

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

PART 750  
FOOD SERVICE SANITATION CODE

SUBPART A: GENERAL PROVISIONS

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

SUBPART B: FOOD SUPPLIES

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

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

#### SUBPART C: PERSONNEL

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750.550	Management Sanitation Certification Examination (Repealed)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

#### SUBPART D: EQUIPMENT AND UTENSILS

Section	
750.600	General – Materials
750.610	Solder
750.620	Wood
750.630	Plastics
750.640	Mollusk and Crustacea Shells

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

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

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

SUBPART F: SANITARY FACILITIES AND CONTROLS

Section	
750.1000	General – Water Supply
750.1010	Transportation
750.1020	Bottled Water
750.1030	Water Under Pressure
750.1040	Steam
750.1050	General – Sewage Disposal
750.1060	General – Plumbing
750.1070	Nonpotable System
750.1080	Backflow
750.1090	Grease Traps
750.1100	Drains
750.1110	General – Toilet Facilities
750.1120	General – Lavatory Facilities

- 750.1130 Containers – Garbage and Refuse
- 750.1140 Garbage and Refuse Storage
- 750.1150 Disposal of Garbage and Rubbish
- 750.1160 General – Insect and Rodent Control
- 750.1170 Protection of Openings Against Entrance of Insects and Rodents

**SUBPART G: CONSTRUCTION AND MAINTENANCE OF  
PHYSICAL FACILITIES**

**Section**

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

**SUBPART H: MOBILE FOOD SERVICE**

**Section**

- 750.1500 General – Mobile Food Units
- 750.1510 Restricted Operation
- 750.1520 Single-Service Articles
- 750.1530 Water Systems
- 750.1540 Waste Retention
- 750.1550 Base of Operations
- 750.1560 Servicing Area
- 750.1570 Servicing Operations

## SUBPART I: TEMPORARY FOOD SERVICE

## Section

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

## SUBPART J: FOOD SERVICE SANITATION MANAGER CERTIFICATION

## Section

750.1800	General
750.1810	Instructor Approval
750.1812	Instructor Renewal
750.1814	Proctor Approval
750.1815	Instructor and Proctor Compliance and Enforcement Process
750.1820	Course Content
750.1830	Course Approval
750.1831	Alternative Training Methods
750.1835	Make Up Work (Repealed)
750.1836	Home Study (Repealed)
750.1837	Course Waiver (Repealed)
750.1838	Course Denial
750.1840	Reciprocity
750.1850	Certification Examination
750.1855	Testing Criteria (Repealed)
750.1860	Administration of Examination
750.1861	Class Enrollment Form (Repealed)
750.1862	Administration of Examination (Repealed)
750.1865	Monitors (Repealed)
750.1868	Cheating (Repealed)
750.1870	Re-test Class (Repealed)
750.1876	Dictionary (Repealed)
750.1880	Retake Examination (Repealed)
750.1890	Revocation of Certificates

750.1895 Change of Address (Repealed)

SUBPART K: REDUCED OXYGEN PACKAGING

Section

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

SUBPART L: MEAT/POULTRY PROCESSING AND LABELING

Section

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

SUBPART M: FOOD HANDLER TRAINING

Section

750.3400 General Requirements  
750.3410 Course Content  
750.3420 Course Approval  
750.3430 Requirements for Food Handlers

SUBPART N: FARMERS' MARKETS

Section

750.4000 Definitions  
750.4300 Food Product Sampling Handler Certificate for Farmers' Markets

750.APPENDIX A Retail Food Sanitary Inspection Report

750.APPENDIX B Examination Date Notification Form (Repealed)

- 750.APPENDIX C Class Enrollment Form (Repealed)  
750.APPENDIX D Permission to Retake Certification Examination Form (Repealed)  
750.APPENDIX E Monitor's Agreement Form (Repealed)

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

**SOURCE:** Adopted December 23, 1975; amended at 2 Ill. Reg. 19, p. 180, effective May 13, 1978; old rules repealed, new rules adopted and codified at 7 Ill. Reg. 1336, effective January 25, 1983; amended at 7 Ill. Reg. 16415, effective November 23, 1983; amended at 11 Ill. Reg. 2345, effective February 1, 1987; amended at 11 Ill. Reg. 18735, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 14380, effective September 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17918, effective December 1, 1988; amended at 13 Ill. Reg. 1819, effective January 30, 1989; amended at 13 Ill. Reg. 18888, effective December 1, 1989; amended at 14 Ill. Reg. 19975, effective January 1, 1991; amended at 14 Ill. Reg. 20535, effective January 1, 1991; amended at 16 Ill. Reg. 15995, effective October 1, 1992; amended at 17 Ill. Reg. 18588, effective October 15, 1993; amended at 20 Ill. Reg. 2171, effective January 20, 1996; amended at 20 Ill. Reg. 3210, effective February 5, 1996; amended at 22 Ill. Reg. 19009, effective October 1, 1998; amended at 32 Ill. Reg. 11980, effective July 10, 2008; amended at 37 Ill. Reg. 20365, effective December 6, 2013; amended at 38 Ill. Reg. 11775, effective May 21, 2014; amended at 38 Ill. Reg. 23109, effective November 20, 2014; amended at 39 Ill. Reg. 5006, effective March 17, 2015; amended at 39 Ill. Reg. 10619, effective July 15, 2015.

#### SUBPART A: GENERAL PROVISIONS

##### **Section 750.5 Incorporated and Referenced Materials**

- a) The following State statutes are referenced in this Part:
- 1) Alternative Health Care Delivery Act [210 ILCS 3]
  - 2) Nursing Home Care Act [210 ILCS 45]
  - 3) Good Samaritan Food Donor Act [745 ILCS 50]
  - 4) Hospital Licensing Act [210 ILCS 85]
  - 5) Federal Food, Drug, and Cosmetic Act (21 USC 301)
  - 6) Illinois Food, Drug and Cosmetic Act [410 ILCS 620]

- 7) Grade A Pasteurized Milk and Milk Products Act [410 ILCS 635]
  - 8) Meat and Poultry Inspection Act [225 ILCS 650]
  - 9) Sanitary Food Preparation Act [410 ILCS 650]
  - 10) Freedom of Information Act [5 ILCS 140]
  - 11) Food Handling Regulation Enforcement Act [410 ILCS 625]
- b) The following State administrative rules are referenced in this Part:
- 1) Control of Communicable Diseases Code (77 Ill. Adm. Code 690)
  - 2) Salvage Warehouses and Stores for Foods, Alcoholic Liquors, Drugs, Medical Devices and Cosmetics Code (77 Ill. Adm. Code 725)
  - 3) Illinois Plumbing Code (77 Ill. Adm. Code 890)
  - 4) Public Area Sanitary Practice Code (77 Ill. Adm. Code 895)
  - 5) Drinking Water Systems Code (77 Ill. Adm. Code 900)
  - 6) Private Sewage Disposal Code (77 Ill. Adm. Code 905)
  - 7) Water Well Construction Code (77 Ill. Adm. Code 920)
  - 8) Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)
  - 9) Meat and Poultry Act (8 Ill. Adm. Code 125)
  - 10) Certified Local Health Department Code (77 Ill. Adm. Code 600)
- c) The following materials are incorporated in this Part:
- 1) Official Methods of Analysis of the Association of Official Analytical Chemists, 18<sup>th</sup> Edition, Association of Official Analytical Chemists (2006), 111 North Nineteenth Street, Suite 210, Arlington, Virginia 22209.
  - 2) Standard Methods for the Examination of Dairy Products, 17<sup>th</sup> Edition, American Public Health Association (2004), 8001 I Street, Washington, D.C. 20001-3710.



