimize the opportunity for growth of micro-organisms.

(2) Equipment that is in the manufacturing or food-handling area and that does not come into contact with food shall be so constructed that it can be maintained in a clean condition.

(3) Holding, conveying, and manufacturing systems, including gravimetric, pneumatic, closed, and automated systems, shall be of a design and construction that enables them to be maintained in an appropriate sanitary condition.

(b) Each freezer and refrigeration unit, including transportation vehicles, used to store, hold, or transport food capable of supporting growth of micro-organisms shall be fitted with an indicating thermometer, temperature measuring device, or temperature recording device so installed as to show the temperature accurately within the compartment and should be fitted with an automatic control for regulating temperature or with an automatic alarm system to indicate a significant temperature change in a manual operation. The operator shall do the following:

(1) Record the temperature shown by each measuring device installed in the unit, with the date on which the temperature reading was taken. Temperature shall be monitored and recorded at least weekly.

(2) Retain and have available for inspection the temperature records for the last six (6) months.

(c) Instruments and controls used for measuring, regulating, or recording temperatures, pH, acidity, water activity, or other conditions that control or prevent the growth of undesirable micro-organisms in food shall be accurate and adequately maintained, sufficient in number for their designated uses, and calibrated at the frequency recommended by the manufacturer of the device. The ambient air temperature measuring devices that are scaled in Fahrenheit shall be accurate to plus or minus three (3) degrees Fahrenheit in the intended range of use.

(d) The amount of food stored in a refrigerator or frozen food storage unit shall not exceed the designed capacity of that unit.

(e) Compressed air or other gases mechanically introduced into food or used to clean food-contact surfaces or equipment shall be treated in such a way that food is not contaminated with unlawful indirect food additives. *(Indiana State Department of Health; 410 IAC 7-21-43; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1625, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-44 Raw materials; production and process controls**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 44. (a) All operations in the receiving, inspecting, transporting, segregating, preparing, manufacturing, packaging, and storing of food shall be conducted in accordance with current sanitation principles as follows:

(1) Appropriate quality control operations shall be employed to ensure that food is suitable for human consumption and that food-packaging materials are safe and suitable.

(2) Overall sanitation of the plant shall be under the supervision of one (1) or more competent individuals assigned responsibility for this function.

(3) All reasonable precautions shall be taken to ensure that production procedures do not contribute contamination from any source by adhering to the following:

(A) Chemical, microbial, or extraneous material testing procedures shall be used where necessary to identify sanitation failures or possible food contamination.

(B) All food that has become contaminated to the extent that it is adulterated shall be rejected or, if permissible, treated or processed to eliminate the contamination.

(b) Raw materials and other ingredients shall be inspected and segregated or otherwise handled as necessary to ensure that they are clean and suitable for processing into food and shall be stored under conditions that will protect against contamination and minimize deterioration by the following:

(1) Washing or cleaning raw materials as necessary to remove soil or other contamination.

(2) Using water for washing, rinsing, or conveying food that is safe and meets the quality standards specified in 327 IAC 8-2.

(3) Reusing water for washing, rinsing, or conveying food if it does not increase the level of contamination of the food.

(4) Inspecting on receipt containers and carriers of raw materials to ensure that their condition has not contributed to the contamination or deterioration of food.

(c) Raw materials and other ingredients shall not contain levels of micro-organisms that may produce foodborne illness or other disease in humans. If the potential for high levels of disease-causing micro-organisms is present, food shall be pasteurized or otherwise treated during manufacturing operations so that the food no longer contains levels that would cause the product to be adulterated. Compliance with this requirement may be verified by any effective means, such as with a HACCP plan or purchasing raw materials and other ingredients under a supplier's guarantee or certification.

(d) Raw materials and other ingredients susceptible to contamination with aflatoxin or other natural toxins shall comply with current state and federal regulations, guidelines, and action levels for poisonous or deleterious substances before these materials or ingredients are incorporated into finished food. Compliance with this requirement may be accomplished by:

(1) purchasing raw materials and other ingredients under a supplier's guarantee or certification; or

(2) verifying by analyzing these materials and ingredients for aflatoxins and other natural toxins.

(e) Raw materials, other ingredients, and rework susceptible to contamination with pests, undesirable micro-organisms, or extraneous material shall comply with applicable state and federal regulations, guidelines, and defect action levels for natural or unavoidable defects, as specified in 21 CFR 110.110, if a manufacturer wishes to use the materials in manufacturing food. Compliance with this requirement may be verified by any effective means, such as:

(1) purchasing the materials under a supplier's guarantee or certification; or

(2) examination of these materials for contamination.

(f) Raw materials, other ingredients, and rework shall be held in bulk, or in containers designed and constructed to protect against contamination and shall be held at proper temperature and relative humidity and in such a manner as to prevent the food from becoming adulterated. Material scheduled for rework shall be identified as such.

(g) Liquid or dry raw materials and other ingredients received and stored in bulk form shall be stored in a manner that protects

against contamination.

(h) Frozen raw materials and other ingredients shall be kept frozen. If thawing is required prior to use, it shall be done in a manner that prevents the raw materials and other ingredients from becoming adulterated.

(i) Food may not contain unapproved food additives or additives that exceed amounts specified in 21 CFR 170 through 21 CFR 180 relating to food additives generally recognized as safe, or prior sanctioned substances that exceed amounts specified in 21 CFR 181, 21 CFR 182, 21 CFR 184, and 21 CFR 186. *(Indiana State Department of Health; 410 IAC 7-21-44; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1626, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-45 Manufacturing operations**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 45. (a) Equipment and utensils and finished food containers shall be maintained in an acceptable condition through appropriate cleaning and sanitizing and when necessary the following:

(1) Equipment shall be taken apart for thorough cleaning and sanitizing.

(2) A CIP system may be used when the design of the equipment requires the circulation or flowing by mechanical means through a piping system of a detergent solution, water rinse, and sanitizing solution.

(b) All food manufacturing, including packaging and storage, shall be conducted under conditions and controls as necessary to minimize the potential for the growth of micro-organisms or the contamination of food. Compliance with this subsection may require careful monitoring of physical factors, such as time, temperature, humidity, water activity ($a_w$), pH, pressure, flow rate, and manufacturing operations, such as freezing, dehydration, heat processing, acidification, and refrigeration to ensure that mechanical breakdowns, time delays, temperature fluctuations, and other factors do not contribute to the decomposition or contamination of food.

(c) Food that can support the rapid growth of undesirable micro-organisms, particularly those of public health significance, shall be held in a manner that prevents the food from becoming adulterated. Compliance with this subsection shall be accomplished by an effective means, including, but not limited to, the following:

(1) Maintaining cold, potentially hazardous foods at forty-one (41) degrees Fahrenheit or below. Exceptions to this requirement are when the receiving and storage temperatures are specified in another law, such as laws governing milk, molluscan shellfish, and shell eggs. These foods may be received and stored at the temperature specified in law.

(2) Maintaining hot, potentially hazardous foods at one hundred forty (140) degrees Fahrenheit or above.

(3) Heat treating acid or acidified foods to destroy mesophilic micro-organisms when those foods are to be held in hermetically sealed containers at ambient temperatures.

(d) Frozen foods shall be maintained in a frozen state and should be stored at zero (0) degrees Fahrenheit or below. Frozen foods shall not be refrozen after having been thawed unless the products are to be further processed by the processor, as necessary to control microbial growth.

(e) Frozen foods during transportation shall remain frozen and should be at zero (0) degrees Fahrenheit or below. Refrigerated foods during transportation shall be at forty-one (41) degrees Fahrenheit or below unless law governing their distribution applies, such as temperature requirements for shell eggs.

(f) Measures such as sterilizing, irradiating, pasteurizing, freezing, refrigerating, controlling pH, or controlling $a_w$ that is taken to destroy or prevent the growth of undesirable micro-organisms, particularly those of public health significance, shall be effective under the conditions of manufacturing, handling, and distribution to prevent food from being adulterated.

(g) Work-in-process shall be handled in a manner that protects against contamination.

(h) Effective measures shall be taken to protect finished food from contamination by raw materials, other ingredients, including potential food allergens, or refuse in the following manner:

(1) When raw materials, other ingredients, or refuse are unprotected, they shall not be handled simultaneously in receiving, loading, or shipping areas if that handling could result in contaminated food.

(2) Food transported by conveyor shall be protected against contamination as necessary.

(i) Equipment, containers, and utensils used to convey, hold, or store raw materials, work-in-process, rework, or food shall be of a food grade quality and constructed, handled, and maintained during manufacturing or storage in a manner that protects against

contamination.

(j) Effective measures shall be taken to protect against the inclusion of metal or other extraneous material in food. Compliance with this subsection shall be accomplished by using sieves, traps, magnets, and electronic metal detectors, or other effective means. If lubricants are used on food-contact surfaces, on bearings and gears located on or within food-contact surfaces, or on bearings and gears that are located so that lubricants may leak, drip, or be forced into food or onto food-contact surfaces, they shall meet the requirements specified in 21 CFR 178.3570.

(k) Food, raw materials, and other ingredients that are adulterated shall be disposed of in a manner that protects against the contamination of other food. If the adulterated food is capable of being reconditioned, it shall be reconditioned using a method that has been proven to be effective or it shall be reexamined and found not to be adulterated before being incorporated into other food.

(l) Mechanical manufacturing steps, such as washing, peeling, trimming, cutting, sorting, and inspecting, mashing, dewatering, cooling, shredding, extruding, drying, whipping, defatting, and forming shall be performed so as to protect food against contamination. Compliance with this subsection shall be accomplished by providing adequate physical protection of food from contaminants that may drip, drain, or be drawn into the food. Protection shall be provided by adequate cleaning and sanitizing of all food-contact surfaces and by using time and temperature controls at and between each manufacturing step.

(m) Heat blanching, when required in the preparation of food, should be effected by heating the food to the required temperature, holding it at this temperature for the required time, and then either rapidly cooling the food or passing it to subsequent manufacturing without delays. Thermophilic growth and contamination in blanchers should be minimized by the use of effective operating temperatures and by periodic cleaning. Where the blanched food is washed prior to filling, water used shall be safe and meet the quality standards specified in 327 IAC 8-2.

(n) Batters, breading, sauces, gravies, dressings, and other similar preparations shall be treated or maintained in such a manner that they are protected against contamination. If the products are potentially hazardous they shall be held at forty-one (41) degrees Fahrenheit or below or at one hundred forty (140) degrees Fahrenheit or above. Compliance with this subsection shall be accomplished by an effective means, including one (1) or more of the following:

(1) Using ingredients free of contamination.

(2) Employing adequate heat processes where applicable.

(3) Using adequate time and temperature controls.

(4) Providing effective physical protection of food or equipment from contaminants that may drip, drain, or be drawn into them.

(5) Rapid cooling to a storage temperature of forty-one (41) degrees Fahrenheit or below.

(6) Disposing of batters at appropriate intervals to protect against the growth of micro-organisms.

(o) Filling, assembling, packaging, and other operations shall be performed in a way that the food is protected against contamination. Compliance with this subsection shall be accomplished by the following:

(1) Using a quality control operation in which the critical control points are identified and controlled during manufacturing, if applicable.

(2) Adequate cleaning and sanitizing of all food-contact surfaces and food containers.

(3) Using materials for food containers and food-packaging materials that are safe and intended for food use.

(4) Providing effective physical protection from contamination, particularly airborne contamination.

(5) Using sanitary handling procedures.

(6) Utilizing adequate control procedures to prevent allergen cross contact.

(p) Food, such as, but not limited to, dry mixes, nuts, intermediate moisture food, and dehydrated food, that relies on the control of $a_w$ for preventing the growth of undesirable micro-organisms shall be processed to and maintained at a safe moisture level of eighty-five hundredths (0.85) or less. Compliance with this subsection shall be accomplished by any effective means, including the employment of one (1) or more of the following practices:

(1) Monitoring the $a_w$ of food.

(2) Controlling the soluble solids/water ratio in finished food.

(3) Protecting finished food from moisture pick-up by use of a moisture barrier or by other means so that the $a_w$ of the food does not increase to an unsafe level.

(q) When ice is used as an ingredient or in contact with food, it shall be made from water that is safe and meets the quality standards specified in 327 IAC 8-2. It shall be used only if it has been manufactured in accordance with this rule.

(r) Bottled drinking water, manufactured, used, or sold, shall meet the requirements of 21 CFR 129 and 21 CFR 165.

(s) Food-manufacturing areas and equipment used for manufacturing human food should not be used to manufacture nonhuman

food-grade animal feed or inedible products unless there is no reasonable possibility for the contamination of the human food.

(t) The operator of a wholesale food establishment that manufactures ready-to-eat, potentially hazardous foods shall report to the department the results of any microbiological test or other laboratory analysis, which shows a likelihood that any ready-to-eat food produced by that operator contains pathogenic organisms, undeclared allergens, or other health hazards. The operator shall report to the department within twenty-four (24) hours after receiving positive test results. The operator may report orally, electronically, or in writing, except as specified in the following:

(1) A wholesale food establishment operator is not required to report test results if the following conditions apply:

(A) A product code or production date identifies the ready-to-eat food lot number.

(B) The wholesale food establishment operator has not sold or distributed any of the food represented by the product code or production lot number as specified under clause (A).

(2) The department shall be notified in a timely manner if the wholesale food establishment initiates a recall and if positive testing results in the disposition of products.

*(Indiana State Department of Health; 410 IAC 7-21-45; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1627, eff one hundred twenty (120) days after filing with secretary of state; errata filed Jan 9, 2002, 12:50 p.m.: 25 IR 1645 ; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-46 Reduced oxygen packaging**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 46. (a) A wholesale food establishment that packages food using a reduced oxygen packaging method, with Clostridium botulinum identified as a microbiological hazard in the final packaged form, shall ensure that there are at least two (2) barriers in place to control the growth and toxin formation of Clostridium botulinum. These controls may include refrigeration, pH, and water activity.

(b) An establishment that packages food using a reduced oxygen packaging method, with Clostridium botulinum identified as a microbiological hazard in the final packaged form, shall have a HACCP plan that does the following:

(1) Contains a flow diagram by specific food or category type identifying critical control points and providing information on the following:

(A) Ingredients, materials, and equipment used in the preparation of that food.

(B) Formulations or recipes that delineate methods and procedural control measures that address the food safety concerns involved.

(2) Contains a statement of standard operating procedures for the plan that clearly identifies the following:

(A) Each critical control point.

(B) The critical limits for each critical control point.

(C) The method and frequency for monitoring and controlling each critical control point by the food employee designated by supervisory personnel.

(D) The method and frequency for supervision to routinely verify that the food employee is following standard operating procedures and monitoring critical control points.

(E) Action to be taken by supervision if the critical limits for each critical control point is not met.

(F) Records to be maintained by supervision to demonstrate that the HACCP plan is properly operated and managed.

(3) Identifies the food to be packaged.

(4) Limits the food packaged to a food that does not support the growth of Clostridium botulinum because it meets with one (1) of the following criteria:

(A) Has an $a_w$ of ninety-one hundredths (0.91) or less.

(B) Has a pH of four and six-tenths (4.6) or less.

(C) Is a meat or poultry product cured at a food processing plant regulated by the United States Department of Agriculture and is received in an intact package.

(D) Is a food with a high level of competing organisms, such as raw meat or raw poultry.

(5) Specifies methods for maintaining food at forty-one (41) degrees Fahrenheit or below.

(6) Describes how the packages shall be prominently and conspicuously labeled on the principal display panel in bold type on a contrasting background, with instructions to:

(A) maintain the food at forty-one (41) degrees Fahrenheit or below; and

(B) discard the food if within fourteen (14) calendar days of its packaging it is not sold for consumption.

(7) Limits the shelf life to no more than fourteen (14) calendar days from packaging to consumption or the original manufacturer's "sell by" or "use by" date, whichever occurs first.

(8) Includes operational procedures that:

(A) prohibit contacting food with bare hands;

(B) identify a designated area and the method by which:

(i) physical barriers or methods of separation of raw foods and ready-to-eat foods minimize cross contamination; and

(ii) access to the processing equipment is restricted to responsible trained personnel familiar with the potential hazards of the operation; and

(C) delineate cleaning and sanitization procedures for food-contact surfaces.

(9) Describes the training program that ensures that the individual responsible for the reduced oxygen packaging operation understands the:

(A) concepts required for a safe operation;

(B) equipment and facilities; and

(C) procedures specified under subdivisions (2) and (8).

*(Indiana State Department of Health; 410 IAC 7-21-46; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1629, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-47 Acidified foods**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 47. A wholesale food establishment that processes acidified foods shall employ appropriate quality control procedures to ensure that finished foods do not present a health hazard as follows:

(1) All operators of processing and packaging systems shall be under the operating supervision of a person who has:

(A) attended a school giving instruction in food-handling techniques, food-protection principles, personal hygiene and plant sanitation practices, pH controls, and critical factors in acidification; and

(B) been identified by that school as having satisfactorily completed the prescribed course of instruction.

A United States Food and Drug Administration (FDA) sponsored Better Processing Control School is an approved school. Other equivalent schools approved by the department may be attended. The department shall consider students who have satisfactorily completed required portions of the school to be in compliance with the requirement of this subdivision.

(2) Acidified foods shall be manufactured, processed, and packaged so that a finished equilibrium pH value of 4.6 or lower is achieved within the time designated in the scheduled process and maintained in all finished foods. Manufacturing shall be in accordance with the scheduled process. Acidified foods shall be thermally processed to an extent that is sufficient to destroy the vegetative cells of micro-organisms of public health significance and those of nonhealth significance, such as yeast and mold, capable of reproducing in the food under the conditions in which the food is stored, distributed, retailed, and held by the user. FDA approved preservatives may be used to inhibit reproduction of micro-organisms of nonhealth significance in lieu of thermal processing.

(3) Sufficient control, including frequent testing and recording of results, shall be exercised so that the finished equilibrium pH values for acidified foods are not higher than 4.6. Measurement of acidity of foods in process may be made by potentiometric methods, titratable acidity, or colorimetric methods. If the finished equilibrium pH of the food is above 4.0, the measurement of the finished equilibrium pH shall be by a potentiometric method, and the in-process measurements by titration or colorimetry shall be related to the finished equilibrium pH. If the finished equilibrium pH is 4.0 or below, then the measurement of acidity of the final product may be made by any suitable method. When food ingredients have been subjected to lye, lime, or similar high pH materials, they may alter the pH of the product.

(4) Procedures for acidification to attain acceptable equilibrium pH levels in the final food include, but are not limited to, the following:

(A) Blanching of the food ingredients in acidified aqueous solutions.

(B) Immersion of the blanched food in acid solutions. Although immersion of food in an acid solution is a satisfactory method for acidification, process controls must be taken to ensure that the acid concentration is properly maintained.

(C) Direct batch acidification, which can be achieved by adding a known amount of an acid solution to a specified amount of food during acidification.

(D) Direct addition of a predetermined amount of acid to individual containers during production. Liquid acids are generally more effective than solid or pelleted acids. Process controls must be taken to ensure that the proper amount of acid is added to each container.

(E) Addition of acid foods to low-acid foods in controlled proportions to conform to specific formulations.

(5) Testing and examinations of containers shall occur often enough to ensure that the container suitably protects the food from leakage or contamination.

(6) pH meters shall be standardized to get an accurate pH measurement. The directions for standardization and storage supplied by the manufacturer of the equipment shall be followed.

(7) Each container or product shall be marked with an identifying code permanently visible to the naked eye. If the container does not permit the code to be embossed or inked, the label may be legibly perforated or otherwise marked, as long as the label is securely affixed to the product container. The required identification shall specify in code the wholesale food establishment where the product was packed, the product contained therein, and the year, day, and period during which it was packed. The packing period code shall be changed often enough to enable ready identification of lots during their sale and distribution. Codes may be changed periodically on one (1) of the following bases:

(A) Intervals of four (4) to five (5) hours.

(B) Personnel shift changes.

(C) Batches, as long as the containers constituting the batch do not represent those processed during more than one (1) personnel shift.

(8) A qualified person who has expert knowledge acquired through appropriate training and experience in the acidification and processing of acidified foods shall establish the scheduled process and be considered a processing authority. A written document or published paper prepared by experts in acidified food processing, such as the "Ball Canning Book", may qualify. Any modifications to a process listed in a document or paper shall be substantiated by a qualified person, and that person shall be listed as the processing authority. Copies of the scheduled process shall be kept at the facility.

(9) Whenever any process operation deviates from the scheduled process for any acidified food and/or the equilibrium pH of the finished product is higher than 4.6, the commercial processor of the acidified food shall do any of the following:

(A) Fully reprocess that portion of the food by a process established by a competent processing authority as effective to ensure a safe product.

(B) Thermally process the food as a low-acid food under 21 CFR 113.

(C) Set aside that portion of the food involved for further evaluation as to any potential public health significance. The evaluation shall be made by a competent processing authority and shall be in accordance with procedures recognized by competent processing authorities as being adequate to detect any potential hazard to public health. Unless the evaluation demonstrates that the food has undergone a process that has rendered it safe the food set aside shall either be fully reprocessed to render it safe or be destroyed. A record shall be made of the procedures used in the evaluation and the results. Either upon completion of full reprocessing and the attainment of a safe food, or after the determination that no significant micro-organisms for public health hazard exists, that portion of the food involved may be shipped in normal distribution. Otherwise, the portion of the food involved shall be destroyed.

(10) Records shall be maintained of examinations of raw materials, packaging materials, and finished products and of suppliers' guarantees or certifications that verify compliance with this rule.

(11) Processing and production records showing adherence to scheduled processes, including records of pH measurements and other critical factors intended to ensure a safe product, shall be maintained and shall contain sufficient additional information, such as product code, date, container size, and product, to permit a public health hazard evaluation of the processes applied to each lot, batch, or other portion of production.

(12) Records shall be kept of all departures from scheduled processes having a possible bearing on public health or the safety

of the food. The records shall delineate the action taken and the final disposition of the product involved.

(13) Records shall be maintained identifying initial distribution of the finished product to facilitate, when necessary, the segregation of specific food lots that may have become contaminated or otherwise unfit for their intended use.

(14) If a processor makes an electronic record of pH by connection of the pH meter to a computer or by manually keying the pH values into a computer as the primary record, then that record is subject to 21 CFR 11.

(15) Copies of all records provided for in subdivisions (10) through (14) shall be retained at the processing plant or other reasonable, accessible location for a period of three (3) years from the date of manufacture.

*(Indiana State Department of Health; 410 IAC 7-21-47; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1630, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-48 Warehousing and distribution**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 48. Storage and transportation of finished food shall be under conditions that will protect food against physical, chemical, and microbial contamination as well as against deterioration of the food and the container. Potentially hazardous foods shall be transported at the temperatures as specified in section 45(c)(1) of this rule and sections 45(d) through 45(e) of this rule *[section 45(c)(1) and 45(d) through 45(e) of this rule]*. *(Indiana State Department of Health; 410 IAC 7-21-48; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1631, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-49 Accurate representation of packaged food using standards of identity, honest presentation of food, and food labels**

Authority: IC 16-42-5-5
Affected: IC 16-42-1; IC 16-42-2

Sec. 49. (a) Packaged food shall comply with standard of identity requirements in 21 CFR 130 through 21 CFR 169.

(b) Food shall be offered for human consumption in a way that does not mislead or misinform the consumer.

(c) Food or color additives, colored overwraps, or lights may not be used to misrepresent the true appearance, color, or quality of the food.

(d) Food packaged or stored in a wholesale food establishment shall be labeled as specified in law, including the following:

(1) IC 16-42-1.

(2) IC 16-42-2.

(3) 410 IAC 7-5.

(4) 21 CFR 101.

(e) Label information shall include the following:

(1) The common name of the food or, absent a common name, an adequately descriptive identity statement.

(2) If made from two (2) or more ingredients, a list of ingredients in descending order of predominance by weight, including a declaration of artificial color or flavor and chemical preservatives, if contained in the food.

(3) An accurate declaration of the quantity of contents as required in 410 IAC 12-1.

(4) The name and place of business of the manufacturer, packer, or distributor.

*(Indiana State Department of Health; 410 IAC 7-21-49; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1631, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-50 Public health protection; access; reporting imminent health hazards**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 50. (a) The department shall uniformly apply this rule to all wholesale food establishments in a reasonable manner that promotes its underlying purpose of safeguarding public health and ensuring that food is safe, not misbranded, unadulterated, and honestly presented when offered to the consumer.

(b) Facilities and equipment that were installed prior to the effective date of this rule, that do not fully meet all of the design and fabrication requirements, shall be deemed acceptable in that wholesale food establishment if it is in good repair, capable of being maintained in a sanitary condition, and the food-contact surfaces are nontoxic.

(c) After the department presents official credentials and expresses an intent to inspect, investigate, or collect food samples, the supervisory personnel shall allow the department access to the establishment during the establishment's hours of operation and other reasonable times. Information and records to which the department is entitled according to law and are specified in this rule shall be provided upon request.

(d) A wholesale food establishment shall immediately discontinue operations and notify the regulatory authority if an imminent health hazard may exist because of an emergency, such as:

(1) a fire;
(2) a flood;
(3) an extended interruption of electrical or water service;
(4) a sewage backup;
(5) a misuse of poisonous or toxic materials;
(6) an onset of an apparent foodborne illness outbreak;
(7) a gross unsanitary occurrence or condition; or
(8) other circumstance that may endanger public health.

(e) Operation need not be discontinued in an area of a wholesale food establishment that is unaffected by the imminent health hazard.

(f) If operations are discontinued as specified under this subsection or otherwise according to law, the wholesale food establishment shall obtain approval from the department before resuming operations. *(Indiana State Department of Health; 410 IAC 7-21-50; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1632, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-51 Registration of a wholesale food establishment**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 51. (a) A wholesale food establishment that maintains a place of business in Indiana shall file with the department, on forms to be furnished by the department, a written statement of the name and address of the owner, the name of the business, the character of the business, and the business address of each place of business in Indiana.

(b) A new wholesale food establishment shall not be established in Indiana until the place of business has been registered as provided in this subsection. The department shall be notified of intent to operate at least thirty (30) days prior to beginning operations.

(c) If ownership of a registered place of business changes, the new owner shall register the place of business before operating the same.

(d) If the name of the business or the address of a registered place of business changes, the owner shall register the change. *(Indiana State Department of Health; 410 IAC 7-21-51; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1632, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

**410 IAC 7-21-52 Incorporation by reference**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 52. (a) The following are hereby incorporated by reference:

(1) 21 CFR 11 (April 1, 2001 Edition).

(2) 21 CFR 110.110 (April 1, 2001 Edition).
(3) 21 CFR 101 (April 1, 2001 Edition).
(4) 21 CFR 113 (April 1, 2001 Edition).
(5) 21 CFR 129 (April 1, 2001 Edition).
(6) 21 CFR 130 through 21 CFR 169 (April 1, 2001 Edition).
(7) 21 CFR 170 through 21 CFR 180 (April 1, 2001 Edition).
(8) 21 CFR 181 through 21 CFR 182, 21 CFR 184, and 21 CFR 186 (April 1, 2001 Edition).
(9) 21 CFR 173.310 (April 1, 2001 Edition).
(10) 21 CFR 173.315 (April 1, 2001 Edition).
(11) 21 CFR 178.1010 (April 1, 2001 Edition).
(12) 21 CFR 178.3570 (April 1, 2001 Edition).

(b) Federal rules, which have been incorporated by reference, do not include any later amendments than those specified in the incorporated citation. Sales of the Code of Federal Regulations are handled exclusively by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. *(Indiana State Department of Health; 410 IAC 7-21-52; filed Jan 7, 2002, 10:16 a.m.: 25 IR 1632, eff one hundred twenty (120) days after filing with secretary of state; readopted filed Jul 14, 2008, 2:14 p.m.: 20080806-IR-410080322RFA; readopted filed Sep 10, 2014, 2:08 p.m.: 20141008-IR-410140299RFA; readopted filed Sep 10, 2020, 2:11 p.m.: 20201007-IR-410200404RFA)*

## Rule 22. Certification of Food Handlers

**410 IAC 7-22-1 Applicability**

Authority: IC 16-42-5.2-13
Affected: IC 16-42-5.2

Sec. 1. The definitions in this rule apply throughout this rule. *(Indiana State Department of Health; 410 IAC 7-22-1; filed May 19, 2003, 8:50 a.m.: 26 IR 3334; readopted filed Jul 8, 2009, 1:44 p.m.: 20090805-IR-410090209RFA; readopted filed Sep 30, 2015, 2:45 p.m.: 20151028-IR-410150169RFA)*

**410 IAC 7-22-2 "Accreditation" defined**

Authority: IC 16-42-5.2-13
Affected: IC 16-42-5.2

Sec. 2. "Accreditation" means that an accrediting organization has verified a food safety certification examination meets the standards established by the Conference for Food Protection. The food safety certification examination shall be reviewed by an independent accrediting organization to verify compliance with standards established by the Conference for Food Protection. *(Indiana State Department of Health; 410 IAC 7-22-2; filed May 19, 2003, 8:50 a.m.: 26 IR 3334; readopted filed Jul 8, 2009, 1:44 p.m.: 20090805-IR-410090209RFA; readopted filed Sep 30, 2015, 2:45 p.m.: 20151028-IR-410150169RFA)*

**410 IAC 7-22-3 "Accredited certification examination" defined**

Authority: IC 16-42-5.2-13
Affected: IC 16-42-5.2

Sec. 3. "Accredited certification examination" means a food protection certification examination that meets the criteria established by the Conference for Food Protection and has met the Conference for Food Protection standards, such as the American National Standards Institute standards for such programs. *(Indiana State Department of Health; 410 IAC 7-22-3; filed May 19, 2003, 8:50 a.m.: 26 IR 3335; readopted filed Jul 8, 2009, 1:44 p.m.: 20090805-IR-410090209RFA; readopted filed Sep 30, 2015, 2:45 p.m.: 20151028-IR-410150169RFA)*

**410 IAC 7-22-4 "Accrediting organization" defined**
Authority: IC 16-42-5.2-13
Affected: IC 16-42-5.2

Sec. 4. "Accrediting organization" means an independent organization, such as the American National Standards Institute, that determines whether a food protection certification examination meets the standards established by the Conference for Food Protection. *(Indiana State Department of Health; 410 IAC 7-22-4; filed May 19, 2003, 8:50 a.m.: 26 IR 3335; readopted filed Jul 8, 2009, 1:44 p.m.: 20090805-IR-410090209RFA; readopted filed Sep 30, 2015, 2:45 p.m.: 20151028-IR-410150169RFA)*

**410 IAC 7-22-5 "Accredited testing service" defined**
Authority: IC 16-42-5.2-13
Affected: IC 16-42-5.2

Sec. 5. "Accredited testing service" means a testing service that meets the standards established by the Conference for Food Protection and has met the Conference for Food Protection and the American National Standards Institute standards for such examinations. *(Indiana State Department of Health; 410 IAC 7-22-5; filed May 19, 2003, 8:50 a.m.: 26 IR 3335; readopted filed Jul 8, 2009, 1:44 p.m.: 20090805-IR-410090209RFA; readopted filed Sep 30, 2015, 2:45 p.m.: 20151028-IR-410150169RFA)*

**410 IAC 7-22-6 "Certification document" defined**
Authority: IC 16-42-5.2-13
Affected: IC 16-42-5.2

Sec. 6. "Certification document" means a certificate, letter, or other document verifying the individual has passed an accredited examination given by an accredited testing service. *(Indiana State Department of Health; 410 IAC 7-22-6; filed May 19, 2003, 8:50 a.m.: 26 IR 3335; readopted filed Jul 8, 2009, 1:44 p.m.: 20090805-IR-410090209RFA; readopted filed Sep 30, 2015, 2:45 p.m.: 20151028-IR-410150169RFA)*

**410 IAC 7-22-7 "Certified food handler" defined**
Authority: IC 16-42-5.2-13
Affected: IC 16-42-5.2

Sec. 7. "Certified food handler" means a food handler who holds a certificate recognized by the Conference for Food Protection or an equivalent nationally recognized certification program as determined by the department. *(Indiana State Department of Health; 410 IAC 7-22-7; filed May 19, 2003, 8:50 a.m.: 26 IR 3335; readopted filed Jul 8, 2009, 1:44 p.m.: 20090805-IR-410090209RFA; readopted filed Sep 30, 2015, 2:45 p.m.: 20151028-IR-410150169RFA)*

**410 IAC 7-22-8 "Department" defined**
Authority: IC 16-42-5.2-13
Affected: IC 16-42-5.2

Sec. 8. "Department" means the Indiana state department of health. *(Indiana State Department of Health; 410 IAC 7-22-8; filed May 19, 2003, 8:50 a.m.: 26 IR 3335; readopted filed Jul 8, 2009, 1:44 p.m.: 20090805-IR-410090209RFA; readopted filed Sep 30, 2015, 2:45 p.m.: 20151028-IR-410150169RFA)*

**410 IAC 7-22-9 "Food establishment" defined**
Authority: IC 16-42-5.2-13
Affected: IC 16-42-5.2

Sec. 9. "Food establishment" means any building, room, basement, vehicle of transportation, cellar, or open or enclosed area occupied or used for handling food. *(Indiana State Department of Health; 410 IAC 7-22-9; filed May 19, 2003, 8:50 a.m.: 26 IR*

*3335; readopted filed Jul 8, 2009, 1:44 p.m.: 20090805-IR-410090209RFA; readopted filed Sep 30, 2015, 2:45 p.m.: 20151028-IR-410150169RFA)*

**410 IAC 7-22-10 "Food handler" defined**

Authority: IC 16-42-5.2-13
Affected: IC 16-42-5.2

Sec. 10. "Food handler" means an individual who is an owner, an operator, a manager, or an employee of a food establishment and is responsible for or oversees the storage, preparation, display, or serving of food to the public. *(Indiana State Department of Health; 410 IAC 7-22-10; filed May 19, 2003, 8:50 a.m.: 26 IR 3335; readopted filed Jul 8, 2009, 1:44 p.m.: 20090805-IR-410090209RFA; readopted filed Sep 30, 2015, 2:45 p.m.: 20151028-IR-410150169RFA)*

**410 IAC 7-22-11 "Person-in-charge" defined**

Authority: IC 16-42-5.2-13
Affected: IC 16-42-5.2

Sec. 11. "Person-in-charge" means an individual present at a food establishment who is responsible for the food operation at the time of inspection. *(Indiana State Department of Health; 410 IAC 7-22-11; filed May 19, 2003, 8:50 a.m.: 26 IR 3335; readopted filed Jul 8, 2009, 1:44 p.m.: 20090805-IR-410090209RFA; readopted filed Sep 30, 2015, 2:45 p.m.: 20151028-IR-410150169RFA)*

**410 IAC 7-22-12 "Prepackaged food" defined**

Authority: IC 16-42-5.2-13
Affected: IC 16-42-5.2

Sec. 12. "Prepackaged food" means prior to service and/or receipt of a food, the food is bottled, canned, cartoned, securely wrapped, whether packaged in a food establishment or a food processing plant. Prepackaged does not include a wrapper, carry-out box, or other nondurable container used to containerize food with the purpose of facilitating food protection during service and receipt of the food by the consumer. *(Indiana State Department of Health; 410 IAC 7-22-12; filed May 19, 2003, 8:50 a.m.: 26 IR 3335; readopted filed Jul 8, 2009, 1:44 p.m.: 20090805-IR-410090209RFA; readopted filed Sep 30, 2015, 2:45 p.m.: 20151028-IR-410150169RFA)*

**410 IAC 7-22-13 "Recertification" defined**

Authority: IC 16-42-5.2-13
Affected: IC 16-42-5.2

Sec. 13. "Recertification" means requiring a precertified individual to pass an accredited certification examination within five (5) years from the date of issue of their most recent certificate issue date or complying with the accredited testing service's written policy for recertification. *(Indiana State Department of Health; 410 IAC 7-22-13; filed May 19, 2003, 8:50 a.m.: 26 IR 3335; readopted filed Jul 8, 2009, 1:44 p.m.: 20090805-IR-410090209RFA; readopted filed Sep 30, 2015, 2:45 p.m.: 20151028-IR-410150169RFA)*

**410 IAC 7-22-14 "Regulatory authority" defined**

Authority: IC 16-42-5.2-13
Affected: IC 16-42-5.2

Sec. 14. "Regulatory authority" means the local or state body or authorized representative having jurisdiction over a food establishment. *(Indiana State Department of Health; 410 IAC 7-22-14; filed May 19, 2003, 8:50 a.m.: 26 IR 3336; readopted filed Jul 8, 2009, 1:44 p.m.: 20090805-IR-410090209RFA; readopted filed Sep 30, 2015, 2:45 p.m.: 20151028-IR-410150169RFA)*

**410 IAC 7-22-15 Certified food handler requirements**

Authority: IC 16-42-5.2-13
Affected: IC 16-42-5.2

Sec. 15. (a) A corporation or local health department may not impose any registration, certification, or licensing requirements on food handling or food handlers.

(b) After December 31, 2004, at least one (1) food handler at a food establishment must be a certified food handler. A food handler's certification must be recognized by the Conference for Food Protection or an equivalent nationally recognized certification examination as determined by the department.

(c) A food establishment shall have at least one (1) certified food handler responsible for all periods of the food establishment's operation. However, a certified food handler need not be present at the food establishment during all hours of operation. It shall be the responsibility of the certified food handler to provide the certificate, letter, or document for verification of passing the examination.

(d) A food establishment that begins operation or changes ownership shall comply with subsection (b) not later than six (6) months after beginning operation or changing ownership.

(e) If a food establishment does not have a certified food handler because the certified food handler terminates employment with the food establishment, the owner or operator of the food establishment shall comply with subsection (b) not later than three (3) months after the termination date of the previous certified food handler.

(f) If more than one (1) food establishment operated by the same individual is located on the same property or on contiguous properties, only one (1) certified food handler is required for the food establishments.

(g) Except as provided in subsection (h), the certified food handler requirement does not apply to a food establishment when the food establishment's food handling activities are limited solely to one (1) or more of the following:

(1) Heating or serving precooked foods.

(2) Preparing or serving a continental breakfast such as rolls, coffee, juice, milk, and cold cereal.

(3) Preparing or serving nonalcoholic or alcoholic beverages that are not potentially hazardous beverages or ice.

(4) Preparing or serving packaged or unpackaged foods that are not potentially hazardous foods, including elephant ears, funnel cakes, cotton candy, confectionaries, baked goods, popcorn, and chips and grinding coffee beans.

(5) Providing prepackaged food in its original package.

(h) A food establishment that has more than ten thousand (10,000) square feet in total retail sales space at the food establishment location must comply with this rule. This does not apply to a pharmacy that is a food establishment that provides only prepackaged food products for sale.

(i) The certified food handler requirement does not apply to the following institutions:

(1) Hospitals licensed under IC 16-21.

(2) Health facilities licensed under IC 16-28.

(3) Housing with services establishments that are required to file disclosure statements under IC 12-10-15.

(4) Continuing care retirement communities required to file disclosure statements under IC 23-2-4.

(5) Community mental health centers (as defined in IC 12-7-2-38).

(6) Private mental health institutions licensed under IC 12-25.

(7) An area agency on aging designated under IC 12-10-1 that provides food under a nutrition service program. However, the premises where the food is prepared is not exempt from the requirements under this rule.

(8) A food pantry that:

(A) is operated or affiliated with a nonprofit organization that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code; and

(B) distributes food, which may include food from the United States Department of Agriculture, to needy persons.

(j) A food bank or other facility that distributes donated food to other organizations is not exempt from the requirements of this rule.

(k) An organization that is exempt from the state gross retail tax under IC 6-2.5-5-21(b)(1)(B), IC 6-2.5-5-21(b)(1)(C), or IC 6-2.5-5-21(b)(1)(D) is exempt from complying with the requirements of this rule.