- 3) The following Federal Regulations, Office of the Federal Register, National Archives and Records Administration (2005), U.S. Government Printing Office, 732 N. Capitol Street NW, Washington, D.C. 20401.
- A) 9 CFR 1: Animals and Animal Products; Animal Welfare, Definition of Terms;
  - B) 9 CFR 301: Animals and Animal Products; Mandatory Meat Inspection, Definitions;
  - C) 9 CFR 318: Animals and Animal Products; Mandatory Meat Inspection, Entry into official establishments; reinspection and preparation of products;
  - D) 9 CFR 381: Animals and Animal Products; Mandatory Poultry Products Inspection, Poultry products inspection regulations;
  - E) 21 CFR 110: Current Good Manufacturing Practice in Manufacturing, Packaging, or Holding Human Food;
  - F) 21 CFR 133: Cheeses and Related Cheese Products;
  - G) 21 CFR 131: Milk and Cream;
  - H) 21 CFR 114: Acidified Foods;
  - I) 9 CFR 317: Labeling, Marking Devices, and Containers;
  - J) 21 CFR 170.39 – Threshold of regulation for substances used in food-contact articles;
  - K) 21 CFR 178 – Indirect Food Additives: Adjuvants, Production Aides, and Sanitizers (as regulated for use as a food additive with conditions of safe use);
  - L) 21 CFR 182 – Substances Generally Recognized as Safe;
  - M) 21 CFR 184 – Direct Food Substances Affirmed as Generally Recognized as Safe; and
  - N) 21 CFR 186 – Indirect Food Substances Affirmed as Generally Recognized as Safe (for use in contact with food).

- 4) Conference for Food Protection – "Standards for Accreditation of Food Protection Manager Certification Programs" (May 2014)  
(available online at <http://www.foodprotect.org/media/managercert/CFP%20FPMCC%20Standards%20Final%20Approved%20May%202014.pdf>).
- d) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any amendments or editions subsequent to the date specified.

(Source: Amended at 39 Ill. Reg. 10619, effective July 15, 2015)

### **Section 750.10 Definitions**

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

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

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

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

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

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

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

Potentially hazardous foods are cooled, as part of the food handling

operation at the facility;

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

Potentially hazardous cooked and cooled foods must be reheated;

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

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

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

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

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

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

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

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

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

Only pre-packaged foods are available or served in the facility, and any

potentially hazardous foods available are commercially pre-packaged in an approved processing plant;

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

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

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

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

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

"Commercially prepared sweet baked goods" means an individually portioned and wrapped non-potentially hazardous yeast or cake-type bread, bun, croissant or roll with or without filling and/or icing.

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

"Comminuted" means reduced in size by methods including chopping, flaking, grinding or mincing. It includes fish or meat products that are reduced in size and restructured or reformulated, such as gefilte fish, formed roast beef, gyros, ground beef, and sausage; and a mixture of two or more types of meat that have been reduced in size and combined, such as sausages made from two or more meats.

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

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

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

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

"Corrosion-resistant materials" means those materials that maintain their original surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and bactericidal solutions, and other conditions of use environment.

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

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

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

"Department" means the Illinois Department of Public Health.

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

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

"Egg" means the shell egg of avian species such as chicken, duck, goose, guinea, quail, ratites or turkey. The term does not include a balut; the egg of reptile species such as alligator; or an egg product.

"Egg Product" means all, or a portion of, the contents found inside eggs separated from the shell and pasteurized in a food processing plant, with or without added ingredients, intended for human consumption, such as dried, frozen or liquid eggs.

The term does not include food that contains eggs only in a relatively small proportion, such as cake mixes.

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

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

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

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

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

"Food" means any raw, cooked, or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption.

"Food-contact surface" means those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces from which food may drain, drip, or splash back to surfaces normally in contact with food.

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

"Food-processing establishment" means a commercial establishment in which food is manufactured or packaged for human consumption. The term does not include a food service establishment, retail food store, or commissary operation.

"Food service establishment" means any place where food is prepared and intended for, though not limited to, individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of

whether there is a charge for the food. The term also includes delicatessen-type operations that prepare foods intended for individual portion service and retail food stores where food and food products are offered to the consumer and intended for, though not limited to, off-premises consumption. The term does not include lodging facilities serving only a continental breakfast (a continental breakfast is one limited to coffee, tea and juice and commercially prepared sweet baked goods), private homes or a closed family function where food is prepared or served for individual family consumption, establishments that handle only prepackaged spirits, roadside markets that offer only fresh fruits and fresh vegetables, or the location of food vending machines.

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

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

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

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

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

"Hazard Analysis Critical Control Point Program" or "HACCP" means a comprehensive food safety control plan that includes a step-by-step description of the food processing, packaging and storage procedure, including identification of critical control points (CCPs); the food-contact surface cleaning and sanitizing procedures; lot identification procedure; and training procedures.

"Hermetically sealed container" means a container designed and intended to be

secure against the entry of microorganisms and, in the case of low acid canned foods, to maintain the commercial sterility of its content after processing.

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

Are immunocompromised; preschool age children or older adults; and

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

"Injected" means manipulating a meat so that infectious or toxigenic microorganisms may be introduced from its surface to its interior through tenderizing with deep penetration or injecting the meat, such as with juices, which may be referred to as injecting, pinning or stitch pumping.

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

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

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

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

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

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

"Molluscan shellfish" means any edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions of the scallop, except when the scallop product consists only of the shucked adductor muscle.

"Official Methods of Analysis" means the Official Methods of Analysis of the Association of Official Analytical Chemists, 18<sup>th</sup> Edition, or Standard Methods



for Examination of Dairy Products, 17<sup>th</sup> Edition, as incorporated in Section 750.5(b)(1) and (2).

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

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

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

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

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

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

"Potentially hazardous food" means any food that requires time/temperature control for safety that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms; growth and toxin production of *Clostridium botulinum*; or, in raw shell eggs, the growth of *Salmonella enteritidis*. "Potentially hazardous food" includes an animal food (a food of animal origin) that is raw or heat treated; a food of plant origin that is heat treated or consists of raw seed sprouts; cut tomatoes; cut melons; and garlic-in-oil mixtures that are not modified in a way that results in mixtures that do not support the growth of infectious or toxigenic microorganisms. The term does not include foods that:

Have a pH level of 4.6 or below;

Have a water activity ( $a_w$ ) value of 0.85 or less;

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

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

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

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

"Proctor" means a person who is approved by a national examination provider to administer examinations and who monitors students during an examination.

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

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

"Ready-to-eat food" means food that is in a form that is edible without washing, cooking, or additional preparation by the food establishment or the consumer and that is reasonably expected to be consumed in that form. Ready-to-eat food includes:

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

Washed and cut raw fruit and vegetables;

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

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

removed.

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

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

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

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

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

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

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

"Regulatory authority" means the State and/or local enforcement authority or

authorities having jurisdiction over the food service establishment.

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

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

"Safe materials" means articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component of or otherwise affecting the characteristics of any food. If materials used are food additives or color additives as defined in section 201(s) or (t) of the federal Food, Drug, and Cosmetic Act, they are "safe" only if they are used in compliance with regulations established pursuant to section 409 or 706 of the Food, Drug, and Cosmetic Act. Other materials are "safe" only if, as used, they are not food additives or color additives as defined in section 201(s) or (t) of the federal Food, Drug, and Cosmetic Act and are used in compliance with all applicable regulations of the Food, Drug, and Cosmetic Act that are incorporated by reference in Section 750.5 of this Part.

"Sanitization" means the application of cumulative heat or chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of at least 5 logs, which is equal to a 99.999% reduction, of representative disease microorganisms of public health importance.

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

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

"Shellstock" means raw in-shell molluscan shellfish.

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

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

"Single service articles" means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, toothpicks, and similar articles intended for one-time, one-person use and then discarded.

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

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

"Smoke house" means a piece of equipment or room-sized enclosure used to conduct the smoking process, with a smoke source, adequate ventilation, heat and humidity source if necessary, approved plumbing and waste lines if necessary, support structures for the food products to be smoked and a method to determine internal product temperature.

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

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

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

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

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

"Temporary food service establishment" means a food service establishment that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration.

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

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

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

(Source: Amended at 39 Ill. Reg. 5006, effective March 17, 2015)

### **Section 750.20 Inspections and Inspection Report**

- a) All food service establishments are subject to inspection at all times.
- b) The operator of the food service establishment shall receive a written report from the regulatory authority at the end of the inspection. The inspection findings shall be reported on the "Retail Food Sanitary Inspection Report", Form IL 482-200 (see Appendix A) or on a report form substantially similar which, includes at a minimum, the same information and addresses all forty-five (45) items.
- c) All forty-five (45) items on the inspection report shall be addressed and rated in accordance with the Food Service Sanitation Code, 77 Ill. Adm. Code 750.
- d) An alternate scoring system, as approved by the Director and which evaluates all aspects of the Food Service Sanitation Code, may be substituted for the current scoring system of 100 points minus debit points. This may include systems, for example, where each violation rather than each item is assigned a weight, where an additional point value is debited for lack of the required certified food service

manager, where critical violations (to be defined) carry a larger than usual point value because of inherent risk, where separate scoring systems are instituted for critical and non-critical violations, or other effective methods which assist the inspector in making an evaluation of the sanitation level in the food establishment.