(l) This section does not prohibit an exempted organization from waiving the exemption and using a certified food handler.

*(Indiana State Department of Health; 410 IAC 7-22-15; filed May 19, 2003, 8:50 a.m.: 26 IR 3336; filed Nov 16, 2006, 3:57 p.m.:*

*20061213-IR-410050320FRA; errata filed Dec 29, 2006, 1:51 p.m.: 20070117-IR-410050320ACA; readopted filed Jul 8, 2009, 1:44 p.m.: 20090805-IR-410090209RFA; readopted filed Sep 30, 2015, 2:45 p.m.: 20151028-IR-410150169RFA)*

**410 IAC 7-22-16 Assignment of supervision and responsibility**

Authority: IC 16-42-5.2-13
Affected: IC 16-42-5.2

Sec. 16. (a) The food establishment shall have a person-in-charge present at the food establishment during all hours of operation.

(b) From one (1) year beyond the effective date of this rule, any food establishment not exempted from the law shall maintain at least one (1) copy of this rule on premises at all times. Immediate electronic access to this rule shall be considered acceptable for meeting this requirement. *(Indiana State Department of Health; 410 IAC 7-22-16; filed May 19, 2003, 8:50 a.m.: 26 IR 3336; readopted filed Jul 8, 2009, 1:44 p.m.: 20090805-IR-410090209RFA; readopted filed Sep 30, 2015, 2:45 p.m.: 20151028-IR-410150169RFA)*

**410 IAC 7-22-17 Qualifications for certification**

Authority: IC 16-42-5.2-13
Affected: IC 16-42-5.2

Sec. 17. In order to become a certified food handler an individual must comply with the following:

(1) Successfully pass an accredited examination administered by an accredited testing service.

(2) Provide name, certification document (copies thereof), and photo identification card at the food establishment for the certified food handler. The certification document shall be made available by the person-in-charge for inspection by the regulatory authority at all times.

(3) The certification document shall be removed from the food establishment when the certified food handler terminates employment with the food establishment.

(4) No person shall be designated as a certified food handler or in any way represent himself or herself as a certified food handler unless they hold a certification document.

*(Indiana State Department of Health; 410 IAC 7-22-17; filed May 19, 2003, 8:50 a.m.: 26 IR 3336; readopted filed Jul 8, 2009, 1:44 p.m.: 20090805-IR-410090209RFA; readopted filed Sep 30, 2015, 2:45 p.m.: 20151028-IR-410150169RFA)*

**410 IAC 7-22-18 Recertification**

Authority: IC 16-42-5.2-13
Affected: IC 16-42-5.2

Sec. 18. (a) A person designated as the certified food handler for a food establishment must not allow their certification to expire. and

(b) The certified food handler shall become recertified as defined in section 13 *[of this rule]*. *(Indiana State Department of Health; 410 IAC 7-22-18; filed May 19, 2003, 8:50 a.m.: 26 IR 3337; readopted filed Jul 8, 2009, 1:44 p.m.: 20090805-IR-410090209RFA; readopted filed Sep 30, 2015, 2:45 p.m.: 20151028-IR-410150169RFA)*

**410 IAC 7-22-19 Penalties**

Authority: IC 16-42-5.2-13
Affected: IC 16-42-5.2

Sec. 19. Unless adjusted by an administrative order, the following schedule of monetary penalties shall be used if penalties are to be assessed:

| | |
|---|---|
| Section 15(a), (b), (c), (d), (e), and (f) *[Section 15(a) through 15(f) of this rule]* | $0–100 per day per violation |
| Section 16(a) *[of this rule]* | $0–100 per day per violation |
| Section 16(b) *[of this rule]* | $0–50 per day per violation |

| | |
|---|---|
| Section 17(a), 1, 2, 3 and 4 *[Section 17(1) through 17(4) of this rule]* | $0–100 per day per violation |

*(Indiana State Department of Health; 410 IAC 7-22-19; filed May 19, 2003, 8:50 a.m.: 26 IR 3337; readopted filed Jul 8, 2009, 1:44 p.m.: 20090805-IR-410090209RFA; readopted filed Sep 30, 2015, 2:45 p.m.: 20151028-IR-410150169RFA)*

## Rule 23. Food Establishment: Schedule of Civil Penalties for Violations

**410 IAC 7-23-1 Schedule of civil penalties**

Authority: IC 16-19-3-4; IC 16-42-5-28
Affected: IC 4-21.5-3-8; IC 16-42-5

Sec. 1. (a) The Indiana state department of health may commence an action under IC 4-21.5-3-8 to levy civil penalties against a person who:

(1) fails to comply with IC 16-42-5, 410 IAC 7-21, or 410 IAC 7-24; or

(2) interferes with or obstructs the Indiana state department of health or its designated agent in the performance of duties under IC 16-42-5, 410 IAC 7-21, or 410 IAC 7-24.

(b) A civil penalty in an amount in the appropriate range specified in subsection (d), (e), or (f), or any combination thereof, may be sought for each day of each violation.

(c) In determining the seriousness of the violation and the specific amount of the civil penalty to be sought for each violation, the Indiana state department of health will consider, but is not limited to, the following:

(1) The potential for harm or imminent threat to public health.

(2) The extent of deviation from statutory or regulatory requirements.

(3) Degree of willfulness or negligence.

(4) History of noncompliance.

The absence of direct harm will not result in assessment of a lower penalty for a violation.

(d) Unless adjusted as provided in subsections (g) and (h), and if penalties are to be assessed to a food establishment, as defined in IC 16-42-5, then they shall be assessed in accordance with the following:

| INDIANA CODE (IC) SECTION | PENALTY RANGE |
|---|---|
| IC 16-42-5-6; IC 16-42-5-11; IC 16-42-5-19; IC 16-42-5-21 | $0 to $1,000 |
| IC 16-42-5-7; IC 16-42-5-12; IC 16-42-5-13; IC 16-42-5-14; IC 16-42-5-15; IC 16-42-5-17; IC 16-42-5-18; IC 16-42-5-20 | $0 to $500 |
| IC 16-42-5-8; IC 16-42-5-9; IC 16-42-5-10; IC 16-42-5-16; IC 16-42-5-22 | $0 to $100 |

(e) Unless adjusted as provided in subsections (g) and (h), and if penalties are to be assessed to a retail food establishment, as defined in 410 IAC 7-24, then they shall be assessed in accordance with the following:

| SECTIONS OF 410 IAC 7-24 | PENALTY RANGE |
|---|---|
| 107; 121, 129; 139; 142; 165; 171; 182; 269; 376; 423 | $0–$500 |
| 108; 109; 110; 111; 114; 117; 120; 137; 141(d); 143; 144; 146; 147; 149; 150; 151; 153; 154; 155; 157; 160; 162; 164; 166; 167; 168; 169; 172; 173; 181(a); 183; 186; 187; 188; 189; 193; 195; 196; 205; 241; 274; 294; 303; 320; 321; 322; 323; 324(a)(1); 325; 329; 334; 336; 337; 339; 343; 344; 350; 357; 375; 377; 415; 437; 438; 439; 440; 441; 442; 443; 444; 445; 446; 447; 448; 450 | $0–$250 |
| 113; 115; 118; 123; 128; 131; 132; 135; 136; 141(a); 141(b); 141(c); 152; 156; 190; 191; 201; 204; 229; 240; 259; 264; 295(a); 296; 297; 326; 368; 424; 435; 436 | $0–$100 |

| | |
|---|---|
| 119; 122; 130; 133; 134; 138; 140; 145; 148; 158; 159; 161; 163; 170; 174; 175; 176; 177; 178; 179; 180; 181(b); 181(c); 185; 197; 198; 199; 202; 203; 206; 207; 208; 209; 210; 211; 212; 213; 214; 215; 216; 217; 218; 219; 220; 221; 222; 223; 224; 225; 226; 227; 228; 230; 231; 232; 233; 234; 235;236; 237; 238; 239; 242; 243; 244; 245; 246; 247; 248; 249; 250; 251; 252; 253; 254; 255; 256; 257; 258; 260; 261; 262; 263; 265; 266; 267; 268; 270; 271; 272; 273; 275; 276; 277; 278; 279; 280; 281; 282; 283; 284; 285; 286; 287; 288; 289; 290; 291; 292; 293; 295(b); 295(c); 298; 301; 302; 304; 305; 306; 307; 308; 309; 310; 311; 312; 313; 314; 315; 316; 317; 318; 324(a)(2); 327; 328; 330; 331; 332; 333; 335; 338; 340; 341; 342; 345; 346; 347; 348; 349; 351; 352; 353; 354; 355; 356; 358; 359; 360; 361; 362; 363; 364; 365; 366; 367; 369; 371; 372; 373; 378; 379; 380; 381; 382; 383; 384; 385; 386; 387; 388; 389; 390; 391; 392; 393; 394; 395; 396; 397; 398; 399; 400; 401; 402; 403; 404; 405; 406; 407; 408; 409; 410; 411; 412; 413; 414; 416; 417; 418; 419; 420; 421; 425; 426; 427; 428; 429; 430; 431; 432; 433; 434; 449; 451 | $0–$50 |

(f) Unless adjusted as provided in subsections (g) and (h), and if penalties are to be assessed to a wholesale food establishment, as defined in 410 IAC 7-21, then they shall be assessed in accordance with the following:

| SECTIONS OF 410 IAC 7-21 | PENALTY RANGE |
|---|---|
| 35; 36(1); 36(2); 36(3); 36(4); 36(5); 39(b)(8); 40; 41; 42(b); 45(c); 45(n); 45(p); 45(q); 45(r); 46; 47(9)(B); 48; 49(d); 49(e); 50(d) | $0–$1,000 |
| 36(8); 37; 38; 39(a); 39(b)(1); 39(b)(2); 39(b)(3); 39(b)(4); 39(b)(5); 39(b)(6); 39(b)(7); 42(a); 42(d); 42(e); 44(i); 45(a); 45(b); 45(d); 45(e); 45(f); 45(g); 45(h); 45(i); 45(j); 45(k); 45(l); 45(m); 45(o); 45(s); 47(2); 47(3); 47(4); 47(5); 47(6); 47(7); 47(9)(A); 47(9)(C); 50(c); 50(f); 51(a); 51(c); 51(d) | $0–$500 |
| 36(6); 36(7); 42(c); 43(b); 43(c); 43(d); 44(c); 44(e); 44(h); 47(1); 47(8); 49(a); 49(b); 49(c); 50(b); 51(b) | $0–$250 |
| 36(9); 43(a); 43(e); 44(a); 44(b); 44(d); 44(f); 44(g); 45(t); 47(10); 47(11); 47(12); 47(13); 47(14); 47(15) | $0–$100 |

(g) After reinspection and determining the appropriate penalty based on the schedule in subsection (d), (e), or (f), or any combination thereof, the Indiana state department of health, or its authorized representative, may adjust the penalty to reflect a good faith effort to comply as follows:

(1) Each individual penalty will be multiplied by the number of days the particular violation has been documented by the Indiana state department of health, or its authorized representative.

(2) Penalties for violations documented in two (2) consecutive inspections by the Indiana state department of health, or its authorized representative, shall be assessed on the basis that the violations have remained uncorrected over the period of time between the two (2) inspections.

(3) If the person found in violation has requested reinspection and has produced substantive evidence that the violation or violations have been corrected, the penalties shall be assessed for the period between initial discovery of violation and the receipt of request for reinspection.

(4) Penalties for all violations documented in an inspection or series of inspections at an establishment will be totaled and sought under one (1) cause of action.

(h) After filing an action under IC 4-21.5, and in an attempt to resolve violations of said Indiana Code and this rule without resort to a hearing, the Indiana state department of health may negotiate and enter into agreed orders. An agreed order may suspend all or part of the civil penalty calculated under the requirements and deadlines established in the agreed order. *(Indiana State Department of Health; 410 IAC 7-23-1; filed Dec 4, 2003, 3:05 p.m.: 27 IR 1167; filed Oct 13, 2004, 11:25 a.m.: 28 IR 908; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

## Rule 24. Sanitary Standards for the Operation of Retail Food Establishments

**410 IAC 7-24-1 Applicability**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 1. The definitions in this rule apply throughout this rule. *(Indiana State Department of Health; 410 IAC 7-24-1; filed Oct 13, 2004, 12:30 p.m.: 28 IR 822; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10,*

*2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-2 "Acid foods" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 2. "Acid foods" means foods that have a natural pH of 4.6 or below. *(Indiana State Department of Health; 410 IAC 7-24-2; filed Oct 13, 2004, 12:30 p.m.: 28 IR 822; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-3 "Acidified foods" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 3. (a) "Acidified foods" means low-acid foods to which acid or acid food is added. The term includes, but is not limited to:
(1) beans;
(2) cucumbers;
(3) cabbage;
(4) artichokes;
(5) cauliflower;
(6) puddings;
(7) peppers;
(8) tropical fruits; and
(9) fish;
singly or in any combination. These foods have an $a_w$ greater than eighty-five hundredths (0.85), a finished equilibrium pH of 4.6 or below, and may be called pickled, such as "pickled cauliflower".
(b) The term does not include:
(1) carbonated beverages;
(2) jams;
(3) jellies;
(4) preserves; and
(5) acid foods;
including such foods as standardized and nonstandardized food dressings and condiment sauces, that contain small amounts of low-acid food and have a resultant finished equilibrium pH that does not significantly differ from that of the predominant acid or acid food, and foods that are stored, distributed, and retailed under refrigeration. *(Indiana State Department of Health; 410 IAC 7-24-3; filed Oct 13, 2004, 12:30 p.m.: 28 IR 822; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-4 "Adulterated" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42

Sec. 4. "Adulterated" has the meaning set forth in IC 16-42-1 through IC 16-42-4. *(Indiana State Department of Health; 410 IAC 7-24-4; filed Oct 13, 2004, 12:30 p.m.: 28 IR 822; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-5 "Approved" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 5. "Approved" means acceptable to the regulatory authority based on a determination of conformity with principles, practices, and generally recognized standards that protect public health. *(Indiana State Department of Health; 410 IAC 7-24-5; filed Oct 13, 2004, 12:30 p.m.: 28 IR 822; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-6 "$a_w$" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 6. "$a_w$" means water activity that is as follows:

(1) A measure of the free moisture in a food.

(2) The quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature.

(3) Indicated by the symbol $a_w$.

*(Indiana State Department of Health; 410 IAC 7-24-6; filed Oct 13, 2004, 12:30 p.m.: 28 IR 822; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-7 "Beverage" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 7. "Beverage" means a liquid for drinking, including water. *(Indiana State Department of Health; 410 IAC 7-24-7; filed Oct 13, 2004, 12:30 p.m.: 28 IR 822; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-8 "Bottled drinking water" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 8. "Bottled drinking water" means water that is sealed in bottles, packages, or other containers and offered for sale for human consumption, including bottled mineral water. *(Indiana State Department of Health; 410 IAC 7-24-8; filed Oct 13, 2004, 12:30 p.m.: 28 IR 822; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-9 "Casing" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 9. "Casing" means a tubular container for sausage products made of either natural or artificial (synthetic) material. *(Indiana State Department of Health; 410 IAC 7-24-9; filed Oct 13, 2004, 12:30 p.m.: 28 IR 822; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-10 "Catering" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 10. "Catering" means the preparation of food in an approved retail food establishment and may include the transportation of such food for service and consumption at some other site. *(Indiana State Department of Health; 410 IAC 7-24-10; filed Oct 13, 2004, 12:30 p.m.: 28 IR 823; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-11 "Certification number" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 11. "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. *(Indiana State Department of Health; 410 IAC 7-24-11; filed Oct 13, 2004, 12:30 p.m.: 28 IR 823; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-12 "CFR" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 12. "CFR" means the Code of Federal Regulations. *(Indiana State Department of Health; 410 IAC 7-24-12; filed Oct 13, 2004, 12:30 p.m.: 28 IR 823; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-13 "CIP" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 13. "CIP" means cleaned in place by the circulation or flowing by mechanical means through a piping system of a detergent solution, water rinse, and sanitizing solution onto or over equipment surfaces that require cleaning, such as the method used, in part, to clean and sanitize a frozen dessert machine. The term does not include the cleaning of equipment, such as band saws, slicers, or mixers, that are subjected to in-place manual cleaning without the use of a CIP system. *(Indiana State Department of Health; 410 IAC 7-24-13; filed Oct 13, 2004, 12:30 p.m.: 28 IR 823; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-14 "Color additive" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 14. "Color additive" has the meaning set forth in the Federal Food, Drug, and Cosmetic Act, Section 201(t) and 21 CFR 70. *(Indiana State Department of Health; 410 IAC 7-24-14; filed Oct 13, 2004, 12:30 p.m.: 28 IR 823; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-15 "Comminuted" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 15. "Comminuted" means reduced in size by methods, including chopping, flaking, grinding, or mincing. The term includes the following:

(1) Fish or meat products that are reduced in size and restructured or reformulated, such as the following:
  (A) Gefilte fish.
  (B) Gyros.
  (C) Ground beef.
  (D) Sausage.
(2) 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.

*(Indiana State Department of Health; 410 IAC 7-24-15; filed Oct 13, 2004, 12:30 p.m.: 28 IR 823; readopted filed Jul 15, 2010,*

*12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-16 "Commissary" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 16. "Commissary" means a registered catering establishment, restaurant, or any retail food establishment in which food, food containers, or food supplies are:

(1) kept;
(2) handled;
(3) prepared;
(4) packaged; or
(5) stored;

from which meals are catered and mobile retail food establishments or pushcarts are serviced. *(Indiana State Department of Health; 410 IAC 7-24-16; filed Oct 13, 2004, 12:30 p.m.: 28 IR 823; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-17 "Confirmed disease outbreak" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 17. "Confirmed disease outbreak" means a foodborne disease outbreak in which laboratory analysis of appropriate specimens identifies a causative agent and epidemiological analysis implicates the food as the source of the illness. *(Indiana State Department of Health; 410 IAC 7-24-17; filed Oct 13, 2004, 12:30 p.m.: 28 IR 823; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-18 "Consumer" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 18. "Consumer" means a person who is a member of the public who:

(1) takes possession of food;
(2) is not functioning in the capacity of an operator of a retail food establishment or food processing plant; and
(3) does not offer the food for resale.

*(Indiana State Department of Health; 410 IAC 7-24-18; filed Oct 13, 2004, 12:30 p.m.: 28 IR 823; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-19 "Corrosion-resistant material" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 19. "Corrosion-resistant material" means a material that maintains acceptable surface cleanability characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and sanitizing solutions, and other conditions of the use environment. *(Indiana State Department of Health; 410 IAC 7-24-19; filed Oct 13, 2004, 12:30 p.m.: 28 IR 823; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-20 "Critical control point" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 20. "Critical control point" means a point or procedure in a specific food system where loss of control may result in an unacceptable health risk. *(Indiana State Department of Health; 410 IAC 7-24-20; filed Oct 13, 2004, 12:30 p.m.: 28 IR 824; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-21 "Critical item" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 21. "Critical item" means a provision of this rule that, if in noncompliance, is more likely than other violations to significantly contribute to food contamination, illness, or environmental health hazard. *(Indiana State Department of Health; 410 IAC 7-24-21; filed Oct 13, 2004, 12:30 p.m.: 28 IR 824; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-22 "Critical limit" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 22. "Critical limit" means the maximum or minimum value to which a physical, biological, or chemical parameter must be controlled at a critical control point to minimize the risk that the identified food safety hazard may occur. *(Indiana State Department of Health; 410 IAC 7-24-22; filed Oct 13, 2004, 12:30 p.m.: 28 IR 824; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-23 "Department" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 23. "Department" means the Indiana state department of health or its authorized representative. *(Indiana State Department of Health; 410 IAC 7-24-23; filed Oct 13, 2004, 12:30 p.m.: 28 IR 824; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-24 "Disclosure" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 24. "Disclosure" means a written statement that clearly identifies the animal-derived foods that are, or can be ordered, raw, undercooked, or without otherwise being processed to eliminate pathogens in their entirety, or items that contain an ingredient that is raw, undercooked, or without otherwise being processed to eliminate pathogens. *(Indiana State Department of Health; 410 IAC 7-24-24; filed Oct 13, 2004, 12:30 p.m.: 28 IR 824; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-25 "Drinking water" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 25. (a) "Drinking water" means water that meets the requirements of 327 IAC 8.
(b) The term is traditionally known as potable water.
(c) The term includes water, except where the term used connotes that the water is not potable, such as the following:
(1) Boiler water.
(2) Mop water.

(3) Rainwater.
(4) Wastewater.
(5) Nondrinking water.
*(Indiana State Department of Health; 410 IAC 7-24-25; filed Oct 13, 2004, 12:30 p.m.: 28 IR 824; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-26 "Dry storage area" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 26. "Dry storage area" means a room or area designated for the storage of packaged or containerized bulk food that is not potentially hazardous and dry goods, such as single-service items. *(Indiana State Department of Health; 410 IAC 7-24-26; filed Oct 13, 2004, 12:30 p.m.: 28 IR 824; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-27 "Easily cleanable" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 27. (a) "Easily cleanable" means a characteristic of a surface that:
(1) allows effective removal of soil by normal cleaning methods;
(2) is dependent on the material, design, construction, and installation of the surface; and
(3) varies with the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants into food based on the surface's approved placement, purpose, and use.
(b) The term includes a tiered application of the criteria that qualify the surface as easily cleanable as specified under subsection (a) to different situations in which varying degrees of cleanability are required, such as the:
(1) appropriateness of stainless steel for a food preparation surface as opposed to the lack of need for stainless steel to be used for floors or for tables used for consumer dining; or
(2) need for a different degree of cleanability for a utilitarian attachment or accessory in the kitchen as opposed to a decorative attachment or accessory in the consumer dining area.
*(Indiana State Department of Health; 410 IAC 7-24-27; filed Oct 13, 2004, 12:30 p.m.: 28 IR 824; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-28 "Easily movable" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 28. "Easily movable" means:
(1) portable, mounted on casters, gliders, or rollers, or provided with a mechanical means to safely tilt a unit of equipment for cleaning; and
(2) having:
(A) no utility connection;
(B) a utility connection that disconnects quickly; or
(C) a flexible utility connection line of sufficient length to allow the equipment to be moved for cleaning of the equipment and adjacent area.
*(Indiana State Department of Health; 410 IAC 7-24-28; filed Oct 13, 2004, 12:30 p.m.: 28 IR 825; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-29 "Employee" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 29. "Employee" means any of the following:
(1) The person-in-charge.
(2) The person having supervisory or management duties.
(3) The person on the payroll.
(4) A family member.
(5) A volunteer.
(6) A person performing work under contractual agreement.
(7) Any other person working in a retail food establishment.
*(Indiana State Department of Health; 410 IAC 7-24-29; filed Oct 13, 2004, 12:30 p.m.: 28 IR 825; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-30 "EPA" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 30. "EPA" means the United States Environmental Protection Agency. *(Indiana State Department of Health; 410 IAC 7-24-30; filed Oct 13, 2004, 12:30 p.m.: 28 IR 825; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-31 "Equipment" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 31. (a) "Equipment" means an article that is used in the operation of a retail food establishment, such as the following:
(1) A freezer.
(2) A grinder.
(3) A hood.
(4) An ice maker.
(5) A meat block.
(6) A mixer.
(7) An oven.
(8) A reach-in refrigerator.
(9) A scale.
(10) A sink.
(11) A slicer.
(12) A stove.
(13) A table.
(14) A temperature measuring device for ambient air.
(15) A vending machine.
(16) A warewashing machine.
(b) The term does not include items used for handling or storing large quantities of packaged foods that are received from a supplier in a cased or overwrapped lot, such as the following:
(1) Hand trucks.
(2) Forklifts.
(3) Dollies.
(4) Pallets.

(5) Racks.
(6) Skids.
*(Indiana State Department of Health; 410 IAC 7-24-31; filed Oct 13, 2004, 12:30 p.m.: 28 IR 825; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-32 "Exclude" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 32. "Exclude" means to prevent a person from working as a food employee or entering a retail food establishment except for those areas open to the general public. *(Indiana State Department of Health; 410 IAC 7-24-32; filed Oct 13, 2004, 12:30 p.m.: 28 IR 825; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-33 "Fish" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 33. (a) "Fish" means fresh or saltwater finfish, crustaceans, all mollusks, and all other forms of aquatic life, such as:
(1) alligators;
(2) frogs;
(3) aquatic turtles;
(4) jellyfish;
(5) sea cucumbers;
(6) sea urchins; and
(7) the roe of such animals;
other than birds or mammals, if such animal life is intended for human consumption.
(b) The term includes an edible human food product derived in whole or in part from fish, including fish that have been processed in any manner. *(Indiana State Department of Health; 410 IAC 7-24-33; filed Oct 13, 2004, 12:30 p.m.: 28 IR 825; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-34 "Food" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 34. "Food" means the following:
(1) Articles used for food, drink, confectionery, or condiment whether simple, mixed, or compound.
(2) Substances or ingredients used in the preparation of the items described in subdivision (1).
*(Indiana State Department of Health; 410 IAC 7-24-34; filed Oct 13, 2004, 12:30 p.m.: 28 IR 826; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-35 "Food additive" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 35. "Food additive" has the meaning stated in the Federal Food, Drug, and Cosmetic Act, Section 201(s) and 21 CFR 170. *(Indiana State Department of Health; 410 IAC 7-24-35; filed Oct 13, 2004, 12:30 p.m.: 28 IR 826; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-36 "Foodborne disease outbreak" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 36. (a) "Foodborne disease outbreak" means an incident, except as specified under subsection (b), in which:

(1) there is an occurrence of two (2) or more cases of a similar illness resulting from the ingestion of a common food; and

(2) epidemiological analysis implicates the food as the source of the illness.

(b) The term includes a single case of illness from botulism or chemical poisoning. *(Indiana State Department of Health; 410 IAC 7-24-36; filed Oct 13, 2004, 12:30 p.m.: 28 IR 826; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-37 "Food-contact surface" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 37. "Food-contact surface" means a surface of equipment or a utensil:

(1) with which food normally comes into contact; or

(2) from which food may drain, drip, or splash into a food or onto a surface normally in contact with food.

*(Indiana State Department of Health; 410 IAC 7-24-37; filed Oct 13, 2004, 12:30 p.m.: 28 IR 826; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-38 "Food employee" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 38. "Food employee" means an individual working with food, food equipment or utensils, or food-contact surfaces. *(Indiana State Department of Health; 410 IAC 7-24-38; filed Oct 13, 2004, 12:30 p.m.: 28 IR 826; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-39 "Food processing plant" defined**

Authority: IC 16-42-5-5
Affected: IC 15-17-5; IC 15-18-1; IC 16-42-5

Sec. 39. (a) "Food processing plant" means a commercial operation, such as:

(1) a wholesale food establishment regulated under IC 16-42-5 and 410 IAC 7-21;

(2) a dairy operation regulated under IC 15-2.1-23 *[IC 15-2.1 was repealed by P.L.2-2008, SECTION 83, effective July 1, 2008. See IC 15-18-1.]* and 345 IAC 8; and

(3) a meat and poultry operation regulated under IC 15-2.1-24 *[IC 15-2.1 was repealed by P.L.2-2008, SECTION 83, effective July 1, 2008. See IC 15-17-5.]*;

that manufactures, packages, labels, or stores food for human consumption and does not provide food directly to a consumer.

(b) The term does not include a retail food establishment as defined under section 79 of this rule. *(Indiana State Department of Health; 410 IAC 7-24-39; filed Oct 13, 2004, 12:30 p.m.: 28 IR 826; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-40 "Game animal" defined**

Authority: IC 16-42-5-5
Affected: IC 15-17-5; IC 16-42-5

Sec. 40. "Game animal" means an animal, the products of which are food, that is not:

(1) regulated under IC 15-2.1-24 *[IC 15-2.1 was repealed by P.L.2-2008, SECTION 83, effective July 1, 2008. See IC 15-17-*

*5.]*;
(2) fish as defined in section 33 of this rule; and
(3) possessed or raised in violation of state or federal law.
*(Indiana State Department of Health; 410 IAC 7-24-40; filed Oct 13, 2004, 12:30 p.m.: 28 IR 826; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-41 "General use pesticide" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 41. "General use pesticide" means a pesticide that is not classified by EPA for restricted use as specified in 40 CFR 152.175. *(Indiana State Department of Health; 410 IAC 7-24-41; filed Oct 13, 2004, 12:30 p.m.: 28 IR 826; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-42 "Grade A standards" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 42. "Grade A standards" means the requirements of the United States Public Health Service, Food and Drug Administration (FDA) Grade A Pasteurized Milk Ordinance and Grade A Condensed and Dry Milk Ordinance with which certain fluid and dry milk and milk products comply. *(Indiana State Department of Health; 410 IAC 7-24-42; filed Oct 13, 2004, 12:30 p.m.: 28 IR 826; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-43 "HACCP plan" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 43. "HACCP plan" means a written document that delineates the formal procedures for following the Hazard Analysis Critical Control Point principles developed by the National Advisory Committee on Microbiological Criteria for Foods. *(Indiana State Department of Health; 410 IAC 7-24-43; filed Oct 13, 2004, 12:30 p.m.: 28 IR 826; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-44 "Hazard" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 44. "Hazard" means a biological, chemical, or physical property that may cause an unacceptable consumer health risk. *(Indiana State Department of Health; 410 IAC 7-24-44; filed Oct 13, 2004, 12:30 p.m.: 28 IR 827; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-45 "Hermetically sealed container" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 45. "Hermetically sealed container" means a container that is 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 contents after processing. *(Indiana State Department of Health; 410 IAC 7-24-45; filed Oct 13, 2004, 12:30 p.m.: 28 IR 827; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-46 "Highly susceptible population" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 46. "Highly susceptible population" means a group of persons who are more likely than other populations to experience foodborne disease because they are:

(1) immunocompromised or adults who are at least sixty-five (65) years of age and in a hospital;
(2) preschool age children in a facility that provides custodial care, such as a child care center; or
(3) children nine (9) years of age or younger in a school or custodial child care facility that are served juice.

*(Indiana State Department of Health; 410 IAC 7-24-46; filed Oct 13, 2004, 12:30 p.m.: 28 IR 827; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-47 "Imminent health hazard" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 47. "Imminent health hazard" means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury or illness based on the:

(1) number of potential injuries or illnesses; and
(2) nature, severity, and duration of the anticipated injury or illness.

*(Indiana State Department of Health; 410 IAC 7-24-47; filed Oct 13, 2004, 12:30 p.m.: 28 IR 827; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-48 "Injected" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 48. "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 by processes that may be referred to as injecting, pinning, or stitch pumping. *(Indiana State Department of Health; 410 IAC 7-24-48; filed Oct 13, 2004, 12:30 p.m.: 28 IR 827; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-49 "Juice" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 49. (a) "Juice" means the aqueous liquid expressed or extracted from:

(1) one (1) or more fruits or vegetables;
(2) purées of the edible portions of one (1) or more fruits or vegetables; or
(3) any concentrate of such liquid or purée.

The term does not apply to standards of identity.

(b) The term includes juice as:

(1) a whole beverage;
(2) an ingredient of a beverage; and
(3) a purée as an ingredient of a beverage.

*(Indiana State Department of Health; 410 IAC 7-24-49; filed Oct 13, 2004, 12:30 p.m.: 28 IR 827; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-50 "Kitchenware" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 50. "Kitchenware" means food preparation and storage utensils. *(Indiana State Department of Health; 410 IAC 7-24-50; filed Oct 13, 2004, 12:30 p.m.: 28 IR 827; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-51 "Law" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 51. "Law" means applicable state and federal statutes and regulations and local ordinances. *(Indiana State Department of Health; 410 IAC 7-24-51; filed Oct 13, 2004, 12:30 p.m.: 28 IR 827; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-52 "Linens" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 52. "Linens" means fabric items, such as the following:
(1) Cloth hampers.
(2) Cloth napkins.
(3) Table cloths.
(4) Wiping cloths.
(5) Work garments, including cloth gloves.
*(Indiana State Department of Health; 410 IAC 7-24-52; filed Oct 13, 2004, 12:30 p.m.: 28 IR 827; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-53 "Meat" defined**
Authority: IC 16-42-5-5
Affected: IC 15-17-5; IC 16-42-5

Sec. 53. (a) "Meat" means the food products of animals, such as:
(1) pork;
(2) beef;
(3) lamb; and
(4) ratite;
included under IC 15-2.1-24 *[IC 15-2.1 was repealed by P.L.2-2008, SECTION 83, effective July 1, 2008. See IC 15-17-5.]*.
(b) The term does not include:
(1) fish;
(2) poultry; and
(3) game animals.
*(Indiana State Department of Health; 410 IAC 7-24-53; filed Oct 13, 2004, 12:30 p.m.: 28 IR 827; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-54 "Misbranded" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42

Sec. 54. "Misbranded" has the meaning set forth in IC 16-42-1 through IC 16-42-4, and 410 IAC 7-5. *(Indiana State Department of Health; 410 IAC 7-24-54; filed Oct 13, 2004, 12:30 p.m.: 28 IR 828; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-55 "Mobile retail food establishment" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 55. "Mobile retail food establishment" means a retail food establishment that is:
(1) wheeled;
(2) on skids;
(3) mounted on a vehicle;
(4) a marine vessel; or
(5) otherwise readily movable;
such as a pushcart or trailer. *(Indiana State Department of Health; 410 IAC 7-24-55; filed Oct 13, 2004, 12:30 p.m.: 28 IR 828; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-56 "Molluscan shellfish" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 56. "Molluscan shellfish" means any edible species of fresh or frozen:
(1) oysters;
(2) clams;
(3) mussels; and
(4) scallops;
or edible portions thereof, except when the scallop product consists only of the shucked adductor muscle. *(Indiana State Department of Health; 410 IAC 7-24-56; filed Oct 13, 2004, 12:30 p.m.: 28 IR 828; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-57 "Packaged" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 57. (a) "Packaged" means:
(1) bottled;
(2) canned;
(3) cartoned;
(4) securely bagged; or
(5) securely wrapped;
whether packaged in a retail food establishment or a food processing plant.

(b) The term does not include a wrapper, carry-out box, or other nondurable container used to containerize food with the purpose of facilitating food protection during service and receipt of the food by the consumer. *(Indiana State Department of Health; 410 IAC 7-24-57; filed Oct 13, 2004, 12:30 p.m.: 28 IR 828; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-58 "Person" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 58. "Person" means any of the following:
(1) An association.
(2) A corporation.
(3) An individual.
(4) A partnership.
(5) Any other legal entity, government, or governmental subdivision or agency.
*(Indiana State Department of Health; 410 IAC 7-24-58; filed Oct 13, 2004, 12:30 p.m.: 28 IR 828; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-59 "Personal care items" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 59. (a) "Personal care items" means items or substances that may be poisonous, toxic, or a source of contamination and are used to maintain or enhance a person's health, hygiene, or appearance.
(b) The term includes the following items, such as:
(1) Medicines.
(2) First aid supplies.
(3) Cosmetics.
(4) Toiletries.
*(Indiana State Department of Health; 410 IAC 7-24-59; filed Oct 13, 2004, 12:30 p.m.: 28 IR 828; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-60 "Person-in-charge" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 60. "Person-in-charge" means the individual present at a retail food establishment who is responsible for the operation at the time of inspection. *(Indiana State Department of Health; 410 IAC 7-24-60; filed Oct 13, 2004, 12:30 p.m.: 28 IR 828; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-61 "pH" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 61. "pH" means the symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution. Values between zero (0) and seven (7) indicate acidity, and values between seven (7) and fourteen (14) indicate alkalinity. The value for pure distilled water is seven (7), which is considered neutral. *(Indiana State Department of Health; 410 IAC 7-24-61; filed Oct 13, 2004, 12:30 p.m.: 28 IR 828; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-62 "Physical facilities" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 62. "Physical facilities" means the structure and interior surfaces of a retail food establishment, including floors, walls, ceilings, and accessories, such as the following:
(1) Soap and towel dispensers.
(2) Attachments, such as the following:

(A) Light fixtures.
(B) Heating or air conditioning system vents.

*(Indiana State Department of Health; 410 IAC 7-24-62; filed Oct 13, 2004, 12:30 p.m.: 28 IR 829; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-63 "Plumbing fixture" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 63. "Plumbing fixture" means a receptacle or device that:
(1) is permanently or temporarily connected to the water distribution system of the premises and demands a supply of water from the system; or
(2) discharges used water, waste materials, or sewage directly or indirectly to the drainage system of the premises.

*(Indiana State Department of Health; 410 IAC 7-24-63; filed Oct 13, 2004, 12:30 p.m.: 28 IR 829; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-64 "Plumbing system" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 64. "Plumbing system" means the following:
(1) The water supply and distribution pipes.
(2) Plumbing fixtures and traps.
(3) Soil, waste, and vent pipes.
(4) Sanitary and storm sewers and building drains, including their respective:
(A) connections;
(B) devices; and
(C) appurtenances;
within the premises.
(5) Water-treating equipment.

*(Indiana State Department of Health; 410 IAC 7-24-64; filed Oct 13, 2004, 12:30 p.m.: 28 IR 829; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-65 "Poisonous or toxic materials" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 65. "Poisonous or toxic materials" means substances that are not intended for ingestion and are included in four (4) categories, as follows:
(1) Cleaners and sanitizers, which include cleaning and sanitizing agents and agents such as the following:
(A) Caustics.
(B) Acids.
(C) Drying agents.
(D) Polishes.
(E) Other chemicals.
(2) Pesticides except sanitizers, which include substances such as insecticides and rodenticides.
(3) Substances necessary for the operation and maintenance of the establishment, such as nonfood grade lubricants and personal care items that may be deleterious to health.
(4) Substances that are not necessary for the operation and maintenance of the establishment and are on the premises for retail sale, such as petroleum products and paints.

*(Indiana State Department of Health; 410 IAC 7-24-65; filed Oct 13, 2004, 12:30 p.m.: 28 IR 829; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-66 "Potentially hazardous food" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 66. (a) "Potentially hazardous food" means a food that is natural or synthetic and requires temperature control because it is in a form capable of supporting any of the following:

(1) The rapid and progressive growth of infectious or toxigenic microorganisms.
(2) The growth and toxin production of Clostridium botulinum.
(3) In raw shell eggs, the growth of Salmonella enteritidis.

(b) The term includes the following:

(1) A food of animal origin that is raw or heat treated.
(2) A food of plant origin that is heat-treated or consists of raw seed sprouts.
(3) Cut melons.
(4) Garlic-in-oil mixtures that are not modified in a way that results in mixtures that do not support growth as specified under subsection (a).

(c) The term does not include any of the following:

(1) An air-cooled hard-boiled egg with shell intact.
(2) A food with an $a_w$ value of eighty-five hundredths (0.85) or less.
(3) A food with a pH level of 4.6 or below when measured at seventy-five (75) degrees Fahrenheit.
(4) A food, in an unopened hermetically sealed container, that is commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution.
(5) A food for which laboratory evidence demonstrates that the rapid and progressive growth of infectious or toxigenic microorganisms or the growth of Salmonella enteritidis in eggs or Clostridium botulinum cannot occur, such as a food that:
    (A) has an $a_w$ and a pH that are above the levels specified under subdivisions (2) and (3); and
    (B) may contain a preservative, other barrier to the growth of microorganisms, or a combination of barriers that inhibit the growth of microorganisms.
(6) A food that may contain an infectious or toxigenic microorganism or chemical or physical contaminant at a level sufficient to cause illness, but that does not support the growth of microorganisms as specified under subsection (a).

*(Indiana State Department of Health; 410 IAC 7-24-66; filed Oct 13, 2004, 12:30 p.m.: 28 IR 829; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-67 "Poultry" defined**

Authority: IC 16-42-5-5
Affected: IC 15-17-5; IC 16-42-5

Sec. 67. "Poultry" means a:

(1) domesticated bird included under IC 15-2.1-24 *[IC 15-2.1 was repealed by P.L.2-2008, SECTION 83, effective July 1, 2008. See IC 15-17-5.]* and is not meat; or
(2) game animal.

*(Indiana State Department of Health; 410 IAC 7-24-67; filed Oct 13, 2004, 12:30 p.m.: 28 IR 830; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-68 "ppm" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 68. "ppm" means parts per million, which is equivalent to milligrams per liter. *(Indiana State Department of Health; 410*

*IAC 7-24-68; filed Oct 13, 2004, 12:30 p.m.: 28 IR 830; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-69 "Premises" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 69. "Premises" means the physical facility, its contents, and the:
(1) contiguous land or property under the control of the retail food establishment; or
(2) land or property not described under subdivision (1) if its facilities and contents are under the control of the owner or operator of the retail food establishment and may impact personnel, facilities, or operations, if a retail food establishment is only one (1) component of a larger operation, such as a:
(A) health care facility;
(B) hotel;
(C) motel;
(D) school;
(E) recreational camp; or
(F) prison.

*(Indiana State Department of Health; 410 IAC 7-24-69; filed Oct 13, 2004, 12:30 p.m.: 28 IR 830; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-70 "Primal cut" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 70. "Primal cut" means a basic major cut into which carcasses and sides of meat are separated, such as a:
(1) beef round;
(2) pork loin;
(3) lamb flank; or
(4) veal breast.

*(Indiana State Department of Health; 410 IAC 7-24-70; filed Oct 13, 2004, 12:30 p.m.: 28 IR 830; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-71 "Public water system" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 71. "Public water system" has the meaning set forth in 327 IAC 8. *(Indiana State Department of Health; 410 IAC 7-24-71; filed Oct 13, 2004, 12:30 p.m.: 28 IR 830; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-72 "Ready-to-eat food" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 72. (a) "Ready-to-eat food" means food that:
(1) is in a form that is edible without additional preparation to achieve food safety, as specified under section 162 of this rule, section 182(a) through 182(c) of this rule, or section 183 of this rule;
(2) is a raw or partially cooked animal food and the consumer is advised as specified under section 182(d) of this rule; or
(3) may receive additional preparation for palatability or aesthetic, epicurean, gastronomic, or culinary purposes.

(b) "Ready-to-eat food" includes, but is not limited to, the following:
(1) Raw animal food that is cooked as specified under section 182 or 183 of this rule or frozen as specified under section 162 of this rule.
(2) Raw fruits and vegetables that are washed as specified under section 175 of this rule.
(3) Fruits and vegetables that are cooked for hot holding, as specified under section 186 of this rule.
(4) All potentially hazardous food that is cooked to the temperature and time required for the specific food under section 182, 183, or 186 of this rule and cooled as specified in section 189 of this rule.
(5) Plant food for which further washing, cooking, or other processing is not required for food safety and from which:
(A) rinds;
(B) peels;
(C) husks; or
(D) shells;
if naturally present, are removed.
(6) Substances derived from plants, such as the following:
(A) Spices.
(B) Seasonings.
(C) Sugar.
(7) Bakery items such as:
(A) bread;
(B) cakes;
(C) pies;
(D) fillings; or
(E) icing;
for which further cooking is not required for food safety.
(8) The following products that are produced in accordance with USDA guidelines and that have received a lethality treatment for pathogens:
(A) Dry, fermented sausages, such as dry salami or pepperoni.
(B) Salt-cured meat and poultry products, such as prosciutto ham, country cured ham, and Parma ham.
(C) Dried meat and poultry products, such as jerky or beef sticks.
(9) Foods manufactured according to 21 CFR Part 113.
*(Indiana State Department of Health; 410 IAC 7-24-72; filed Oct 13, 2004, 12:30 p.m.: 28 IR 830; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-73 "Reduced oxygen packaging" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 73. (a) "Reduced oxygen packaging" means the following:
(1) The reduction of the amount of oxygen in a package by:
(A) removing oxygen;
(B) displacing oxygen and replacing it with another gas or combination of gases; or
(C) otherwise controlling the oxygen content to a level below that normally found in the surrounding twenty-one percent (21%) oxygen atmosphere.
(2) A process as specified in subdivision (1) that involves a food for which Clostridium botulinum is identified as a microbiological hazard in the final packaged form.
(b) The term includes the following:
(1) 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, such as sous vide.
(2) 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 any of the following:

(A) Reduction in the proportion of oxygen.

(B) Total replacement of oxygen.

(C) An increase in the proportion of other gases, such as carbon dioxide or nitrogen.

(3) 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, nonrespiring food, and impermeable packaging material.

*(Indiana State Department of Health; 410 IAC 7-24-73; filed Oct 13, 2004, 12:30 p.m.: 28 IR 831; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-74 "Refuse" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 74. "Refuse" means solid waste not carried by water through the sewage system. *(Indiana State Department of Health; 410 IAC 7-24-74; filed Oct 13, 2004, 12:30 p.m.: 28 IR 831; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-75 "Regulatory authority" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 75. "Regulatory authority" means the local, state, or federal enforcement body or authorized representative having jurisdiction over a retail food establishment. *(Indiana State Department of Health; 410 IAC 7-24-75; filed Oct 13, 2004, 12:30 p.m.: 28 IR 831; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-76 "Reminder" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 76. "Reminder" means a written statement concerning the health risk of consuming animal foods raw, undercooked, or without otherwise being processed to eliminate pathogens. *(Indiana State Department of Health; 410 IAC 7-24-76; filed Oct 13, 2004, 12:30 p.m.: 28 IR 831; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-77 "Restrict" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 77. "Restrict" means to limit the activities of a food employee so that there is no risk of transmitting a disease that is transmissible through food and the food employee does not work with:

(1) exposed food;

(2) clean equipment, utensils, or linens; and

(3) unwrapped single-service or single-use articles.

*(Indiana State Department of Health; 410 IAC 7-24-77; filed Oct 13, 2004, 12:30 p.m.: 28 IR 831; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-78 "Restricted use pesticide" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 78. "Restricted use pesticide" has the same meaning as when defined in law and rules of the office of the Indiana state chemist. *(Indiana State Department of Health; 410 IAC 7-24-78; filed Oct 13, 2004, 12:30 p.m.: 28 IR 831; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-79 "Retail food establishment" defined**

Authority: IC 16-42-5-5
Affected: IC 12-10-15; IC 12-13-5; IC 16-18-2; IC 16-21-2; IC 16-25-11; IC 16-41-31

Sec. 79. (a) "Retail food establishment" means an operation as follows that:
(1) Stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, such as the following:
(A) A restaurant.
(B) A satellite or catered feeding location.
(C) A catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people.
(D) A market.
(E) A grocery store.
(F) A convenience store.
(G) A vending location.
(H) A conveyance used to transport people.
(I) An institution.
(J) A food bank.
(K) A commissary.
(L) A cottage industry.
(M) A hospice facility as defined in IC 16-25-11.
(N) A health care facility as defined in IC 16-21-2.
(O) A health facility as defined in IC 16-18-2.
(P) A child care facility as defined in IC 12-13-5, such as the following:
(i) Licensed child care centers licensed under 470 IAC 3-4.7.
(ii) Licensed child care institutions licensed under 470 IAC 3-11, 470 IAC 3-12, and 470 IAC 3-13.
(iii) Registered child care ministries registered under 470 IAC 3-4.5.
(Q) An assisted living facility as defined in IC 12-10-15.
(2) Relinquishes possession of food to a consumer directly or indirectly through a delivery service, such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.
(b) The term includes the following:
(1) An element of the operation, such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the regulatory authority.
(2) An operation that is conducted in a:
(A) mobile;
(B) stationary;
(C) temporary; or
(D) permanent;
facility or location, where consumption is on or off the premises and regardless of whether there is a charge for the food.
(c) The term does not include the following:
(1) An establishment that offers only prepackaged foods that are not potentially hazardous.
(2) A produce stand that offers only whole, uncut fresh fruits and vegetables.
(3) A food processing plant operated under IC 16-42-5.

(4) A private home where food is prepared by a member of an organization that is operating under IC 16-42-5-4 *[IC 16-42-5-4 was repealed by P.L.100-2007, SECTION 2, effective July 1, 2007.]*.
(5) An area where food that is prepared as specified in subdivision (4) is sold or offered for human consumption.
(6) A bed and breakfast establishment as defined and regulated under IC 16-41-31 and 410 IAC 7-15.5.
(7) A private home that receives catered or home-delivered food.
(8) A private home.
*(Indiana State Department of Health; 410 IAC 7-24-79; filed Oct 13, 2004, 12:30 p.m.: 28 IR 832; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-80 "Risk" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 80. "Risk" means the likelihood that an adverse health effect will occur within a population as a result of a hazard in food. *(Indiana State Department of Health; 410 IAC 7-24-80; filed Oct 13, 2004, 12:30 p.m.: 28 IR 832; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-81 "Safe material" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 81. "Safe material" means any of the following:
(1) An article manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food.
(2) An additive that is used as specified in Section 409 or 706 of the Federal Food, Drug, and Cosmetic Act.
(3) Other materials that are not food or color additives and that are used in conformity with applicable regulations of the Food and Drug Administration.
*(Indiana State Department of Health; 410 IAC 7-24-81; filed Oct 13, 2004, 12:30 p.m.: 28 IR 832; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-82 "Sanitization" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 82. "Sanitization" means the application of cumulative heat or chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of five (5) logs, which is equal to a ninety-nine and nine hundred ninety-nine thousandths percent (99.999%) reduction of representative disease microorganisms of public health importance. *(Indiana State Department of Health; 410 IAC 7-24-82; filed Oct 13, 2004, 12:30 p.m.: 28 IR 832; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-83 "Sealed" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 83. "Sealed" means free of cracks or other openings that allow the entry or passage of moisture. *(Indiana State Department of Health; 410 IAC 7-24-83; filed Oct 13, 2004, 12:30 p.m.: 28 IR 833; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-84 "Service animal" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 84. "Service animal" means a professionally trained animal, such as a guide dog, signal dog, or other animal that provides assistance to an individual with a disability. *(Indiana State Department of Health; 410 IAC 7-24-84; filed Oct 13, 2004, 12:30 p.m.: 28 IR 833; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-85 "Servicing area" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 85. "Servicing area" means an operating base location to which a mobile retail food establishment or transportation vehicle returns for such functions as the following:
(1) Vehicle and equipment cleaning.
(2) Discharging liquid or solid wastes.
(3) Refilling water tanks and ice bins.
(4) Boarding food.
*(Indiana State Department of Health; 410 IAC 7-24-85; filed Oct 13, 2004, 12:30 p.m.: 28 IR 833; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-86 "Sewage" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 86. "Sewage" means liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution. *(Indiana State Department of Health; 410 IAC 7-24-86; filed Oct 13, 2004, 12:30 p.m.: 28 IR 833; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-87 "Shellfish control authority" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 87. "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. *(Indiana State Department of Health; 410 IAC 7-24-87; filed Oct 13, 2004, 12:30 p.m.: 28 IR 833; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-88 "Shellstock" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 88. "Shellstock" means raw, in-shell molluscan shellfish. *(Indiana State Department of Health; 410 IAC 7-24-88; filed Oct 13, 2004, 12:30 p.m.: 28 IR 833; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-89 "Shiga toxin-producing Escherichia coli" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 89. "Shiga toxin-producing Escherichia coli" means any Escherichia coli capable of producing Shiga toxins (also called verocytotoxins or "Shiga-like" toxins). This includes, but is not limited to, Escherichia coli reported as serotype O157:H7, O157:NM, and O157:H-. *(Indiana State Department of Health; 410 IAC 7-24-89; filed Oct 13, 2004, 12:30 p.m.: 28 IR 833; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-90 "Shucked shellfish" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 90. "Shucked shellfish" means molluscan shellfish that have one (1) or both shells removed. *(Indiana State Department of Health; 410 IAC 7-24-90; filed Oct 13, 2004, 12:30 p.m.: 28 IR 833; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-91 "Single-service articles" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 91. "Single-service articles" means tableware, carry-out utensils, and other items, such as:
(1) bags;
(2) containers;
(3) place mats;
(4) stirrers;
(5) straws;
(6) toothpicks; and
(7) wrappers;
that are designed and constructed for one (1) time, one (1) person use after which they are intended for discard. *(Indiana State Department of Health; 410 IAC 7-24-91; filed Oct 13, 2004, 12:30 p.m.: 28 IR 833; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-92 "Single-use articles" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 92. (a) "Single-use articles" means utensils and bulk food containers designed and constructed to be used once and discarded.
(b) The term includes items, such as:
(1) wax paper;
(2) butcher paper;
(3) plastic wrap;
(4) formed aluminum food containers;
(5) jars;
(6) plastic tubs or buckets;
(7) bread wrappers;
(8) pickle barrels;
(9) ketchup bottles; and
(10) number ten (10) cans;

that do not meet the materials, durability, strength, and cleanability specifications under sections 205, 217, and 229 of this rule for multiuse utensils. *(Indiana State Department of Health; 410 IAC 7-24-92; filed Oct 13, 2004, 12:30 p.m.: 28 IR 833; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-93 "Slacking" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 93. "Slacking" means the process of moderating the temperature of a food, such as allowing a food to gradually increase from a temperature of minus ten (10) degrees Fahrenheit to twenty-five (25) degrees Fahrenheit in preparation for deep-fat frying or to facilitate even heat penetration during the cooking of previously block-frozen food, such as kale. *(Indiana State Department of Health; 410 IAC 7-24-93; filed Oct 13, 2004, 12:30 p.m.: 28 IR 834; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-94 "Smooth" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 94. "Smooth" means the following:

(1) A food-contact surface having a surface free of pits and inclusions with a cleanability equal to or exceeding that of one hundred (100) grit number three (3) stainless steel.

(2) A nonfood-contact surface of equipment having a surface equal to that of commercial grade hot-rolled steel free of visible scale.

(3) A floor, wall, or ceiling having an even or level surface with no roughness or projections that render it difficult to clean. *(Indiana State Department of Health; 410 IAC 7-24-94; filed Oct 13, 2004, 12:30 p.m.: 28 IR 834; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-95 "Table-mounted equipment" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 95. "Table-mounted equipment" means equipment that is not portable and is designed to be mounted off the floor on a table, counter, or shelf. *(Indiana State Department of Health; 410 IAC 7-24-95; filed Oct 13, 2004, 12:30 p.m.: 28 IR 834; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-96 "Tableware" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 96. "Tableware" means:

(1) eating, drinking, and serving utensils for table use, such as flatware, including:
  (A) forks;
  (B) knives; and
  (C) spoons;

(2) hollowware including:
  (A) bowls:
  (B) cups;
  (C) serving dishes; and
  (D) tumblers; and

(3) plates.
*(Indiana State Department of Health; 410 IAC 7-24-96; filed Oct 13, 2004, 12:30 p.m.: 28 IR 834; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-97 "Temperature measuring device" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 97. "Temperature measuring device" means:
(1) a thermometer;
(2) a thermocouple;
(3) a thermistor; or
(4) other device;
that indicates the temperature of food, air, or water. *(Indiana State Department of Health; 410 IAC 7-24-97; filed Oct 13, 2004, 12:30 p.m.: 28 IR 834; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-98 "Temporary food establishment" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 98. "Temporary food establishment" means a retail food establishment that operates for a period of no more than fourteen (14) consecutive days in conjunction with a single event or celebration with the approval of the organizers of the event or celebration. *(Indiana State Department of Health; 410 IAC 7-24-98; filed Oct 13, 2004, 12:30 p.m.: 28 IR 834; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-99 "USDA" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 99. "USDA" means the United States Department of Agriculture. *(Indiana State Department of Health; 410 IAC 7-24-99; filed Oct 13, 2004, 12:30 p.m.: 28 IR 834; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-100 "Utensil" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 100. "Utensil" means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of food, such as the following:
(1) Kitchenware or tableware that is multiuse, single-service, or single-use.
(2) Gloves used in contact with food.
(3) Food temperature measuring devices.
(4) Probe-type price or identification tags used in contact with food.
*(Indiana State Department of Health; 410 IAC 7-24-100; filed Oct 13, 2004, 12:30 p.m.: 28 IR 834; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-101 "Variance" defined**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 101. "Variance" means a written document issued by the department upon demonstration of good cause by the person requesting the variance that authorizes a waiver, modification, or deviation from one (1) or more of the state rules concerning food handling machinery or sanitary standards for the operation of food establishments. *(Indiana State Department of Health; 410 IAC 7-24-101; filed Oct 13, 2004, 12:30 p.m.: 28 IR 835; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-102 "Vending machine" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 102. "Vending machine" means a self-service device that, upon activation, such as through the insertion of a:
(1) coin;
(2) paper currency;
(3) token;
(4) card; or
(5) key;
or by optional manual operation, dispenses unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation. *(Indiana State Department of Health; 410 IAC 7-24-102; filed Oct 13, 2004, 12:30 p.m.: 28 IR 835; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-103 "Vending machine location" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 103. "Vending machine location" means the:
(1) room;
(2) enclosure;
(3) space; or
(4) area;
where one (1) or more vending machines are installed and operated and includes the storage areas and areas on the premises that are used to service and maintain the vending machines. *(Indiana State Department of Health; 410 IAC 7-24-103; filed Oct 13, 2004, 12:30 p.m.: 28 IR 835; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-104 "Warewashing" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 104. "Warewashing" means the cleaning and sanitizing of food-contact surfaces of equipment and utensils. *(Indiana State Department of Health; 410 IAC 7-24-104; filed Oct 13, 2004, 12:30 p.m.: 28 IR 835; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-105 "Whole-muscle, intact beef" defined**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 105. "Whole-muscle, intact beef" means whole muscle beef that is not:
(1) injected;
(2) mechanically tenderized;

(3) reconstructed; or
(4) scored and marinated;
from which beef steaks may be cut. *(Indiana State Department of Health; 410 IAC 7-24-105; filed Oct 13, 2004, 12:30 p.m.: 28 IR 835; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-106 Public health protection**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 106. (a) The regulatory authority shall uniformly apply this rule to all retail food establishments in a reasonable manner that promotes its underlying purpose of safeguarding public health and ensuring that food is:
(1) safe;
(2) not misbranded;
(3) unadulterated; and
(4) honestly presented;
when offered to the consumer.
(b) In enforcing this rule, the regulatory authority shall assess existing facilities or equipment that was in use before the effective date of this rule based on the following considerations:
(1) Whether the facilities or equipment are in good repair and capable of being maintained in a sanitary condition.
(2) Whether food-contact surfaces comply with sections 205 through 213, 215, 216, and 240 of this rule.
(3) Whether the capacities of cooling, heating, and holding equipment are sufficient to comply with section 259 of this rule.
(4) The existence of a documented agreement with the owner or operator of the retail food establishment that the facilities or equipment will be replaced or upgraded.
(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-106; filed Oct 13, 2004, 12:30 p.m.: 28 IR 835; errata filed Dec 13, 2004, 8:20 a.m.: 28 IR 1485; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-107 Prerequisite for operation**
Authority: IC 16-42-5-5
Affected: IC 16-42-1-6; IC 16-42-5

Sec. 107. (a) A person may not operate a retail food establishment without first having registered with the department as required under IC 16-42-1-6.
(b) A retail food establishment registered with a local health department or other regulatory authority shall be considered registered with the department under IC 16-42-1-6.
(c) To allow verification that the retail food establishment is constructed, equipped, and otherwise meets the requirements of this rule, the regulatory authority shall be notified of an intent to operate at least thirty (30) days before registering under this rule.
(d) From one (1) year of the effective date of this rule, the owner or operator of the retail food establishment shall maintain at least one (1) copy of this rule on the premises at all times. Immediate electronic access to this rule shall be considered acceptable in meeting this requirement.
(e) For purposes of this section, a violation of subsections (a) through (d) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-107; filed Oct 13, 2004, 12:30 p.m.: 28 IR 835; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-108 Access allowed at reasonable times after due notice**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 108. (a) After the regulatory authority presents official credentials and expresses an intent to conduct an inspection,

investigation, or to collect food samples, the person-in-charge shall allow the regulatory authority to determine if the retail food establishment is in compliance with this rule by allowing access to the establishment, and providing information and records specified in this rule and to which the regulatory authority is entitled according to law, during the retail food establishment's hours of operation and other reasonable times.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-108; filed Oct 13, 2004, 12:30 p.m.: 28 IR 836; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-109 Ceasing operations, reporting, and resumption of operations**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 109. (a) Except as specified in subsection (b), the owner or operator of the retail food establishment shall immediately discontinue operations and notify the regulatory authority if an imminent health hazard may exist because of an emergency, such as the following:

(1) Fire.
(2) Flood.
(3) An extended interruption of electrical or water service.
(4) A sewage backup.
(5) A misuse of poisonous or toxic materials.
(6) An onset of an apparent foodborne illness outbreak.
(7) A gross insanitary occurrence or condition.
(8) Other circumstance that may endanger public health.

(b) The owner or operator of a retail food establishment need not discontinue operations in an area of an establishment that is unaffected by the imminent health hazard.

(c) If operations are discontinued as specified under this section or otherwise according to law, the retail food establishment shall obtain approval from the regulatory authority before resuming operations.

(d) For purposes of this section, a violation of subsection (a) is a critical item.

(e) For purposes of this section, a violation of subsection (b) or (c) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-109; filed Oct 13, 2004, 12:30 p.m.: 28 IR 836; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-110 Requirement for facility and operating plans**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 110. (a) The owner or other authorized agent of an existing or proposed retail food establishment shall submit to the regulatory authority properly prepared plans and specifications for review before any of the following:

(1) The construction of a retail food establishment.
(2) The conversion of an existing structure for use as a retail food establishment.
(3) The remodeling of a retail food establishment or a change of type of retail food establishment or food operation if the regulatory authority determines that plans and specifications are necessary to ensure compliance with this rule.

The retail food establishment owner or operator should use the 2000 Food Establishment Plan Review Guide and the temporary retail food establishment owner or operator should use the 2000 Pre-Operational Guide for Temporary Retail Food Establishment Plan Review Guide, both as published by the U.S. Food and Drug Administration and the Conference for Food Protection, as a source for determining recommended equipment specifications and operational standards for retail food establishments/temporary retail food establishments.

(b) The plans and specifications shall be approved by the regulatory authority prior to construction and the operation of the retail food establishment.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health;*

*410 IAC 7-24-110; filed Oct 13, 2004, 12:30 p.m.: 28 IR 836; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-111 Contents and specifications for facility and operating plans**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 111. (a) The plans and specifications for a retail food establishment shall include, as required by the regulatory authority based on the type of operation, type of food preparation, and foods prepared, the following information to demonstrate compliance with this rule:

(1) Intended menu.
(2) Anticipated volume of food to be stored, prepared, and sold or served.
(3) Proposed layout, mechanical schematics, construction materials, and finish schedules.
(4) Proposed equipment types, manufacturers, model numbers, locations, dimensions, performance capacities, and installation specifications.
(5) Evidence that standard procedures that ensure compliance with this rule are developed or are being developed.
(6) Other information that may be required by the regulatory authority for the proper review of the proposed construction, conversion, or modification, and procedures for operating a retail food establishment.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-111; filed Oct 13, 2004, 12:30 p.m.: 28 IR 837; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-112 Food equipment; certification and classification**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 112. (a) Food equipment that is certified or classified for sanitation by an American National Standards Institute accredited certification program will be deemed to comply with sections 161, 205 through 213, 215 through 217, 219 through 226, 229 through 232, 253 through 256, 261 through 266, 271, 277 through 282, 288, 305 through 306, and 333 of this rule.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-112; filed Oct 13, 2004, 12:30 p.m.: 28 IR 837; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-113 Mobile retail food establishment**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 113. (a) A mobile retail food establishment must be physically transported to a commissary or servicing area, or both, at least once daily for all:

(1) supplies;
(2) cleaning; and
(3) servicing operations.

(b) A mobile retail food establishment shall comply with this rule except as otherwise provided in this section.

(c) A mobile retail food establishment serving only food prepared, packaged in individual servings, transported, and stored under conditions meeting the requirements of this rule, or beverages that are not potentially hazardous and are dispensed from covered urns or other protected equipment, need not comply with this rule pertaining to the following:

(1) The necessity of water and sewage systems.
(2) The cleaning and sanitizing of equipment and utensils if the required equipment for cleaning and sanitizing exists at the commissary; however, frankfurters may be prepared and served from these units without the required cleaning and sanitizing equipment only.

(d) A mobile retail food establishment shall provide only single-service articles for use by the consumer.

(e) A mobile retail food establishment requiring a water system shall have a potable water system under pressure. The system shall be of sufficient capacity to furnish enough hot and cold water for food preparation, utensil cleaning and sanitizing, and hand washing, in accordance with this rule.

(f) If liquid waste results from the operation of a mobile retail food establishment, the waste shall be stored in a permanently installed retention tank that is of at least fifteen percent (15%) larger capacity than the water supply tank as specified in section 372 of this rule. Liquid waste shall not be discharged from the retention tank when the mobile retail food establishment is being moved.

(g) For purposes of this section, a violation of subsection (a), (c), (e), or (f) is a critical item.

(h) For purposes of this section, a violation of subsection (b) or (d) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-113; filed Oct 13, 2004, 12:30 p.m.: 28 IR 837; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-114 Variance**

Authority: IC 16-42-5-5
Affected: IC 16-19-3-4.3; IC 16-42-5-5.2

Sec. 114. (a) An owner or operator of a retail food establishment may request a variance from one (1) or more of the sections in this rule as specified in IC 16-19-3-4.3 and IC 16-42-5-5.2.

(b) An owner or operator of a retail food establishment that requests a variance from one (1) or more requirements of this rule must complete a variance application provided by the department. The application information must adequately and completely address all areas of concern described in the department's "Policy for Processing Variance Requests".

(c) The department will process the variance request in accordance with the published and posted policy referenced in subsection (b).

(d) From the effective date of this rule, an owner or operator of a retail food establishment shall not commence implementation of a modification to this rule without first obtaining approval from the department.

(e) For purposes of this section, a violation of subsection (a), (b), or (c) is a critical or noncritical item based on the determination of whether or not the violation significantly contributes to food contamination, an illness, or an environmental health hazard. *(Indiana State Department of Health; 410 IAC 7-24-114; filed Oct 13, 2004, 12:30 p.m.: 28 IR 837; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-115 Contents of a HACCP plan**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 115. (a) For a retail food establishment that is required under sections 114 and 195 of this rule to have a HACCP plan, the plan and specifications shall indicate the following:

(1) A categorization of the types of potentially hazardous foods that are specified in the menu, such as soups, sauces, salads, and bulk, solid foods, such as meat roasts, or other foods that are specified by the regulatory authority.

(2) A flow diagram by specific food or category type identifying critical control points and providing information on the following:

(A) Ingredients, materials, and equipment used in the preparation of that food.

(B) Formulations or recipes that delineate methods and procedural control measures that address the food safety concerns involved.

(3) A food employee and supervisory training plan that addresses the food safety issues of concern.

(4) A statement of standard operating procedures for the plan under consideration including clearly identifying the following:

(A) Each critical control point.

(B) The critical limits for each critical control point.

(C) The method and frequency for monitoring and controlling each critical control point by the food employee designated by the person-in-charge.

(D) The method and frequency for the person-in-charge to routinely verify that the food employee is following standard

operating procedures and monitoring critical control points.

(E) Actions to be taken by the person-in-charge if the critical limits for each critical control point are not met.

(F) Records to be maintained by the person-in-charge to demonstrate that the HACCP plan is properly operated and managed.

(5) Additional scientific data or other information, as required by the regulatory authority, supporting the determination that food safety is not compromised by the proposal.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-115; filed Oct 13, 2004, 12:30 p.m.: 28 IR 838; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-116 Preventing health hazards; provisions for conditions not addressed**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 116. (a) If necessary to protect against public health hazards or nuisances, the regulatory authority may temporarily impose specific requirements in addition to the requirements contained in this rule that are authorized by law.

(b) The regulatory authority shall document the conditions that necessitate the imposition of additional requirements and the underlying public health rationale. The documentation shall be provided to the retail food establishment, and a copy shall be maintained in the regulatory authority's file for the retail food establishment.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-116; filed Oct 13, 2004, 12:30 p.m.: 28 IR 838; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-117 Assignment of supervision responsibility**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 117. (a) The owner or operator of a retail food establishment shall have a person-in-charge present at the retail food establishment during all hours of operation.

(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-117; filed Oct 13, 2004, 12:30 p.m.: 28 IR 838; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-118 Demonstration of knowledge**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 118. (a) Based on the risk of foodborne illness inherent to the retail food operation, during inspections and upon request, the person-in-charge shall demonstrate to the regulatory authority knowledge of foodborne disease prevention, application of the HACCP principles, and the requirements of this rule. The person-in-charge shall demonstrate this knowledge by either of the following:

(1) Having a certified food employee who has shown proficiency of required information through passing a test that is part of an accredited program, as per 410 IAC 7-22.

(2) If the retail food establishment is exempt from 410 IAC 7-22, the demonstration of knowledge shall be met by the following:

(A) Compliance with this rule by having no critical violation or violations during the current inspection.

(B) Responding correctly to the inspector's questions as they relate to the specific food operation. The areas of knowledge include the following:

(i) Describing the relationship between the prevention of foodborne disease and personal hygiene of a food employee.

(ii) Explaining the responsibility of the person-in-charge for preventing transmission of foodborne disease by a food employee who has a disease or medical condition that may cause foodborne disease.
(iii) Describing the symptoms associated with the diseases that are transmissible through food.
(iv) Explaining the significance of the relationship between maintaining the time and temperature of potentially hazardous food and the prevention of foodborne illness.
(v) Explaining the hazards involved in the consumption of raw or undercooked meat, poultry, eggs, and fish.
(vi) Stating the required food temperatures and times for safe cooking of potentially hazardous food including meat, poultry, eggs, and fish.
(vii) Stating the required temperatures and times for the safe refrigerated storage, hot holding, cooling, and reheating of potentially hazardous food.
(viii) Describing the relationship between the prevention of foodborne illness and the management and control of the following:
(AA) Cross-contamination.
(BB) Hand contact with ready-to-eat foods.
(CC) Hand washing.
(DD) Maintaining the retail food establishment in a clean condition and in good repair.
(ix) Explaining the relationship between food safety and providing equipment that is as follows:
(AA) Sufficient in number and capacity.
(BB) Properly designed, constructed, located, installed, operated, maintained, and cleaned.
(x) Explaining correct procedures for cleaning and sanitizing utensils and food contact surfaces of equipment.
(xi) Identifying the source of water used and measures taken to ensure that it remains protected from contamination, such as providing protection from backflow and precluding the creation of cross connections.
(xii) Identifying poisonous or toxic materials in the retail food establishment and the procedures necessary to ensure that they are safely stored, dispensed, used, and disposed of according to law.
(xiii) Identifying critical control points in the operation from purchasing through sale or service that when not controlled may contribute to the transmission of foodborne illness and explaining steps taken to ensure that the points are controlled in accordance with this rule.
(xiv) Explaining the details of how the person-in-charge and food employees comply with the HACCP plan if a plan is required by the law, this rule, or an agreement between the regulatory authority and the establishment.
(xv) Explaining the responsibilities, rights, and authorities assigned by this rule to the:
(AA) food employee;
(BB) person-in-charge; and
(CC) regulatory authority.

(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-118; filed Oct 13, 2004, 12:30 p.m.: 28 IR 838; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-119 Duties of the person-in-charge**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 119. (a) When applicable, the person-in-charge of the retail food establishment shall ensure the following:
(1) Retail food establishment operations are not conducted in a private home or in a room used as living or sleeping quarters as specified under section 423 of this rule.
(2) Persons unnecessary to the retail food establishment operation are not allowed in the food preparation, food storage, or warewashing areas, except that brief visits and tours may be authorized by the person-in-charge if steps are taken to ensure that:
(A) exposed food;
(B) clean equipment, utensils, and linens; and
(C) unwrapped single-service and single-use articles;

are protected from contamination.
(3) Employees and other persons, such as delivery and maintenance persons and pesticide applicators, entering the food preparation, food storage, and warewashing areas comply with this rule.
(4) Employees are effectively cleaning their hands, by routinely monitoring the employees' hand washing.
(5) Employees are visibly observing foods as they are received to determine that they are:
(A) from approved sources;
(B) delivered at the required temperatures;
(C) protected from contamination;
(D) unadulterated; and
(E) accurately presented;
by routinely monitoring the employees' observations and periodically evaluating foods upon their receipt.
(6) Employees are properly cooking potentially hazardous food, being particularly careful in cooking those foods known to cause severe foodborne illness and death, such as eggs and comminuted meats, through daily oversight of the employees' routine monitoring of the cooking temperatures using appropriate temperature measuring devices properly scaled and calibrated as specified under sections 235 and 254 of this rule.
(7) Employees are using proper methods to rapidly cool potentially hazardous foods that are not held hot or are not for consumption within four (4) hours, through daily oversight of the employees' routine monitoring of food temperatures during cooling.
(8) Consumers who order raw or partially cooked ready-to-eat foods of animal origin are informed as specified under section 196 of this rule that the food is not cooked sufficiently to ensure its safety.
(9) Employees are properly sanitizing cleaned multiuse equipment and utensils before they are reused, through routine monitoring of solution temperature and exposure time for hot water sanitizing and chemical concentration, pH, temperature, and exposure time for chemical sanitizing.
(10) Consumers are notified that clean tableware is to be used when they return to self-service areas, such as salad bars and buffets, as specified under section 249 of this rule.
(11) Employees are preventing cross-contamination of ready-to-eat food from unwashed hands and are properly using suitable utensils, such as:
(A) deli tissue;
(B) spatulas;
(C) tongs;
(D) single-use gloves; or
(E) dispensing equipment;
when such items can be used.
(12) Employees are properly trained in food safety as it relates to their assigned duties.
(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-119; filed Oct 13, 2004, 12:30 p.m.: 28 IR 839; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-120 Responsibility to require reporting by food employees and applicants**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 120. (a) The owner or operator of a retail food establishment shall require food employee applicants to whom a conditional offer of employment is made and food employees to report to the person-in-charge information about their health and activities as they relate to diseases that are transmissible through food. A food employee or applicant shall report the information in a manner that allows the person-in-charge to prevent the likelihood of foodborne disease transmission, including the date of onset of jaundice or of an illness specified under subdivision (3), if the food employee or applicant:
(1) is diagnosed with an illness due to:
(A) Salmonella spp.;
(B) Shigella spp.;

(C) Shiga toxin-producing Escherichia coli;
(D) hepatitis A virus; or
(E) norovirus; or
(2) has a symptom caused by illness, infection, or other source that is:
(A) associated with an acute gastrointestinal illness, such as:
(i) diarrhea;
(ii) fever;
(iii) vomiting;
(iv) jaundice; or
(v) sore throat with fever; or
(B) a lesion containing pus, such as a boil or infected wound that is open or draining and is on:
(i) the hands or wrists unless an impermeable cover, such as a finger cot or stall, protects the lesion and a single-use glove is worn over the impermeable cover;
(ii) exposed portions of the arms unless the lesion is protected by an impermeable cover; or
(iii) other parts of the body, unless the lesion is covered by a dry, durable, tight-fitting bandage;
(3) had a past illness from an infectious agent specified under subdivision (1); or
(4) meets one (1) or more of the following high-risk conditions, such as:
(A) Being suspected of causing, or being exposed to, a confirmed disease outbreak caused by Salmonella spp., Shigella spp., Shiga toxin-producing Escherichia coli, hepatitis A virus, or norovirus because the food employee or applicant:
(i) prepared food implicated in the outbreak;
(ii) consumed food implicated in the outbreak; or
(iii) consumed food at the event prepared by a person who is infected or ill with the infectious agent that caused the outbreak or who is suspected of being a shedder of the infectious agent.
(B) Living in the same household as a person who is diagnosed with a disease caused by Salmonella spp., Shigella spp., Shiga toxin-producing Escherichia coli, hepatitis A virus, or norovirus.
(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-120; filed Oct 13, 2004, 12:30 p.m.: 28 IR 840; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-121 Exclusions and restrictions**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 121. (a) The person-in-charge shall do the following:
(1) Exclude a food employee from a retail food establishment if the food employee is exhibiting vomiting and/or diarrhea symptoms.
(2) Exclude a food employee from a retail food establishment if the food employee is diagnosed with an infectious agent specified under section 120(a)(1) of this rule.
(3) Except as specified under subdivision (4), restrict a food employee from working with exposed clean equipment, utensils, and linens and unwrapped single-service and single-use articles in a retail food establishment if the food employee is:
(A) suffering from a symptom of sore throat with fever as specified under section 120(a)(2) of this rule;
(B) not experiencing a symptom of acute gastroenteritis specified under section 120(a)(2)(A) of this rule but has a stool that yields a specimen culture that is positive for Salmonella spp., Shigella spp., or Shiga toxin-producing Escherichia coli; or
(C) has a lesion containing pus, such as a boil or infected wound, that is open or draining as specified in section 120(a)(2)(B), and is not covered with an impermeable cover.
(4) If the population served is a highly susceptible population, exclude a food employee who:
(A) is experiencing a symptom of acute gastrointestinal illness specified under section 120(a)(2)(A) of this rule and meets a high-risk condition specified under section 120(a)(4) of this rule;
(B) is not experiencing a symptom of acute gastroenteritis specified under section 120(a)(2)(A) of this rule but has a

stool that yields a specimen culture that is positive for Salmonella spp., Shigella spp., Shiga toxin-producing Escherichia coli, or norovirus;

(C) had a past illness from Salmonella typhi without three (3) successive negative stool cultures; or

(D) had a past illness from Salmonella spp., Shigella spp., or Shiga toxin-producing Escherichia coli without two (2) successive negative stool cultures.

(5) For a food employee who is jaundiced, if the onset of jaundice occurred within the last seven (7) calendar days, exclude the food employee from the food establishment.

(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-121; filed Oct 13, 2004, 12:30 p.m.: 28 IR 840; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-122 Removal of exclusions and restrictions**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 122. (a) The person-in-charge may remove an exclusion specified under section 121(a)(1) of this rule if:

(1) the employee is free of vomiting and/or diarrhea symptoms for at least twenty-four (24) hours; or

(2) the person excluded as specified under section 121(a)(1) of this rule provides to the person-in-charge written medical documentation from a physician licensed to practice medicine, a nurse practitioner, or a physician assistant that specifies the vomiting and/or diarrhea result from a chronic noninfectious agent, such as Crohn's disease, irritable bowel syndrome, or ulcerative colitis, or other acute noninfectious condition.

(b) The person-in-charge may remove an exclusion specified under section 121(a)(2) of this rule if:

(1) the person-in-charge obtains approval from the regulatory authority; and

(2) the person excluded as specified under section 121(a)(1) of this rule provides to the person-in-charge written medical documentation from a physician licensed to practice medicine, a nurse practitioner, or a physician assistant that specifies that the excluded person may work in an unrestricted capacity in a retail food establishment, including an establishment that serves a highly susceptible population, because the person is free of the infectious agent of concern as specified in section 127 of this rule.

(c) The person-in-charge may remove a restriction specified under:

(1) section 121(a)(3) of this rule if the restricted person:

(A) is free of the symptoms specified under section 121(a)(3)(A) of this rule and no foodborne illness occurs that may have been caused by the restricted person;

(B) is suspected of causing foodborne illness but:

(i) is free of the symptoms specified under section 120(a)(2)(A)(ii) and (B) *[section 120(a)(2)(A)(ii) and 120(a)(2)(B)]* of this rule; and

(ii) provides written medical documentation from a physician licensed to practice medicine, a nurse practitioner, or a physician assistant stating that the restricted person is free of the infectious agent that is suspected of causing the person's symptoms or causing foodborne illness as specified in section 127 of this rule; or

(C) provides written medical documentation from a physician licensed to practice medicine, a nurse practitioner, or physician assistant stating that the symptoms experienced result from a chronic noninfectious condition, such as Crohn's disease, irritable bowel syndrome, or ulcerative colitis; or

(2) section 121(a)(3)(B) of this rule if the restricted person provides written medical documentation from a physician licensed to practice medicine, a nurse practitioner, or physician assistant according to the criteria specified in section 127 of this rule that indicates the stools are free of Salmonella spp., Shigella spp., Shiga toxin-producing Escherichia coli, or norovirus, whichever is the infectious agent of concern.