- 1) The approval process requires any regulatory authority who seeks to use an alternate scoring system to submit a complete description of the alternate to the Director for consideration. The application/approval process consists of the following:
  - A) A descriptive statement provided by the applicant shall indicate that the alternate scoring system evaluates all items on the Retail Food Sanitation Inspection Report (Form IL 482-0200) and all sections of the Food Service Sanitation and Retail Food Store Sanitation Codes.
  - B) A printed example of the proposed alternate scoring system shall be provided.
  - C) An examination of the applicant's form must show that all other aspects of the form besides the alternate scoring system are still substantially similar to the form found in Appendix A (Form IL 482-0200).
  - D) Providing the application fulfills subsections (A) through (C) above, notification will be provided by the Director in writing that the alternate scoring system is approved and may be incorporated into the regulatory authority's Retail Food Sanitary Inspection form.
- 2) The Illinois Department of Public Health method for determining the number of debit points is patterned after the United States Food Drug Administration model. A perfect score is 100 points. Each violation is categorized ("item" number column on the inspection form) and has a corresponding value which is deducted from the 100 point score ("weight" column on the inspection form).

(Source: Added at 13 Ill. Reg. 18888, effective December 1, 1989)

#### SUBPART B: FOOD SUPPLIES

#### Section 750.100 General

Food shall be in sound condition, free from spoilage, filth, and other contamination and shall be safe for human consumption. Food shall be obtained from sources that comply with all laws relating to food and food labeling. Use of home prepared or hermetically sealed food which has been processed in a place other than a wholesale food processing establishment is prohibited except where it is in compliance with Subpart K, Reduced Oxygen Packaging, of this Part.

(Source: Amended at 16 Ill. Reg. 15995, effective October 1, 1992)

### **Section 750.110 Special Requirements**

- a) Fluid milk and fluid-milk products used or served shall be pasteurized and shall meet the Grade A quality standards as established by the Illinois Grade A Pasteurized Milk and Milk Products Act. Dry milk and dry-milk products shall be pasteurized.
- b) Fresh and frozen shucked shellfish (oysters, clams, or mussels) shall be packed in nonreturnable packages identified with the name and address of the original shell stock processor, shucker/packer, or repacker, and the interstate certification number issued according to the Illinois Food, Drug, and Cosmetic Act. Shell stock and shucked shellfish shall be kept in the container in which they were received until they are used. Each container of unshucked shell stock (oysters, clams, or mussels) shall be identified by the attached tag that states the name and address of the original shell stock processor, the repacker or reshipper, the kind and quantity of shell stock, and an interstate certification number issued by the state or foreign shellfish control agency. Each tag affixed to a container of certified shell stock along with its accompanying invoice and each shucked shellfish invoice shall be retained for a period of 90 days and be made available for inspection by the regulatory authority.
- c) Only clean whole Grade A eggs, with shell intact and without cracks or checks, or pasteurized liquid, pasteurized shell, pasteurized frozen, or pasteurized dry egg products shall be used, except that hard-boiled peeled eggs, commercially prepared and packaged, may be used.
- d) Game animals received for sale or service must comply with the criteria specified as follows:
  - 1) Game animals commercially farm-raised for food shall be raised, slaughtered, and processed under either a routine or voluntary inspection program, as follows:
    - A) For a routine (mandatory) inspection program conducted by the United States Department of Agriculture or Illinois Department of



Agriculture, the game animals shall be raised, slaughtered and processed according to applicable laws governing meat and poultry.

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

- 1) Have placards displayed in a conspicuous location throughout the event that identify the food served as uninspected wild game as provided for in the Good Samaritan Food Donor Act;
  - 2) Comply with all other food sanitation requirements specified in this Part; and
  - 3) Not be served at institutions and facilities such as nursing homes and hospitals that primarily serve highly susceptible individuals.
- f) Each retail food establishment location shall obtain written permission from the appropriate regulatory authority responsible for retail food protection in that jurisdiction before packaging foods in a reduced-oxygen atmosphere. Reduced-oxygen packaging shall consist of cook-chill processing, vacuum-packaging, modified atmosphere packaging (MAP) or controlled atmosphere packaging (CAP). The request from the retail establishment and approval from the regulator shall be product specific and shall be issued according to the requirements listed in Subpart K of this Part.
- g) Every food pre-packaged in advance of retail sale must bear the following information in English on its label:
- 1) The common and/or usual name of the product;
  - 2) The name, address and zip code of the manufacturer, processor, packer, preparer or distributor;
  - 3) The net contents of the package;
  - 4) A list of ingredients in the order of their predominance by weight with ingredients shown by their common or usual name; and
  - 5) A list of any artificial color, artificial flavor or preservative used.
- h) Foods packaged or repackaged by charitable or not-for-profit organizations for distribution to people in need shall bear the common and/or usual name of the product and the name of the distributing organization. A list of ingredients for any multi-ingredient product shall be posted or made available upon request. Prepared, ready-to-eat foods donated by food service establishments to charitable or not-for-profit organizations are exempt from the ingredient listing requirements of this subsection.
- i) Ground meats/poultry and other meat/poultry products shall be processed and

labeled in compliance with Subpart L of this Part.

- j) Pasteurized soft serve mix and frozen desserts shall comply with the standards listed below.

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

\*Except frozen yogurt with live culture added.

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

- k) Consumer Advisory. If a food service establishment offers any raw or under-cooked animal food, such as meat, poultry, eggs or seafood (including shellfish), in ready-to-eat form or offers any ready-to-eat food containing animal food as a raw ingredient, the food service establishment operator shall advise consumers of the presence of such raw or under-cooked animal food and advise consumers of the increased health risk of eating such foods in raw or under-cooked form, especially for certain populations.
- 1) If entrees or menu items containing such raw or under-cooked animal food (e.g., steak tartare or Caesar salad containing raw unpasteurized eggs) are routinely offered, such consumer advisory shall clearly identify the food item that contains the raw or under-cooked animal food.
  - 2) If a food service establishment does not routinely offer entrees or menu items containing raw or under-cooked animal food, but will serve under-cooked meat, eggs or seafood upon the request of a consumer/patron, a general consumer advisory shall be provided. This advisory does not need to identify the food item that a consumer might request in an under-cooked condition.
  - 3) The required consumer advisory may be in the form of a brochure, deli case or menu advisory, label statement, table tent, placard or other written

notification that is visible to patrons. The advisory shall include the following:

"The Illinois Department of Public Health advises that eating raw or under-cooked meat, poultry, eggs or seafood poses a health risk to everyone, but especially to the elderly, young children under age 4, pregnant women, and other highly susceptible individuals with compromised immune systems. Thorough cooking of such animal foods reduces the risk of illness."

- 4) If space permits, any consumer advisory may include additional language such as the following:

"For further information, contact your physician or public health department."

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

- 1) Pasteurized shell eggs or egg products shall be substituted for raw eggs in the preparation of foods such as Caesar salad, hollandaise or bearnaise sauce, mayonnaise, meringue, eggnog, ice cream, and egg-fortified beverages that are:
- 1) Not properly cooked to 145°F (63°C) or above for 15 seconds for shell eggs that are broken and prepared in response to a consumer's order and for immediate service;
  - 2) Not properly cooked to 155°F (68°C) or above for 15 seconds for shell eggs that are not prepared for immediate service; or
  - 3) Not included in a consumer advisory as described in subsection (k).

(Source: Amended at 32 Ill. Reg. 11980, effective July 10, 2008)

### **Section 750.120 General – Food Protection**

- a) At all times, including while being stored, prepared, displayed, served or transported, food other than whole, unprocessed raw fruits and unprocessed raw vegetables 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 foods shall be 41°F or below, or 135°F or above, at all times, except as otherwise provided in this Part.

- b) If a fire, flood, power outage or similar event occurs that might result in the contamination of food, or that might prevent potentially hazardous food from being held at required temperatures, the person in charge shall immediately contact the regulatory authority. Upon receiving notice of this occurrence, the regulatory authority shall take whatever action that it deems necessary to protect the public health.