(d) The person-in-charge may remove an exclusion specified under section 121(a)(4) of this rule if the excluded person provides written medical documentation from a physician licensed to practice medicine, a nurse practitioner, or physician assistant:

(1) who specifies that the person is free of:

(A) the infectious agent of concern as specified in section 127 of this rule; or

(B) jaundice as specified under subsection (e) if hepatitis A virus is the infectious agent of concern; or

(2) if the person is excluded under section 121(a)(4)(A) of this rule, stating that the symptoms experienced result from a chronic noninfectious condition, such as Crohn's disease, irritable bowel syndrome, or ulcerative colitis.

(e) The person-in-charge may remove an exclusion specified under section 121(a)(5) of this rule if:

(1) at least seven (7) days have passed since the onset of jaundice; or

(2) at least fourteen (14) days have passed since the onset of symptoms if no jaundice occurred.

(f) For purposes of this section, a violation of subsection (a), (b), (c), (d) and (e) *[subsections (a) through (e)]* is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-122; filed Oct 13, 2004, 12:30 p.m.: 28 IR 841; errata filed Dec 13, 2004, 8:20 a.m.: 28 IR 1485; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-123 Responsibility of a food employee or an applicant to report to the person-in-charge**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 123. (a) A food employee or a person who applies for a job as a food employee shall do the following:

(1) In a manner specified under section 120 of this rule, report to the person-in-charge the information specified under section 120 of this rule.

(2) Comply with exclusions and restrictions that are specified under section 121 of this rule.

(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-123; filed Oct 13, 2004, 12:30 p.m.: 28 IR 842; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-124 Obtaining information: personal history of illness, medical examination, and specimen analysis**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 124. (a) The regulatory authority shall act when it has reasonable cause to believe that a food employee:

(1) has possibly transmitted disease;

(2) may be infected with a disease in a communicable form that is transmissible through food;

(3) may be a carrier of infectious agents that cause a disease that is transmissible through food; or

(4) is affected with:

(A) a boil;

(B) an infected wound; or

(C) an acute respiratory infection.

(b) The regulatory authority shall act to secure a confidential medical history of the food employee suspected of transmitting disease or making other investigations as deemed appropriate. The regulatory authority shall also require appropriate medical examinations, including collection of specimens for laboratory analysis, of a suspected food employee and other employees.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-124; filed Oct 13, 2004, 12:30 p.m.: 28 IR 842; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-125 Regulatory authority restriction or exclusion of food employee**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 125. (a) Based on the findings of an investigation related to a food employee who is suspected of being infected or diseased, the regulatory authority may issue an order to the suspected employee or retail food establishment instituting one (1) or more of the following control measures:

(1) Restricting the employee's services to specific areas and tasks in a retail food establishment that present no risk of transmitting the disease.

(2) Excluding the employee from a retail food establishment.
(3) Closing the retail food establishment in accordance with law.
(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-125; filed Oct 13, 2004, 12:30 p.m.: 28 IR 842; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-126 Restriction or exclusion order**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 126. (a) Based on the findings of the investigation as specified in section 124 of this rule and to control disease transmission, the regulatory authority may issue an order of restriction or exclusion to a suspected food employee or the owner or operator of the retail food establishment without prior warning, notice of a hearing, or a hearing if the order states the following:
(1) The reasons for the restriction or exclusion that is ordered.
(2) The evidence that the food employee or the owner or operator of the retail food establishment shall provide in order to demonstrate that the reasons for the restriction or exclusion are eliminated.
(3) That the suspected food employee or the owner or operator of the retail food establishment may request an appeal hearing by submitting a timely request as provided in law.
(4) The name and address of the regulatory authority representative to whom a request for an appeal hearing may be made.
(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-126; filed Oct 13, 2004, 12:30 p.m.: 28 IR 842; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-127 Release of a food employee from restriction or exclusion**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 127. (a) The regulatory authority shall release a food employee from restriction or exclusion according to the following conditions:
(1) If the employee's stools are negative for Salmonella typhi based on testing of at least three (3) consecutive stool specimen cultures that are taken:
(A) not earlier than one (1) month after onset;
(B) at least forty-eight (48) hours after discontinuance of antibiotics; and
(C) at least twenty-four (24) hours apart.
(2) If one (1) of the cultures taken as specified in subdivision (1) is positive, repeat cultures are taken at intervals of one (1) month until at least three (3) consecutive negative stool specimen cultures are obtained.
(3) If the employee's stools are negative for Salmonella spp., Shigella spp., or Shiga toxin-producing Escherichia coli based on testing of two (2) consecutive stool specimen cultures that are taken:
(A) not earlier than forty-eight (48) hours after discontinuance of antibiotics; and
(B) at least twenty-four (24) hours apart.
(4) For a food employee who was infected with hepatitis A virus if:
(A) at least seven (7) days have passed since the onset of jaundice;
(B) at least fourteen (14) days have passed since the onset of symptoms, if no jaundice occurred; or
(C) at least two (2) blood tests show falling liver enzymes.
(5) A food employee has not experienced symptoms of vomiting and/or diarrhea, not attributable to another noninfectious condition, for at least twenty-four (24) hours.
(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-127; filed Oct 13, 2004, 12:30 p.m.: 28 IR 843; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-128 Hand cleaning and drying procedure**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 128. (a) Food employees shall, except as specified in section 343(c) of this rule, clean their hands and exposed portions of their arms with a cleaning compound at a hand washing sink that is equipped as specified under section 342(a) of this rule by vigorously rubbing together the surfaces of their lathered hands and arms for at least twenty (20) seconds in water having a temperature of at least one hundred (100) degrees Fahrenheit and thoroughly rinsing with clean water. Employees shall pay particular attention to the areas underneath the fingernails and between the fingers. A nail brush shall be used when provided.

(b) Food employees shall dry their hands utilizing the provisions under section 347 of this rule. The use of a common towel is prohibited.

(c) For purposes of this section, a violation of subsection (a) or (b) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-128; filed Oct 13, 2004, 12:30 p.m.: 28 IR 843; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-129 When to wash hands**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 129. (a) Food employees shall clean their hands and exposed portions of their arms as specified under section 128 of this rule immediately before engaging in food preparation, including working with exposed food, clean equipment and utensils, and unwrapped single-service and single-use articles and the following:

(1) After touching bare human body parts other than clean hands and clean, exposed portions of arms.
(2) After using the toilet room.
(3) After caring for or handling service animals or aquatic animals as specified in section 435(b) of this rule.
(4) After coughing, sneezing, or using a handkerchief or disposable tissue.
(5) After drinking, other than as specified in section 136(b) of this rule, using tobacco, or eating.
(6) After handling soiled surfaces, equipment, or utensils.
(7) During food preparation, as often as necessary to remove soil and contamination and to prevent cross-contamination when changing tasks.
(8) When switching between working with raw food and working with ready-to-eat food.
(9) Before touching food or food-contact surfaces.
(10) Before placing gloves on hands.
(11) After engaging in other activities that contaminate the hands.

(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-129; filed Oct 13, 2004, 12:30 p.m.: 28 IR 843; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-130 Where to wash hands**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 130. (a) 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 in a service sink or a curbed cleaning facility used for the disposal of mop water and similar liquid waste.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-130; filed Oct 13, 2004, 12:30 p.m.: 28 IR 843; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-131 Hand sanitizers**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 131. (a) A hand sanitizer and a chemical hand sanitizing solution used as a hand dip shall be as follows:

(1) Comply with one (1) of the following:

(A) Be an approved drug that is listed in the FDA publication Approved Drug Products with Therapeutic Equivalence Evaluations as an approved drug based on safety and effectiveness.

(B) Have active antimicrobial ingredients that are listed in the FDA monograph for OTC Health-Care Antiseptic Drug Products as an antiseptic hand wash.

(2) Consist of components that are one (1) of the following:

(A) Listed for such use in contact with food in 21 CFR 178 - Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers.

(B) Exempt from regulation as food additives under 21 CFR 170.39 - Threshold of regulation for substances used in food-contact articles.

(C) Generally recognized as safe (GRAS) for the intended use in contact with food within the meaning of the Federal Food, Drug and Cosmetic Act (FFDCA).

(D) Permitted for such use by an effective Food Contact Substance Notification as defined by paragraph 409(h) of the FFDCA and listed in FDA's Inventory of Effective Premarket Notifications for Food Contact Substances.

(3) Be applied only to hands that are cleaned as specified under section 128 of this rule.

(b) If a hand sanitizer or a chemical hand sanitizing solution used as a hand dip does not meet the criteria specified under subsection (a)(2), use shall be:

(1) followed by thorough hand rinsing in clean water before hand contact with food or by the use of gloves; or

(2) limited to situations that involve no direct contact with food by the bare hands.

(c) A chemical hand sanitizing solution used as a hand dip shall be maintained clean and at a strength equivalent to at least one hundred (100) milligrams per liter chlorine.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-131; filed Oct 13, 2004, 12:30 p.m.: 28 IR 844; errata filed Dec 13, 2004, 8:20 a.m.: 28 IR 1485; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-132 Personal cleanliness**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 132. (a) Food employees shall keep their hands and exposed portions of their arms clean.

(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-132; filed Oct 13, 2004, 12:30 p.m.: 28 IR 844; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-133 Hand and arm maintenance**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 133. (a) Food employees shall keep their fingernails trimmed, filed, and maintained so the edges and surfaces are cleanable and not rough.

(b) Unless wearing intact gloves in good repair, a food employee may not wear fingernail polish or artificial fingernails while working with exposed food.

(c) If a lesion is present on the arms or hands, a food employee shall wear the following:

(1) An impermeable covering, such as a bandage and a single-use glove over the lesion, on the hands or wrist.

(2) A long sleeved shirt on other exposed portions of the arm where a bandaged lesion may be present.

(d) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item.

(e) For purposes of this section, a violation of subsection (c) is a critical or noncritical item based on the determination of whether or not the violation significantly contributes to food contamination, an illness, or an environmental health hazard. *(Indiana State Department of Health; 410 IAC 7-24-133; filed Oct 13, 2004, 12:30 p.m.: 28 IR 844; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-134 Jewelry prohibition**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 134. (a) While preparing food, a food employee shall not wear jewelry, including medical jewelry and watches, on their arms and hands. This section does not apply to a plain ring, such as a wedding band.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-134; filed Oct 13, 2004, 12:30 p.m.: 28 IR 844; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-135 Clean condition of outer clothing**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 135. (a) Food employees shall wear clean outer clothing to prevent contamination of the following:

(1) Food.
(2) Equipment.
(3) Utensils.
(4) Linens.
(5) Single-service and single-use articles.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-135; filed Oct 13, 2004, 12:30 p.m.: 28 IR 844; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-136 Eating, drinking, or using tobacco**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 136. (a) Except as specified in subsection (b), an employee shall chew gum, eat and drink food, or use any form of tobacco only in designated areas where the contamination of:

(1) exposed food;
(2) clean equipment, utensils, and linens;
(3) unwrapped single-service and single-use articles; or
(4) other items needing protection;

cannot result.

(b) A food employee may drink from a closed beverage container if the container is handled in a manner that prevents contamination of the following:

(1) The employee's hands.
(2) The container.
(3) Exposed food.
(4) Clean equipment, utensils, and linens.
(5) Unwrapped single-service and single-use articles.

(c) For purposes of this section, a violation of subsection (a) or (b) is a critical item. *(Indiana State Department of Health; 410*

*IAC 7-24-136; filed Oct 13, 2004, 12:30 p.m.: 28 IR 845; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-137 Discharges from the eyes, nose, and mouth**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 137. (a) Food employees experiencing persistent sneezing, coughing, or a runny nose or when there are any other bodily discharges from the eyes, nose, or mouth may not work with the following:

(1) Exposed food.

(2) Clean equipment, utensils, and linens.

(3) Unwrapped single-service or single-use articles.

(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-137; filed Oct 13, 2004, 12:30 p.m.: 28 IR 845; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-138 Effectiveness of hair restraint**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 138. (a) Except as provided in subsection (b), food employees shall wear hair restraints, such as hats, hair coverings or nets, beard restraints, and clothing that covers body hair, that are designed and worn to effectively keep their hair from contacting:

(1) exposed food;

(2) clean equipment, utensils, and linens; and

(3) unwrapped single-service and single-use articles.

(b) This section does not apply to food employees, such as counter staff who only serve beverages and wrapped or packaged foods, hostesses, and wait staff, if they present a minimal risk of contaminating:

(1) exposed food;

(2) clean equipment, utensils, and linens; and

(3) unwrapped single-service and single-use articles.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-138; filed Oct 13, 2004, 12:30 p.m.: 28 IR 845; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-139 Food condition**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 139. (a) Food shall be safe, unadulterated, and, as specified under section 140 of this rule, honestly presented.

(b) Food shall not be misbranded.

(c) For purposes of this section, a violation of subsection (a) is a critical item.

(d) For purposes of this section, a violation of subsection (b) is a critical or noncritical item based on the determination of whether or not the violation significantly contributes to food contamination, an illness, or an environmental health hazard. *(Indiana State Department of Health; 410 IAC 7-24-139; filed Oct 13, 2004, 12:30 p.m.: 28 IR 845; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-140 Honest presentation of food**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 140. (a) Food shall be offered for human consumption in a way that does not mislead or misinform the consumer.

(b) Food or color additives, colored overwraps, or lights may not be used to misrepresent the true appearance, color, or quality of a food.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-140; filed Oct 13, 2004, 12:30 p.m.: 28 IR 845; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-141 Discarding or reconditioning of unsafe, misbranded, adulterated, or contaminated food**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 141. (a) A food that is unsafe, adulterated, misbranded, or not honestly presented as specified under section 140 of this rule shall be reconditioned according to an approved procedure or discarded.

(b) Food that is not from an approved source as specified under section 142, 143, 147, 154, 155, 164, or 165 of this rule shall be discarded.

(c) Ready-to-eat food that may have been contaminated by an employee who has been restricted or excluded as specified under section 121 of this rule shall be discarded.

(d) Food that is contaminated by food employees, consumers, or other persons through contact with soiled hands, bodily discharges, such as nasal or oral discharges, or other means shall be discarded.

(e) For purposes of this section, a violation of subsection (a) is a critical or noncritical item based on the determination of whether or not the violation significantly contributes to food contamination, an illness, or an environmental health hazard.

(f) For purposes of this section, a violation of subsection (b), (c), or (d) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-141; filed Oct 13, 2004, 12:30 p.m.: 28 IR 845; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-142 Food sources**

Authority: IC 16-42-5-5
Affected: IC 16-42-1; IC 16-42-2

Sec. 142. (a) Food shall be obtained from sources that comply with law at least equivalent to Indiana law.

(b) Food prepared in a private home may not be used or offered for human consumption in a retail food establishment.

(c) Packaged food shall be labeled as specified:

(1) in law, including IC 16-42-1, IC 16-42-2, 21 CFR 101, 9 CFR 317, and 9 CFR 381 Subpart N; and

(2) under sections 156 and 157 of this rule.

(d) Fish, other than molluscan shellfish, that are intended for consumption in their raw form and allowed as specified in section 182(d) of this rule may be offered for sale or service if they are:

(1) obtained from a supplier that freezes the fish as specified under section 164 of this rule; or

(2) frozen on the premises as specified under section 162 of this rule;

and records are retained as specified under section 163 of this rule.

(e) Whole-muscle, intact beef steaks that are intended for consumption in an undercooked form without a consumer advisory as specified in section 182(c) of this rule shall be:

(1) obtained from a food processing plant that packages the steaks and labels them to indicate that they meet the definition of whole-muscle, intact beef; or

(2) if individually cut in a retail food establishment:

(A) cut from whole-muscle, intact beef that is labeled by a food processing plant to indicate that the beef meets the definition of whole-muscle, intact beef;

(B) prepared so they remain intact; and

(C) if packaged for undercooking in a retail food establishment, labeled to indicate that they meet the definition of whole-muscle, intact beef.

(f) Meat and poultry that is not a ready-to-eat food and is in a packaged form when it is offered for sale or otherwise offered

for consumption shall be labeled to include safe handling instructions as specified in law, including 9 CFR 317.2(l) and 9 CFR 381.125(b).

(g) For purposes of this section, a violation of subsections (a), (b), (c)(1), (d), (e), and (f) is a critical item.

(h) For purposes of this section, a violation of subsection (c)(2) is a critical or noncritical item based on the determination of whether or not the violation significantly contributes to food contamination, an illness, or an environmental health hazard. *(Indiana State Department of Health; 410 IAC 7-24-142; filed Oct 13, 2004, 12:30 p.m.: 28 IR 846; errata filed Dec 13, 2004, 8:20 a.m.: 28 IR 1485; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-143 Food in a hermetically sealed container**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 143. (a) Food in a hermetically sealed container shall be obtained from a:

(1) food processing plant that is regulated by the food regulatory agency that has jurisdiction over the plant; or

(2) retail food establishment engaged in activities of a food processing plant for retail sale such as acidified foods or low-acid foods, meeting the same requirements as a food processing plant.

(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-143; filed Oct 13, 2004, 12:30 p.m.: 28 IR 846; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-144 Packaging integrity**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 144. (a) Food packages shall be in good condition and protect the integrity of the contents so that the food is not exposed to adulteration or potential contaminants.

(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-144; filed Oct 13, 2004, 12:30 p.m.: 28 IR 846; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-145 Accurate representation of packaged food using standards of identity**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 145. (a) Packaged food shall comply with standard of identity requirements in 21 CFR 131 through 21 CFR 169, 9 CFR 319, and the general requirements in 21 CFR 130 and 9 CFR 319, Subpart A.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-145; filed Oct 13, 2004, 12:30 p.m.: 28 IR 847; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-146 Food labels**

Authority: IC 16-42-5-5
Affected: IC 16-42-1; IC 16-42-2

Sec. 146. (a) Food packaged in a retail food establishment shall be labeled as specified in law, including the following:

(1) IC 16-42-1.

(2) IC 16-42-2.

(3) 410 IAC 7-5.

(4) 21 CFR 101.

(5) 9 CFR 317.

(b) Label information shall include the following:

(1) The common name of the food or, absent a common name, an adequately descriptive identity statement.

(2) If made from two (2) or more ingredients, a list of ingredients in descending order of predominance by weight, including a declaration of artificial color or flavor and chemical preservatives if contained in the food.

(3) An accurate declaration of the quantity of contents.

(4) The name and place of business of the manufacturer, packer, or distributor.

(5) For any salmonid fish containing canthaxanthin as a color additive, the labeling of the bulk fish container, including a list of ingredients, displayed on the retail container or by other written means, such as a counter card, that discloses the use of canthaxanthin.

(c) Except as specified in subsection (d), bulk, unpackaged food not intended for immediate consumption that is available for consumer self-dispensing or that is portioned to consumer specifications shall be prominently labeled with either of the following information in plain view of the consumer:

(1) The manufacturer's or processor's label that was provided with the food.

(2) A card, sign, or other method of notification that includes the information specified under subsection (b)(1), (b)(2), and (b)(4).

(d) Bulk unpackaged food need not be labeled if:

(1) a health, nutrient content, or other claim is not made; or

(2) the food is manufactured or prepared on the premises of the retail food establishment.

(e) Retail food establishment or manufacturers' dating information on foods may not be concealed or altered.

(f) For purposes of this section, a violation of subsections (a) through (e) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-146; filed Oct 13, 2004, 12:30 p.m.: 28 IR 847; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-147 Fluid milk and milk products**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 147. (a) Fluid milk and milk products shall be obtained from sources that comply with Grade A standards as specified in law.

(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-147; filed Oct 13, 2004, 12:30 p.m.: 28 IR 847; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-148 Bulk milk**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 148. (a) The bulk milk container dispensing tube shall be cut on the diagonal leaving no more than one (1) inch protruding from the chilled dispensing head.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-148; filed Oct 13, 2004, 12:30 p.m.: 28 IR 847; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-149 Eggs and milk products; pasteurized**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 149. (a) Liquid, frozen, and dry eggs and egg products shall be pasteurized.

(b) Fluid and dry milk and milk products complying with Grade A standards as specified in law shall be obtained pasteurized.

(c) Frozen milk products, such as ice cream, shall be pasteurized as specified in 21 CFR 135.

(d) Cheese shall be obtained pasteurized unless alternative procedures to pasteurization are specified in 21 CFR 133.

(e) For purposes of this section, a violation of subsection (a), (b), (c), or (d) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-149; filed Oct 13, 2004, 12:30 p.m.: 28 IR 847; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-150 Shell eggs**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 150. (a) Shell eggs shall be received clean and sound and may not exceed the restricted egg tolerances for United States Consumer Grade B as specified in 7 CFR 56, 9 CFR 590, United States Standards, Grades, and Weight classes for Shell Eggs (AMS 56.200 et seq.), and 370 IAC.

(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-150; filed Oct 13, 2004, 12:30 p.m.: 28 IR 848; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-151 Pasteurized eggs; substitute for raw shell eggs for certain recipes**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 151. (a) Pasteurized eggs or egg products shall be substituted for raw shell eggs in the preparation of foods, such as caesar salad, hollandaise or béarnaise sauce, mayonnaise, and egg-fortified beverages that are not:

(1) cooked as specified under section 182(a)(1) or 182(a)(2) of this rule; or

(2) included in section 182(d) of this rule.

(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-151; filed Oct 13, 2004, 12:30 p.m.: 28 IR 848; errata filed Dec 13, 2004, 8:20 a.m.: 28 IR 1485; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-152 Juice treated**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 152. (a) Prepackaged juice shall:

(1) be obtained from a processor who has established and is utilizing a HACCP system as specified in 21 CFR Part 120;

(2) be obtained already pasteurized or otherwise treated to attain a 5-log reduction of the most resistant microorganism of public health significance as specified in 21 CFR Part 120.24; or

(3) bear a warning label as specified in 21 CFR 101.17(g).

(b) Juice packaged in a retail food establishment shall be:

(1) treated under a HACCP plan as specified in subsection 115(a)(2) through 115(a)(5) of this rule to attain a 5-log reduction, which is equal to a ninety-nine and nine hundred ninety-nine thousandths percent (99.999%) reduction, of the most resistant microorganism of public health significance; or

(2) labeled, if not treated to yield a 5-log reduction of the most resistant microorganism of public health significance as specified:

(A) under section 146 of this rule; and

(B) in 21 CFR 101.17(g) with the phrase, "WARNING: This product has not been pasteurized and, therefore, may contain harmful bacteria that can cause serious illness in children, the elderly, and persons with weakened immune systems.".

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-152; filed Oct 13, 2004, 12:30 p.m.: 28 IR 848; errata filed Dec 13, 2004, 8:20 a.m.: 28 IR 1485; readopted filed*

*Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-153 Pasteurized food and prohibited food**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 153. (a) The following apply in a retail food establishment that serves a highly susceptible population:

(1) The following criteria apply to juice:

(A) For purposes of this subdivision only, children who are nine (9) years of age or less and receive food in a school, day care setting, or similar facility that provides custodial care are included as highly susceptible populations.

(B) Prepackaged juice or a prepackaged beverage containing juice that bears a warning label as specified in 21 CFR 101.17(g) Food Labeling or packaged juice or beverage containing juice that bears a warning label as specified under section 152(b)(2) of this rule may not be served or offered for sale.

(C) Unpackaged juice that is prepared on the premises for service or sale in a ready-to-eat form shall be processed under a HACCP plan that contains the information specified in section 115(a)(2) through 115(a)(5) of this rule and as specified under 21 CFR 120.24 Process Controls.

(2) Pasteurized shell eggs or pasteurized liquid, frozen, or dry eggs or egg products shall be substituted for raw shell eggs in the preparation of the following:

(A) Foods, such as the following:

(i) Caesar salad.
(ii) Hollandaise or béarnaise sauce.
(iii) Mayonnaise.
(iv) Egg-fortified beverages.

(B) Except as specified in subdivision (5), recipes in which more than one (1) egg is broken and the eggs are combined.

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

(A) Raw animal foods, such as the following:

(i) Raw fish.
(ii) Raw-marinated fish.
(iii) Raw molluscan shellfish.
(iv) Steak tartare.

(B) A partially cooked animal food, such as the following:

(i) Lightly cooked fish.
(ii) Rare meat.
(iii) Soft-cooked eggs that are made from raw shell eggs.
(iv) Meringue.

(C) Raw seed sprouts.

(4) Food employees may not contact ready-to-eat food as specified under section 171(b) of this rule.

(5) Subdivision (2)(B) does not apply if:

(A) the raw eggs are combined:

(i) immediately before cooking for one (1) consumer's serving at a single meal, cooked as specified under section 182(a)(1) of this rule, and served immediately, such as an omelet, soufflé, or scrambled eggs; or

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

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

(i) identifies the food to be prepared;

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

(iii) includes specifications and practices that ensure that Salmonella enteritidis growth is controlled before and after cooking, and Salmonella enteritidis is destroyed by cooking the eggs according to the temperature and time specified in section 182(a)(2) of this rule;

(iv) contains the information specified under section 115(a)(4) of this rule including procedures that control cross-

contamination of ready-to-eat food with raw eggs and delineate cleaning and sanitization procedures for food-contact surfaces; and

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

(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-153; filed Oct 13, 2004, 12:30 p.m.: 28 IR 848; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-154 Fish**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 154. (a) Fish that are received for sale or service shall be:

(1) commercially and legally produced, caught, or harvested; or

(2) approved by the department for sale or service.

(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-154; filed Oct 13, 2004, 12:30 p.m.: 28 IR 849; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-155 Molluscan shellfish**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 155. (a) Molluscan shellfish shall be obtained from sources according to law and the requirements specified in the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish.

(b) Molluscan shellfish received in interstate commerce shall be from sources that are listed in the Interstate Certified Shellfish Shippers List.

(c) Molluscan shellfish that are recreationally caught may not be received for sale or service.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-155; filed Oct 13, 2004, 12:30 p.m.: 28 IR 849; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-156 Shucked shellfish; packaging and identification**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 156. (a) Raw shucked shellfish shall be obtained in nonreturnable packages that bear a legible label that identifies the:

(1) name, address, and certification number of the shucker-packer or repacker of the molluscan shellfish; and

(2) "sell by" date for packages with a capacity of less than one-half (½) gallon or the date shucked for packages with a capacity of one-half (½) gallon or more.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-156; filed Oct 13, 2004, 12:30 p.m.: 28 IR 849; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-157 Shellstock identification**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 157. (a) Shellstock shall be obtained in containers bearing legible source identification tags or labels that are affixed by

the harvester and each dealer that depurates, ships, or reships the shellstock, as specified in the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish, and that list the following:

(1) Except as specified under subsection (b), on the harvester's tag or label, the following information in the following order:

(A) The harvester's identification number that is assigned by the shellfish control authority.

(B) The date of harvesting.

(C) The most precise identification of the harvest location or aquaculture site that is practicable based on the system of harvest area designations that is in use by the shellfish control authority and including the abbreviation of the name of the state or country in which the shellfish are harvested.

(D) The type and quantity of shellfish.

(E) The following statement in bold, capitalized type: "This tag is required to be attached until container is empty or retagged and thereafter kept on file for ninety (90) days.".

(2) Except as specified in subsection (c), on each dealer's tag or label, the following information in the following order:

(A) The dealer's name and address and the certification number assigned by the shellfish control authority.

(B) The original shipper's certification number, including the abbreviation of the name of the state or country in which the shellfish are harvested.

(C) The same information as specified for a harvester's tag under subdivision (1)(B) through (1)(D).

(D) The following statement in bold, capitalized type: "This tag is required to be attached until container is empty and thereafter kept on file for ninety (90) days.".

(b) A container of shellstock that does not bear a tag or label or that bears a tag or label that does not contain all the information as specified under subsection (a) shall be subject to a hold order, as allowed by law, or seizure and destruction in accordance with 21 CFR 1240.60(d).

(c) If a place is provided on the harvester's tag or label for a dealer's name, address, and certification number, the dealer's information shall be listed first.

(d) If the harvester's tag or label is designed to accommodate each dealer's identification as specified under subsection (a)(2)(A) and (a)(2)(B), individual dealer tags or labels need not be provided.

(e) For purposes of this section, a violation of subsection (a), (b), (c), or (d) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-157; filed Oct 13, 2004, 12:30 p.m.: 28 IR 849; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-158 Shellstock condition**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 158. (a) When received by a retail food establishment, shellstock shall be reasonably free of mud, dead shellfish, and shellfish with broken shells. Dead shellfish or shellstock with badly broken shells shall be discarded.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-158; filed Oct 13, 2004, 12:30 p.m.: 28 IR 850; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-159 Molluscan shellfish original container**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 159. (a) Except as specified in subsections (b) and (c), molluscan shellfish shall not be removed from the container in which they are received other than immediately before sale or preparation for service.

(b) Shellstock may be removed from the container in which they are received, displayed on drained ice, or held in a display container, and a quantity specified by a consumer may be removed from the display or display container and provided to the consumer if the:

(1) source of the shellstock on display is identified as specified under section 157 of this rule and recorded as specified under section 160 of this rule; and

(2) shellstock are protected from contamination.

(c) Shucked shellfish may be removed from the container in which they were received and held in a display container from which individual servings are dispensed upon a consumer's request if the:

(1) labeling information for the shellfish on display as specified under section 156 of this rule is retained and correlated to the date when, or dates during which, the shellfish are sold or served; and

(2) shellfish are protected from contamination.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-159; filed Oct 13, 2004, 12:30 p.m.: 28 IR 850; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-160 Shellstock; maintaining identification**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 160. (a) Except as specified under subsection (b)(2), shellstock tags shall remain attached to the container in which the shellstock are received until the container is empty.

(b) The identity of the source of shellstock that are sold or served shall be maintained by retaining shellstock tags or labels for ninety (90) calendar days from the date the container is emptied by using:

(1) a record keeping system that keeps the tags or labels in chronological order correlated to the date when, or dates during which, the shellstock are sold or served; and

(2) only one (1) tagged or labeled container at a time if shellstock are removed from their tagged or labeled container.

(c) For purposes of this section, a violation of subsection (a) or (b) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-160; filed Oct 13, 2004, 12:30 p.m.: 28 IR 850; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-161 Molluscan shellfish tanks**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 161. (a) Except as specified under subsection (b), molluscan shellfish life support system display tanks may not be used to display shellfish that are offered for human consumption and shall be conspicuously marked so that it is obvious to the consumer that the shellfish are for display only.

(b) Molluscan shellfish life support system display tanks that are used to store and display shellfish that are offered for human consumption shall be operated and maintained in compliance with a HACCP plan to ensure the following:

(1) Water used with fish other than molluscan shellfish does not flow into the molluscan tank.

(2) The safety and quality of the shellfish as they were received are not compromised by the use of the tank.

(3) The identity of the source of the shellstock is retained as specified under section 160 of this rule.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-161; filed Oct 13, 2004, 12:30 p.m.: 28 IR 850; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-162 Parasite destruction**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 162. (a) Except as specified in subsection (b), before service or sale in ready-to-eat form, raw, raw-marinated, partially cooked, or marinated-partially cooked fish other than molluscan shellfish shall be frozen throughout to a temperature of:

(1) minus four (4) degrees Fahrenheit or below for one hundred sixty-eight (168) hours (seven (7) days) in a freezer; or

(2) minus thirty-one (31) degrees Fahrenheit or below for fifteen (15) hours in a blast freezer.

(b) If the fish are tuna of the species:

(1) Thunnus alalunga;
(2) Thunnus albacares (Yellowfin tuna);
(3) Thunnus atlanticus;
(4) Thunnus maccoyii (Bluefin tuna, Southern);
(5) Thunnus obesus (Bigeye tuna); or
(6) Thunnus thynnus (Bluefin tuna, Northern);
the fish may be served or sold in a raw, raw-marinated, or partially cooked ready-to-eat form without freezing as specified under subsection (a).

(c) For purposes of this section, a violation of subsection (a) or (b) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-162; filed Oct 13, 2004, 12:30 p.m.: 28 IR 851; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-163 Records; creation and retention**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 163. (a) Except as specified in section 162(b) of this rule and subsection (b), if raw, raw-marinated, partially cooked, or marinated-partially cooked fish are served or sold in ready-to-eat form, the person-in-charge shall record the freezing temperature and time to which the fish are subjected and shall retain the records at the retail food establishment for ninety (90) calendar days beyond the time of service or sale of the fish.

(b) If the fish are frozen by a supplier, a written agreement or statement from the supplier stipulating that the fish supplied are frozen to a temperature and for a time specified under section 162 of this rule may substitute for the records specified under subsection (a).

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-163; filed Oct 13, 2004, 12:30 p.m.: 28 IR 851; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-164 Wild mushrooms**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 164. (a) Except as specified in subsection (b), mushroom species picked in the wild shall be obtained from sources where each mushroom is individually inspected and found to be safe by a mushroom identification expert.

(b) This section does not apply to the following:

(1) Cultivated wild mushroom species that are grown, harvested, and processed in an operation that is regulated by the food regulatory agency that has jurisdiction over the operation.

(2) Wild mushroom species if they are in packaged form and are the product of a food processing plant that is regulated by the food regulatory agency that has jurisdiction over the plant.

(c) For purposes of this section, a violation of subsection (a) or (b) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-164; filed Oct 13, 2004, 12:30 p.m.: 28 IR 851; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-165 Game animals**

Authority: IC 16-42-5-5
Affected: IC 15-17-5; IC 16-42-5

Sec. 165. (a) If game animals are received for sale or service they shall be slaughtered and processed under a state or federal inspection program with requirements that are at least equal to IC 15-2.1-24 *[IC 15-2.1 was repealed by P.L.2-2008, SECTION 83, effective July 1, 2008. See IC 15-17-5.]*.

(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC*

*7-24-165; filed Oct 13, 2004, 12:30 p.m.: 28 IR 851; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-166 Specifications for receiving temperatures of food**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 166. (a) Except as specified in subsection (b), refrigerated, potentially hazardous food shall be at a temperature of forty-one (41) degrees Fahrenheit or below when received.

(b) If a temperature other than forty-one (41) degrees Fahrenheit for a potentially hazardous food is specified in law governing its distribution, such as laws governing milk, molluscan shellfish, and shell eggs, the food may be received at the specified temperature.

(c) Potentially hazardous food that is cooked to a temperature and for a time specified under sections 182, 183, and 186 of this rule and received hot shall be at a temperature of one hundred thirty-five (135) degrees Fahrenheit or above.

(d) A food that is labeled frozen and shipped frozen by a food processing plant shall be received frozen.

(e) Upon receipt, potentially hazardous food shall be free of evidence of previous temperature abuse.

(f) For purposes of this section, a violation of subsections (a) through (e) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-166; filed Oct 13, 2004, 12:30 p.m.: 28 IR 851; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-167 Food additives**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 167. (a) Food may not contain unapproved food additives or additives that exceed amounts specified in 21 CFR 170 through 21 CFR 180 relating to food additives, generally recognized as safe or prior sanctioned substances that exceed amounts specified in 21 CFR 181 through 21 CFR 186, substances that exceed amounts specified in 9 CFR 424.21(b) food ingredients and source of radiation, or pesticide residues that exceed provisions specified in 40 CFR 185.

(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-167; filed Oct 13, 2004, 12:30 p.m.: 28 IR 852; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-168 Protection from unapproved food or color additives**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 168. (a) Food shall be protected from contamination that may result from the addition of unsafe or unapproved:

(1) food or color additives; and

(2) levels of approved food and color additives.

(b) A food employee may not:

(1) apply sulfiting agents to fresh fruits and vegetables intended for raw consumption or to a food considered to be a good source of vitamin $B_1$; or

(2) serve or sell food specified under subdivision (1) that is treated with sulfiting agents before receipt by the owner or operator of the retail food establishment, except that grapes need not meet this subdivision.

(c) For purposes of this section, a violation of subsection (a) or (b) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-168; filed Oct 13, 2004, 12:30 p.m.: 28 IR 852; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-169 Ice**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 169. (a) Ice for use as a food or a cooling medium shall be made from drinking water.

(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-169; filed Oct 13, 2004, 12:30 p.m.: 28 IR 852; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-170 Ice used as exterior coolant; prohibited as ingredient**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 170. (a) After use as a medium for cooling the exterior surfaces of:

(1) food, such as melons or fish;

(2) packaged foods, such as canned beverages; or

(3) cooling coils and tubes of equipment;

ice may not be used as food.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-170; filed Oct 13, 2004, 12:30 p.m.: 28 IR 852; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-171 Preventing contamination from hands**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 171. (a) Food employees shall wash their hands as specified under section 128 of this rule.

(b) Except when washing fruits and vegetables as specified in section 175 of this rule, shucking oysters and clams, deveining shrimp and other crustaceans, applying a garnish, or when otherwise approved through a variance, food employees shall not contact exposed, ready-to-eat food with hands that have not been washed as specified in sections 129 and 130 of this rule and shall use suitable utensils, such as the following:

(1) Deli tissue.

(2) Spatulas.

(3) Tongs.

(4) Single-use gloves.

(5) Dispensing equipment.

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

(d) For purposes of this section, a violation of subsection (a) or (b) is a critical item.

(e) For purposes of this section, a violation of subsection (c) is a critical or noncritical item based on the determination of whether or not the violation significantly contributes to food contamination, an illness, or an environmental health hazard. *(Indiana State Department of Health; 410 IAC 7-24-171; filed Oct 13, 2004, 12:30 p.m.: 28 IR 852; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-172 Preventing contamination when tasting**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 172. (a) A food employee may not reuse a utensil once it has been used to taste food that is to be sold or served.

(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-172; filed Oct 13, 2004, 12:30 p.m.: 28 IR 853; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA;*

*readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-173 Packaged and unpackaged food; separation, packaging, and segregation**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 173. (a) Food shall be protected from cross-contamination by the following:

(1) Separating raw animal foods during storage, preparation, holding, and display from:

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

(B) cooked ready-to-eat food.

(2) Except when combined as ingredients, separating types of raw animal foods from each other, such as beef, fish, lamb, pork, and poultry during storage, preparation, holding, and display by:

(A) using separate equipment for each type, or arranging each type of food in equipment so that cross-contamination of one (1) type with another is prevented; and

(B) preparing each type of food at different times or in separate areas.

(3) Cleaning equipment and utensils as specified under section 296(a) of this rule and sanitizing as specified under section 303 of this rule.

(4) Cleaning hermetically sealed containers of food of visible soil before opening.

(5) Protecting food containers that are received packaged together in a case or overwrap from cuts when the case or overwrap is opened.

(6) Storing damaged, spoiled, or recalled food being held in the retail food establishment as specified under section 202 of this rule.

(7) Separating fruits and vegetables, before they are washed, as specified under section 175 of this rule from ready-to-eat food.

(b) Subsection (a)(4) does not apply to the following:

(1) Whole, uncut raw fruits and vegetables and nuts in the shell that require peeling or hulling before consumption.

(2) Primal cuts, quarters, or sides of raw meat or slab bacon that are hung on clean, sanitized hooks or placed on clean, sanitized racks.

(3) Whole, uncut, processed meats, such as country hams and smoked or cured sausages, that are placed on clean, sanitized racks.

(4) Food being cooled as specified under section 190(b)(2) of this rule.

(5) Shellstock.