(Source: Amended at 37 Ill. Reg. 20365, effective December 6, 2013)

### **Section 750.130 General – Food Storage**

- a) Food, whether raw or prepared, if removed from the container or package in which it was obtained, shall be in a clean, covered container except during necessary periods of preparation or service. Whole and unprocessed fresh raw vegetables and fresh raw fruits shall be exempt from this subsection (a). Container covers shall be impervious and nonabsorbent, except that linens or napkins may be used for lining or covering bread or roll containers. Solid cuts of meat shall be protected by being covered in storage, except that quarters or sides of meat may be hung uncovered on clean sanitized hooks if no food product is stored beneath the meat.
- b) Containers of food shall be stored a minimum of 6 inches above the floor in a manner that protects the food from splash and other contamination, and that permits easy cleaning of the storage area, except that:
  - 1) Metal pressurized beverage containers and cased food packaged in cans, glass or other waterproof containers need not be elevated when the food container is not exposed to floor moisture.
  - 2) Containers may be stored on dollies, racks or pallets, provided that the equipment is easily movable.
- c) Food and containers of food shall not be stored under exposed or unprotected sewer lines or water lines, except for automatic fire protection sprinkler heads that may be required by law. Food shall not be stored in toilet rooms or vestibules.
- d) Food not subject to further washing or cooking before being served 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.

(Source: Amended at 37 Ill. Reg. 20365, effective December 6, 2013)

#### **Section 750.140 Refrigerated Storage**

- a) Enough conveniently located refrigeration facilities or effectively insulated facilities shall be provided to assure the maintenance of potentially hazardous food at required temperatures during storage. Each mechanically refrigerated storage facility storing potentially hazardous food shall be provided with a numerically scaled indicating thermometer, accurate to plus or minus 3°F, located to measure the air temperature in the warmest part of the facility and located to be easily readable. Recording thermometers, accurate to plus or minus 3°F, may be used in lieu of indicating thermometers.
- b) Potentially hazardous food requiring refrigeration after preparation shall be labeled or tagged with the date and time of preparation and rapidly cooled to an internal temperature of 41°F. Potentially hazardous foods of large volume or prepared in large quantities shall be rapidly cooled, utilizing such methods as limiting depth of food to 4 inches or less, agitation, quick chilling or water circulation external to the food container. Potentially hazardous food to be transported shall be pre-chilled and held at a temperature of 41°F or below unless maintained in accordance with the hot storage requirements contained in Section 750.150.
  - 1) Cooked potentially hazardous food shall be cooled:
    - A) From 135°F (60°C) to 70°F (21°C) within 2 hours; and
    - B) From 70°F (21°C) to 41°F (4.5°C), or below, within 4 more hours (or within a total of 6 hours).
  - 2) Potentially hazardous food shall be cooled to 41°F (4.5°C) or below within 4 hours if prepared from ingredients at ambient temperature, such as reconstituted foods and canned tuna.
  - 3) Fluid milk and milk products, shell eggs, and molluscan shellstock received in compliance with laws regulating the respective food during shipment from the supplier shall be cooled to 41°F (4.5°C) or below

within 4 hours.

- c) Stored frozen foods shall be maintained frozen.
- d) Ice intended for human consumption shall not be used as a medium for cooling stored food, food containers or food utensils, except that such ice may be used for cooling tubes conveying beverages or beverage ingredients to a dispenser head. Ice used for cooling stored food and food containers shall not be used for human consumption.
- e) Upon delivery, intact shell eggs shall be stored at a temperature of 41°F or less.

(Source: Amended at 32 Ill. Reg. 11980, effective July 10, 2008)

### **Section 750.150 Hot Storage**

- a) Enough conveniently located hot food storage facilities shall be provided to assure the maintenance of food at the required temperature during storage. Each hot food facility storing potentially hazardous food shall be provided with a numerically scaled indicating thermometer, accurate to plus or minus 3°F, located to measure the air temperature at the coldest part of the facility and located to be easily readable. Recording thermometers, accurate to plus or minus 3°F, may be used in lieu of indicating thermometers. Where it is impractical to install thermometers on equipment such as bain-maries, steam tables, steam kettles, heat lamps, calrod units, or insulated food transport carriers, a product thermometer must be available and used to check internal food temperature.
- b) The internal temperature of potentially hazardous food requiring hot storage shall be 135°F or above except during necessary periods of preparation or when time is used as the public health control as specified in Section 750.153. Potentially hazardous food to be transported shall be held at a temperature of 135° F or above unless maintained in accordance with Section 750.140(b).

(Source: Amended at 32 Ill. Reg. 11980, effective July 10, 2008)

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

- a) **On-Premises Preparation (prepare and hold cold)**  
Except when packaging food using a reduced oxygen packaging method, and except as specified in subsections (d) and (e) of this Section, refrigerated, ready-to-eat potentially hazardous food prepared and held in a food establishment for more than 24 hours shall be clearly marked to indicate the date or day by which the food shall be consumed on the premises, sold, or discarded, and maintained at

41°F or less for a maximum of 7 days. The day of preparation shall be counted as Day 1.

- b) **Commercially Processed Food (open and cold hold)**  
Except as specified in subsections (d)-(f) of this Section, refrigerated, ready-to-eat potentially hazardous food prepared and packaged by a food processing plant shall be clearly marked, at the time the original container is opened in a food establishment and, if the food is held for more than 24 hours, to indicate the date or day by which the food shall be consumed on the premises, sold, or discarded, based on the temperature and time combination specified in subsection (a) of this Section.
  - 1) The day the original container is opened in the food establishment shall be counted as Day 1.
  - 2) The day or date marked by the food establishment may not exceed a manufacturer's use-by date if the manufacturer determined the use-by date based on food safety.
- c) A refrigerated, ready-to-eat potentially hazardous food ingredient or a portion of a refrigerated, ready-to-eat potentially hazardous food that is subsequently combined with additional ingredients or portions of food shall retain the date marking of the earliest-prepared or first-prepared ingredient.
- d) A date-marking system that meets the criteria stated in subsections (a) and (b) of this Section may include:
  - 1) Using a method approved by the regulatory authority for refrigerated, ready-to-eat potentially hazardous food that is frequently rewrapped, such as lunchmeat or a roast, or for which date marking is impractical, such as soft serve mix or milk in a dispensing machine;
  - 2) Marking the date or day of preparation, with a procedure to discard the food on or before the last date or day by which the food must be consumed on the premises, sold, or discarded as specified under subsection (a) of this Section;
  - 3) Marking the date or day the original container is opened in a food establishment, with a procedure to discard the food on or before the last date or day by which the food must be consumed on the premises, sold, or discarded as specified under subsection (b) of this Section; or



- 4) Using calendar dates, days of the week, color-coded marks, or other effective marking methods, provided that the marking system is disclosed to the regulatory authority upon request.
- e) Subsections (a) and (b) of this Section do not apply to individual meal portions served or repackaged for sale from a bulk container upon a consumer's request.
- f) Subsection (b) of this Section does not apply to the following food prepared and packaged by a food processing plant inspected by a regulatory authority:
  - 1) Deli salads, such as ham salad, seafood salad, chicken salad, egg salad, pasta salad, potato salad, and macaroni salad, manufactured in accordance with 21 CFR 110: Current Good Manufacturing Practice in Manufacturing, Packaging, or Holding Human Food;
  - 2) Hard cheeses containing not more than 39% moisture as defined in 21 CFR 133: Cheeses and Related Cheese Products;
  - 3) Semi-soft cheeses containing more than 39% moisture, but not more than 50% moisture, as defined in 21 CFR 133: Cheeses and Related Cheese Products;
  - 4) Cultured dairy products as defined in 21 CFR 131: Milk and Cream;
  - 5) Preserved fish products, such as pickled herring and dried or salted cod, and other acidified fish products defined in 21 CFR 114: Acidified Foods;
  - 6) Shelf-stable, dry fermented sausages, such as pepperoni and Genoa salami that are not labeled "Keep Refrigerated" as specified in 9 CFR 317: Labeling, Marking Devices, and Containers; and
  - 7) Shelf-stable salt-cured products such as proscuitto and Parma (ham) that are not labeled "Keep Refrigerated" as specified in 9 CFR 317: Labeling, Marking Devices, and Containers.