(c) For purposes of this section, a violation of subsection (a) or (b) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-173; filed Oct 13, 2004, 12:30 p.m.: 28 IR 853; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-174 Food storage containers; identified with common name of food**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 174. (a) Working containers holding food or food ingredients that are removed from their original packages for use in the retail food establishment, such as:

(1) cooking oils;

(2) flour;

(3) herbs;

(4) potato flakes;

(5) salt;

(6) spices; and

(7) sugar;

shall be identified with the common name of the food, except that containers holding food that can be readily and unmistakably

recognized, such as dry pasta, need not be identified.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-174; filed Oct 13, 2004, 12:30 p.m.: 28 IR 853; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-175 Washing fruits and vegetables**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 175. (a) Raw fruits and vegetables shall be thoroughly washed in water to remove soil and other contaminants before being cut, combined with other ingredients, cooked, served, or offered for human consumption in ready-to-eat form, except:

(1) as specified in subsection (b); and

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

(b) Fruits and vegetables may be washed by using chemicals as specified under section 444 of this rule.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-175; filed Oct 13, 2004, 12:30 p.m.: 28 IR 853; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-176 Storage or display of food in contact with water or ice**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 176. (a) Packaged food may not be stored in direct contact with ice or water if the food is subject to the entry of water because of the nature of its packaging, wrapping, or container or its positioning in the ice or water.

(b) Except as specified in subsections (c) and (d), unpackaged food may not be stored in direct contact with undrained ice.

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

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

(e) For purposes of this section, a violation of subsections (a) through (d) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-176; filed Oct 13, 2004, 12:30 p.m.: 28 IR 854; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-177 Food storage**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 177. (a) Except as specified in subsections (b) and (c), food shall be protected from contamination by storing the food as follows:

(1) In a clean, dry location.

(2) Where it is not exposed to splash, dust, or other contamination.

(3) At least six (6) inches above the floor.

(4) In a manner to prevent overcrowding.

(5) In packages, covered containers, or wrappings.

(b) Food in packages and working containers may be stored less than six (6) inches above the floor on case lot handling equipment.

(c) Pressurized beverage containers, cased food in waterproof containers, such as bottles or cans, and milk containers in plastic crates may be stored on a floor that is clean and not exposed to floor moisture.

(d) For purposes of this section, a violation of subsection (a)(1), (a)(2), (a)(3), (a)(4), (b), or (c) is a noncritical item.

(e) For purposes of this section, a violation of subsection (a)(5) is a critical or noncritical item based on the determination of whether or not the violation significantly contributes to food contamination, an illness, or an environmental health hazard. *(Indiana State Department of Health; 410 IAC 7-24-177; filed Oct 13, 2004, 12:30 p.m.: 28 IR 854; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-178 Food storage; prohibited areas**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 178. (a) Food may not be stored as follows:

(1) In the following:
- (A) Locker rooms.
- (B) Toilet rooms.
- (C) Dressing rooms.
- (D) Garbage rooms.
- (E) Mechanical rooms, when contamination is likely to occur.

(2) Under the following:
- (A) Sewer lines that are not shielded to intercept potential drips.
- (B) Leaking water lines, including leaking automatic fire sprinkler heads, or under lines on which water has condensed.
- (C) Open stairwells.
- (D) Other sources of contamination.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-178; filed Oct 13, 2004, 12:30 p.m.: 28 IR 854; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-179 Food display**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 179. (a) Except for nuts in the shell and whole, raw fruits and vegetables that are intended for hulling, peeling, or washing by the consumer before consumption, food on display shall be protected from contamination by the use of:

(1) packaging;
(2) counter, service line, or salad bar food guards;
(3) display cases; or
(4) other effective means.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-179; filed Oct 13, 2004, 12:30 p.m.: 28 IR 854; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-180 Condiments; protection**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 180. (a) Condiments shall be protected from contamination by being kept in:

(1) dispensers that are designed to provide protection;
(2) protected food displays provided with the proper utensils;
(3) original containers designed for dispensing; or
(4) individual packages or portions.

(b) Condiments at a vending machine location shall be in individual packages or provided in dispensers that are filled at an approved location, such as the following:

(1) The retail food establishment that provides food to the vending machine location.
(2) A food processing plant that is regulated by the agency that has jurisdiction over the operation.
(3) A properly equipped facility that is located on the site of the vending machine location.
(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-180; filed Oct 13, 2004, 12:30 p.m.: 28 IR 854; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-181 Consumer self-service operations**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 181. (a) Raw, unpackaged animal food, such as beef, lamb, pork, poultry, and fish, may not be offered for consumer self-service. This section does not apply to:
(1) consumer self-service of ready-to-eat foods at buffets or salad bars that serve foods, such as sushi or raw shellfish; or
(2) ready-to-cook individual portions for immediate cooking and consumption on the premises, such as:
(A) consumer-cooked meats or consumer-selected ingredients for Mongolian barbecue; or
(B) raw, frozen, shell-on shrimp or lobster.
(b) Consumer self-service operations for ready-to-eat foods shall be provided with suitable utensils or effective dispensing methods that protect the food from contamination.
(c) Consumer self-service operations, such as buffets and salad bars, shall be monitored by food employees trained in safe operating procedures.
(d) For purposes of this section, a violation of subsection (a) is a critical item.
(e) For purposes of this section, a violation of subsection (b) or (c) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-181; filed Oct 13, 2004, 12:30 p.m.: 28 IR 855; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-182 Cooking of raw animal foods**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 182. (a) Except as specified under subsections (b) through (d), raw animal foods, such as eggs, fish, meat, poultry, and foods containing these raw animal foods, shall be cooked to heat all parts of the food to a temperature and for a time that complies with one (1) of the following methods based on the food that is being cooked:
(1) One hundred forty-five (145) degrees Fahrenheit or above for fifteen (15) seconds for the following:
(A) Raw shell eggs that are broken and prepared in response to a consumer's order and for immediate service.
(B) Except as specified under subdivisions (2) and (3) and subsection (b), fish, meat, and game animal.
(2) One hundred fifty-five (155) degrees Fahrenheit for fifteen (15) seconds or the temperature specified in the chart in subsection (b) that corresponds to the holding time for the following:
(A) Injected meats.
(B) Raw eggs, such as eggs that are pooled, that are not prepared as specified under subdivision (1).
(C) Comminuted meat, fish, or game animal.
(3) One hundred sixty-five (165) degrees Fahrenheit or above for fifteen (15) seconds for the following:
(A) Poultry.
(B) Game animals.
(C) Stuffed:
(i) fish;
(ii) meat;
(iii) pasta; or
(iv) poultry.
(D) Stuffing containing fish, meat, or poultry.

(b) Whole beef roasts, corned beef roasts, pork roasts, and cured pork roasts, such as ham, shall be cooked as follows:
(1) In an oven that is preheated to the temperature specified for the roast's weight in the chart in subdivision (3) and that is held at that temperature.
(2) As specified in the chart in subdivision (3), to heat all parts of the food to a temperature and for the holding time that corresponds to that temperature.
(3) The minimum cooking temperatures and holding times at a specified temperature are as follows:

| MINIMUM COOKING TEMPERATURES AND HOLDING TIMES AT SPECIFIED TEMPERATURE | | | |
|---|---|---|---|
| 165°F for 15 seconds | Poultry and foods containing poultry; stuffed meat, fish, or pasta; and stuffing containing fish or meat; foods containing game animals. | | |
| 165°F for 2 minutes | Microwave cooking for raw animal foods: covered, rotated, or stirred throughout or midway through the cooking process and held for 2 minutes covered. | | |
| 158°F for 1 second<br>155°F for 15 seconds<br>150°F for 1 minute or<br>145°F for 3 minutes | Injected meats; comminuted raw meat, fish, or game animal; and raw shell eggs that are not prepared for immediate service (pooled or hot held). | | |
| 145°F for 15 seconds | Raw shell eggs prepared for immediate service; meat, fish, and game animal not otherwise specified in this chart. | | |
| 158°F for 0 seconds<br>157°F for 14 seconds<br>155°F for 22 seconds<br>153°F for 34 seconds<br>151°F for 54 seconds<br>149°F for 85 seconds<br>147°F for 134 seconds<br>145°F for 4 minutes | Roasts of beef, corned beef, pork, and cured pork: Note – holding time may include post-cooking heat rise. | | |
| 144°F for 5 minutes | Oven Type | Roast Weight Less than 10 lbs. | Roast Weight More than 10 lbs. |
| 142°F for 8 minutes<br>140°F for 12 minutes<br>138°F for 18 minutes | Still Dry | Oven temperature ≥ 350°F | Oven temperature ≥ 250°F |
| 136°F for 28 minutes<br>135°F for 36 minutes<br>133°F for 56 minutes<br>131°F for 89 minutes or | Convection | Oven temperature ≥ 325°F | Oven temperature ≥ 250°F |
| 130°F for 112 minutes | High Humidity[1] | Oven temperature ≤ 250°F | Oven temperature ≤ 250°F |
| 135°F | Potentially hazardous food cooked for hot holding: fruits, vegetables, and potentially hazardous foods not otherwise listed that will be hot held. | | |

[1] Relative humidity greater than ninety (90) percent for at least 1 hour as measured in the cooking chamber or exit of the oven or in a moisture-impermeable bag that provides one hundred (100) percent humidity.

(c) A raw or undercooked whole-muscle, intact beef steak may be served or offered for sale in a ready-to-eat form if the:
(1) food establishment serves a population that is not a highly susceptible population;
(2) steak is labeled to indicate that it meets the definition of whole-muscle, intact beef as specified under section 142(e) of this rule; and
(3) steak is cooked on both the top and bottom to a surface temperature of one hundred forty-five (145) degrees Fahrenheit or above and a cooked color change is achieved on all external surfaces.
(d) A raw animal food, such as:
(1) raw egg;
(2) raw fish;
(3) raw-marinated fish;

(4) raw molluscan shellfish; or
(5) steak tartare;
or a partially cooked food, such as lightly cooked fish, soft cooked eggs, or rare meat other than whole-muscle, intact beef steaks as specified in subsection (c), may be served or offered for sale in a ready-to-eat form if the retail food establishment serves a population that is not a highly susceptible population and the consumer is informed as specified under section 196 of this rule that to ensure its safety, the food should be cooked as specified under subsection (a) or (b).

(e) For purposes of this section, a violation of subsection (a), (b), (c), or (d) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-182; filed Oct 13, 2004, 12:30 p.m.: 28 IR 855; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-183 Microwave cooking**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 183. (a) Raw animal foods cooked in a microwave oven shall be:
(1) rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat;
(2) covered to retain surface moisture;
(3) heated to a temperature of at least one hundred sixty-five (165) degrees Fahrenheit in all parts of the food; and
(4) allowed to stand covered for two (2) minutes after cooking to obtain temperature equilibrium.

(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-183; filed Oct 13, 2004, 12:30 p.m.: 28 IR 856; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-184 Microwave ovens**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 184. (a) Microwave ovens shall meet the safety standards specified in 21 CFR 1030.10.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-184; filed Oct 13, 2004, 12:30 p.m.: 28 IR 856; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-185 Preparation for immediate service**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 185. (a) 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.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-185; filed Oct 13, 2004, 12:30 p.m.: 28 IR 857; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-186 Cooking for hot holding**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 186. (a) Fruits, vegetables, and any potentially hazardous foods not covered under sections 182 and 183 of this rule that are cooked for hot holding shall be cooked to an internal temperature of one hundred thirty-five (135) degrees Fahrenheit.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-186; filed Oct 13, 2004, 12:30 p.m.: 28 IR 857; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA;*

*readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-187 Potentially hazardous food; hot and cold holding**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 187. (a) Except during preparation, cooking, or cooling, or when time is used as the public health control as specified under section 193 of this rule, potentially hazardous food shall be maintained as follows:

(1) At one hundred thirty-five (135) degrees Fahrenheit or above, except that roasts cooked to a temperature and for a time specified under section 182(b) of this rule or reheated as specified in section 188(e) of this rule may be held at a temperature of one hundred thirty (130) degrees Fahrenheit.

(2) At a temperature specified in the following:

(A) At forty-one (41) degrees Fahrenheit or less.

(B) At forty-five (45) degrees Fahrenheit or between forty-five (45) degrees Fahrenheit and forty-one (41) degrees Fahrenheit in existing refrigeration equipment that is not capable of maintaining the food at forty-one (41) degrees Fahrenheit or less if:

(i) the equipment is in place and in use in the retail food establishment; and

(ii) by April 29, 2010, the equipment is upgraded or replaced to maintain food at a temperature of forty-one (41) degrees Fahrenheit or less.

(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-187; filed Oct 13, 2004, 12:30 p.m.: 28 IR 857; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-188 Reheating for hot holding**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 188. (a) Except as specified under subsections (b), (c), and (e), potentially hazardous food that is cooked, cooled, and reheated for hot holding shall be reheated so that all parts of the food reach a temperature of at least one hundred sixty-five (165) degrees Fahrenheit for fifteen (15) seconds.

(b) Except as specified under subsection (c), 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 one hundred sixty-five (165) degrees Fahrenheit and the food is rotated or stirred, covered, and allowed to stand covered for two (2) minutes after reheating.

(c) Ready-to-eat food taken from:

(1) a commercially processed, hermetically sealed container; or

(2) 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 one hundred thirty-five (135) degrees Fahrenheit for hot holding.

(d) Reheating for hot holding shall be done rapidly, and the time the food is between the temperature specified under section 187(a)(2) of this rule and one hundred sixty-five (165) degrees Fahrenheit may not exceed two (2) hours.

(e) Remaining unsliced portions of roasts of beef that are cooked as specified under section 182(b) of this rule may be reheated for hot holding using the oven parameters and minimum time and temperature conditions specified under section 182(b) of this rule.

(f) For purposes of this section, a violation of subsection (a), (b), (c), (d), or (e) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-188; filed Oct 13, 2004, 12:30 p.m.: 28 IR 857; errata filed Dec 13, 2004, 8:20 a.m.: 28 IR 1485; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-189 Potentially hazardous food; cooling**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 189. (a) Cooked potentially hazardous food shall be cooled as follows:

(1) Within two (2) hours, from one hundred thirty-five (135) degrees Fahrenheit to seventy (70) degrees Fahrenheit.

(2) Within four (4) hours, from seventy (70) degrees Fahrenheit to forty-one (41) degrees Fahrenheit or less, or to forty-five (45) degrees Fahrenheit as specified under section 187(a)(2) of this rule.

(3) The entire cooling process must be completed within six (6) continuous hours.

(b) Potentially hazardous food shall be cooled within four (4) hours to forty-one (41) degrees Fahrenheit or less, or to forty-five (45) degrees Fahrenheit as specified under section 187(a)(2) of this rule if prepared from ingredients at ambient temperature, such as reconstituted foods and canned tuna.

(c) Except as specified in subsection (d), a potentially hazardous food received in compliance with laws allowing a temperature above forty-one (41) degrees Fahrenheit during shipment from the supplier as specified in section 166(b) of this rule, shall be cooled within four (4) hours to forty-one (41) degrees Fahrenheit or less, or forty-five (45) degrees Fahrenheit or less as specified under section 187(a)(2) of this rule.

(d) Shell eggs need not comply with subsection (c) if the eggs are placed immediately upon their receipt in refrigerated equipment that is capable of maintaining food at forty-one (41) degrees Fahrenheit or less, or forty-five (45) degrees Fahrenheit or less as specified under section 187(a)(2) of this rule.

(e) For purposes of this section, a violation of subsection (a), (b), (c), or (d) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-189; filed Oct 13, 2004, 12:30 p.m.: 28 IR 857; errata filed Dec 13, 2004, 8:20 a.m.: 28 IR 1485; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-190 Cooling methods**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 190. (a) Cooling shall be accomplished in accordance with the time and temperature criteria specified under section 189 of this rule by using one (1) or more of the following methods based on the type of food being cooled:

(1) Placing the food in shallow pans.

(2) Separating the food into smaller or thinner portions.

(3) Using rapid cooling equipment.

(4) Stirring the food in a container placed in an ice water bath.

(5) Using containers that facilitate heat transfer.

(6) Adding ice as an ingredient.

(7) Other effective methods.

(b) When placed in cooling or cold holding equipment, food containers in which food is being cooled shall be:

(1) arranged in the equipment to provide maximum heat transfer through the container walls; and

(2) loosely covered, or uncovered if protected from overhead contamination as specified under section 177(a)(2) of this rule, during the cooling period to facilitate heat transfer from the surface of the food.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-190; filed Oct 13, 2004, 12:30 p.m.: 28 IR 858; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-191 Ready-to-eat, potentially hazardous food; date marking**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 191. (a) Except as specified in subsection (d), refrigerated, ready-to-eat, potentially hazardous food prepared and held in a retail food establishment for more than twenty-four (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, based on one (1) of the temperature and time combinations specified as follows and the day of preparation shall be counted as day one (1):

(1) Forty-one (41) degrees Fahrenheit or less for a maximum of seven (7) days.

(2) Forty-five (45) degrees Fahrenheit or between forty-one (41) degrees Fahrenheit and forty-five (45) degrees Fahrenheit for a maximum of four (4) days in existing refrigeration equipment that is not capable of maintaining the food at forty-one (41) degrees Fahrenheit or less if:

(A) the equipment is in place and in use in the food establishment; and

(B) the equipment is upgraded or replaced to maintain food at a temperature of forty-one (41) degrees Fahrenheit or less as specified in section 187(a)(2)(B)(ii) of this rule.

(b) Except as specified in (d) and (e) of this section *[subsections (d) and (e)]*, 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 retail food establishment and if the food is held for more than twenty-four (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 combinations specified in subsection (a) and:

(1) the day the original container is opened in the retail food establishment shall be counted as day one (1); and

(2) the day or date marked by the retail 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 that is frequently rewrapped, such as lunchmeat or a roast, or for which date marking is impractical, such as soft serve mix or milk in a dispensing machine, may be marked as specified in subsection (a) or (b) of this section, or by an alternative method, such as:

(1) a logging system that tracks the batch or lot;

(2) tagging the batch or lot in a manner that effectively identifies the food to be monitored; or

(3) any other method that identifies the date by which the food must be consumed or discarded.

(d) Subsections (a) and (b) do not apply to individual meal portions served or repackaged for sale from a bulk container upon a consumer's request.

(e) Subsection (b) does not apply to the following when the face has been cut, but the remaining portion is whole and intact:

(1) Fermented sausages produced in a federally inspected food processing plant that are not labeled "Keep Refrigerated" and which retain the original casing on the product.

(2) Shelf stable, dry, fermented sausages; and

(3) Shelf stable salt-cured products such as prosciutto and parma (ham) produced in a federally inspected food processing plant that are not labeled "Keep Refrigerated".

(f) 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.

(g) For the purposes of this section, a violation of subsections *[subsection]* (a), (b), (c), (d), (e), or (f) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-191; filed Oct 13, 2004, 12:30 p.m.: 28 IR 858; errata filed Dec 13, 2004, 8:20 a.m.: 28 IR 1485; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-192 Disposition of ready-to-eat potentially hazardous food; date marking**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 192. (a) A food specified in section 191(a) or 191(b) of this rule shall be discarded if it:

(1) exceeds either of the temperature and time combinations specified in section 191(a) of this rule, except time that the product is frozen;

(2) is in a container or package that does not bear a date or day; or

(3) is appropriately marked with a date or day that exceeds a temperature and time combination as specified in section 191(a) of this rule.

(b) Refrigerated, ready-to-eat, potentially hazardous food prepared in a retail food establishment and dispensed through a vending machine with an automatic shutoff control shall be discarded if it exceeds a temperature and time combination as specified in section 191(a) of this rule.

(c) For purposes of this section, a violation of subsection (a) or (b) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-192; filed Oct 13, 2004, 12:30 p.m.: 28 IR 859; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA;*

*readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-193 Time as a public health control**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 193. (a) Except as specified under subsection (b), 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:

(A) clearly marked or otherwise identified to indicate the time that is four (4) hours past the point in time; and

(B) cooked and served, served if ready-to-eat, or discarded, within four (4) hours from the point in time;

when the food is removed from temperature control;

(2) the food in unmarked containers or packages or marked to exceed a four (4) hour limit shall be discarded; and

(3) written procedures shall be:

(A) approved by the regulatory authority prior to use; and

(B) maintained in the retail food establishment and made available to the regulatory authority, upon request, that ensure compliance with:

(i) this section; and

(ii) section 189 of this rule for food that is prepared, cooked, and refrigerated before time is used as a public health control.

(b) In a retail food establishment that serves a highly susceptible population, time alone shall not be used as the public health control for raw eggs.

(c) For purposes of this section, a violation of subsection (a) or (b) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-193; filed Oct 13, 2004, 12:30 p.m.: 28 IR 859; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-194 Confidentiality of trade secrets**

Authority: IC 16-42-5-5
Affected: IC 5-14-3; IC 16-42-5; IC 24-2-3

Sec. 194. (a) The regulatory authority shall treat as confidential in accordance with IC 24-2-3 and IC 5-14-3:

(1) the information contained in plans and specifications listed in section 111 of this rule;

(2) a HACCP plan; or

(3) inspection report forms that meet the criteria of a trade secret.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-194; filed Oct 13, 2004, 12:30 p.m.: 28 IR 859; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-195 Reduced oxygen packaging; criteria**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 195. (a) Except for a food establishment that obtains a variance as specified under section 114 of this rule, a retail food establishment that packages food using a reduced oxygen packaging method and Clostridium botulinum is identified as a microbiological hazard in the final packaged form shall ensure that there are at least two (2) barriers in place to control the growth and toxin formation of Clostridium botulinum.

(b) A food establishment that packages food using a reduced oxygen packaging method and Clostridium botulinum is identified as a microbiological hazard in the final packaged form shall have a HACCP plan that contains the information specified under section 115(a)(4) of this rule and that does the following:

(1) Identifies the food to be packaged.
(2) Limits the food packaged to a food that does not support the growth of Clostridium botulinum because it complies with one (1) or more of the following:
(A) Has an $a_w$ of 0.91 or less.
(B) Has a pH of 4.6 or less.
(C) Is a meat or poultry product cured at a food processing plant regulated by the United States Department of Agriculture using substances specified in 9 CFR 424.21 and is received in an intact package.
(D) Is a food with a high level of competing organisms such as raw meat or raw poultry.
(3) Specifies methods for maintaining food at forty-one (41) degrees Fahrenheit or below.
(4) Describes how the packages shall be prominently and conspicuously labeled on the principal display panel in bold type on a contrasting background with instructions to:
(A) maintain the food at forty-one (41) degrees Fahrenheit or below; and
(B) discard the food if within fourteen (14) calendar days of its packaging, it is not served for on-premises consumption, consumed if served, or sold for off-premises consumption.
(5) Limits the refrigerated shelf life to not more than fourteen (14) calendar days from packaging to consumption, except the time the product is maintained frozen, or the original manufacturer's "sell by" or "use by" date, whichever occurs first.
(6) Includes operational procedures that:
(A) prohibit contacting food with bare hands;
(B) identify a designated area and the method by which:
(i) physical barriers or methods of separation of raw foods and ready-to-eat foods minimize cross-contamination; and
(ii) access to the processing equipment is limited to responsible, trained personnel familiar with the potential hazards of the operation; and
(C) delineate cleaning and sanitization procedures for food-contact surfaces.
(7) Describes the training program that ensures that the individual responsible for the reduced oxygen packaging operation understands the following:
(A) Concepts required for a safe operation.
(B) Equipment and facilities.
(C) Procedures specified under subdivision (6) and section 115(a)(4) of this rule.

(c) Except for fish that is frozen before, during, and after packaging, a food establishment may not package fish using a reduced oxygen packaging method.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-195; filed Oct 13, 2004, 12:30 p.m.: 28 IR 860; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-196 Consumption of raw or undercooked foods of animal origin**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 196. (a) Except as specified in sections 182(c), 182(d)(3), and 153 of this rule, if an animal food such as:
(1) beef;
(2) eggs;
(3) fish;
(4) lamb;
(5) milk;
(6) pork;
(7) poultry; or
(8) shellfish;
is served or sold raw, undercooked, or without otherwise being processed to eliminate pathogens, either in ready-to-eat form or as an ingredient in another ready-to-eat food, the owner or operator of the retail food establishment shall inform consumers of the

significantly increased risk of consuming such foods by way of a disclosure and reminder, as specified in subsections (b) and (c) using brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written or visual means.

(b) A disclosure shall include:

(1) a description of the animal-derived foods, such as:

(A) oysters on the half shell (raw oysters);

(B) raw-egg caesar salad; and

(C) hamburgers (can be cooked to order); or

(2) identification of the animal-derived foods by asterisking them to a footnote that states that the items are served raw or undercooked or contain (or may contain) raw or undercooked ingredients.

(c) A reminder shall include asterisking the animal-derived foods requiring disclosure to a footnote that states one (1) of the following:

(1) Regarding the safety of these items, written information is available upon request.

(2) Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness.

(3) Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions.

(d) Long term care health facilities and other institutional facilities, which provide meals to residents who are at least sixty-five (65) years of age, shall provide written information to resident consumers informing them of the risks associated with consuming food described in subsection (a). The facility shall have a record of the notice on file as long as residency is maintained at the facility by the consumer.

(e) For purposes of this section, a violation of subsection (a), (b), (c), or (d) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-196; filed Oct 13, 2004, 12:30 p.m.: 28 IR 860; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-197 Time and temperature control of frozen food**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 197. (a) Stored frozen foods shall be maintained frozen and should be stored at zero (0) degrees Fahrenheit.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-197; filed Oct 13, 2004, 12:30 p.m.: 28 IR 861; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-198 Potentially hazardous food; slacking**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 198. (a) Frozen potentially hazardous food that is slacked to moderate the temperature shall be held:

(1) under refrigeration that maintains the food temperature at forty-one (41) degrees Fahrenheit or less or at forty-five (45) degrees Fahrenheit or less as specified under section 187(a)(2)(B) of this rule; or

(2) at any temperature if the food remains frozen.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-198; filed Oct 13, 2004, 12:30 p.m.: 28 IR 861; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-199 Thawing of food**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 199. (a) Except as specified in subdivision (4), potentially hazardous food shall be thawed:

(1) under refrigeration that maintains the food temperature at forty-one (41) degrees Fahrenheit or less or at forty-five (45)

degrees Fahrenheit or less as specified under section 187(a)(2)(B) of this rule;

(2) completely submerged under running water:

(A) at a water temperature of seventy (70) degrees Fahrenheit or below;

(B) with sufficient water velocity to agitate and float off loose particles in an overflow;

(C) for a period of time that does not allow thawed portions of ready-to-eat food to rise above forty-one (41) degrees Fahrenheit or forty-five (45) degrees Fahrenheit as specified under section 187(a)(2)(B) of this rule; or

(D) for a period of time that does not allow thawed portions of a raw animal food requiring cooking as specified under section 182(a) or 182(b) of this rule to be above forty-one (41) degrees Fahrenheit or forty-five (45) degrees Fahrenheit as specified under section 187(a)(2) of this rule, for more than four (4) hours including the time:

(i) the food is exposed to the running water and the time needed for preparation for cooking; or

(ii) it takes under refrigeration to lower the food temperature to forty-one (41) degrees Fahrenheit or forty-five (45) degrees Fahrenheit as specified under section 187(a)(2)(B) of this rule;

(3) as part of a cooking process if the food that is frozen is:

(A) cooked as specified under section 182(a), 182(b), or 183 of this rule; or

(B) thawed in a microwave oven and immediately transferred to conventional cooking equipment with no interruption in the process; or

(4) using any procedure if a portion of frozen ready-to-eat food is thawed and prepared for immediate service in response to an individual consumer's order.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-199; filed Oct 13, 2004, 12:30 p.m.: 28 IR 861; errata filed Dec 13, 2004, 8:20 a.m.: 28 IR 1485; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-200 Food contact with equipment and utensils**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 200. (a) Food shall only contact surfaces of equipment and utensils that are cleaned as specified under sections 248, 276, 287, and 295 through 302 of this rule and sanitized as specified under section 303 of this rule.

(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-200; filed Oct 13, 2004, 12:30 p.m.: 28 IR 861; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-201 Returned food; reservice or sale**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 201. (a) Except as specified in subsection (b), after being served or sold and in the possession of a consumer, food that is unused or returned by the consumer may not be offered as food for human consumption.

(b) A container of food that is not potentially hazardous may be transferred from one (1) consumer to another if:

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

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

(c) For purposes of this section, a violation of subsection (a) or (b) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-201; filed Oct 13, 2004, 12:30 p.m.: 28 IR 862; errata filed Dec 13, 2004, 8:20 a.m.: 28 IR 1485; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-202 Segregation of distressed merchandise**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 202. (a) Products that are held by the owner or operator in a retail food establishment for credit, redemption, or return to the distributor, such as damaged, spoiled, or recalled products, shall be segregated and held in designated areas that are separated from:

(1) food;
(2) equipment;
(3) utensils;
(4) linens; and
(5) single-service and single-use articles.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-202; filed Oct 13, 2004, 12:30 p.m.: 28 IR 862; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-203 Food preparation**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 203. (a) During preparation, unpackaged food shall be protected from environmental sources of contamination.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-203; filed Oct 13, 2004, 12:30 p.m.: 28 IR 862; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-204 Miscellaneous sources of contamination**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 204. (a) Food shall be protected from contamination that may result from a factor or source not specified under section 151, 168, 170 through 181, 200, 201, 203, 234, 236, 245 through 247, 249, or 260 of this rule.

(b) For purposes of this section, a violation of subsection (a) is a critical or noncritical item based on the determination of whether or not the violation significantly contributes to food contamination, an illness, or an environmental health hazard. *(Indiana State Department of Health; 410 IAC 7-24-204; filed Oct 13, 2004, 12:30 p.m.: 28 IR 862; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-205 Characteristics of materials for utensils and food-contact surfaces**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 205. (a) Materials that are used in the construction of utensils and food-contact surfaces of equipment may not allow the migration of deleterious substances or impart colors, odors, or tastes to food and under normal use conditions shall be as follows:

(1) Safe.
(2) Durable, corrosion-resistant, and nonabsorbent.
(3) Sufficient in weight and thickness to withstand repeated warewashing.
(4) Finished to have a smooth, easily cleanable surface.
(5) Resistant to the following:
    (A) Pitting.
    (B) Chipping.
    (C) Crazing.
    (D) Scratching.
    (E) Scoring.
    (F) Distortion.
    (G) Decomposition.

(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-205; filed Oct 13, 2004, 12:30 p.m.: 28 IR 862; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-206 Cast iron; use limitation**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 206. (a) Except as specified in this section, cast iron may not be used for utensils or food-contact surfaces of equipment.

(b) Cast iron may be used as a surface for cooking.

(c) Cast iron may be used in utensils for serving food if the utensils are used only as part of an uninterrupted process from cooking through service.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-206; filed Oct 13, 2004, 12:30 p.m.: 28 IR 862; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-207 Lead in ceramic, china, and crystal utensils; use limitation**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 207. (a) Ceramic, china, crystal utensils, and decorative utensils, such as hand-painted ceramic or china, that are used in contact with food shall be lead-free or contain levels of lead not exceeding the limits of the following utensil categories:

| Utensil Category | Description | Maximum Lead ppm |
|---|---|---|
| Hot Beverage Mugs | Coffee Mugs | 0.5 |
| Large Hollowware | Bowls ≥ 1.16 Quart | 1 |
| Small Hollowware | Bowls < 1.16 Quart | 2.0 |
| Flat Utensils | Plates, Saucers | 3.0 |

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-207; filed Oct 13, 2004, 12:30 p.m.: 28 IR 863; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-208 Copper; use limitation**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 208. (a) Except as specified in subsection (b), copper and copper alloys, such as brass, may not be used in contact with:

(1) a food that has a pH below 6, such as vinegar, fruit juice, or wine; or

(2) for a fitting or tubing installed between a backflow prevention device and a carbonator.

(b) Copper and copper alloys may be used in contact with beer brewing ingredients that have a pH below 6 in the prefermentation and fermentation steps of a beer brewing operation, such as a brew pub or microbrewery.

(c) For purposes of this section, a violation of subsection (a) or (b) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-208; filed Oct 13, 2004, 12:30 p.m.: 28 IR 863; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-209 Galvanized metal; use limitation**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 209. (a) Galvanized metal may not be used for utensils or food-contact surfaces of equipment that are used in contact with acidic food.

(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-209; filed Oct 13, 2004, 12:30 p.m.: 28 IR 863; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-210 Sponges; use limitation**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 210. (a) Sponges may not be used in contact with cleaned and sanitized or in-use food-contact surfaces.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-210; filed Oct 13, 2004, 12:30 p.m.: 28 IR 863; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-211 Lead in pewter alloys; use limitation**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 211. (a) Pewter alloys containing lead in excess of five-hundredths percent (0.05%) may not be used as a food-contact surface.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-211; filed Oct 13, 2004, 12:30 p.m.: 28 IR 863; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-212 Lead in solder and flux; use limitation**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 212. (a) Solder and flux containing lead in excess of two-tenths percent (0.2%) may not be used as a food-contact surface.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-212; filed Oct 13, 2004, 12:30 p.m.: 28 IR 863; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-213 Wood; use limitation**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 213. (a) Except as specified in this section, wood and wood wicker may not be used as a food-contact surface.

(b) Hard maple or an equivalently hard, close-grained wood may be used for the following:

(1) Cutting boards, cutting blocks, bakers' tables, and utensils, such as the following:

(A) Rolling pins.
(B) Doughnut dowels.
(C) Salad bowls.
(D) Chopsticks.

(2) Wooden paddles used in confectionery operations for pressure scraping kettles when manually preparing confections at

a temperature of two hundred thirty (230) degrees Fahrenheit or above.

(c) Whole, uncut raw fruits and vegetables and nuts in the shell may be kept in the wood shipping containers in which they were received until the fruits, vegetables, or nuts are used.

(d) If the nature of the food requires removal of rinds, peels, husks, or shells before consumption, the whole, uncut, raw food may be kept in:

(1) untreated wood containers; or

(2) treated wood containers if the containers are treated with a preservative that meets the requirements specified in 21 CFR 178.3800.

(e) For purposes of this section, a violation of subsection (a), (b), (c), or (d) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-213; filed Oct 13, 2004, 12:30 p.m.: 28 IR 863; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-214 Food equipment; cutting surfaces**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 214. (a) Surfaces, such as cutting blocks and boards, that are subject to scratching and scoring shall be resurfaced if they can no longer be effectively cleaned and sanitized or discarded if they are not capable of being resurfaced.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-214; filed Oct 13, 2004, 12:30 p.m.: 28 IR 864; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-215 Nonstick coatings; use limitation**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 215. (a) Multiuse kitchenware, such as:

(1) frying pans;

(2) griddles;

(3) sauce pans;

(4) cookie sheets; and

(5) waffle bakers;

that have a perfluorocarbon resin coating shall be used with nonscoring or nonscratching utensils and cleaning aids.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-215; filed Oct 13, 2004, 12:30 p.m.: 28 IR 864; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-216 Nonfood-contact surfaces**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 216. (a) Nonfood-contact surfaces of equipment that are exposed to splash, spillage, or other food soiling or that require frequent cleaning shall be constructed of a corrosion-resistant, nonabsorbent, and smooth material.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-216; filed Oct 13, 2004, 12:30 p.m.: 28 IR 864; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-217 Durability and strength of equipment and utensils**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 217. (a) Equipment and utensils shall be designed and constructed to be durable and to retain their characteristic qualities under normal use conditions.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-217; filed Oct 13, 2004, 12:30 p.m.: 28 IR 864; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-218 Repair and proper adjustment of equipment**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 218. (a) Equipment shall be maintained in a state of repair and condition that meets the requirements specified under section 112, 161, 205 through 217, 219 through 226, 229 through 232, 240, 253 through 256, 261 through 266, 271, 277 through 279, 280 through 282, 288, 305, 306, or 333 of this rule.

(b) Equipment components, such as:

(1) doors;
(2) seals;
(3) hinges;
(4) fasteners; and
(5) kick plates;

shall be kept intact, tight, and adjusted in accordance with manufacturer's specifications.

(c) Cutting or piercing parts of can openers shall be kept sharp to minimize the creation of metal fragments that can contaminate food when the container is opened.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-218; filed Oct 13, 2004, 12:30 p.m.: 28 IR 864; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-219 "V" threads; use limitation**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 219. (a) "V" type threads may not be used on food-contact surfaces. This section does not apply to hot oil cooking or filtering equipment.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-219; filed Oct 13, 2004, 12:30 p.m.: 28 IR 864; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-220 Hot oil filtering equipment**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 220. (a) Hot oil filtering equipment shall meet the characteristics specified under section 229 or 230 of this rule and shall be readily accessible for filter replacement and cleaning of the filter.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-220; filed Oct 13, 2004, 12:30 p.m.: 28 IR 865; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-221 Kick plates; removable**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 221. (a) Kick plates shall be designed so that the areas behind them are accessible for inspection and cleaning by being:
(1) removable by one (1) of the methods specified under section 229 of this rule or capable of being rotated open; and
(2) removable or capable of being rotated open without unlocking equipment doors.
(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-221; filed Oct 13, 2004, 12:30 p.m.: 28 IR 865; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-222 Equipment openings, closures, and deflectors**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 222. (a) A cover or lid for equipment shall overlap the opening and be sloped to drain.
(b) An opening located within the top of a unit of equipment that is designed for use with a cover or lid shall be flanged upward at least two-tenths (.2) of an inch.
(c) Except as specified under subsection (d):
(1) fixed piping;
(2) temperature measuring devices;
(3) rotary shafts; and
(4) other parts extending into equipment;
shall be provided with a watertight joint at the point where the item enters the equipment.
(d) If a watertight joint is not provided:
(1) the piping, temperature measuring devices, rotary shafts, and other parts extending through the openings shall be equipped with an apron designed to deflect condensation, drips, and dust from openings into the food; and
(2) the opening shall be flanged as specified in subsection (b).
(e) For purposes of this section, a violation of subsection (a), (b), (c), or (d) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-222; filed Oct 13, 2004, 12:30 p.m.: 28 IR 865; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-223 Bearings and gearboxes; leakproof**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 223. (a) Equipment containing bearings and gears that require lubricants shall be designed and constructed so that the lubricant cannot leak, drip, or be forced into food or onto food-contact surfaces.
(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-223; filed Oct 13, 2004, 12:30 p.m.: 28 IR 865; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-224 Beverage tubing; separation**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 224. (a) Beverage tubing and cold-plate beverage cooling devices may not be installed in contact with ice stored for human consumption. This section does not apply to cold plates that are constructed integrally with an ice storage bin.
(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-224; filed Oct 13, 2004, 12:30 p.m.: 28 IR 865; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-225 Condenser unit; separation**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 225. (a) If a condenser unit is an integral component of equipment, the condenser unit shall be separated from the food and food storage space by a dustproof barrier.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-225; filed Oct 13, 2004, 12:30 p.m.: 28 IR 865; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-226 Equipment compartments; drainage**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 226. (a) Equipment compartments that are subject to accumulation of moisture due to conditions, such as:

(1) condensation;
(2) food or beverage drip; or
(3) water from melting ice;

shall be sloped to an outlet that allows complete draining.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-226; filed Oct 13, 2004, 12:30 p.m.: 28 IR 865; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-227 Fixed equipment; spacing or sealing**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 227. (a) Equipment that is fixed because it is not easily movable shall be installed so that it is:

(1) spaced to allow access for cleaning along the sides, behind, and above the equipment;
(2) spaced from adjoining equipment, walls, and ceilings a distance of not more than one thirty-second ($^1/_{32}$) inch; or
(3) sealed to adjoining equipment or walls, if the equipment is exposed to spillage or seepage.

(b) Table-mounted equipment that is not easily movable shall be installed to allow cleaning of the equipment and areas underneath and around the equipment by being:

(1) sealed to the table; or
(2) elevated on legs as specified under section 228(d) of this rule.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-227; filed Oct 13, 2004, 12:30 p.m.: 28 IR 866; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-228 Fixed equipment; elevation or sealing**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 228. (a) Except as specified in subsections (b) and (c), floor-mounted equipment that is not easily movable shall be sealed to the floor or elevated on legs that provide at least a six (6) inch clearance between the floor and the equipment.