(Source: Added at 32 Ill. Reg. 11980, effective July 10, 2008)

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

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

- a) Exceeds the temperature and time combination specified in Section 750.151(a), except time that the product is frozen;

- b) Is in a container or package that does not bear a date or day; or
- c) Is appropriately marked with a date or day that exceeds a temperature and time combination as specified in Section 750.151(a).

(Source: Added at 32 Ill. Reg. 11980, effective July 10, 2008)

### **Section 750.153 Time as a Public Health Control**

- a) If time only, rather than time in conjunction with temperature, is used as the public health control for a working supply of potentially hazardous food before cooking, or for ready-to-eat potentially hazardous food that is displayed or held for service for immediate consumption:
  - 1) The food shall have an initial temperature of 41°F (5°C) or less if removed from cold holding temperature control, or 135°F (57°C) or greater if removed from hot holding temperature control;
  - 2) The food shall be marked or otherwise identified to indicate the time that is 4 hours past the point in time when the food is removed from temperature control;
  - 3) The food shall be cooked and served, served if ready to eat, or discarded within 4 hours from the point in time when the food is removed from temperature control;
  - 4) The food in unmarked containers or packages, or marked to exceed a 4 hour limit, shall be discarded; and
  - 5) Written procedures shall be maintained in the food establishment and made available to the regulatory authority upon request. The procedures shall ensure compliance with this Section and Section 750.140(b) for food that is prepared, cooked, and refrigerated before time is used as a public health control.
- b) In a food establishment that serves a highly susceptible population, time only, rather than time in conjunction with temperature, shall not be used as the public health control for raw eggs.

(Source: Added at 32 Ill. Reg. 11980, effective July 10, 2008)

### **Section 750.155 Damaged Food Containers**

Food service establishments shall utilize the guidelines established in the Department's rules for Salvage Warehouses and Stores for Foods, Alcoholic Liquours, Drugs, Medical Devices and Cosmetics (77 Ill. Adm. Code 725) when determining if damaged food containers are acceptable for use in food service.

(Source: Added at 11 Ill. Reg. 18735, effective January 1, 1988)

### **Section 750.160 General – Food Preparation**

In an effort to prevent the transmission of pathogenic organisms from humans, 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.

- a) Food employees shall avoid direct contact (i.e., using bare hands) with ready-to-eat food whenever possible and, to the extent possible, shall handle ready-to-eat food only with suitable utensils such as deli tissue, spatulas, tongs, or single-use gloves. Handling of ready-to-eat food with suitable utensils is not a substitute for proper hand washing. Use of utensils, including deli tissue, spatulas, tongs or single-use gloves, shall be preceded by thorough handwashing.
- b) If gloves are used to handle ready-to-eat food, they shall be single-use gloves, i.e., shall be used for only one task (preparing/handling ready-to-eat food), shall be used for no other purpose and shall be discarded when damaged or soiled or when interruptions occur in operations.
- c) At least annually, each food service establishment shall review its operations to identify and document any procedures where ready-to-eat food must be routinely handled with bare hands. This annual review shall include the following components:
  - 1) Those routine procedures/work stations that necessitate direct hand contact with ready-to-eat food. This list shall be made available, upon request, to the Department or any local health department responsible for licensing/permitting the establishment.
  - 2) Available alternatives to unprotected direct hand contact; e.g., use of suitable utensils, FDA-approved sanitizing hand rinses, etc., shall be considered. If an alternative (e.g., use of a suitable utensil) can be implemented, this procedure/work station shall be removed from the list of routine direct hand contact points.
  - 3) Special focused education and training shall be provided to all food

employees involved in the identified procedures, reinforcing the importance of proper hand washing for all employees with direct hand contact with ready-to-eat food. The content and duration of this focused education and training shall be determined by the food service operator.

(Source: Amended at 20 Ill. Reg. 2171, effective January 20, 1996)

### **Section 750.170 Raw Fruits and Raw Vegetables**

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

### **Section 750.180 Cooking Potentially Hazardous Foods**

- a) Raw animal foods, such as eggs, fish, poultry, meat, and foods containing these raw animal foods, shall be cooked to heat all parts of the food to the following temperatures and times, except as specified in subsections (b) and (c) of this Section:
  - 1) 145°F (63°C) or above for 15 seconds for:
    - A) Shell eggs that are broken and prepared in response to a consumer's order and for immediate service, and
    - B) Fish and meat that are not specified in subsections (a)(2), (3) and (4) of this Section;
  - 2) For pork and game animals, comminuted fish and meats, injected meats, and shell eggs that are not prepared for immediate service, 155°F (68°C) for 15 seconds or the temperature specified in Section 750.185 that corresponds to the cooking time;
  - 3) As specified in Section 750.187 for roasts of beef and corned beef;
  - 4) 165°F (74°C) or above for 15 seconds for field-dressed wild game animals, poultry, stuffed fish, stuffed meat, stuffed pasta, stuffed poultry, or stuffing containing fish, meat, or poultry; or
  - 5) Any alternative temperature and time that provides an equivalent heat lethality provided the alternative method is approved in advance by the Department and confirmed in writing. Requests for alternative cooking time and temperature methods shall be submitted in writing in a format prescribed by the Department. If the Department approves an alternative

cooking method, it shall notify the requestor of its approval and inform local health departments of that approved alternative.

- b) Raw and under-cooked animal foods that are served or offered for sale in a ready-to-eat form are exempt from the cooking requirements of subsections (a)(1) through (5) of this Section, provided the food establishment serving the food follows the consumer advisory requirements specified in Section 750.110(j). Examples of this type of food include raw marinated fish; raw molluscan shellfish; steak tartare; lightly cooked fish; rare meat; and soft cooked eggs. Establishments such as nursing homes, hospitals, day care centers and nursery schools that serve a highly susceptible population, including the elderly, young children under age four, pregnant women, and individuals who are ill or have compromised immune systems, shall not serve raw or under-cooked animal foods, or must comply with subsections (a)(1) through (5) of this Section.
- c) Beef roasts shall be cooked:
- 1) In an oven that is preheated to the temperature specified for their weight in Section 750.186 and that is held at, or above, that temperature; and
  - 2) To a food temperature as specified in Section 750.187 and held for the corresponding amount of time specified in Section 750.187 for that temperature.

(Source: Amended at 20 Ill. Reg. 2171, effective January 20, 1996)

**Section 750.185 Minimum Food Temperature and Holding Time Required Under Section 750.180(a)(2) for Cooking All Parts of Pork and Game Animals, Comminuted Fish and Meats, and Injected Meats**

Temperature °F (°C)	Minimum
	Time
145 (63)	3 minutes
150 (66)	1 minute

(Source: Added at 20 Ill. Reg. 2171, effective January 20, 1996)

**Section 750.186 Oven Parameters Required for Destruction of Pathogens on the Surface of Roasts of Beef and Corned Beef**

Oven Type

Oven Temp(2)

	Roast Weight	
	Less than or equal to 4.5 kg (10 lbs.)	Greater than 4.5 kg (10 lbs.)
Still Dry	350°F (177°C)	250°F (121°C)
Convection	325°F (163°C)	325°F (163°C)
High Humidity(1)	< 250°F (121°C)	< 250°F (121°C)

- (1) Relative humidity greater than 90% for at least 1 hour as measured in the cooking chamber or exit of the oven or in a moisture-impermeable bag that provides 100% humidity
- (2) Refer to Section 750.187 for minimum holding time requirements

(Source: Added at 20 Ill. Reg. 2171, effective January 20, 1996)

#### **Section 750.187 Minimum Holding Times Required at Specified Temperatures for Cooking All Parts of Roasts of Beef and Corned Beef**

Temp. (2) °F (°C)	Time(1)	Temp.(2) °F (°C)	Time(1)	Temp.(2) °F (°C)	Time (1)
130(54)	121 minutes	136(58)	32 minutes	142(61)	8 minutes
132(56)	77 minutes	138(59)	19 minutes	144(62)	5 minutes
134(57)	47 minutes	140(60)	12 minutes	145(63)	3 minutes

- (1) Holding time may include postoven heat rise
- (2) Refer to Section 750.186 for oven temperature requirements

(Source: Added at 20 Ill. Reg. 2171, effective January 20, 1996)

#### **Section 750.188 Plant Food Cooking for Hot Holding**

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

(Source: Added at 32 Ill. Reg. 11980, effective July 10, 2008)

**Section 750.189 Microwave Cooking**

Raw animal foods cooked in a microwave oven shall be:

- a) Rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat;
- b) Covered to retain surface moisture;
- c) Heated to a temperature of at least 165°F (74°C) in all parts of the food; and
- d) Allowed to stand covered for 2 minutes after cooking to obtain temperature equilibrium.