(b) If no part of the floor under the floor-mounted equipment is more than six (6) inches from the point of cleaning access, the clearance space may be only four (4) inches.

(c) This section does not apply to display:

(1) shelving units;
(2) refrigeration units; and

(3) freezer units;
located in consumer shopping areas, such as in a grocery store, if the floor under the units is maintained clean.

(d) Except as specified in subsection (e), table-mounted equipment that is not easily movable shall be elevated on legs that provide at least a four (4) inch clearance between the table and the equipment.

(e) The clearance space between the table and table-mounted equipment may be:

(1) three (3) inches if the horizontal distance of the table top under the equipment is no more than twenty (20) inches from the point of access for cleaning; or

(2) two (2) inches if the horizontal distance of the table top under the equipment is no more than three (3) inches from the point of access for cleaning.

(f) For purposes of this section, a violation of subsection (a), (b), (c), (d), or (e) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-228; filed Oct 13, 2004, 12:30 p.m.: 28 IR 866; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-229 Cleanability of food-contact surfaces**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 229. (a) Multiuse food-contact surfaces shall be as follows:

(1) Smooth.

(2) Free of the following:

(A) Breaks.
(B) Open seams.
(C) Cracks.
(D) Chips.
(E) Inclusions.
(F) Pits.
(G) Similar imperfections.

(3) Free of sharp internal angles, corners, and crevices.

(4) Finished to have smooth welds and joints.

(5) Except as specified in subsection (b), accessible for cleaning and inspection either:

(A) without being disassembled;
(B) by disassembling without the use of tools; or
(C) by easily disassembling with the use of handheld tools commonly available to maintenance and cleaning personnel, such as the following:

(i) Screwdrivers.
(ii) Pliers.
(iii) Open-end wrenches.
(iv) Allen wrenches.

(b) Subsection (a)(5) does not apply to the following:

(1) Cooking oil storage tanks.

(2) Distribution lines for cooking oils.

(3) Beverage syrup lines or tubes.

(c) For purposes of this section, a violation of subsection (a) or (b) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-229; filed Oct 13, 2004, 12:30 p.m.: 28 IR 866; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-230 CIP equipment**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 230. (a) CIP equipment shall meet the characteristics specified under section 229 of this rule and shall be designed and constructed so that:

(1) cleaning and sanitizing solutions circulate throughout a fixed system and contact all interior food-contact surfaces; and

(2) the system is self-draining or capable of being completely drained of cleaning and sanitizing solutions.

(b) CIP equipment that is not designed to be disassembled for cleaning shall be designed with inspection access points to ensure that all interior food-contact surfaces throughout the fixed system are being effectively cleaned.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-230; filed Oct 13, 2004, 12:30 p.m.: 28 IR 866; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-231 Cleanability of can openers**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 231. (a) Cutting or piercing parts of can openers shall be readily removable for cleaning and for replacement.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-231; filed Oct 13, 2004, 12:30 p.m.: 28 IR 867; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-232 Cleanability of nonfood-contact surfaces**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 232. (a) Nonfood-contact surfaces shall be free of unnecessary ledges, projections, and crevices and designed and constructed to allow easy cleaning and to facilitate maintenance.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-232; filed Oct 13, 2004, 12:30 p.m.: 28 IR 867; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-233 Utensils; consumer self-service**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 233. (a) A food dispensing utensil shall be available for each container displayed at a consumer self-service unit, such as a buffet or salad bar.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-233; filed Oct 13, 2004, 12:30 p.m.: 28 IR 867; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-234 In-use utensils; between-use storage**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 234. (a) During pauses in food preparation or dispensing, food preparation and dispensing utensils shall be stored in one (1) of the following ways:

(1) Except as specified under subdivision (2), in the food with their handles above the top of the food and the container.

(2) In food that is not potentially hazardous with their handles above the top of the food within containers or equipment that can be closed, such as bins of ice, sugar, flour, or cinnamon.

(3) On a clean portion of the food preparation table or cooking equipment if both the in-use utensil and food-contact surfaces of food preparation tables or cooking equipment are cleaned and sanitized at a frequency specified under section 296, 297,

or 303 of this rule.

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

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

(6) In water maintained clean and at a temperature of at least one hundred thirty-five (135) degrees Fahrenheit.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-234; filed Oct 13, 2004, 12:30 p.m.: 28 IR 867; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-235 Good repair and calibration**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 235. (a) Utensils shall be maintained in a state of repair or condition that complies with the requirements specified under section 112, 161, 205 through 217, 219 through 226, 229 through 232, 240, 253 through 256, 261 through 266, 271, 277 through 279, 281, 282, 288, 305, 306, or 333 of this rule or shall be discarded.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-235; filed Oct 13, 2004, 12:30 p.m.: 28 IR 867; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-236 Linens and napkins; use limitation**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 236. (a) Linens and napkins may not be used in contact with food unless they are used temporarily to line a container for the service of foods and the linens and napkins are replaced each time the container is refilled for a new consumer.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-236; filed Oct 13, 2004, 12:30 p.m.: 28 IR 867; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-237 Clean linens**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 237. (a) Clean linens shall be free from food residues and other soiling matter.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-237; filed Oct 13, 2004, 12:30 p.m.: 28 IR 867; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-238 Storage of soiled linens**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 238. (a) Soiled linens shall be kept in clean, nonabsorbent receptacles or clean, washable laundry bags and stored and transported to prevent contamination of the following:

(1) Food.

(2) Clean equipment.

(3) Clean utensils.

(4) Single-service and single-use articles.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410*

*IAC 7-24-238; filed Oct 13, 2004, 12:30 p.m.: 28 IR 868; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-239 Equipment, utensils, and linens**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 239. (a) Except as specified in subsection (c), cleaned equipment and utensils, laundered linens, and single-service and single-use articles shall be stored as follows:

(1) In a clean, dry location.
(2) Where they are not exposed to splash, dust, or other contamination.
(3) At least six (6) inches above the floor.
(4) In a manner to prevent overcrowding.

(b) Clean equipment and utensils shall be stored as follows:

(1) As specified in subsection (a).
(2) In a self-draining position that allows air drying.
(3) Covered or inverted.

(c) Items that are kept in closed packages may be stored less than six (6) inches above the floor on the following:

(1) Dollies.
(2) Pallets.
(3) Racks.
(4) Skids.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-239; filed Oct 13, 2004, 12:30 p.m.: 28 IR 868; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-240 Characteristics of materials used in single-service and single-use articles**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 240. (a) Materials that are used to make single-service and single-use articles may not:

(1) allow the migration of deleterious substances; or
(2) impart colors, odors, or tastes to food.

(b) These materials shall be:

(1) safe; and
(2) clean.

(c) For purposes of this section, a violation of subsection (a)(1) or (b)(1) is a critical item.

(d) For purposes of this section, a violation of subsection (a)(2) or (b)(2) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-240; filed Oct 13, 2004, 12:30 p.m.: 28 IR 868; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-241 Single-service and single-use articles; required use**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 241. (a) An owner or operator of a retail food establishment without facilities specified under section 248, 276, 287, or 295 through 303 of this rule for cleaning and sanitizing kitchenware and tableware shall provide only single-use kitchenware, single-service articles, and single-use articles for use by food employees and single-service articles for use by consumers.

(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-241; filed Oct 13, 2004, 12:30 p.m.: 28 IR 868; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA;*

*readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-242 Single-service, single-use, and shell articles; use limitation**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 242. (a) Single-service and single-use articles may not be reused.

(b) Mollusk and crustacea shells and cedar planks may not be used more than once as serving containers.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-242; filed Oct 13, 2004, 12:30 p.m.: 28 IR 868; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-243 Single-service and single-use articles**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 243. (a) Except as specified in subsection (c), single-service and single-use articles shall be stored as follows:

(1) In a clean, dry location.

(2) Where they are not exposed to splash, dust, or other contamination.

(3) At least six (6) inches above the floor.

(4) In a manner to prevent overcrowding.

(b) Single-service and single-use articles shall be stored as specified under subsection (a) and shall be kept in the original protective package or stored by using other means that afford protection from contamination until used.

(c) Items that are kept in closed packages may be stored less than six (6) inches above the floor on the following:

(1) Dollies.

(2) Pallets.

(3) Racks.

(4) Skids.

(d) For purposes of this section, a violation of subsections (a) through (c) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-243; filed Oct 13, 2004, 12:30 p.m.: 28 IR 868; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-244 Storage prohibitions**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 244. (a) Except as specified in subsection (b), cleaned and sanitized equipment, utensils, laundered linens, and single-service and single-use articles may not be stored as follows:

(1) In the following:

(A) Locker rooms.

(B) Toilet rooms.

(C) Garbage rooms.

(D) Mechanical rooms, when contamination is likely to occur.

(2) Under the following:

(A) Sewer lines that are not shielded to intercept potential drips.

(B) Leaking water lines including leaking automatic fire sprinkler heads or under lines on which water has condensed.

(C) Open stairwells.

(D) Other sources of contamination.

(b) Laundered linens and single-service and single-use articles that are packaged or in a facility, such as a cabinet, may be stored in a locker room.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-244; filed Oct 13, 2004, 12:30 p.m.: 28 IR 869; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-245 Wiping cloths; used for one purpose**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 245. (a) Cloths that are in use for wiping food spills shall be used for no other purpose.

(b) Cloths used for wiping food spills shall be:

(1) dry and used for wiping food spills from tableware and carry-out containers; or

(2) wet and cleaned as specified under section 312(d) of this rule, stored in a chemical sanitizer as specified under section 294 of this rule, and used for wiping spills from food-contact and nonfood-contact surfaces of equipment.

(c) Wet or dry cloths that are used with raw animal foods shall be kept separate from cloths used for other purposes, and wet cloths used with raw animal foods shall be kept in a separate sanitizing solution.

(d) Wet wiping cloths used with a freshly made sanitizing solution and dry wiping cloths shall be free of food debris and visible soil.

(e) For purposes of this section, a violation of subsection (a), (b), (c), or (d) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-245; filed Oct 13, 2004, 12:30 p.m.: 28 IR 869; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-246 Gloves; use limitation**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 246. (a) If used, single-use gloves shall be:

(1) used for only one (1) task, such as working with ready-to-eat food or with raw animal food;

(2) used for no other purpose; and

(3) discarded when:

(A) damaged or soiled; or

(B) interruptions occur in the operation.

(b) Except as specified in subsection (c), slash-resistant gloves that are used to protect the hands during operations requiring cutting shall be used in direct contact only with food that is subsequently cooked as specified under section 182, 183, or 186 of this rule, such as frozen food or a primal cut of meat.

(c) Slash-resistant gloves may be used with ready-to-eat food that will not be subsequently cooked if the slash-resistant gloves:

(1) have a smooth, durable, and nonabsorbent outer surface; or

(2) are covered with a smooth, durable, nonabsorbent glove or a single-use glove.

(d) Cloth gloves may not be used in direct contact with food unless the food is subsequently cooked as required under section 182, 183, or 186 of this rule, such as frozen food or a primal cut of meat.

(e) For purposes of this section, a violation of subsection (a), (b), (c)(2), or (d) is a critical or noncritical item based on the determination of whether or not the violation significantly contributes to food contamination, an illness, or an environmental health hazard.

(f) For purposes of this section, a violation of subsection (c)(1) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-246; filed Oct 13, 2004, 12:30 p.m.: 28 IR 869; errata filed Dec 13, 2004, 8:20 a.m.: 28 IR 1485; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-247 Refilling returnables**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 247. (a) A take-home food container returned to a retail food establishment may not be refilled at a retail food establishment with a potentially hazardous food.

(b) Except as specified in subsection (c), a take-home food container refilled with food that is not potentially hazardous shall be cleaned as specified under section 248 of this rule.

(c) Personal take-out beverage containers, such as:

(1) thermally insulated bottles;

(2) nonspill coffee cups; and

(3) promotional beverage glasses;

may be refilled by employees or the consumer if refilling is a contamination-free process as specified under section 261(a)(1), 261(a)(2), and 261(a)(4) of this rule.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-247; filed Oct 13, 2004, 12:30 p.m.: 28 IR 870; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-248 Returnables; cleaning for refilling**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 248. (a) Except as specified in this section, returned empty containers intended for cleaning and refilling with food shall be cleaned and refilled in a regulated food processing plant.

(b) Food containers for beverages may be refilled at a retail food establishment if:

(1) only a beverage that is not a potentially hazardous food is used as specified under section 247(a) of this rule;

(2) the design of the container and of the rinsing equipment and the nature of the beverage, when considered together, allow for effective cleaning;

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

(4) the container is refilled by:

(A) an employee of the retail food establishment; or

(B) the owner of the container if the beverage system includes a contamination-free transfer process that cannot be bypassed by the container owner.

(c) Consumer-owned containers that are not food-specific may be filled at a water vending machine or system.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-248; filed Oct 13, 2004, 12:30 p.m.: 28 IR 870; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-249 Using clean tableware for second portions and refills**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 249. (a) Except for refilling a consumer's drinking cup or container without contact between the pouring utensil and the lip-contact area of the drinking cup or container, food employees may not use tableware, including single-service articles, soiled by the consumer to provide second portions or refills.

(b) Except as specified in subsection (c), self-service consumers may not be allowed to use soiled tableware, including single-service articles, to obtain additional food from the display and serving equipment and shall be informed by the use of a placard, sign, or menu.

(c) Drinking cups and containers may be reused by self-service consumers if refilling is a contamination-free process as specified under section 261(a)(1), 261(a)(2), and 261(a)(4) of this rule.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-249; filed Oct 13, 2004, 12:30 p.m.: 28 IR 870; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-250 Handling of kitchenware and tableware**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 250. (a) Single-service articles, single-use articles, and utensils that have been sanitized shall be handled, displayed, and dispensed so that contamination of food-contact and lip-contact surfaces is prevented.

(b) Knives, forks, and spoons that are not prewrapped shall be presented so that only the handles are touched by employees and by consumers if consumer self-service is provided.

(c) Except as specified under subsection (b), single-service articles that are intended for food-contact or lip-contact shall be furnished for consumer self-service with the original individual wrapper intact or from an approved dispenser.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-250; filed Oct 13, 2004, 12:30 p.m.: 28 IR 870; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-251 Handling of soiled and clean kitchenware**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 251. (a) Soiled tableware shall be removed from consumer eating and drinking areas and handled so that clean tableware is not contaminated.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-251; filed Oct 13, 2004, 12:30 p.m.: 28 IR 871; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-252 Protection of preset tableware**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 252. (a) If tableware is preset:

(1) it shall be protected from contamination by being wrapped, covered, or inverted; or

(2) exposed, unused settings shall be:

(A) removed when a consumer is seated; or

(B) cleaned and sanitized before further use if the settings are not removed when a consumer is seated.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-252; filed Oct 13, 2004, 12:30 p.m.: 28 IR 871; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-253 Durability and strength of food temperature measuring devices**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 253. (a) Food temperature measuring devices may not have sensors or stems constructed of glass, except that thermometers with glass sensors or stems that are encased in a shatterproof coating, such as candy thermometers, may be used.

(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-253; filed Oct 13, 2004, 12:30 p.m.: 28 IR 871; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-254 Accuracy of temperature measuring devices**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 254. (a) Food temperature measuring devices that are scaled in Fahrenheit shall be accurate to plus or minus two (2) degrees Fahrenheit in the intended range of use.

(b) Food temperature measuring devices that are dually scaled in Celsius and Fahrenheit shall be accurate to plus or minus one (1) degree Celsius in the intended range of use.

(c) Food temperature measuring devices shall be calibrated in accordance with manufacturer's specifications as necessary to ensure their accuracy.

(d) Ambient air temperature, water pressure, and water temperature measuring devices shall be maintained in good repair and be accurate within the intended range of use.

(e) For purposes of this section, a violation of subsection (a), (b), (c), or (d) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-254; filed Oct 13, 2004, 12:30 p.m.: 28 IR 871; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-255 Accuracy of ambient air and water temperature measuring devices**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 255. (a) Ambient air and water temperature measuring devices that are scaled in Fahrenheit shall be accurate to plus or minus three (3) degrees Fahrenheit in the intended range of use.

(b) Ambient air and water temperature measuring devices that are dually scaled in Celsius and Fahrenheit shall be designed to be easily readable and accurate to plus or minus one and five-tenths (1.5) degrees Celsius in the intended range of use.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-255; filed Oct 13, 2004, 12:30 p.m.: 28 IR 871; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-256 Function of temperature measuring devices**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 256. (a) In a mechanically refrigerated or hot food storage unit, the sensor of a temperature measuring device shall be located to measure the air temperature in the warmest part of a mechanically refrigerated unit and in the coolest part of a hot food storage unit.

(b) Except as specified in subsection (c), cold or hot holding equipment used for potentially hazardous food shall be designed to include and shall be equipped with at least one (1) integral or permanently affixed temperature measuring device that is located to allow easy viewing of the device's temperature display.

(c) Subsection (b) does not apply to equipment for which the placement of a temperature measuring device is not a practical means for measuring the ambient air surrounding the food because of the design, type, and use of the equipment, such as the following:

(1) Calrod units.
(2) Heat lamps.
(3) Cold plates.
(4) Bainsmarie.
(5) Steam tables.
(6) Insulated food transport containers.
(7) Salad bars.

(d) Temperature measuring devices shall be designed to be easily readable.

(e) Food temperature measuring devices and water temperature measuring devices on warewashing machines shall have a numerical scale, printed record, or digital readout in increments no greater than two (2) degrees Fahrenheit in the intended range of use.

(f) For purposes of this section, a violation of subsection (a), (b), (c), (d), or (e) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-256; filed Oct 13, 2004, 12:30 p.m.: 28 IR 871; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-*

*410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-257 Food temperature measuring devices**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 257. (a) Food temperature measuring devices shall be provided and readily accessible for use in ensuring attainment and maintenance of food temperatures as specified under section 139 through 160, 162 through 167, 169 through 183, 185 through 191, 193 through 200, 203, 234, 236, 245 through 247, or 249 of this rule.

(b) A temperature measuring device with a suitable small diameter probe that is designed to measure the temperature of thin masses shall be provided and readily accessible to accurately measure the temperature in thin foods, such as meat patties and fish filets.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-257; filed Oct 13, 2004, 12:30 p.m.: 28 IR 872; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-258 Temperature measuring devices; manual warewashing**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 258. (a) In manual warewashing operations, a temperature measuring device shall be provided and readily accessible for frequently measuring the washing and sanitizing temperatures.

(b) In a warewashing machine, an auxiliary temperature measuring device shall be provided and readily accessible for frequently measuring the internal washing and sanitizing temperatures.

(c) For purposes of this section, a violation of subsection (a) and (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-258; filed Oct 13, 2004, 12:30 p.m.: 28 IR 872; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-259 Cooling, heating, and holding capacities**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 259. (a) Equipment for cooling and heating food and holding cold and hot food shall be sufficient in number and capacity to provide food temperatures as specified under section 139 through 160, 162 through 167, 169 through 183, 185 through 191, 193 through 200, 203, 234, 236, 245 through 247, or 249 of this rule.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-259; filed Oct 13, 2004, 12:30 p.m.: 28 IR 872; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-260 Vended potentially hazardous food; original container**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 260. (a) Potentially hazardous food dispensed through a vending machine shall be in the package in which it was placed at the retail food establishment or food processing plant at which it was prepared.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-260; filed Oct 13, 2004, 12:30 p.m.: 28 IR 872; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-261 Dispensing equipment; protection of equipment and food**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 261. (a) In equipment that dispenses or vends liquid food or ice in unpackaged form, the following applies:

(1) The delivery tube, chute, orifice, and splash surfaces directly above the container receiving the food shall be designed in a manner, such as with barriers, baffles, or drip aprons, so that drips from condensation and splash are diverted from the opening of the container receiving the food.

(2) The delivery tube, chute, and orifice shall be protected from manual contact, such as by being recessed.

(3) The delivery tube or chute and orifice of equipment used to vend liquid food or ice in unpackaged form to self-service consumers shall be designed so that the delivery tube or chute and orifice are protected from dust, insects, rodents, and other contamination by a self-closing door if the equipment is:

(A) located in an outside area that does not otherwise afford the protection of an enclosure against the:

(i) rain;
(ii) windblown debris;
(iii) insects;
(iv) rodents; and
(v) other contaminants;

that are present in the environment; or

(B) available for self-service during hours when it is not under the full-time supervision of a food employee.

(4) The dispensing equipment actuating lever or mechanism and filling device of consumer self-service beverage dispensing equipment shall be designed to prevent contact with the lip-contact surface of glasses or cups that are refilled.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-261; filed Oct 13, 2004, 12:30 p.m.: 28 IR 872; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-262 Vending machine; vending stage closure**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 262. (a) The dispensing compartment of a vending machine, including a machine that is designed to vend prepackaged snack food that is not potentially hazardous, such as chips, party mixes, and pretzels, shall be equipped with a self-closing door or cover if the machine is:

(1) located in an outside area that does not otherwise afford the protection of an enclosure against the:

(A) rain;
(B) windblown debris;
(C) insects;
(D) rodents; and
(E) other contaminants;

that are present in the environment; or

(2) available for self-service during hours when it is not under the full-time supervision of a food employee.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-262; filed Oct 13, 2004, 12:30 p.m.: 28 IR 873; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-263 Can openers on vending machines**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 263. (a) Cutting or piercing parts of can openers on vending machines shall be protected from the following:

(1) Manual contact.
(2) Dust.
(3) Insects.
(4) Rodents.
(5) Other contamination.
(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-263; filed Oct 13, 2004, 12:30 p.m.: 28 IR 873; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-264 Vending machines; automatic shutoff**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 264. (a) A machine vending potentially hazardous food shall have an automatic control that prevents the machine from vending food if:
(1) there is a power failure, mechanical failure, or other condition that results in an internal machine temperature that cannot maintain food temperatures as specified under section 139 through 160, 162 through 167, 169 through 183, 185 through 191, 193 through 200, 203, 234, 236, 245 through 247, or 249 of this rule; and
(2) a condition specified under subdivision (1) occurs, until the machine is serviced and restocked with food that has been maintained at temperatures specified under section 139 through 160, 162 through 167, 169 through 183, 185 through 191, 193 through 200, 203, 234, 236, 245 through 247, or 249 of this rule.
(b) When the automatic shutoff within a machine vending potentially hazardous food is activated in a:
(1) refrigerated vending machine, the ambient temperature may not exceed forty-one (41) degrees Fahrenheit or forty-five (45) degrees Fahrenheit as specified under section 187(a)(2)(B) of this rule for more than thirty (30) minutes; or
(2) hot holding vending machine, the ambient temperature may not be less than one hundred thirty-five (135) degrees Fahrenheit for more than one hundred twenty (120) minutes;
immediately after the machine is filled, serviced, or restocked.
(c) For purposes of this section, a violation of subsection (a) or (b) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-264; filed Oct 13, 2004, 12:30 p.m.: 28 IR 873; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-265 Vending machines; liquid waste products**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 265. (a) Vending machines designed to store beverages that are packaged in containers made from paper products shall be equipped with diversion devices and retention pans or drains for container leakage.
(b) Vending machines that dispense liquid food in bulk shall be as follows:
(1) Provided with an internally mounted waste receptacle for the collection of the following:
(A) Drip.
(B) Spillage.
(C) Overflow.
(D) Other internal wastes.
(2) Equipped with an automatic shutoff device that will place the machine out of operation before the waste receptacle overflows.
(c) Shutoff devices, specified under subsection (b)(2), shall prevent water or liquid food from continuously running if there is a failure of a flow control device in the water or liquid food system or waste accumulation that could lead to overflow of the waste receptacle.
(d) For purposes of this section, a violation of subsections (a) through (c) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-265; filed Oct 13, 2004, 12:30 p.m.: 28 IR 873; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-*

*410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-266 Vending machine doors and openings**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 266. (a) Vending machine doors and access opening covers to food and container storage spaces shall be tight-fitting so that the space along the entire interface between the doors or covers and the cabinet of the machine, if the doors or covers are in a closed position, is no greater than one-sixteenth ($^1/_{16}$) inch by any of the following:

(1) Being covered with louvers, screens, or materials that provide an equivalent opening of not greater than one-sixteenth ($^1/_{16}$) inch. Screening of twelve (12) mesh to one (1) inch meets this requirement.

(2) Being effectively gasketed.

(3) Having interface surfaces that are at least one-half (½) inch wide.

(4) Jambs or surfaces used to form an L-shaped entry path to the interface.

(b) Vending machine service connection openings through an exterior wall of a machine shall be closed by sealants, clamps, or grommets so that the openings are no larger than one-sixteenth ($^1/_{16}$) inch.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-266; filed Oct 13, 2004, 12:30 p.m.: 28 IR 874; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-267 Overhead protection on outdoor food vending areas**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 267. (a) If located outdoors, a machine used to vend food shall be provided with overhead protection, except that machines vending canned beverages need not meet this requirement.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-267; filed Oct 13, 2004, 12:30 p.m.: 28 IR 874; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-268 Receptacles in vending machines**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 268. (a) A refuse receptacle may not be located within a vending machine, except that a receptacle for beverage bottle crown closures may be located within a vending machine.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-268; filed Oct 13, 2004, 12:30 p.m.: 28 IR 874; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-269 Warewashing equipment requirements**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 269. (a) A retail food establishment shall be equipped with at least one (1) of the following options for purposes of washing, rinsing, and sanitizing of equipment and utensils:

(1) Manual warewashing equipment as specified in section 270 of this rule.

(2) A warewashing machine.

(b) The warewashing equipment or machine must be used in accordance with this rule.

(c) For purposes of this section, a violation of subsection (a) or (b) is a critical item. *(Indiana State Department of Health; 410*

*IAC 7-24-269; filed Oct 13, 2004, 12:30 p.m.: 28 IR 874; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-270 Manual warewashing; sink compartment requirements**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 270. (a) Except as specified in subsection (c), a sink with at least three (3) compartments shall be provided for manually washing, rinsing, and sanitizing equipment and utensils.

(b) Sink compartments shall be large enough to accommodate immersion of the largest equipment and utensils. If equipment or utensils are too large for the warewashing sink, a warewashing machine or alternative equipment as specified in subsection (c) shall be used.

(c) Alternative manual warewashing equipment may be used when there are special cleaning needs or constraints and its use is approved. Alternative manual warewashing equipment may include the following:

(1) High-pressure detergent sprayers.
(2) Low-pressure or line-pressure spray detergent foamers.
(3) Other task-specific cleaning equipment.
(4) Brushes or other implements.
(5) Two (2) compartment sinks as specified under subsections (d) and (e).
(6) Receptacles that substitute for the compartments of a multicompartment sink.

(d) Before a two (2) compartment sink is used:

(1) the owner or operator of a retail food establishment shall have its use approved; and
(2) the nature of warewashing shall be limited to batch operations for cleaning kitchenware, such as between cutting one (1) type of raw meat and another or cleanup at the end of a shift as follows:
    (A) A limited number of items shall be cleaned.
    (B) The cleaning and sanitizing solutions shall be made up immediately before use and drained immediately after use.
    (C) A detergent-sanitizer shall be used to sanitize and shall be applied as specified under section 275 of this rule or a hot water sanitization immersion step shall be used as specified under section 302(a)(3) of this rule.

(e) A two (2) compartment sink may not be used for warewashing operations where cleaning and sanitizing solutions are used for a continuous or intermittent flow of kitchenware or tableware in an ongoing warewashing process.

(f) For purposes of this section, a violation of subsection (a), (b), (c), or (d) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-270; filed Oct 13, 2004, 12:30 p.m.: 28 IR 874; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-271 Manual warewashing equipment; heaters and baskets**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 271. (a) If hot water is used for sanitization in manual warewashing operations, the sanitizing compartment of the sink shall be as follows:

(1) Designed with an integral heating device that is capable of maintaining water at a temperature not less than one hundred seventy (170) degrees Fahrenheit.
(2) Provided with a rack or basket to allow complete immersion of equipment and utensils into the hot water.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-271; filed Oct 13, 2004, 12:30 p.m.: 28 IR 875; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-272 Warewashing equipment; clean solutions**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 272. (a) The wash, rinse, and sanitize solutions shall be maintained clean.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-272; filed Oct 13, 2004, 12:30 p.m.: 28 IR 875; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-273 Manual warewashing equipment; wash solution temperature**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 273. (a) The temperature of the wash solution in manual warewashing equipment shall be maintained at not less than one hundred ten (110) degrees Fahrenheit or the temperature specified on the cleaning agent manufacturer's label instructions.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-273; filed Oct 13, 2004, 12:30 p.m.: 28 IR 875; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-274 Manual warewashing equipment; hot water sanitization temperatures**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 274. (a) If immersion in hot water is used for sanitizing in a manual operation, the temperature of the water shall be maintained at one hundred seventy (170) degrees Fahrenheit or above.

(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-274; filed Oct 13, 2004, 12:30 p.m.: 28 IR 875; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-275 Manual warewashing equipment; chemical sanitization using detergent-sanitizers**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 275. (a) If a detergent-sanitizer is used to sanitize in a cleaning and sanitizing procedure where there is no distinct water rinse between the washing and sanitizing steps, the agent applied in the sanitizing step shall be the same detergent-sanitizer that is used in the washing step.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-275; filed Oct 13, 2004, 12:30 p.m.: 28 IR 875; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-276 Washing; procedures for alternative manual warewashing equipment**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 276. (a) If washing in sink compartments or a warewashing machine is impractical, such as when the equipment is fixed or the utensils are too large, washing shall be done by using alternative manual warewashing equipment, as specified in section 270(c) of this rule, in accordance with the following procedures:

(1) Equipment shall be disassembled as necessary to allow access of the detergent solution to all parts.

(2) Equipment components and utensils shall be scraped or rough cleaned to remove food particle accumulation.

(3) Equipment and utensils shall be washed as specified under section 301(a) of this rule.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-276; filed Oct 13, 2004, 12:30 p.m.: 28 IR 875; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-277 Pressure measuring devices; warewashing machine**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 277. (a) Pressure measuring devices that display the pressures in the water supply line for the fresh hot water sanitizing rinse shall have increments of one (1) pound per square inch or smaller and shall be accurate to two (2) pounds per square inch in the fifteen (15) to twenty-five (25) pounds per square inch range.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-277; filed Oct 13, 2004, 12:30 p.m.: 28 IR 876; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-278 Warewashing machine; data plate operating specifications**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 278. (a) A warewashing machine shall be provided with an easily accessible and readable data plate affixed to the machine by the manufacturer that indicates the machine's design and operating specifications, including the following:

(1) Temperatures required for washing, rinsing, and sanitizing.

(2) Pressure required for the fresh water sanitizing rinse unless the machine is designed to use only a pumped sanitizing rinse.

(3) Conveyor speed for conveyor machines or cycle time for stationary rack machines.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-278; filed Oct 13, 2004, 12:30 p.m.: 28 IR 876; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-279 Warewashing machine; internal baffles**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 279. (a) Warewashing machine wash and rinse tanks shall be equipped with baffles, curtains, or other means to minimize internal cross-contamination of the solutions in wash and rinse tanks.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-279; filed Oct 13, 2004, 12:30 p.m.: 28 IR 876; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-280 Warewashing machine; temperature measuring devices**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 280. (a) A warewashing machine shall be equipped with a temperature measuring device that indicates the temperature of the water as follows:

(1) In each wash and rinse tank.

(2) As the water enters the hot water sanitizing final rinse manifold or in the chemical sanitizing solution tank.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-280; filed Oct 13, 2004, 12:30 p.m.: 28 IR 876; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-281 Warewashing machine; automatic dispensing of detergents and sanitizers**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 281. (a) A warewashing machine that uses a chemical for sanitization and that is installed after the effective date of this rule shall be equipped to:

(1) automatically dispense detergents and sanitizers; and

(2) incorporate a visual means to verify that detergents and sanitizers are delivered or a visual or audible alarm to signal if the detergents and sanitizers are not delivered to the respective washing and sanitizing cycles.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-281; filed Oct 13, 2004, 12:30 p.m.: 28 IR 876; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-282 Warewashing machine; flow pressure device**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 282. (a) Warewashing machines that provide a fresh hot water sanitizing rinse shall be equipped with a pressure gauge or similar device, such as a transducer, that measures and displays the water pressure in the supply line immediately before entering the warewashing machine.

(b) If the flow pressure measuring device is upstream of the fresh hot water sanitizing rinse control valve, the device shall be mounted in a one-fourth (¼) inch iron pipe size (IPS) valve.

(c) Subsections (a) and (b) do not apply to a machine that uses only a pumped or recirculated sanitizing rinse.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-282; filed Oct 13, 2004, 12:30 p.m.: 28 IR 876; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-283 Warewashing machine; manufacturer's operating instructions**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 283. (a) A warewashing machine and its auxiliary components shall be operated in accordance with the machine's data plate and other manufacturer's instructions.

(b) A warewashing machine's conveyor speed or automatic cycle times shall be maintained accurately timed in accordance with manufacturer's specifications.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-283; filed Oct 13, 2004, 12:30 p.m.: 28 IR 877; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-284 Warewashing machine; wash solution temperature**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 284. (a) The temperature of the wash solution in spray-type warewashing machines that use hot water to sanitize may not be less than:

(1) for a stationary rack, single temperature machine, one hundred sixty-five (165) degrees Fahrenheit;

(2) for a stationary rack, dual temperature machine, one hundred fifty (150) degrees Fahrenheit;

(3) for a single tank, conveyor, dual temperature machine, one hundred sixty (160) degrees Fahrenheit; or

(4) for a multitank, conveyor, multitemperature machine, one hundred fifty (150) degrees Fahrenheit.

(b) The temperature of the wash solution in spray-type warewashing machines that use chemicals to sanitize may be not less than one hundred twenty (120) degrees Fahrenheit.

| Hot Water Machine Type | Type of Temperature | Wash Temperature of Machine | Sanitization Temperature of the Machine |
|---|---|---|---|
| Stationary Rack | Single Temperature | 165°F | 165°F |

| | | | |
|---|---|---|---|
| Stationary Rack | Dual Temperature | 150°F | 180°F |
| Single Tank | Dual Temperature | 160°F | 180°F |
| Multitank | Multitemperature | 150°F | 180°F |
| Chemical Machine | | 120°F | Not Applicable |

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-284; filed Oct 13, 2004, 12:30 p.m.: 28 IR 877; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-285 Warewashing machine; hot water sanitization temperatures**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 285. (a) Except as specified in subsection (b), in a mechanical operation, the temperature of the fresh hot water sanitizing rinse as it enters the manifold may be not more than one hundred ninety-four (194) degrees Fahrenheit or less than:

(1) for a stationary rack, single temperature machine, one hundred sixty-five (165) degrees Fahrenheit; or

(2) for all other machines, one hundred eighty (180) degrees Fahrenheit.

(b) The maximum temperature specified under subsection (a) does not apply to the high pressure and temperature systems with wand-type, hand-held, spraying devices used for the in-place cleaning and sanitizing of equipment, such as meat saws.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-285; filed Oct 13, 2004, 12:30 p.m.: 28 IR 877; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-286 Warewashing machine; sanitization pressure**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 286. (a) The flow pressure of the fresh hot water sanitizing rinse in a warewashing machine may not be less than fifteen (15) pounds per square inch or more than twenty-five (25) pounds per square inch as measured in the waterline immediately downstream or upstream from the fresh hot water sanitizing rinse control valve.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-286; filed Oct 13, 2004, 12:30 p.m.: 28 IR 877; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-287 Loading of soiled items; warewashing machine**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 287. (a) Soiled items to be cleaned in a warewashing machine shall be loaded into racks, trays, or baskets or onto conveyors in a position that:

(1) exposes the items to the unobstructed spray from all cycles; and

(2) allows the items to drain.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-287; filed Oct 13, 2004, 12:30 p.m.: 28 IR 877; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-288 Warewashing sinks and drainboards; self-draining**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 288. (a) Sinks and drainboards of warewashing sinks and machines shall be self-draining.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-288; filed Oct 13, 2004, 12:30 p.m.: 28 IR 878; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-289 Drainboards**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 289. (a) Drainboards, utensil racks, or tables large enough to accommodate all soiled and cleaned items that may accumulate during hours of operation shall be provided for necessary utensil holding before cleaning and after sanitizing.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-289; filed Oct 13, 2004, 12:30 p.m.: 28 IR 878; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-290 Warewashing machine; cleaning frequency**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 290. (a) A warewashing machine; the compartments of sinks, basins, or other receptacles used for washing and rinsing equipment, utensils, or raw foods or laundering wiping cloths; and drainboards or other equipment used to substitute for drainboards as specified under section 289 of this rule shall be cleaned as follows:

(1) Before use.

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

(3) If used, at least every twenty-four (24) hours.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-290; filed Oct 13, 2004, 12:30 p.m.: 28 IR 878; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-291 Sanitizing solutions; testing devices**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 291. (a) A test kit or other device that accurately measures the concentration in ppm of sanitizing solutions shall be provided and used.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-291; filed Oct 13, 2004, 12:30 p.m.: 28 IR 878; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-292 Warewashing machine; cleaning agents**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 292. (a) When used for warewashing, the wash compartment of a sink, mechanical warewasher, or wash receptacle of alternative manual warewashing equipment as specified in section 270(c) of this rule shall contain a wash solution of:

(1) soap;

(2) detergent;

(3) acid cleaner;

(4) alkaline cleaner;

(5) degreaser;
(6) abrasive cleaner; or
(7) other cleaning agent;
according to the cleaning agent manufacturer's label instructions.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-292; filed Oct 13, 2004, 12:30 p.m.: 28 IR 878; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-293 Warewashing sinks and machines; use limitation**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 293. (a) A warewashing sink shall not be used for hand washing or as a service sink.

(b) If a warewashing sink is used to wash wiping cloths, wash produce, or thaw food, the sink shall be cleaned as specified under section 290 of this rule before and after each time it is used to wash wiping cloths, wash produce, or thaw food. Sinks used to wash or thaw food shall be sanitized as specified under section 303 of this rule before and after using the sink to wash or thaw food.

(c) A warewashing machine shall not be used for laundering linens, wiping cloths, food, floor mats, or other items not specified as an intended use of the machine by its manufacturer.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-293; filed Oct 13, 2004, 12:30 p.m.: 28 IR 878; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-294 Manual or machine warewashing; chemical sanitization; temperature, pH, concentration, and hardness**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 294. (a) A chemical sanitizer used in a sanitizing solution for a manual or machine warewashing operation at exposure times specified under section 303(b)(3) of this rule shall be listed in 21 CFR 178.1010, used in accordance with the manufacturer's label use instructions as specified in section 441 of this rule, and used as follows:

(1) A chlorine solution shall have a minimum temperature based on the concentration and pH of the solution as listed in the following chart:

| Minimum Concentration | Minimum Temperature | | Times (taken from section 303 of this rule) |
|---|---|---|---|
| ppm | pH 10 or less °F | pH 8 or less °F | |
| 25 | 120 | 120 | 10 seconds |
| 50 | 100 | 75 | 7 seconds |
| 100 | 55 | 55 | 10 seconds |

(2) An iodine solution shall have a:
(A) minimum temperature of seventy-five (75) degrees Fahrenheit;
(B) pH of 5.0 or less or a pH no higher than the level for which the manufacturer specifies the solution is effective; and
(C) concentration between twelve and one-half (12.5) ppm and twenty-five (25) ppm.

(3) A quaternary ammonium compound solution shall:
(A) have a minimum temperature of seventy-five (75) degrees Fahrenheit;
(B) have a concentration as specified under section 443 of this rule and as indicated by the manufacturer's use directions included in the labeling; and
(C) be used only in water with five hundred (500) ppm hardness or less or in water having a hardness no greater than specified by the manufacturer's label.