(Source: Amended at 32 Ill. Reg. 11980, effective July 10, 2008)

**Section 750.190 Dry Milk and Dry Milk Products**

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

**Section 750.200 Liquid, Frozen, Dry Eggs and Egg Products**

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

**Section 750.208 Preparation for Immediate Service**

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

(Source: Added at 32 Ill. Reg. 11980, effective July 10, 2008)

**Section 750.210 Reheating for Hot Holding**

- a) Except as specified under subsections (b), (c), (d) and (e), potentially hazardous foods that have been cooked and then refrigerated shall be reheated rapidly to at least 165°F or higher for 15 seconds throughout before being served or before being placed in a hot food storage facility. Steam tables, bain-maries, warmers, and similar hot food holding facilities are prohibited for the rapid reheating of potentially hazardous foods.
- 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 165° F (74° C) and the food is rotated or stirred, covered, and allowed to stand covered for 2 minutes after reheating.

- c) Ready-to-eat food taken from a commercially processed, hermetically sealed container, or from an intact package from a food processing plant that is inspected by the food regulatory authority that has jurisdiction over the plant, shall be heated to a temperature of at least 135°F (57°C) for hot holding.
- d) Reheating for hot holding shall be done rapidly, and the time during which the food is between 41°F and 165°F may not exceed 2 hours.
- e) Remaining unsliced portions of roasts of beef that are cooked as specified under Sections 750.186 and 750.187 may be reheated for hot holding using the oven parameters and minimum time and temperature conditions specified under Sections 750.186 and 750.187.

(Source: Amended at 32 Ill. Reg. 11980, effective July 10, 2008)

#### **Section 750.220 Nondairy Products**

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 gallon in capacity and cooled to 45 degrees F. or below within 4 hours after preparation.

#### **Section 750.230 Product Thermometers**

Metal stem-type numerically scaled indicating thermometers accurate to  $\pm 2$  degrees F. shall be provided and used to assure attainment and maintenance of proper internal cooking, holding or refrigeration temperatures of all potentially hazardous foods.

#### **Section 750.240 Thawing Potentially Hazardous Foods**

Potentially hazardous foods shall be thawed:

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



- d) As part of the conventional cooking process.

(Source: Amended at 32 Ill. Reg. 11980, effective July 10, 2008)

### **Section 750.250 Food Display and Service of Potentially Hazardous Food**

Potentially hazardous foods shall be kept at an internal temperature of 41°F or below or at an internal temperature of 135°F or above during display and service, except that rare roast beef shall be held for service at a temperature of at least 130°F. Potentially hazardous foods shall be held during display and service at an internal temperature of 41°F or below, or held during display and service at an internal temperature of 135°F or above, except that rare roast beef shall be held for service at a temperature of at least 130°F.

(Source: Amended at 32 Ill. Reg. 11980, effective July 10, 2008)

### **Section 750.260 Display Equipment**

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.

### **Section 750.270 Reuse of Tableware**

Reuse of soiled tableware by self-service consumers returning for additional food is prohibited. Beverage cups and glasses are exempt from this requirement.

### **Section 750.280 Dispensing Utensils**

To avoid unnecessary manual contact with food, suitable dispensing utensils shall be used by employees or provided to consumers who serve themselves. Between uses during service, dispensing and incidental utensils shall be:

- a) Stored in the food with the dispensing utensil handle extended out of the food; or
- b) Stored clean and dry; or
- c) Stored in running potable water dipper wells; or
- d) In the case of dispensing utensils and malt collars used in serving frozen desserts, stored either in a running potable water dipper well, or clean and dry.

**Section 750.290 Ice Dispensing**

Ice for consumer use shall be dispensed only 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.

(Source: Amended at 11 Ill. Reg. 2345, effective February 1, 1987)

**Section 750.300 Condiment Dispensing**

- a) Condiments, seasonings, and dressings for self-service use shall be provided in individual packages or from dispensers, or from containers in accordance with Section 750.260.
- b) Condiments provided for table or counter service shall be individually portioned, except that catsup and other sauces may be served in the original container or pour-type dispenser. Sugar for consumer use shall be provided in individual packages or in pour-type dispensers.

**Section 750.310 Milk and Cream Dispensing**

- a) Milk and milk products for drinking purposes shall be provided to the consumer in an unopened, commercially filled package not exceeding one pint in capacity, or drawn from a commercially filled container stored in a mechanically refrigerated bulk milk dispenser. Where a bulk milk dispenser for milk and milk products is not available and portions of less than ½ pint are required for mixed drinks, cereal, or dessert service, milk and milk products may be poured from a commercially filled container.
- b) Milk and milk products for drinking purposes in hospitals, nursing homes or day care centers may be dispensed from commercially filled containers into individual serving vessels by food service personnel for service to the consumer.
- c) Cream or half and half shall be provided in an individual service container, protected pour-type pitcher, or drawn from a refrigerated dispenser designed for such service.
- d) Remote mix supplying systems for frozen dessert dispensers shall be designed, constructed, refrigerated and equipped so that all mix in the system is maintained at not more than 41°F until subject to freezing. Product pumps and flexible lines shall be maintained under continuous refrigeration or insulation when product is within the system. Systems shall be supported and sloped to drain at least 1 inch

per 10 feet, preventing retention of fluid. All product lines shall be equipped with an indicating thermometer accurate to plus or minus 2°F. Flexible plastic lines are permitted up to 30 feet if they are in one continuous length and contain sanitary fittings on the terminal ends.

(Source: Amended at 32 Ill. Reg. 11980, effective July 10, 2008)

### **Section 750.320 Re-Service**

Once served to a consumer, portions of left over 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 reserved.

### **Section 750.325 Special Requirements for Highly Susceptible Populations**

In a food establishment that serves a highly susceptible population:

- a) The following criteria apply to juice:
  - 1) For the purposes of this subsection (a) only, children who are age 9 or less and receive food in a school, day care setting, or similar facility that provides custodial care are included as highly susceptible populations;
  - 2) Packaged juice, or a packaged beverage containing juice, that has not been specifically processed to prevent, reduce, or eliminate the presence of pathogens, may not be served or offered for sale.
- b) Pasteurized eggs or egg products shall be substituted for raw eggs in the preparation of foods using raw or undercooked shell eggs.
- c) Time only, as the public health control specified under Section 750.153, may not be used for raw eggs.

(Source: Added at 32 Ill. Reg. 11980, effective July 10, 2008)

### **Section 750.330 General – Food Transportation**

Except for raw fruits and raw vegetables, during transportation, food and food utensils shall be kept and packed in covered containers or completely wrapped or packaged to be protected from contamination. Foods in original individual packages do not need to be over-wrapped or covered if the original package has not been torn or broken. During transportation, including transportation to another location for service or catering operations, food shall meet the requirements of Sections 750.130, 750.140 and 750.150 relating to food storage.

(Source: Amended at 37 Ill. Reg. 20365, effective December 6, 2013)

#### **Section 750.340 Public Health Protection**

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

(Source: Added at 32 Ill. Reg. 11980, effective July 10, 2008)

#### **Section 750.350 Preventing Health Hazards, Provision for Conditions Not Addressed**

- a) If necessary to protect against public health hazards or nuisances, the regulatory authority shall impose specific requirements in addition to the requirements contained in this Part that are referenced and incorporated in Section 750.5.
- b) The regulatory authority shall document the conditions that necessitate the imposition of additional requirements and the underlying public health rationale. The documentation shall be provided to the permit applicant or permit holder, and a copy shall be maintained in the regulatory authority's file for the food establishment.

(Source: Added at 32 Ill. Reg. 11980, effective July 10, 2008)

#### **Section 750.360 Variances**

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

(Source: Added at 32 Ill. Reg. 11980, effective July 10, 2008)

#### **Section 750.370 Justification for and Documentation of Proposed Variance**

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

- a) The requirement of this Part for which the variance is requested, citing relevant Section numbers; and

- b) An explanation of how the potential public health hazards and nuisances addressed by the relevant Sections of this Part will be alternatively addressed.

(Source: Added at 32 Ill. Reg. 11980, effective July 10, 2008)

#### SUBPART C: PERSONNEL

##### **Section 750.500 General - Employee Health**

- a) No person, while affected with a disease in a communicable form that can be transmitted by foods or who is a carrier of organisms that cause such a disease or while afflicted with a boil, or infected wound, or an acute respiratory infection, shall work in a food service establishment in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces with pathogenic organisms or transmitting disease to other persons.
- b) When the regulatory authority has reasonable cause to suspect possible disease transmission by an employee of a food service establishment, it may secure a morbidity history of the suspected employee or make any other investigation as indicated and shall take appropriate action. The regulatory authority may require any or all of the following measures:
  - 1) The immediate exclusion of the employee from employment in food service establishments.
  - 2) The immediate closing of the food service establishment concerned, until, in the opinion of the regulatory authority, no further danger of disease outbreaks exist.
  - 3) Restriction of the employee's service to some area of the establishment where there would be no danger of transmitting disease.
  - 4) Adequate medical and laboratory examination of the employee and other employees and of his and their body discharges.

##### **Section 750.510 General – Personal Cleanliness**

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

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

(Source: Amended at 32 Ill. Reg. 11980, effective July 10, 2008)

### **Section 750.512 When to Wash Hands**

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

- a) After touching bare human body parts other than clean hands and clean exposed portion of arms;
- b) After using the toilet room;
- c) After caring for or handling service animals;

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

(Source: Added at 32 Ill. Reg. 11980, effective July 10, 2008)

#### **Section 750.514 Where to Wash Hands**

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

(Source: Added at 32 Ill. Reg. 11980, effective July 10, 2008)

#### **Section 750.516 Hand Antiseptics**

- a) A hand antiseptic used as a topical application, a hand antiseptic solution used as a hand dip, or a hand antiseptic soap shall:
  - 1) Comply with one of the following:
    - A) Be an approved drug that is listed in "Approved Drug Products with Therapeutic Equivalence Evaluations" as an approved drug based on safety and effectiveness; or
    - B) Have active antimicrobial ingredients that are listed in OTC Health-Care Antiseptic Drug Products as an antiseptic handwash; and
  - 2) Comply with one of the following:

- A) Have components that are exempted from the requirement of being listed in federal food additive regulations as specified in 21 CFR 170.39 – Threshold of regulation for substances used in food-contact articles; or
  - B) Comply with and be listed in:
    - i) 21 CFR 178 – Indirect Food Additives: Adjuvants, Production Aides, and Sanitizers (as regulated for use as a food additive with conditions of safe use); or
    - ii) 21 CFR 182 – Substances Generally Recognized as Safe, 21 CFR 184 – Direct Food Substances Affirmed as Generally Recognized as Safe, or 21 CFR 186 – Indirect Food Substances Affirmed as Generally Recognized as Safe (for use in contact with food); and
  - 3) Be applied only to hands that are cleaned as specified under Section 750.510.
- b) If a hand antiseptic or a hand antiseptic 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 hand contact with food by the bare hands.

(Source: Added at 32 Ill. Reg. 11980, effective July 10, 2008)

#### **Section 750.520 General – Clothing**

- a) The outer clothing of all employees shall be clean.
- b) Employees shall use effective 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 exposed food; clean equipment, utensils and linens; and unwrapped single-service and single-use articles.

(Source: Amended at 32 Ill. Reg. 11980, effective July 10, 2008)

#### **Section 750.530 General – Employee Practices**



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

(Source: Amended at 32 Ill. Reg. 11980, effective July 10, 2008)

#### **Section 750.540 Management Sanitation Training and Certification**

- a) All food service establishments as defined in Section 750.10, except Category III facilities, shall be under the operational supervision of a certified food service sanitation manager. Category III facilities do not require the operational supervision of a certified food service sanitation manager.
  - 1) Category I facilities. Category I facilities as defined in Section 750.10

shall have a certified food service sanitation manager on the premises at all times that potentially hazardous food is being handled, except as specified in subsections (a)(1)(A) and (B) of this Section. A certified food service sanitation manager is not required on the premises during hours of operation when all food products sold have been prepared and packaged commercially or prepared under the supervision of a certified food service sanitation manager.

- A) All community-based programs licensed by the Department of Human Services and operating under rules that do not reference this Part are exempt from subsection (a)(1) of this Section (e.g., Community Integrated Living Arrangements, including the formerly licensed Community Residential Alternatives; Supervised Living Arrangements; Home Individual Placements and Special Home Placements; Child and Specialized Group Homes or Child Care Institutions for no more than 7 to 10 individuals).
- B) Health care facilities licensed under the Hospital Licensing Act, Nursing Home Care, or Alternative Health Care Delivery Act that are subject to this Part may comply in one of the following alternative ways:
  - i) Health care facilities may develop a list of foods approved by a certified food service sanitation manager that, under specific circumstances, may be prepared or served by trained staff under the supervision of a health care professional without the presence of a certified food service sanitation manager. These specific circumstances may include late night snacks or light meals prepared at the request of a physician or individual patient/resident. The list of foods shall include instructions for preparing, serving and storing the foods.
  - ii) Health care facilities as specified in subsection (a)(1)(B) are exempt from the requirement of subsection (a)(1) of this Section, provided that the food service in each facility is under the operational supervision of a manager or supervisor who has been certified in food service sanitation and the food service staff annually receive in-service food sanitation training as follows: for nursing homes, in accordance with the rules promulgated pursuant to the Nursing Home Care Act; and for all other health care facilities, 5 hours annually.

- 2) Category II facilities as defined in Section 750.10 shall employ a minimum of one full-time certified food service sanitation manager at each establishment.
- b) Special Circumstances.
- 1) New food service establishments, except Category III facilities, shall have a certified food service sanitation manager from the initial day of operation or shall provide documentation of enrollment in an approved course to be completed within three months.
  - 2) Food service establishments that are not in compliance with this Section because of employee turnover or other loss of certified personnel shall have three months from date of loss of certified personnel to comply.
  - 3) Incidental absences of the certified food service sanitation manager due to temporary illness, short errands off the premises, etc., shall not constitute a violation of this Section, provided that there is documentation that a certified food service sanitation manager was scheduled to work at that time.
- c) Certification shall be achieved by:
- 1) Successfully completing a Department-approved course and a monitored examination offered by a testing organization in compliance with the criteria in Subpart J of this Part; and
  - 2) Payment to the Department of a \$35 certificate fee.
- d) Original certificates of certified managers shall be maintained at the place of business and shall be made available for inspection.

(Source: Amended at 32 Ill. Reg. 11980, effective July 10, 2008)

#### **Section 750.550 Management Sanitation Certification Examination (Repealed)**

(Source: Repealed at 13 Ill. Reg. 18888, effective December 1, 1989)

#### **Section 750.551 Certification and Recertification Issuance**

- a) *For purposes of certification and recertification for food service sanitation manager certification, the Department shall accept only training approved by the*

*Department and certification exams accredited under standards developed and adopted by the Conference for Food Protection or its successor. (Section 3 of the Food Handling Regulation Enforcement Act)*

- b) Original certifications and recertifications issued under this Part shall:
  - 1) Be issued only after the Department has received:
    - A) Evidence of completion of eight hours of Department-approved training;
    - B) Evidence of successful completion of an approved Food Service Sanitation Manager Certification examination with a final score of 75% or higher;
    - C) Payment of a \$35 nonrefundable fee;
  - 2) Be issued as of the date when the individual successfully completed the examination;
  - 3) Expire five years after the date of the original issuance; and
  - 4) Be issued only if recertification training was taken not more than 12 months prior to the certification expiration date.
- c) Replacement or duplicate certificates issued under this Part shall:
  - 1) Be issued after the Department has received payment of a \$10 fee; and
  - 2) Have the same expiration date as the original certificate.

(Source: Amended at 38 Ill. Reg. 11775, effective May 21, 2014)

#### **Section 750.555 Change of Name or Address**

Certificate holders shall inform the Department of any name and address changes. Legal documentation, such as a marriage certificate, divorce decree or court-approved name change, shall be provided for any name change.

(Source: Added at 39 Ill. Reg. 5006, effective March 17, 2015)

#### **Section 750.560 Certificate Revocation or Suspension**

Any certificate of certification may be revoked or suspended by the State or local health department enforcing this Part when the holder or person under his supervision repeatedly fails to comply with this Part. Prior to such suspension or revocation, the holder of said certificate shall be given the opportunity for a hearing before the regulatory authority pursuant to the Department's "Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).