(4) If another solution of a chemical specified under subdivisions (1) through (3) is used, the owner or operator of a retail food establishment shall demonstrate to the regulatory authority that the solution achieves sanitization and the use of the solution

shall be approved.

(5) If a chemical sanitizer other than chlorine, iodine, or a quaternary ammonium compound is used, it shall be applied in accordance with the manufacturer's use directions included in the labeling.

(6) If chemical sanitizer is used in the retail food establishment, the chemical sanitizer must be present in the establishment.

(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-294; filed Oct 13, 2004, 12:30 p.m.: 28 IR 879; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-295 Equipment food-contact surfaces, nonfood-contact surfaces, and utensils**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 295. (a) Equipment food-contact surfaces and utensils shall be clean to sight and touch.

(b) The food-contact surfaces of cooking equipment and pans shall be kept free of encrusted grease deposits and other soil accumulations.

(c) Nonfood-contact surfaces of equipment shall be kept free of an accumulation of:

(1) dust;

(2) dirt;

(3) food residue; and

(4) other debris;

and shall be cleaned at a frequency necessary to preclude accumulation of soil residue.

(d) For purposes of this section, a violation of subsection (a) or (b) is a critical item.

(e) For purposes of this section, a violation of subsection (c) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-295; filed Oct 13, 2004, 12:30 p.m.: 28 IR 879; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-296 Equipment food-contact surfaces and utensils; cleaning frequency**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 296. (a) Equipment food-contact surfaces and utensils shall be cleaned as follows:

(1) Except as specified in subsection (b), before each use with a different type of raw animal food such as the following:

(A) Beef.

(B) Fish.

(C) Lamb.

(D) Pork.

(E) Poultry.

(2) Each time there is a change from working with raw foods to working with ready-to-eat foods.

(3) Between uses with raw fruits and vegetables and with potentially hazardous food.

(4) Before using or storing a food temperature measuring device.

(5) At any time during the operation when contamination may have occurred.

(b) Subsection (a)(1) does not apply if the food-contact surface or utensil is in contact with a succession of different raw animal foods each requiring a higher cooking temperature as specified under section 182 of this rule than the previous food, such as preparing raw fish followed by cutting raw poultry on the same cutting board.

(c) Except as specified in subsection (d), if used with potentially hazardous food, equipment food-contact surfaces and utensils shall be cleaned throughout the day at least every four (4) hours.

(d) Surfaces of utensils and equipment contacting potentially hazardous food may be cleaned less frequently than every four (4) hours if the following applies:

(1) In storage, containers of potentially hazardous food and their contents are maintained at temperatures specified under section 139 through 160, 162 through 167, 169 through 183, 185 through 191, 193 through 200, 203, 234, 236, 245 through

247, or 249 of this rule and the containers are cleaned when they are empty.

(2) Utensils and equipment are used to prepare food in a refrigerated room or area that is maintained at one (1) of the temperatures in the following chart and:

(A) The utensils and equipment are cleaned at the frequency in the following chart that corresponds to the temperature:

| Temperature | Cleaning Frequency |
|---|---|
| 41°F or less | 24 hours |
| > 41°F - 45°F | 20 hours |
| > 45°F - 50°F | 16 hours |
| > 50°F - 55°F | 10 hours |

(B) The cleaning frequency based on the ambient temperature of the refrigerated room or area is documented in the retail food establishment.

(3) Containers in serving situations, such as salad bars, delis, and cafeteria lines:

(A) hold ready-to-eat potentially hazardous food that is maintained at the temperatures specified under section 139 through 160, 162 through 167, 169 through 183, 185 through 191, 193 through 200, 203, 234, 236, 245 through 247, or 249 of this rule;

(B) are intermittently combined with additional supplies of the same food that is at the required temperature; and

(C) are cleaned at least every twenty-four (24) hours.

(4) Temperature measuring devices are maintained in contact with food, such as when left in a container of deli food or in a roast, held at temperatures specified under section 139 through 160, 162 through 167, 169 through 183, 185 through 191, 193 through 200, 203, 234, 236, 245 through 247, or 249 of this rule.

(5) Equipment is used for storage of packaged or unpackaged food, such as a reach-in refrigerator, and the equipment is cleaned at a frequency necessary to preclude accumulation of soil residues.

(6) The cleaning schedule is approved based on consideration of the following:

(A) Characteristics of the equipment and its use.

(B) The type of food involved.

(C) The amount of food residue accumulation.

(D) The temperature at which the food is maintained during the operation and the potential for the rapid and progressive multiplication of pathogenic or toxigenic microorganisms that are capable of causing foodborne disease.

(7) In-use utensils are intermittently stored in a container of water in which the water is maintained at one hundred thirty-five (135) degrees Fahrenheit or more and the utensils and container are cleaned at least every twenty-four (24) hours or at a frequency necessary to preclude accumulation of soil residues.

(e) For purposes of this section, a violation of subsection (a), (b), (c), or (d) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-296; filed Oct 13, 2004, 12:30 p.m.: 28 IR 879; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-297 Not potentially hazardous food-contact surfaces cleaning frequency**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 297. (a) Except when dry cleaning methods are used as specified under section 299 of this rule, surfaces of utensils and equipment contacting food that is not potentially hazardous shall be cleaned as follows:

(1) At any time when contamination may have occurred.

(2) At least every twenty-four (24) hours for iced tea dispensers and consumer self-service utensils, such as tongs, scoops, or ladles.

(3) Before restocking consumer self-service equipment and utensils, such as condiment dispensers and display containers.

(4) In equipment, such as ice bins and beverage dispensing nozzles, and enclosed components of equipment, such as ice makers, cooking oil storage tanks and distribution lines, beverage and syrup dispensing lines or tubes, coffee bean grinders, and water vending equipment:

(A) at a frequency specified by the manufacturer; or

(B) absent manufacturer specifications, at a frequency necessary to preclude accumulation of soil or mold.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-297; filed Oct 13, 2004, 12:30 p.m.: 28 IR 880; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-298 Cooking and baking equipment**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 298. (a) The food-contact surfaces of cooking and baking equipment shall be cleaned at least every twenty-four (24) hours. This section does not apply to hot oil cooking and filtering equipment if it is cleaned as specified in section 296(d)(6) of this rule.

(b) The cavities and door seals of microwave ovens shall be cleaned at least every twenty-four (24) hours by using the manufacturer's recommended cleaning procedure.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-298; filed Oct 13, 2004, 12:30 p.m.: 28 IR 880; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-299 Dry cleaning**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 299. (a) If used, dry cleaning methods, such as brushing, scraping, and vacuuming, shall contact only surfaces that are soiled with dry food residues that are not potentially hazardous.

(b) Cleaning equipment used in dry cleaning food-contact surfaces may not be used for any other purpose.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-299; filed Oct 13, 2004, 12:30 p.m.: 28 IR 881; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-300 Precleaning**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 300. (a) Food debris on equipment and utensils shall be:

(1) scrapped over a waste disposal unit or garbage receptacle; or

(2) removed in a warewashing machine with a prewash cycle.

(b) If necessary for effective cleaning, utensils and equipment shall be preflushed, presoaked, or scrubbed with abrasives.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-300; filed Oct 13, 2004, 12:30 p.m.: 28 IR 881; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-301 Wet cleaning**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 301. (a) Equipment food-contact surfaces and utensils shall be effectively washed to remove or completely loosen soils by using the manual or mechanical means necessary, such as the application of one (1) of the following:

(1) Detergents containing wetting agents and emulsifiers.

(2) Acid, alkaline, or abrasive cleaners.

(3) Hot water.

(4) Brushes.

(5) Scouring pads.

(6) High-pressure sprays.
(7) Ultrasonic devices.
(b) The washing procedures selected shall be based on the following:
(1) The type and purpose of the equipment or utensil.
(2) The type of soil to be removed.
(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-301; filed Oct 13, 2004, 12:30 p.m.: 28 IR 881; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-302 Rinsing procedures**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 302. (a) Washed utensils and equipment shall be rinsed so that abrasives are removed and cleaning chemicals are removed or diluted through the use of water or a detergent-sanitizer solution by using one (1) of the following procedures:
(1) Use of a distinct, separate water rinse after washing and before sanitizing if using:
(A) a three (3) compartment sink;
(B) alternative manual warewashing equipment equivalent to a three (3) compartment sink as specified in section 270(c) of this rule; or
(C) a three (3) step washing, rinsing, and sanitizing procedure in a warewashing system for CIP equipment.
(2) Use of a detergent-sanitizer as specified under section 275 of this rule if using:
(A) alternative warewashing equipment as specified in section 270(c) of this rule that is approved for use with a detergent-sanitizer; or
(B) a warewashing system for CIP equipment.
(3) Use of a nondistinct water rinse that is integrated in the hot water sanitization immersion step of a two (2) compartment sink operation.
(4) If using a warewashing machine that does not recycle the sanitizing solution as specified under subdivision (5), or alternative manual warewashing equipment, such as sprayers, use of a nondistinct water rinse that is:
(A) integrated in the application of the sanitizing solution; and
(B) wasted immediately after each application.
(5) If using a warewashing machine that recycles the sanitizing solution for use in the next wash cycle, use of a nondistinct water rinse that is integrated in the application of the sanitizing solution.
(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-302; filed Oct 13, 2004, 12:30 p.m.: 28 IR 881; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-303 Cleaning and sanitizing food contact surfaces**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 303. (a) Utensils and food-contact surfaces of equipment shall be sanitized immediately after cleaning.
(b) After being cleaned, equipment food-contact surfaces and utensils shall be sanitized in:
(1) hot water manual operations by immersion for at least thirty (30) seconds as specified under section 274 of this rule;
(2) hot water mechanical operations by being cycled through equipment that is set up as specified under section 283, 285, or 286 of this rule and achieving a utensil surface temperature of one hundred sixty (160) degrees Fahrenheit as measured by an irreversible registering temperature indicator; or
(3) chemical manual or mechanical operations, including the application of sanitizing chemicals by immersion, manual swabbing, brushing, or pressure spraying methods, using a solution as specified under section 294 of this rule by providing:
(A) except as specified under clause (B), an exposure time of at least ten (10) seconds for a chlorine solution specified under section 294(a)(1) of this rule;

(B) an exposure time of at least seven (7) seconds for a chlorine solution of fifty (50) ppm that has a pH of 10 or less and a temperature of at least one hundred (100) degrees Fahrenheit or a pH of 8 or less and a temperature of at least seventy five (75) degrees Fahrenheit;

(C) an exposure time of at least thirty (30) seconds for other chemical sanitizing solutions; or

(D) an exposure time used in relationship with a combination of temperature, concentration, and pH that, when evaluated for efficacy, yields sanitization as defined in section 82 of this rule.

(c) For purposes of this section, a violation of subsection (a) or (b) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-303; filed Oct 13, 2004, 12:30 p.m.: 28 IR 882; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-304 Equipment and utensils; air drying required**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 304. (a) After cleaning and sanitizing, equipment and utensils:

(1) shall be air-dried or used after adequate draining as specified in 21 CFR 178.1010(a), before contact with food; and

(2) may not be cloth-dried except that utensils that have been air-dried may be polished with cloths that are maintained clean and dry.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-304; filed Oct 13, 2004, 12:30 p.m.: 28 IR 882; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-305 Ventilation hood systems; filters**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 305. (a) Filters or other grease extracting equipment shall be designed to be readily removable for cleaning and replacement if not designed to be cleaned in place.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-305; filed Oct 13, 2004, 12:30 p.m.: 28 IR 882; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-306 Ventilation hood systems; drip prevention**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 306. (a) Exhaust ventilation hood systems in food preparation and warewashing areas, including components, such as hoods, fans, guards, and ducting, shall be designed to prevent grease or condensation from draining or dripping onto the following:

(1) Food.

(2) Equipment.

(3) Utensils.

(4) Linens.

(5) Single-service and single-use articles.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-306; filed Oct 13, 2004, 12:30 p.m.: 28 IR 882; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-307 Ventilation hood systems; adequacy**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 307. (a) Ventilation hood systems and devices shall meet the requirements of the Indiana department of fire and building services and be sufficient in number and capacity to prevent grease or condensation from collecting on walls and ceilings.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-307; filed Oct 13, 2004, 12:30 p.m.: 28 IR 882; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-308 Design of heating, ventilating, and air conditioning system vents**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 308. (a) Heating, ventilating, and air conditioning systems shall be designed and installed so that makeup air intake and exhaust vents do not cause contamination of:

(1) food;
(2) food-contact surfaces;
(3) equipment; or
(4) utensils.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-308; filed Oct 13, 2004, 12:30 p.m.: 28 IR 882; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-309 Mechanical ventilation**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 309. (a) Mechanical ventilation shall be provided in accordance with requirements of the Indiana department of fire and building services and shall be of sufficient capacity to keep rooms free of the following:

(1) Excessive heat.
(2) Steam.
(3) Condensation.
(4) Vapors.
(5) Obnoxious odors.
(6) Smoke.
(7) Fumes.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-309; filed Oct 13, 2004, 12:30 p.m.: 28 IR 883; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-310 Cleaning ventilation systems**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 310. (a) Intake and exhaust air ducts shall be cleaned and filters changed so they are not a source of contamination by the following:

(1) Dust.
(2) Dirt.
(3) Other materials.

(b) If vented to the outside, ventilation systems may not create a:

(1) public health hazard;
(2) nuisance; or
(3) unlawful discharge.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-310; filed Oct 13, 2004, 12:30 p.m.: 28 IR 883; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-311 Clothes washers and dryers**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 311. (a) Except as specified in subsection (b), if work clothes or linens are laundered on the premises, a mechanical clothes washer and dryer shall be provided and used.

(b) If on-premises laundering is limited to wiping cloths intended to be used wet, or wiping cloths are air-dried as specified under section 316 of this rule, a mechanical clothes washer and dryer need not be provided.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-311; filed Oct 13, 2004, 12:30 p.m.: 28 IR 883; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-312 Specifications for laundering**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 312. (a) Linens that do not come in direct contact with food shall be laundered between operations if they become:

(1) wet;
(2) sticky; or
(3) visibly soiled.

(b) Cloth gloves used as specified in section 246(d) of this rule shall be laundered before being used with a different type of raw animal food, such as the following:

(1) Beef.
(2) Lamb.
(3) Pork.
(4) Fish.

(c) Linens and napkins that are used as specified under section 236 of this rule and cloth napkins shall be laundered between each use.

(d) Wet wiping cloths shall be laundered daily.

(e) Dry wiping cloths shall be laundered as necessary to prevent contamination of food and clean serving utensils.

(f) For purposes of this section, a violation of subsection (a), (b), (c), (d), or (e) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-312; filed Oct 13, 2004, 12:30 p.m.: 28 IR 883; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-313 Mechanical washing**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 313. (a) Except as specified in subsection (b), linens shall be mechanically washed.

(b) In retail food establishments in which only wiping cloths are laundered as specified in section 311(b) of this rule, the wiping cloths may be laundered in a:

(1) mechanical washer;
(2) sink designated only for laundering wiping cloths; or
(3) warewashing or food preparation sink;

that is cleaned as specified under section 290 of this rule.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health;*

*410 IAC 7-24-313; filed Oct 13, 2004, 12:30 p.m.: 28 IR 883; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-314 Use of laundry facilities**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 314. (a) Except as specified in subsection (b), laundry facilities on the premises of a retail food establishment shall be used only for the washing and drying of items used in the operation of the establishment.

(b) Separate laundry facilities located on the premises for the purpose of general laundering, such as for institutions providing boarding and lodging, may also be used for laundering retail food establishment items.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-314; filed Oct 13, 2004, 12:30 p.m.: 28 IR 884; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-315 Equipment, clothes washers, dryers, and storage cabinets**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 315. (a) Except as specified in subsection (b), equipment, a cabinet used for the storage of food, or a cabinet that is used to store cleaned and sanitized equipment, utensils, laundered linens, and single-service and single-use articles may not be located as follows:

(1) In the following:
  (A) Locker rooms.
  (B) Toilet rooms.
  (C) Garbage rooms.
  (D) Mechanical rooms, when contamination is likely to occur.

(2) Under the following:
  (A) Sewer lines that are not shielded to intercept potential drips.
  (B) Leaking water lines including leaking automatic fire sprinkler heads or under lines on which water has condensed.
  (C) Open stairwells.
  (D) Other sources of contamination.

(b) A storage cabinet used for linens or single-service or single-use articles may be stored in a locker room.

(c) If a mechanical clothes washer or dryer is provided, it shall be located so that the washer or dryer is protected from contamination and only where there is no:

(1) exposed food;
(2) clean equipment, utensils, and linens; and
(3) unwrapped single-service and single-use articles.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-315; filed Oct 13, 2004, 12:30 p.m.: 28 IR 884; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-316 Wiping cloths; air drying locations**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 316. (a) Wiping cloths laundered in a retail food establishment that does not have a mechanical clothes dryer as specified in section 311(b) of this rule shall be air-dried in a location and in a manner that prevents contamination of the following:

(1) Food.
(2) Equipment.

(3) Utensils.
(4) Linens.
(5) Single-service and single-use articles.
(6) Wiping cloths.
This section does not apply if wiping cloths are stored after laundering in a sanitizing solution as specified under section 294 of this rule.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-316; filed Oct 13, 2004, 12:30 p.m.: 28 IR 884; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-317 Lubricants for food-contact surfaces**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 317. (a) Lubricants shall be applied to food-contact surfaces that require lubrication in a manner that does not contaminate food-contact surfaces.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-317; filed Oct 13, 2004, 12:30 p.m.: 28 IR 884; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-318 Protection of equipment**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 318. (a) Equipment shall be reassembled so that food-contact surfaces are not contaminated.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-318; filed Oct 13, 2004, 12:30 p.m.: 28 IR 884; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-319 Case lot handling equipment; moveability**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 319. (a) Equipment, such as:
(1) dollies;
(2) pallets;
(3) racks; and
(4) skids;
used to store and transport large quantities of packaged foods received from a supplier in a cased or overwrapped lot shall be designed to be moved by hand or by conveniently available equipment, such as hand trucks and forklifts, to allow for routine cleaning and maintenance of the premises.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-319; filed Oct 13, 2004, 12:30 p.m.: 28 IR 884; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-320 Water source**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 320. (a) Drinking water shall be obtained from a source that meets the quality standards as specified in 327 IAC 8-2.

(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-320; filed Oct 13, 2004, 12:30 p.m.: 28 IR 885; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-321 System flushing and disinfection**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 321. (a) A drinking water system shall be flushed and disinfected before being placed in service after the following:
(1) Construction, repair, or modification.
(2) An emergency situation, such as a flood, that may introduce contaminants to the system.
(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-321; filed Oct 13, 2004, 12:30 p.m.: 28 IR 885; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-322 Design, construction, and installation of approved plumbing system and cleanable fixtures**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 322. (a) A plumbing system shall:
(1) be designed, constructed, and installed according to applicable Indiana plumbing code; and
(2) meet the capacity needs of the retail food establishment.
(b) A plumbing fixture, such as a:
(1) hand washing facility;
(2) toilet; or
(3) urinal;
shall be easily cleanable.
(c) For purposes of this section, a violation of subsection (a) is a critical item.
(d) For purposes of this section, a violation of subsection (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-322; filed Oct 13, 2004, 12:30 p.m.: 28 IR 885; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-323 Approved plumbing system materials**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 323. (a) A plumbing system and hoses conveying water shall be constructed and repaired with approved materials according to law.
(b) Water treatment devices shall be made of safe materials.
(c) For purposes of this section, a violation of subsection (a) or (b) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-323; filed Oct 13, 2004, 12:30 p.m.: 28 IR 885; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-324 Plumbing system maintained in good repair**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 324. (a) A plumbing system shall be:
(1) repaired according to law; and
(2) maintained in good repair.

(b) For purposes of this section, a violation of subsection (a)(1) is a critical item.

(c) For purposes of this section, a violation of subsection (a)(2) is a critical or noncritical item based on the determination of whether or not the violation significantly contributes to food contamination, an illness, or environmental health hazard. *(Indiana State Department of Health; 410 IAC 7-24-324; filed Oct 13, 2004, 12:30 p.m.: 28 IR 885; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-325 Bottled drinking water**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 325. (a) Bottled drinking water used or sold in a retail food establishment shall be obtained from approved sources in accordance with 21 CFR 129.

(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-325; filed Oct 13, 2004, 12:30 p.m.: 28 IR 885; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-326 Nondrinking water**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 326. (a) Nondrinking water shall be used only for nonculinary purposes, such as the following:

(1) Air conditioning.
(2) Nonfood equipment cooling.
(3) Fire protection.
(4) Irrigation.

(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-326; filed Oct 13, 2004, 12:30 p.m.: 28 IR 885; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-327 Water sampling**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 327. (a) Except when used as specified under section 326 of this rule, water from a nonpublic water system shall be sampled and tested at least annually and as required by state water quality regulations.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-327; filed Oct 13, 2004, 12:30 p.m.: 28 IR 886; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-328 Water sample report**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 328. (a) The most recent sample report for the nonpublic water system shall be provided to the regulatory authority upon request.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-328; filed Oct 13, 2004, 12:30 p.m.: 28 IR 886; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-329 Capacity**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 329. (a) The water source and system shall be of sufficient capacity to meet the water demands of the retail food establishment.

(b) Hot water generation and distribution systems shall be sufficient to meet the peak hot water demands throughout the retail food establishment.

(c) For purposes of this section, a violation of subsection (a) or (b) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-329; filed Oct 13, 2004, 12:30 p.m.: 28 IR 886; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-330 Water pressure**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 330. (a) Water under pressure shall be provided to all fixtures, equipment, and nonfood equipment that are required to use water except that water supplied as specified under section 332(a)(1) and 332(a)(2) of this rule to a temporary retail food establishment or in response to a temporary interruption of a water supply need not be under pressure.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-330; filed Oct 13, 2004, 12:30 p.m.: 28 IR 886; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-331 Water distribution, delivery, and retention system**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 331. (a) Water shall be received from the source through the use of any of the following:

(1) A public water supply main.
(2) An approved private water supply system.
(3) One (1) or more of the following, which shall be constructed, maintained, and operated according to law:
  (A) A nonpublic water supply main, water pumps, pipes, hoses, connections, and other appurtenances.
  (B) Water transport vehicles.
  (C) Water containers.
  (D) An alternative water supply.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-331; filed Oct 13, 2004, 12:30 p.m.: 28 IR 886; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-332 Alternative water supply**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 332. (a) Water meeting the requirements specified under section 320, 321, or 325 through 330 of this rule shall be made available for a mobile facility, for a temporary retail food establishment without a permanent water supply, and for a retail food establishment with a temporary interruption of its water supply through any of the following:

(1) A supply of containers of commercially bottled drinking water.
(2) One (1) or more closed portable water containers.
(3) An enclosed vehicular water tank.
(4) An on-premises water storage tank.

(5) Piping, tubing, or hoses connected to an adjacent approved source.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-332; filed Oct 13, 2004, 12:30 p.m.: 28 IR 886; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-333 Ice units; separation of drains**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 333. (a) Liquid waste drain lines may not pass through an ice machine or ice storage bin.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-333; filed Oct 13, 2004, 12:30 p.m.: 28 IR 886; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-334 Backsiphonage prevention; air gap**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 334. (a) An air gap between the water supply inlet and the flood level rim of the plumbing fixture, equipment, or nonfood equipment shall be at least twice the diameter of the water supply inlet and may not be less than one (1) inch.

(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-334; filed Oct 13, 2004, 12:30 p.m.: 28 IR 887; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-335 Backsiphonage prevention device; design standard**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 335. (a) A backsiphonage prevention device installed on a water supply system shall meet the standards in 675 IAC 16-1.3 for:

(1) construction;
(2) installation;
(3) maintenance;
(4) inspection; and
(5) testing;

for that specific application and type of device.

(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-335; filed Oct 13, 2004, 12:30 p.m.: 28 IR 887; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-336 Backsiphonage prevention device; when required**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 336. (a) A plumbing system shall be installed to preclude backsiphonage of a solid, liquid, or gas contaminant into the water supply system at each point of use at the retail food establishment, including on hose bibbs with or without a hose attached, and backsiphonage prevention is required by plumbing code by:

(1) providing an air gap as specified under section 334 of this rule; or
(2) installing an approved backsiphonage prevention device as specified under section 335 of this rule.

(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC*

*7-24-336; filed Oct 13, 2004, 12:30 p.m.: 28 IR 887; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-337 Backsiphonage prevention device, carbonator**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 337. (a) If not provided with an air gap as specified under section 368 of this rule, a double check valve with an intermediate vent preceded by a screen of not less than one hundred (100) mesh to twenty-five and four-tenths (25.4) millimeters (one hundred (100) mesh to one (1) inch) shall be installed upstream from a carbonating device and downstream from any copper in the water supply line.

(b) A single or double check valve attached to the carbonator need not be of the vented type if an air gap or vented backflow prevention device has been otherwise provided as specified under subsection (a).

(c) For purposes of this section, a violation of subsection (a) or (b) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-337; filed Oct 13, 2004, 12:30 p.m.: 28 IR 887; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-338 Backsiphonage prevention device; location**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 338. (a) A backsiphonage prevention device shall be located so that it may be serviced and maintained.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-338; filed Oct 13, 2004, 12:30 p.m.: 28 IR 887; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-339 Prohibiting a cross connection**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 339. (a) Except for firefighting purposes, a person may not create a cross connection by connecting a pipe or conduit between the drinking water system and a nondrinking water system or a water system of unknown quality.

(b) The piping of a nondrinking water system shall be durably identified so that it is readily distinguishable from piping that carries drinking water.

(c) For purposes of this section, a violation of subsection (a) is a critical item.

(d) For purposes of this section, a violation of subsection (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-339; filed Oct 13, 2004, 12:30 p.m.: 28 IR 887; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-340 Water conditioning device; design**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 340. (a) A water filter, screen, and other water conditioning device installed on water lines shall be designed to facilitate disassembly for periodic servicing and cleaning. A water filter element shall be of the replaceable type.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-340; filed Oct 13, 2004, 12:30 p.m.: 28 IR 887; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-341 Water conditioning device; location**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 341. (a) A water filter, screen, and other water conditioning device installed on water lines shall be located to facilitate disassembly for periodic servicing and cleaning.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-341; filed Oct 13, 2004, 12:30 p.m.: 28 IR 888; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-342 Hand washing facility; water temperature and flow**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 342. (a) A hand washing facility shall be equipped to provide water having a temperature of at least one hundred (100) degrees Fahrenheit by means of a mixing valve or combination faucet.

(b) A steam mixing valve may not be used at a hand washing sink.

(c) A self-closing, slow-closing, or metering faucet shall provide a flow of water for at least fifteen (15) seconds without the need to reactivate the faucet.

(d) An automatic hand washing facility shall be installed in accordance with manufacturer's instructions.

(e) For purposes of this section, a violation of subsection (a), (b), (c), or (d) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-342; filed Oct 13, 2004, 12:30 p.m.: 28 IR 888; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-343 Hand washing sinks; numbers and capacities**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 343. (a) Except as specified in subsection (b):

(1) at least one (1) hand washing sink;

(2) a number of hand washing sinks necessary for their convenient use by employees in areas specified under section 344 of this rule; and

(3) not fewer than the number of hand washing sinks required by 675 IAC 16-1.3;

shall be provided.

(b) If approved and capable of removing the types of soils encountered in the food operations involved, automatic hand washing facilities may be substituted for hand washing sinks in a retail food establishment that has at least one (1) hand washing sink.

(c) If approved, when food exposure is limited and hand washing sinks cannot be made available, employees in some mobile or temporary retail food establishments or at some vending machine locations may use other effective means for hand washing.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-343; filed Oct 13, 2004, 12:30 p.m.: 28 IR 888; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-344 Hand washing facility; location**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 344. (a) A hand washing facility shall be accessible at all times and located as follows:

(1) To allow convenient use by employees in:

(A) food preparation;

(B) food dispensing; and

(C) warewashing;

areas.

(2) In, or immediately adjacent to, toilet rooms.

(3) So as to not contaminate food-contact and clean warewashing surfaces.

(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-344; filed Oct 13, 2004, 12:30 p.m.: 28 IR 888; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-345 Hand washing facility; maintenance**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 345. (a) A hand washing facility shall be maintained clean at all times for employee use.

(b) A hand washing facility may not be used for purposes other than hand washing.

(c) A hand washing facility shall be used in accordance with manufacturer's instructions.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-345; filed Oct 13, 2004, 12:30 p.m.: 28 IR 888; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-346 Availability of hand washing cleanser**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 346. (a) Each hand washing sink or group of two (2) adjacent sinks shall be provided with a supply of hand cleaning:

(1) liquid;

(2) powder; or

(3) bar;

soap.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-346; filed Oct 13, 2004, 12:30 p.m.: 28 IR 888; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-347 Hand drying provisions**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 347. (a) Each hand washing sink or group of adjacent sinks shall be provided with one (1) of the following:

(1) Individual, disposable towels.

(2) A continuous towel system that supplies the user with a clean towel.

(3) A heated-air hand drying device.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-347; filed Oct 13, 2004, 12:30 p.m.: 28 IR 889; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-348 Restrictions on hand washing aids and devices**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 348. (a) A sink used for food preparation or utensil washing, or a service sink or curbed cleaning facility used for the disposal of mop water or similar wastes, may not be provided with the hand washing aids and devices required for a hand washing

sink as specified under sections 346, 347, and 386(c) of this rule.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-348; filed Oct 13, 2004, 12:30 p.m.: 28 IR 889; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-349 Waste receptacles for disposable towels**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 349. (a) A hand washing sink or group of adjacent sinks that is provided with disposable towels shall be provided with a waste receptacle as specified under section 386(c) of this rule.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-349; filed Oct 13, 2004, 12:30 p.m.: 28 IR 889; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-350 Toilets and urinals**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 350. (a) At least one (1) toilet and not fewer than the toilets required by law shall be provided. If authorized by law and urinals are substituted for toilets, the substitution shall be done as specified in laws of the Indiana department of fire and building services.

(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-350; filed Oct 13, 2004, 12:30 p.m.: 28 IR 889; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-351 Toilet room receptacle; covered**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 351. (a) A toilet room used by females shall be provided with a covered receptacle for sanitary napkins.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-351; filed Oct 13, 2004, 12:30 p.m.: 28 IR 889; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-352 Enclosed toilet rooms**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 352. (a) A toilet room located on the premises shall be completely enclosed and provided with a tight-fitting and self-closing door, except that this requirement does not apply to a toilet room that is located outside a retail food establishment and does not open directly into the retail food establishment, such as a toilet room that is provided by the management of a shopping mall.

(b) Toilet room doors shall be kept closed, except during cleaning and maintenance.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-352; filed Oct 13, 2004, 12:30 p.m.: 28 IR 889; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-353 Toilet rooms accessibility**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 353. (a) Toilet rooms shall be conveniently located and accessible to employees during all hours of operation.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-353; filed Oct 13, 2004, 12:30 p.m.: 28 IR 889; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-354 Availability of toilet tissue**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 354. (a) A supply of toilet tissue shall be available at each toilet.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-354; filed Oct 13, 2004, 12:30 p.m.: 28 IR 889; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-355 Service sink**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 355. (a) At least one (1) service sink or one (1) curbed cleaning facility equipped with:

(1) a floor drain;

(2) hot water having a temperature of at least one hundred (100) degrees Fahrenheit; and

(3) cold water;

shall be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water and similar liquid waste. The service sink or curbed cleaning facility, or both, shall not be used in substitution for or as a warewashing or food preparation sink.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-355; filed Oct 13, 2004, 12:30 p.m.: 28 IR 889; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-356 Scheduling inspection and service for a water system device**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 356. (a) A device, such as a water treatment device or backflow preventer, shall be scheduled for inspection and service, in accordance with manufacturer's instructions and as necessary to prevent device failure based on local water conditions, and records demonstrating inspection and service shall be provided to the regulatory authority upon request.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-356; filed Oct 13, 2004, 12:30 p.m.: 28 IR 890; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-357 Water reservoir of fogging devices; cleaning**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 357. (a) A reservoir that is used to supply water to a device, such as a produce fogger, shall be:

(1) maintained in accordance with manufacturer's specifications; and

(2) cleaned in accordance with manufacturer's specifications or according to the procedures specified under subsection (b), whichever is more stringent.

(b) Cleaning procedures shall include at least the following steps and shall be conducted at least once a week:

(1) Draining and complete disassembly of the water and aerosol contact parts.

(2) Brush-cleaning the reservoir, aerosol tubing, and discharge nozzles with a suitable detergent solution.
(3) Flushing the complete system with water to remove the detergent solution and particulate accumulation.
(4) Rinsing by immersing, spraying, or swabbing the reservoir, aerosol tubing, and discharge nozzles with at least fifty (50) ppm hypochlorite solution.
(c) For purposes of this section, a violation of subsection (a) or (b) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-357; filed Oct 13, 2004, 12:30 p.m.: 28 IR 890; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-358 Mobile water tank and mobile retail food establishment water tank materials**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 358. (a) Materials that are used in the construction of a mobile water tank, mobile retail food establishment water tank, and appurtenances shall be as follows:
(1) Safe.
(2) Durable, corrosion-resistant, and nonabsorbent.
(3) Finished to have a smooth, easily cleanable surface.
(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-358; filed Oct 13, 2004, 12:30 p.m.: 28 IR 890; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-359 Enclosed system; sloped to drain**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 359. (a) A mobile water tank shall be as follows:
(1) Enclosed from the filling inlet to the discharge outlet.
(2) Sloped to an outlet that allows complete drainage of the tank.
(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-359; filed Oct 13, 2004, 12:30 p.m.: 28 IR 890; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-360 Inspection and cleaning port; protected and secured**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 360. (a) If a water tank is designed with an access port for inspection and cleaning, the opening shall be in the top of the tank and as follows:
(1) Flanged upward at least one-half (½) inch.
(2) Equipped with a port cover assembly that is as follows:
(A) Provided with a gasket and a device for securing the cover in place.
(B) Flanged to overlap the opening and sloped to drain.
(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-360; filed Oct 13, 2004, 12:30 p.m.: 28 IR 890; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-361 "V" type threads; use limitation**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 361. (a) A fitting with "V" type threads on a water tank inlet or outlet shall be allowed only when a hose is permanently attached.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-361; filed Oct 13, 2004, 12:30 p.m.: 28 IR 890; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-362 Tank vent; protected**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 362. (a) If provided, a water tank vent shall terminate in a downward direction and shall be covered with:

(1) sixteen (16) mesh to one (1) inch screen or equivalent when the vent is in a protected area; or

(2) a protective filter when the vent is in an area that is not protected from windblown dirt and debris.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-362; filed Oct 13, 2004, 12:30 p.m.: 28 IR 891; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-363 Inlet and outlet; sloped to drain**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 363. (a) A water tank and its inlet and outlet shall be sloped to drain.

(b) A water tank inlet shall be positioned so that it is protected from contaminants, such as:

(1) waste discharge;

(2) road dust;

(3) oil; or

(4) grease.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-363; filed Oct 13, 2004, 12:30 p.m.: 28 IR 891; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-364 Hose; construction and identification**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 364. (a) A hose used for conveying drinking water from a water tank shall be as follows:

(1) Safe.

(2) Durable, corrosion-resistant, and nonabsorbent.

(3) Resistant to the following:

(A) Pitting.

(B) Chipping.

(C) Crazing.

(D) Scratching.

(E) Scoring.

(F) Distortion.

(G) Decomposition.

(4) Finished with a smooth interior surface.

(5) Clearly and durably identified as to its use if not permanently attached.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-364; filed Oct 13, 2004, 12:30 p.m.: 28 IR 891; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA;*

*readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-365 Filter; compressed air**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 365. (a) A filter that does not pass oil or oil vapors shall be installed in the air supply line between the compressor and drinking water system when compressed air is used to pressurize the water tank system.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-365; filed Oct 13, 2004, 12:30 p.m.: 28 IR 891; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-366 Protective cover or device**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 366. (a) A:
(1) cap and keeper chain;
(2) closed cabinet;
(3) closed storage tube; or
(4) other approved protective cover or device;
shall be provided for a water inlet, outlet, and hose.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-366; filed Oct 13, 2004, 12:30 p.m.: 28 IR 891; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-367 Mobile retail food establishment's water tank inlet**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 367. (a) A mobile retail food establishment's water tank inlet shall be as follows:
(1) Three-fourths (¾) inch in inner diameter or less.
(2) Provided with a hose connection of a size or type that will prevent its use for any other service.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-367; filed Oct 13, 2004, 12:30 p.m.: 28 IR 891; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-368 System flushing and disinfection**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 368. (a) A water tank, pump, and hoses shall be flushed and sanitized before being placed in service after the following:
(1) Construction.
(2) Repair.
(3) Modification.
(4) Periods of nonuse.

(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-368; filed Oct 13, 2004, 12:30 p.m.: 28 IR 891; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-369 Using a pump and hoses; backsi-phonage prevention**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 369. (a) A person shall operate a water tank, pump, and hoses so that backsiphonage and other contamination of the water supply are prevented.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-369; filed Oct 13, 2004, 12:30 p.m.: 28 IR 892; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-370 Protecting inlet, outlet, and hose fitting**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 370. (a) If not in use, a water tank hose inlet and outlet fitting shall be protected using a cover or device as specified under section 366 of this rule.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-370; filed Oct 13, 2004, 12:30 p.m.: 28 IR 892; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-371 Water tank, pump, and hoses dedication**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 371. (a) Except as specified in subsection (b), a water tank, pump, and hoses used for conveying drinking water shall be used for no other purpose.

(b) Water tanks, pumps, and hoses approved for liquid foods may be used for conveying drinking water if they are cleaned and sanitized before they are used to convey water.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-371; filed Oct 13, 2004, 12:30 p.m.: 28 IR 892; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-372 Sewage holding tank of mobile retail food establishment; capacity and drainage**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 372. (a) A sewage holding tank in a mobile retail food establishment shall be as follows:

(1) Sized fifteen percent (15%) larger in capacity than the water supply tank.

(2) Sloped to a drain that is one (1) inch in inner diameter or greater, equipped with a shut-off valve.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-372; filed Oct 13, 2004, 12:30 p.m.: 28 IR 892; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-373 Removing mobile retail food establishment wastes**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 373. (a) Sewage and other liquid wastes shall be removed from a mobile retail food establishment at an approved waste servicing area or by a sewage transport vehicle in such a way that a public health hazard or nuisance is not created.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410*

*IAC 7-24-373; filed Oct 13, 2004, 12:30 p.m.: 28 IR 892; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-374 Establishment drainage systems**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 374. (a) Retail food establishment drainage systems, including grease traps, that convey sewage shall be designed and installed as specified under section 322(a) of this rule.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-374; filed Oct 13, 2004, 12:30 p.m.: 28 IR 892; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-375 Conveying sewage**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 375. (a) Sewage shall be conveyed to the point of disposal through an approved sanitary sewage system or other system, including use of:

(1) sewage transport vehicles;
(2) waste retention tanks;
(3) pumps;
(4) pipes;
(5) hoses; and
(6) connections;

that are constructed, maintained, and operated according to law.

(b) Except for mobile or temporary retail food establishments, after the effective date of this rule, an owner or operator of a new retail food establishment shall not utilize a holding tank as a means of sewage disposal.

(c) For purposes of this section, a violation of subsection (a) or (b) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-375; filed Oct 13, 2004, 12:30 p.m.: 28 IR 892; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-376 Approved sewage disposal system**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 376. (a) Sewage shall be disposed through an approved facility that is:

(1) a public sewage treatment plant; or
(2) an individual sewage disposal system that is:
    (A) sized;
    (B) constructed;
    (C) maintained; and
    (D) operated;

according to law.

(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-376; filed Oct 13, 2004, 12:30 p.m.: 28 IR 893; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-377 Direct connection, prohibited**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 377. (a) Except as specified in this section, a direct connection may not exist between the sewage system and a drain originating from equipment in which food, portable equipment, or utensils are placed.

(b) If allowed under the Indiana plumbing code, a warewashing machine may have a direct connection between its waste outlet and a floor drain when the:

(1) machine is located within five (5) feet of a trapped floor drain; and

(2) machine outlet is connected to the inlet side of a properly vented floor drain trap.

(c) If allowed by law, a warewashing or culinary sink may have a direct connection.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-377; filed Oct 13, 2004, 12:30 p.m.: 28 IR 893; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-378 Grease trap**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 378. (a) If used, a grease trap shall be located to be easily accessible for cleaning.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-378; filed Oct 13, 2004, 12:30 p.m.: 28 IR 893; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-379 Flushing a waste retention tank**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 379. (a) A tank for liquid waste retention shall be thoroughly flushed and drained in a sanitary manner during the servicing operation.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-379; filed Oct 13, 2004, 12:30 p.m.: 28 IR 893; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-380 Other liquid wastes and rainwater**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 380. (a) Condensate drainage and other nonsewage liquids and rainwater shall be drained from the point of discharge to disposal according to law.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-380; filed Oct 13, 2004, 12:30 p.m.: 28 IR 893; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-381 Refuse, recyclables, and returnables; indoor storage area**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 381. (a) If located within the retail food establishment, a storage area for refuse, recyclables, and returnables shall meet

the requirements specified under section 399, 401 through 404, 406 through 409, 413, or 414 of this rule.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-381; filed Oct 13, 2004, 12:30 p.m.: 28 IR 893; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-382 Outdoor storage surface; refuse, recyclables, and returnables**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 382. (a) An outdoor storage surface for refuse, recyclables, and returnables shall be as follows:

(1) Constructed of nonabsorbent material, such as concrete or asphalt.

(2) Smooth, durable, and sloped to drain.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-382; filed Oct 13, 2004, 12:30 p.m.: 28 IR 893; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-383 Outdoor enclosure; refuse, recyclables, and returnables**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 383. (a) If used, an outdoor enclosure for refuse, recyclables, and returnables shall be constructed of durable and cleanable materials.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-383; filed Oct 13, 2004, 12:30 p.m.: 28 IR 893; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-384 Receptacles**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 384. (a) Except as specified in subsection (b), receptacles and waste handling units for refuse, recyclables, and returnables and for use with materials containing food residue shall be as follows:

(1) Durable.

(2) Cleanable.

(3) Insect-resistant.

(4) Rodent-resistant.

(5) Leakproof.

(6) Nonabsorbent.

(b) Plastic bags and wet strength paper bags may be used to line receptacles for storage inside the retail food establishment or within closed outside receptacles.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-384; filed Oct 13, 2004, 12:30 p.m.: 28 IR 894; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-385 Outside receptacles**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 385. (a) Receptacles and waste handling units for refuse, recyclables, and returnables used with materials containing food residue and used outside the retail food establishment shall be designed and constructed to have tight-fitting lids, doors, or covers.

(b) Receptacles and waste handling units for refuse and recyclables, such as an on-site compactor, shall be installed so that accumulation of debris and rodent/insect attraction or harborage are minimized. Such units shall be installed so that effective cleaning is facilitated around and, if the unit is not installed flush with the base pad, under the unit.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-385; filed Oct 13, 2004, 12:30 p.m.: 28 IR 894; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-386 Storage areas, rooms, and receptacles; capacity and availability**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 386. (a) An inside storage room and area, outside storage area and enclosure, and receptacles shall be of sufficient capacity to hold refuse, recyclables, and returnables that accumulate.

(b) A receptacle shall be provided in each area of the retail food establishment or premises where refuse is generated or commonly discarded, or where recyclables or returnables are placed.

(c) If disposable towels are used at hand washing sinks, a waste receptacle shall be located at each sink or group of adjacent sinks.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-386; filed Oct 13, 2004, 12:30 p.m.: 28 IR 894; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-387 Cleaning implements and supplies**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 387. (a) Except as specified in subsection (b), suitable cleaning implements and supplies, such as:

(1) high pressure pumps;
(2) hot water;
(3) steam; and
(4) detergent;

shall be provided as necessary for effective cleaning of receptacles and waste handling units for refuse, recyclables, and returnables.

(b) If approved, off-premises-based cleaning services may be used if on-premises cleaning implements and supplies are not provided.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-387; filed Oct 13, 2004, 12:30 p.m.: 28 IR 894; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-388 Storage areas, redeeming machines, receptacles, and waste handling units; location**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 388. (a) An area designated for:

(1) refuse;
(2) recyclables;
(3) returnables; and
(4) except as specified in subsection (b), a redeeming machine for recyclables or returnables;

shall be located so that it is separate from food, equipment, utensils, linens, and single-service and single-use articles and a public health hazard or nuisance is not created.

(b) A redeeming machine may be located in the packaged food storage area or consumer area of a retail food establishment if:

(1) food;
(2) equipment;
(3) utensils;
(4) linens; and
(5) single-service and single-use articles;
are not subject to contamination from the machines and a public health hazard or nuisance is not created.

(c) The location of receptacles and waste handling units for refuse, recyclables, and returnables may not:
(1) create a public health hazard or nuisance; or
(2) interfere with the cleaning of adjacent space.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-388; filed Oct 13, 2004, 12:30 p.m.: 28 IR 894; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-389 Storing refuse, recyclables, and returnables**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 389. (a) Refuse, recyclables, and returnables shall be stored in receptacles or waste handling units so that they are inaccessible to insects and rodents.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-389; filed Oct 13, 2004, 12:30 p.m.: 28 IR 895; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-390 Storage areas, enclosures, and receptacles; good repair**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 390. (a) Storage areas, enclosures, and receptacles for refuse, recyclables, and returnables shall be maintained in good repair.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-390; filed Oct 13, 2004, 12:30 p.m.: 28 IR 895; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-391 Outside storage prohibitions**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 391. (a) Except as specified in subsection (b), refuse receptacles not meeting the requirements specified under section 384(a) of this rule, such as:
(1) receptacles that are not rodent-resistant;
(2) unprotected plastic bags and paper bags; or
(3) baled units;
that contain materials with food residue may not be stored outside.

(b) Cardboard or other packaging material that:
(1) does not contain food residues; and
(2) is awaiting regularly scheduled delivery to a recycling or disposal site;
may be stored outside without being in a covered receptacle if it is stored so that it does not create a rodent harborage problem.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-391; filed Oct 13, 2004, 12:30 p.m.: 28 IR 895; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-392 Covering receptacles**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 392. (a) Receptacles and waste handling units for refuse, recyclables, and returnables shall be kept covered:

(1) inside the retail food establishment if the receptacles and units:

(A) contain food residue and are not in continuous use; or

(B) after they are filled; and

(2) with tight-fitting lids or doors if kept outside the retail food establishment.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-392; filed Oct 13, 2004, 12:30 p.m.: 28 IR 895; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-393 Using drain plugs**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 393. (a) Drains in receptacles and waste handling units for refuse, recyclables, and returnables shall have drain plugs in place.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-393; filed Oct 13, 2004, 12:30 p.m.: 28 IR 895; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-394 Maintaining refuse areas and enclosures**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 394. (a) A storage area and enclosure for refuse, recyclables, or returnables shall be maintained free of unnecessary items, as specified under section 426 of this rule, and clean.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-394; filed Oct 13, 2004, 12:30 p.m.: 28 IR 895; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-395 Cleaning receptacles**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 395. (a) Receptacles and waste handling units for refuse, recyclables, and returnables shall be thoroughly cleaned in a way that does not contaminate:

(1) food;

(2) equipment;

(3) utensils;

(4) linens; or

(5) single-service and single-use articles;

and wastewater shall be disposed of in a manner that does not create a public health hazard or nuisance.

(b) Soiled receptacles and waste handling units for refuse, recyclables, and returnables shall be cleaned at a frequency necessary to prevent them from:

(1) developing a build-up of soil; or

(2) becoming attractants for insects and rodents.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health;*

*410 IAC 7-24-395; filed Oct 13, 2004, 12:30 p.m.: 28 IR 895; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-396 Frequency**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 396. (a) Refuse, recyclables, and returnables shall be removed from the premises at a frequency that will minimize the development of objectionable odors and other conditions that attract or harbor insects and rodents.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-396; filed Oct 13, 2004, 12:30 p.m.: 28 IR 896; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-397 Receptacles or vehicles**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 397. (a) Refuse, recyclables, and returnables shall be removed from the premises by way of:

(1) portable receptacles that are constructed and maintained according to law; or

(2) a transport vehicle that is:

(A) constructed;
(B) maintained; and
(C) operated;

according to law.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-397; filed Oct 13, 2004, 12:30 p.m.: 28 IR 896; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-398 Community or individual facility**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 398. (a) Solid waste not disposed of through the sewage system, such as through grinders and pulpers, shall be:

(1) recycled or disposed of in an approved public or private community recycling or refuse facility; or

(2) disposed of in an individual refuse facility, such as a landfill or incinerator that is:

(A) sized;
(B) constructed;
(C) maintained; and
(D) operated;

according to law.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-398; filed Oct 13, 2004, 12:30 p.m.: 28 IR 896; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-399 Surface characteristics of materials for indoor area construction and repair**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 399. (a) Except as specified in subsection (b), materials for indoor floor, wall, and ceiling surfaces under conditions of normal use shall be as follows:

(1) Smooth, durable, and easily cleanable for areas where retail food establishment operations are conducted.
(2) Closely woven and easily cleanable carpet for carpeted areas.
(3) Nonabsorbent for areas subject to moisture, such as the following:
(A) Food preparation areas.
(B) Walk-in refrigerators.
(C) Warewashing areas.
(D) Employee toilet rooms.
(E) Mobile retail food establishment servicing areas.
(F) Areas subject to flushing or spray cleaning methods.
(b) In a temporary food establishment:
(1) if graded to drain, a floor may be concrete, machine-laid asphalt, or dirt or gravel if it is covered with:
(A) mats;
(B) removable platforms;
(C) duckboards; or
(D) other suitable materials;
that are effectively treated to control dust and mud; and
(2) walls and ceilings may be constructed of a material that protects the interior from:
(A) the weather; and
(B) windblown dust and debris.
(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-399; filed Oct 13, 2004, 12:30 p.m.: 28 IR 896; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-400 Surface characteristics of materials for outdoor area construction and repair**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 400. (a) The outdoor walking and driving areas shall be surfaced with concrete, asphalt, gravel, or other materials that have been effectively treated to:
(1) minimize dust;
(2) facilitate maintenance; and
(3) prevent muddy conditions.
(b) Exterior surfaces of buildings and mobile retail food establishments shall:
(1) be of weather-resistant materials; and
(2) comply with law.
(c) Outdoor storage areas for refuse, recyclables, or returnables shall be of materials specified under section 382 or 383 of this rule.
(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-400; filed Oct 13, 2004, 12:30 p.m.: 28 IR 896; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-401 Installation and restrictions of floor carpeting**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 401. (a) A floor covering, such as carpeting or similar material, may not be installed as a floor covering in:
(1) food preparation areas;
(2) walk-in refrigerators;
(3) warewashing areas;
(4) toilet room areas where:

(A) hand washing sinks;
(B) toilets; and
(C) urinals;
are located;
(5) refuse storage rooms; or
(6) other areas where the floor is subject to:
(A) moisture;
(B) flushing; or
(C) spray cleaning methods.
(b) If carpeting is installed as a floor covering in areas other than those specified under subsection (a), it shall be as follows:
(1) Securely attached to the floor with a durable mastic by using:
(A) a stretch and tack method; or
(B) another method.
(2) Installed:
(A) tightly against the wall under the coving; or
(B) away from the wall with a space between the carpet and the wall and with the edges of the carpet secured by:
(i) metal stripping; or
(ii) some other means.
(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-401; filed Oct 13, 2004, 12:30 p.m.: 28 IR 897; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-402 Cleanability of floors, walls, and ceilings**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 402. (a) Except as specified under section 401 of this rule, the:
(1) floors;
(2) floor coverings;
(3) walls;
(4) wall coverings; and
(5) ceilings;
shall be designed, constructed, and installed so they are smooth and easily cleanable, except that antislip floor coverings or applications may be used for safety reasons.
(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-402; filed Oct 13, 2004, 12:30 p.m.: 28 IR 897; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-403 Cleanability of floors, walls, and ceilings relative to utility lines**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 403. (a) Utility service lines and pipes may not be unnecessarily exposed.
(b) Exposed utility service lines and pipes shall be installed so they do not obstruct or prevent cleaning of the floors, walls, or ceilings.
(c) Exposed horizontal utility service lines and pipes may not be installed on the floor.
(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-403; filed Oct 13, 2004, 12:30 p.m.: 28 IR 897; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-404 Cleanability of floors and wall junctures; coved, and closed or sealed**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 404. (a) In retail food establishments in which cleaning methods other than water flushing are used for cleaning floors, the floor and wall junctures shall be coved and closed to no larger than one thirty-second ($^1/_{32}$) inch.

(b) The floors in retail food establishments in which water flush cleaning methods are used shall be provided with drains and be graded to drain, and the floor and wall junctures shall be coved and sealed.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-404; filed Oct 13, 2004, 12:30 p.m.: 28 IR 897; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-405 Cleaning floors; dustless methods**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 405. (a) Except as specified in subsection (b), only dustless methods of cleaning shall be used, such as the following:

(1) Wet cleaning.
(2) Vacuum cleaning.
(3) Mopping with treated dust mops.
(4) Sweeping using a broom and dust-arresting compounds.

(b) Spills or drippage on floors that occur between normal floor cleaning times may be cleaned as follows:

(1) Without the use of dust-arresting compounds.
(2) In the case of liquid spills or drippage, with the use of a small amount of absorbent compound, such as sawdust or diatomaceous earth, applied immediately before spot cleaning.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-405; filed Oct 13, 2004, 12:30 p.m.: 28 IR 898; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-406 Mats and duckboards as floor coverings**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 406. (a) Mats and duckboards shall be designed to be removable and easily cleanable.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-406; filed Oct 13, 2004, 12:30 p.m.: 28 IR 898; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-407 Wall and ceiling coverings and coatings**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 407. (a) Wall and ceiling covering materials shall be attached so that they are easily cleanable.

(b) Except in areas used only for dry storage, concrete, porous blocks, or bricks used for indoor wall construction shall be finished and sealed to provide a smooth, nonabsorbent, easily cleanable surface.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-407; filed Oct 13, 2004, 12:30 p.m.: 28 IR 898; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-408 Wall and ceiling attachments**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 408. (a) Except as specified in subsection (b), attachments to walls and ceilings, such as:
(1) light fixtures;
(2) mechanical room ventilation system components;
(3) vent covers;
(4) wall-mounted fans;
(5) decorative items; and
(6) other attachments;
shall be easily cleanable.

(b) In a consumer area, wall and ceiling surfaces and decorative items and attachments that are provided for ambiance need not meet this requirement if they are kept clean.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-408; filed Oct 13, 2004, 12:30 p.m.: 28 IR 898; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-409 Exposure of wall and ceiling studs, joists, and rafters**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 409. (a) Studs, joists, and rafters may not be exposed in areas subject to moisture. This requirement does not apply to temporary retail food establishments.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-409; filed Oct 13, 2004, 12:30 p.m.: 28 IR 898; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-410 Functionality of light bulbs and protective shielding**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 410. (a) Except as specified in subsection (b), light bulbs shall be shielded, coated, or otherwise shatter-resistant in areas where there is:
(1) exposed food;
(2) clean equipment, utensils, and linens; or
(3) unwrapped single-service and single-use articles.

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

(c) An infrared or other heat lamp shall be protected against breakage by a shield surrounding and extending beyond the bulb so that only the face of the bulb is exposed.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-410; filed Oct 13, 2004, 12:30 p.m.: 28 IR 898; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-411 Lighting intensity**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 411. (a) The light intensity shall be at least seventy (70) foot-candles:
(1) on all food preparation surfaces; and
(2) at equipment or utensil-washing work levels.
(b) The light intensity shall be at least twenty (20) foot-candles at a distance of thirty (30) inches above the floor in the following:
(1) Utensil and equipment storage areas.
(2) Sink and toilet areas.
(3) Walk-in refrigeration units.
(4) Dry food storage areas.
(5) All other areas.
This includes the areas where food is provided for consumer self-service, such as buffets and salad bars, and rooms during periods of cleaning.
(c) The light intensity shall be at least twenty (20) foot-candles inside equipment, such as reach-in and under-counter refrigerators.
(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-411; filed Oct 13, 2004, 12:30 p.m.: 28 IR 899; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-412 Design and installation of insect control devices**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 412. (a) Insect control devices that are used to electrocute or stun flying insects shall be designed to retain the insect within the device.
(b) Insect control devices shall be installed so that:
(1) the devices are not located over a food preparation area; and
(2) dead insects and insect fragments are prevented from being impelled onto or falling on:
(A) exposed food;
(B) clean equipment, utensils, and linens; and
(C) unwrapped single-service and single-use articles.
(c) For purposes of this section, a violation of subsection (a), (b), or (c) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-412; filed Oct 13, 2004, 12:30 p.m.: 28 IR 899; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-413 Protected outer openings**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 413. (a) Except as specified in this section, outer openings of a retail food establishment shall be protected against the entry of insects and rodents by:
(1) filling or closing holes and other gaps along floors, walls, and ceilings;
(2) closed, tight-fitting windows; and
(3) solid, self-closing, and tight-fitting doors.
(b) Subsection (a) does not apply if a retail food establishment opens into:
(1) a larger structure, such as a mall, airport, or office building; or
(2) an attached structure, such as a porch;
and the outer openings from the larger or attached structure are protected against the entry of insects and rodents.
(c) External emergency exit doors that are:
(1) solid and tight-fitting when closed; and
(2) restricted from nonemergency use;

do not need to have a self-closing device installed.

(d) Except as specified in subsections (b) and (e), if the windows or doors of a retail food establishment, or of a larger structure within which a retail food establishment is located, are kept open for ventilation or other purposes or a temporary retail food establishment is not provided with windows and doors as specified under subsection (a), the openings shall be protected against the entry of insects and rodents by:

(1) sixteen (16) mesh to one (1) inch screens;

(2) properly designed and installed air curtains; or

(3) other effective means.

(e) Subsection (d) does not apply if flying insects and other pests are absent due to the location of:

(1) the establishment;

(2) the weather; or

(3) other limiting conditions.

(f) For purposes of this section, a violation of subsection (a), (b), (c), or (d) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-413; filed Oct 13, 2004, 12:30 p.m.: 28 IR 899; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-414 Protective barriers on exterior walls and roofs**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 414. (a) Perimeter walls and roofs of a retail food establishment shall effectively protect the establishment from the:

(1) weather; and

(2) entry of:

(A) insects;

(B) rodents; and

(C) other animals.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-414; filed Oct 13, 2004, 12:30 p.m.: 28 IR 899; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-415 Controlling pests**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 415. (a) The presence of insects, rodents, and other pests shall be controlled to minimize their presence on the premises by:

(1) routinely inspecting incoming shipments of food and supplies;

(2) routinely inspecting the premises for evidence of pests;

(3) using methods, if pests are found, such as trapping devices or other means of pest control as specified under section 441, 449, or 450 of this rule; and

(4) eliminating harborage conditions.

(b) For purposes of this section, a violation of subsection (a)(3) is a critical item.

(c) For purposes of this section, a violation of subsection (a)(1), (a)(2), or (a)(4) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-415; filed Oct 13, 2004, 12:30 p.m.: 28 IR 900; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-416 Removing dead or trapped birds, insects, rodents, and other pests**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 416. (a) Dead or trapped:
(1) birds;
(2) insects;
(3) rodents; and
(4) other pests;
shall be removed from control devices and the premises at a frequency that prevents their accumulation, decomposition, or attraction of pests.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-416; filed Oct 13, 2004, 12:30 p.m.: 28 IR 900; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-417 Designation of dressing areas or lockers**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 417. (a) Dressing rooms or dressing areas shall be designated and used if employees routinely change their clothes in the establishment.

(b) Lockers or other suitable facilities shall be provided and used for the orderly storage of employees' clothing and other possessions.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-417; filed Oct 13, 2004, 12:30 p.m.: 28 IR 900; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-418 Designated employee areas**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 418. (a) Areas designated for employees to eat, drink, and use tobacco shall be located so that:
(1) food;
(2) equipment;
(3) linens; and
(4) single-service and single-use articles;
are protected from contamination.

(b) Lockers or other suitable facilities shall be located in a designated room or area where contamination of:
(1) food;
(2) equipment;
(3) utensils;
(4) linens; and
(5) single-service and single-use articles;
cannot occur.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-418; filed Oct 13, 2004, 12:30 p.m.: 28 IR 900; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-419 Medicine restrictions and storage**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 419. (a) Only those medicines that are necessary for the health of employees shall be allowed in a retail food establishment. This section does not apply to medicines that are stored or displayed for retail sale.

(b) Medicines that are in a retail food establishment for the employees' use shall be:
(1) labeled as specified under section 437 of this rule; and
(2) located to prevent the contamination of:
(A) food;
(B) equipment;
(C) utensils;
(D) linens; and
(E) single-service and single-use articles.
(c) For purposes of this section, a violation of subsection (a) or (b) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-419; filed Oct 13, 2004, 12:30 p.m.: 28 IR 900; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-420 Refrigerated medicines; storage**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 420. (a) Medicines belonging to employees or to children in a child care center that require refrigeration and are stored in a food refrigerator shall be:
(1) stored in a package or container;
(2) kept inside a covered, leakproof container that is identified as a container for the storage of medicines; and
(3) located so they are inaccessible to children.
(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-420; filed Oct 13, 2004, 12:30 p.m.: 28 IR 901; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-421 Storage of first aid supplies**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 421. (a) First aid supplies that are in a retail food establishment for the employees' use shall be labeled as specified under section 437 of this rule.
(b) First aid supplies shall be stored in a kit or a container that is located to prevent the contamination of the following:
(1) Food.
(2) Equipment.
(3) Utensils.
(4) Linens.
(5) Single-service and single-use articles.
(c) For purposes of this section, a violation of subsection (a) or (b) is a critical or noncritical item based on the determination of whether or not the violation significantly contributes to food contamination, an illness, or environmental health hazard. *(Indiana State Department of Health; 410 IAC 7-24-421; filed Oct 13, 2004, 12:30 p.m.: 28 IR 901; errata filed Dec 13, 2004, 8:20 a.m.: 28 IR 1485; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-422 Storage of other personal care items**
Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 422. (a) Except as specified under section 420 or 421 of this rule, employees shall store their personal care items in facilities as specified under section 417(b) of this rule.
(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410*

*IAC 7-24-422; filed Oct 13, 2004, 12:30 p.m.: 28 IR 901; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-423 Private homes and living or sleeping quarters; use prohibited**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 423. (a) The following may not be used for retail food establishment operations:

(1) A private home.

(2) A room used as living or sleeping quarters.

(3) An area directly opening into a room used as living or sleeping quarters.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-423; filed Oct 13, 2004, 12:30 p.m.: 28 IR 901; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-424 Separation of living or sleeping quarters**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 424. (a) Living or sleeping quarters located on the premises of a retail food establishment, such as those provided for lodging registration clerks or resident managers, shall be separated from rooms and areas used for retail food establishment operations by complete partitioning and solid self-closing doors.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-424; filed Oct 13, 2004, 12:30 p.m.: 28 IR 901; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-425 Storing maintenance tools**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 425. (a) Maintenance tools, such as brooms, mops, vacuum cleaners, and similar items, shall be stored so they do not contaminate the following:

(1) Food.

(2) Equipment.

(3) Utensils.

(4) Linens.

(5) Single-service and single-use articles.

(b) These same maintenance tools shall be stored in an orderly manner that facilitates cleaning the area used for storing the maintenance tools.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-425; filed Oct 13, 2004, 12:30 p.m.: 28 IR 901; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-426 Maintaining premises of unnecessary items and litter**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 426. (a) The premises shall be free of litter and items that are unnecessary to the operation or maintenance of the establishment, such as equipment that is nonfunctional or no longer used.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410*

*IAC 7-24-426; filed Oct 13, 2004, 12:30 p.m.: 28 IR 901; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-427 Overhead protection on outdoor servicing areas**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 427. (a) Servicing areas shall be provided with overhead protection, except that areas used only for the loading of water or the discharge of sewage and other liquid waste through the use of a closed system of hoses, need not be provided with overhead protection.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-427; filed Oct 13, 2004, 12:30 p.m.: 28 IR 902; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-428 Outdoor walking and driving surfaces graded to drain**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 428. (a) Exterior walking and driving surfaces shall be graded to drain.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-428; filed Oct 13, 2004, 12:30 p.m.: 28 IR 902; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-429 Outdoor refuse areas; curbed and graded to drain**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 429. (a) Outdoor refuse areas shall be:

(1) constructed in accordance with law; and

(2) curbed and graded to drain to collect and dispose of liquid waste that results from:

(A) the refuse; and

(B) cleaning the area and waste receptacles.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-429; filed Oct 13, 2004, 12:30 p.m.: 28 IR 902; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-430 Repairing premises, structures, and attachments**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 430. (a) The physical facilities shall be maintained in good repair.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-430; filed Oct 13, 2004, 12:30 p.m.: 28 IR 902; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-431 Physical structures; restrictions and frequency of cleaning**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 431. (a) The physical facilities shall be cleaned as often as necessary to keep them clean.

(b) Cleaning shall be done during periods when the least amount of food is exposed, such as after closing. This requirement does not apply to cleaning that is necessary due to a spill or other accident.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-431; filed Oct 13, 2004, 12:30 p.m.: 28 IR 902; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-432 Cleaning maintenance tools and preventing contamination**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 432. (a) Food preparation sinks, hand washing sinks, and warewashing equipment may not be used for the following:

(1) Cleaning of maintenance tools.

(2) Preparation or holding of maintenance materials.

(3) Disposal of mop water and similar liquid wastes.

(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-432; filed Oct 13, 2004, 12:30 p.m.: 28 IR 902; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-433 Drying mops**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 433. (a) After use, mops shall be placed in a position that allows them to air-dry without soiling walls, equipment, or supplies.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-433; filed Oct 13, 2004, 12:30 p.m.: 28 IR 902; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-434 Limitation of absorbent materials on floors**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 434. (a) Except as specified in section 405(b) of this rule:

(1) sawdust;

(2) wood shavings;

(3) granular salt;

(4) baked clay;

(5) diatomaceous earth; or

(6) similar materials;

may not be used on floors.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-434; filed Oct 13, 2004, 12:30 p.m.: 28 IR 902; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-435 Animal handling prohibited**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 435. (a) Except as specified in subsection (b), food employees may not care for or handle animals that may be present, such as patrol dogs, service animals, or pets that are allowed as specified in section 436(b)(2) through 436(b)(5) of this rule.

(b) Food employees with service animals may handle or care for their service animals, and food employees may handle or care for fish in aquariums or molluscan shellfish or crustacea in display tanks if they wash their hands as specified under section 128 or 129 of this rule.

(c) For purposes of this section, a violation of subsection (a) or (b) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-435; filed Oct 13, 2004, 12:30 p.m.: 28 IR 903; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-436 Prohibiting animals**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 436. (a) Except as specified in this section, live animals may not be allowed in the operational areas of a retail food establishment.

(b) Live animals may be allowed if the contamination of food, clean equipment, utensils, linens, and unwrapped single-service and single-use articles cannot result, as in the following situations:

(1) Edible fish or decorative fish in aquariums, shellfish or crustacea on ice or under refrigeration, and shellfish and crustacea in display tank systems.

(2) Patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas, and sentry dogs running loose in outside fenced areas.

(3) In areas that are not used for food preparation and are usually open for customers, such as dining and sales areas, service animals that are controlled by the disabled employee or person, if a health or safety hazard will not result from the presence or activities of the service animal.

(4) Pets in the common dining areas of institutional care facilities, such as nursing homes, assisted living facilities, or residential care facilities, at times other than during meals if:

(A) effective partitioning and self-closing doors separate the common dining areas from food storage or food preparation areas;

(B) condiments, equipment, and utensils are stored in enclosed cabinets or removed from the common dining areas when pets are present; and

(C) dining areas, including tables, countertops, and similar surfaces, are effectively cleaned before the next meal service.

(5) In areas that are not used for food preparation, storage, sales, display, or dining, in which there are caged animals or animals that are similarly restricted, such as in a:

(A) variety store that sells pets; or

(B) tourist park that displays animals.

(c) Live or dead fish bait may be stored if contamination of:

(1) food;

(2) clean equipment, utensils, and linens; and

(3) unwrapped single-service and single-use articles;

cannot result.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-436; filed Oct 13, 2004, 12:30 p.m.: 28 IR 903; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-437 Identifying information on original containers**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 437. (a) Containers of poisonous or toxic materials and personal care items shall bear a legible manufacturer's label.

(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-437; filed Oct 13, 2004, 12:30 p.m.: 28 IR 903; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-438 Working containers; common name**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 438. (a) Working containers used for storing poisonous or toxic materials, such as cleaners and sanitizers taken from bulk supplies, shall be clearly and individually identified with the common name of the material.

(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-438; filed Oct 13, 2004, 12:30 p.m.: 28 IR 903; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-439 Separation of poisonous or toxic materials**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 439. (a) Poisonous or toxic materials shall be stored so they cannot contaminate food, equipment, utensils, linens, and single-service and single-use articles by:

(1) separating the poisonous or toxic materials by spacing or partitioning; and

(2) locating the poisonous or toxic materials in an area that is not above:

(A) food;
(B) equipment;
(C) utensils;
(D) linens; and
(E) single-service or single-use articles.

This section does not apply to equipment and utensil cleaners and sanitizers that are stored in warewashing areas for availability and convenience if the materials are stored to prevent contamination of food, equipment, utensils, linens, and single-service and single-use articles.

(b) For purposes of this section, a violation of subsection (a)(1) is a critical or noncritical item based on the determination of whether or not the violation significantly contributes to food contamination, an illness, or environmental health hazard.

(c) For purposes of this section, a violation of subsection (a)(2) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-439; filed Oct 13, 2004, 12:30 p.m.: 28 IR 903; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-440 Restriction of poisonous or toxic materials**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 440. (a) Only those poisonous or toxic materials that are required for the operation and maintenance of a retail food establishment, such as for the:

(1) cleaning and sanitizing of equipment and utensils; and

(2) control of insects and rodents;

shall be allowed in a retail food establishment.

(b) Subsection (a) does not apply to packaged poisonous or toxic materials that are for retail sale.

(c) For purposes of this section, a violation of subsection (a) is a critical or noncritical item based on the determination of whether or not the violation significantly contributes to food contamination, an illness, or environmental health hazard.

(d) For purposes of this section, a violation of subsection (b) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-440; filed Oct 13, 2004, 12:30 p.m.: 28 IR 904; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-441 Conditions of poisonous or toxic materials use**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 441. (a) Poisonous or toxic materials shall be used according to the following:
(1) The law and this rule.
(2) Manufacturer's use directions included in labeling and, for a pesticide, manufacturer's label instructions that state that use is allowed in a retail food establishment.
(3) The conditions of certification for use of the pest control materials.
(4) Additional conditions that may be established by the regulatory authority.
(b) Poisonous or toxic materials shall be applied so that:
(1) a hazard to employees or other persons is not constituted; and
(2) contamination, including toxic residues due to drip, drain, fog, splash, or spray on food, equipment, utensils, linens, and single-service and single-use articles is prevented and, for a restricted use pesticide, this is achieved by:
(A) removing the items;
(B) covering the items with impermeable covers; or
(C) taking other appropriate preventive actions;
and cleaning and sanitizing equipment and utensils after application.
(c) A restricted use pesticide shall be applied only by the following:
(1) An applicator certified according to law.
(2) A person under the direct supervision of a certified applicator.
(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-441; filed Oct 13, 2004, 12:30 p.m.: 28 IR 904; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-442 Poisonous or toxic material containers**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 442. (a) A container previously used to store poisonous or toxic materials may not be used to store, transport, or dispense food.
(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-442; filed Oct 13, 2004, 12:30 p.m.: 28 IR 904; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-443 Sanitizers; criteria**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 443. (a) Chemical sanitizers and other chemical antimicrobials applied to food-contact surfaces shall meet the requirements specified in 21 CFR 178.1010.
(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-443; filed Oct 13, 2004, 12:30 p.m.: 28 IR 904; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-444 Chemicals for washing fruits and vegetables; criteria**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 444. (a) Chemicals used to wash or peel raw, whole fruits and vegetables shall meet the requirements specified in 21 CFR

173.315.

(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-444; filed Oct 13, 2004, 12:30 p.m.: 28 IR 904; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-445 Boiler water additives; criteria**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 445. (a) Chemicals used as boiler water additives shall meet the requirements specified in 21 CFR 173.310.

(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-445; filed Oct 13, 2004, 12:30 p.m.: 28 IR 905; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-446 Drying agents; criteria**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 446. (a) Drying agents used in conjunction with sanitization shall contain only components that are listed as one (1) of the following:

(1) Generally recognized as safe for use in food as specified in 21 CFR 182 or 21 CFR 184.
(2) Generally recognized as safe for the intended use as specified in 21 CFR 186.
(3) Approved for use as a drying agent under a prior sanction specified in 21 CFR 181.
(4) Specifically regulated as an indirect food additive for use as a drying agent as specified in 21 CFR 175 through 21 CFR 178.
(5) Approved for use as a drying agent under the threshold of regulation process established by 21 CFR 170.39.

(b) When sanitization is with chemicals, the approval required under subsection (a)(3) or (a)(5) or the regulation as an indirect food additive required under subsection (a)(4), shall be specifically for use with chemical sanitizing solutions.

(c) For purposes of this section, a violation of subsection (a) or (b) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-446; filed Oct 13, 2004, 12:30 p.m.: 28 IR 905; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-447 Incidental food contact with lubricants**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 447. (a) Lubricants shall meet the requirements specified in 21 CFR 178.3570 if they are used on the following:

(1) Food-contact surfaces.
(2) Bearings and gears located:
    (A) on or within food-contact surfaces; or
    (B) so that lubricants may:
        (i) leak;
        (ii) drip; or
        (iii) be forced;
    into food or onto food-contact surfaces.

(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-447; filed Oct 13, 2004, 12:30 p.m.: 28 IR 905; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-448 Restricted use pesticides; criteria**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 448. (a) Restricted use pesticides specified under section 441(c) of this rule shall meet the requirements specified in law and rules of the office of the Indiana state chemist.

(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-448; filed Oct 13, 2004, 12:30 p.m.: 28 IR 905; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-449 Rodent bait stations**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 449. (a) Rodent bait shall be contained in a covered, tamper-resistant bait station.

(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-449; filed Oct 13, 2004, 12:30 p.m.: 28 IR 905; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-450 Use of tracking powders; pest control and monitoring**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 450. (a) A toxic tracking powder pesticide may not be used in a retail food establishment.

(b) If used, a nontoxic tracking powder, such as talcum or flour, may not contaminate the following:

(1) Food.
(2) Equipment.
(3) Utensils.
(4) Linens.
(5) Single-service and single-use articles.

(c) For purposes of this section, a violation of subsection (a) is a critical item.

(d) For purposes of this section, a violation of subsection (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-450; filed Oct 13, 2004, 12:30 p.m.: 28 IR 905; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-451 Separate storage and display of poisonous or toxic materials**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 451. (a) Poisonous or toxic materials shall be stored and displayed for retail sale so they cannot contaminate food, equipment, utensils, linens, and single-service and single-use articles by:

(1) separating the poisonous or toxic materials by spacing or partitioning; and
(2) locating the poisonous or toxic materials in an area that is not above:
    (A) food;
    (B) equipment;
    (C) utensils;
    (D) linens; and
    (E) single-service or single-use articles.

(b) For purposes of this section, a violation of subsection (a)(1) is a critical or noncritical item based on the determination of whether or not the violation significantly contributes to food contamination, an illness, or environmental health hazard.

(c) For purposes of this section, a violation of subsection (a)(2) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-451; filed Oct 13, 2004, 12:30 p.m.: 28 IR 905; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

**410 IAC 7-24-452 Incorporation by reference**

Authority: IC 16-42-5-5
Affected: IC 16-42-5

Sec. 452. (a) When used in this article, references to the following publications shall mean the version of that publication listed in this subsection. The following publications are hereby incorporated by reference:

(1) 7 CFR 56 (January 1, 2004 Edition).
(2) 9 CFR 317 (January 1, 2003 Edition).
(3) 9 CFR 318.7 (January 1, 1999 Edition).
(4) 9 CFR 319 (January 1, 2003 Edition).
(5) 9 CFR 424.21 (January 1, 1999 Edition).
(6) 9 CFR 381, Subpart N (January 1, 2003 Edition).
(7) 9 CFR 381.147 (January 1, 2003 Edition).
(8) 9 CFR 590 (January 1, 2003 Edition).
(9) 21 CFR 70 (April 1, 2003 Edition).
(10) 21 CFR 101 (April 1, 2003 Edition).
(11) 21 CFR 109 (April 1, 2003 Edition).
(12) 21 CFR 113 (April 1, 2003 Edition).
(13) 21 CFR 120 (April 1, 2003 Edition).
(14) 21 CFR 129 (April 1, 2003 Edition).
(15) 21 CFR 130 (April 1, 2003 Edition).
(16) 21 CFR 131 through 21 CFR 169 (April 1, 2003 Edition).
(17) 21 CFR 170 through 21 CFR 186 (April 1, 2003 Edition).
(18) 21 CFR 1030.10 (April 1, 2003 Edition).
(19) 40 CFR 152 (July 1, 2003 Edition).
(20) 40 CFR 185 (July 1, 1999 Edition).
(21) Food, Drug and Cosmetic Act, Section 201(s).
(22) Food, Drug and Cosmetic Act, Section 201(t).
(23) Food, Drug and Cosmetic Act, Section 409.
(24) Food, Drug and Cosmetic Act, Section 706.
(25) Food Establishment Plan Review Guide, Food and Drug Administration and Conference for Food Protection (2000 Edition).
(26) Pre-operational Guide for Temporary Food Establishments, Food and Drug Administration and Conference for Food Protection (2000 Edition).
(27) United States Standards, Grades, and Weight classes for Shell Eggs (AMS 56.200 et seq.) (effective April 6, 1995). Copies are available from the United States Department of Agriculture, Agricultural Marketing Service, Poultry Programs, P.O. Box 964, Washington, D.C. 20090-6456.
(28) National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish (1999 Revision). Copies are available from the United States Food and Drug Administration, Center for Food Safety and Applied Nutrition, Shellfish Sanitation Program, HFS-628, 200 "C" Street, S.W., Washington, D.C. 20204.
(29) Food and Drug Administration Center for Drug Evaluation and Research Approved Drug Products with Therapeutic Equivalence Evaluation, 24 Edition.
(30) Hazard Analysis and Critical Control Point Principles and Application Guidelines (August 14, 1997 Edition).
(31) National Sanitation Foundation (NSF) Protocol P155 (January 8, 2003 Edition).

(b) Federal rules that have been incorporated by reference do not include any later amendments than those specified in the incorporated citation. Sales of the Code of Federal Regulations are handled exclusively by the Superintendent of Documents,

Government Printing Office, Washington, D.C. 20402. *(Indiana State Department of Health; 410 IAC 7-24-452; filed Oct 13, 2004, 12:30 p.m.: 28 IR 906; readopted filed Jul 15, 2010, 12:12 p.m.: 20100728-IR-410100261RFA; readopted filed Nov 10, 2016, 8:45 a.m.: 20161207-IR-410160371RFA)*

## Rule 25. On Farm Poultry Processor Exemption *(Repealed)*

*(Repealed by Indiana State Department of Health; filed Nov 19, 2018, 3:40 p.m.: 20181219-IR-410180160FRA)*

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