(Source: Amended at 14 Ill. Reg. 20535, effective January 1, 1991)

### **Section 750.570 Food Handler Training**

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

(Source: Added at 38 Ill. Reg. 23109, effective November 20, 2014)

## **SUBPART D: EQUIPMENT AND UTENSILS**

### **Section 750.600 General - Materials**

Multi-use equipment and utensils shall be made and repaired with safe, non-toxic materials, including finishing materials, shall be corrosion resistant, non-absorbent, smooth, easily cleanable, and durable under conditions of normal use. Single-service articles shall be made from clean, sanitary, safe, and non-toxic materials. Equipment, utensils, and single-service articles shall not impart odors, color, or taste, nor contribute to the contamination of food.

### **Section 750.610 Solder**

If soft solder is used, it shall be composed of safe materials and be corrosion resistant.

### **Section 750.620 Wood**

Hard maple or equivalently non-absorbent material that meets the general requirements set forth in the introductory text of this article 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. The use of wood as a food-contact surface under other circumstances is prohibited, except for contact with raw fruits, raw vegetables and nuts in the shell.

(Source: Amended at 37 Ill. Reg. 20365, effective December 6, 2013)

### **Section 750.630 Plastics**

Safe plastic or safe rubber or safe rubber-like materials that, under normal conditions of use, are resistant 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 the introductory text of this section are permitted for repeated use. The repeated use of equipment and utensils made of materials not meeting the requirements of this section is prohibited.

#### **Section 750.640 Mollusk and Crustacea Shells**

The reuse of mollusk and crustacea shells as food containers is prohibited.

#### **Section 750.650 General – Design and Fabrication**

- a) Food-contact surfaces shall be easily cleanable, smooth, and free of breaks, open seams, cracks, chips, pits, and similar imperfections, and free of difficult-to-clean internal corners and crevices. Cast iron may be used as a food-contact surface only if the surface is heated, such as in grills, griddle tops and skillets. Threads shall be designed to facilitate cleaning; ordinary "V" type threads are prohibited as food-contact surfaces, except that in equipment such as ice makers or hot oil cooking equipment and hot oil filtering systems, such threads shall be minimized.
- b) Equipment containing bearings and gears requiring unsafe lubricants shall be designed and constructed so that the lubricant cannot leak, drip, or be forced into food or onto food-contact surfaces. Only safe lubricants shall be used on equipment designed to receive lubrication of bearings and gears on or within food-contact surfaces.
- c) Sinks and drain boards shall be self-draining.
- d) Tubing conveying beverages or beverage ingredients to dispensing heads may be in contact with stored ice provided, that such tubing is fabricated from safe materials, is grommeted at entry and exit point to preclude moisture (condensation) from entering the ice machine or the ice storage bin, and is kept clean. Drainage or drainage tubes from dispensing units shall not pass through the ice machine or the ice storage bin.

#### **Section 750.660 Accessibility**

Unless designed for in-place cleaning, food-contact surfaces shall be accessible for cleaning and inspection:

- a) Without being disassembled; or

- b) By disassembling without the use of tools; or
- c) By easy disassembling with the use of only simple tools kept available near the equipment, such as a mallet, a screwdriver, or an open-end wrench.

#### **Section 750.670 In-Place Cleaning**

Equipment intended for in-place cleaning shall be so designed and fabricated that:

- a) Cleaning and sanitizing solutions can be circulated throughout a fixed system using an effective cleaning and sanitizing regimen; and
- b) Cleaning and sanitizing solutions will contact all interior food-contact surfaces; and
- c) The system is self-draining or capable of being completely evacuated.

#### **Section 750.680 Thermometers**

Indicating thermometers required for immersion into food or cooking media shall be of metal stem-type construction, numerically scaled, and accurate to  $\pm 2$  degrees F.

#### **Section 750.690 Non-Food-Contact Surfaces**

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 so as to be smooth, washable, free of unnecessary ledges, projections, or crevices, and readily accessible for cleaning, and shall be of such material and in such repair as to be easily maintained in a clean and sanitary condition.

#### **Section 750.700 Ventilation Hoods**

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.

#### **Section 750.710 General – Equipment Installation and Location**

Equipment, including ice makers and ice storage equipment, shall not be located under exposed or unprotected sewer lines, or leaking water lines, open stairwells, or other sources of contamination. This requirement does not apply to automatic fire protection sprinkler heads that may be required by law.

**Section 750.720 Table-Mounted Equipment**

Equipment that is placed on tables or counters, unless portable, shall be sealed to the table or counter or elevated on legs to provide at least a four inch clearance between the table or counter and equipment and shall be installed to facilitate the cleaning of the equipment and adjacent areas.

**Section 750.730 Portable Equipment**

Equipment is portable within the meaning of Section 750.720 if:

- a) It is small and light enough to be moved easily by one person; and
- b) It has no utility connection, or has a utility connection that disconnects quickly, or has a flexible utility connection line of sufficient length to permit the equipment to be moved for easy cleaning.

**Section 750.740 Floor-Mounted Equipment**

- a) Installation
  - 1) Floor-mounted equipment, unless readily movable, shall be:
    - A) Sealed to the floor; or
    - B) Installed on raised platforms of concrete or other smooth masonry in a way that meets all of the requirements for ceiling or floor clearance; or
    - C) Elevated on legs to provide at least a 6-inch clearance between the floor and equipment, except that vertically mounted floor mixers may be elevated to provide at least a 4-inch clearance between the floor and equipment if no part of the floor under the mixer is more than 6 inches from cleaning access.
  - 2) Display shelving units, display refrigeration units, and display freezer units located in the consumer shopping areas of a retail food store are exempt from the provisions of this subsection (a) if they are installed so that the floor beneath the units can be cleaned.
- b) Equipment is easily movable if:
  - 1) It is mounted on wheels or castors; and



- 2) It has no utility connection or has a utility connection that disconnects quickly, or has a flexible utility line of sufficient length to permit the equipment to be moved for easy cleaning.
- c) Unless sufficient space is provided for easy cleaning between, behind and above each unit of fixed equipment, the space between it and adjoining equipment units and adjacent walls or ceilings shall be not more than 1/32 inch; or if exposed to seepage, the equipment shall be sealed to the adjoining equipment or adjacent walls or ceilings.

(Source: Amended at 37 Ill. Reg. 20365, effective December 6, 2013)

### **Section 750.750 Aisles and Working Spaces**

Aisles and working spaces between units of equipment and between equipment and walls shall be unobstructed and of sufficient width to permit employees to perform their duties readily without contamination of food or food-contact surfaces by clothing or personal contact. All easily removable storage equipment such as pallets, racks, and dollies shall be positioned to provide accessibility to working areas.

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

### **Section 750.800 Cleaning Frequency**

- 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 on a continuous or production-line basis, utensils and the food-contact surfaces of equipment shall be washed, rinsed and sanitized at intervals throughout the day on a schedule subject to the approval of the regulatory authority. This schedule shall be based on food temperature, type of food, and amount of food particle accumulation.
- d) The food-contact surfaces of grills, griddles, and similar cooking devices and the cavities and door seals of microwave ovens shall be cleaned at least once a day except that this shall not apply to hot oil cooking equipment and hot oil filtering systems. The food-contact surfaces of all cooking equipment shall be kept free of

encrusted grease deposits and other accumulated soil.

- e) Non-food-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.

### **Section 750.810 Wiping Cloths**

- a) 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.
- b) Moist cloths or sponges used for wiping food spills on kitchenware and food-contact surfaces of equipment shall be clean and rinsed frequently in one of the sanitizing solutions permitted in Section 750.820(e) and used for no other purpose. These cloths and sponges shall be stored in the sanitizing solution between uses.
- c) Moist cloths or sponges used for cleaning non-food-contact surfaces of equipment such as counters, dining table tops and shelves shall be cleaned and rinsed as specified in Section 750.810(b) and used for no other purpose. These cloths and sponges shall be stored in the sanitizing solution between uses.

### **Section 750.820 Manual Cleaning and Sanitizing**

- a) For manual washing, rinsing and sanitizing utensils and equipment, a sink with no fewer than three 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 the sink compartments shall be washed manually or cleaned through pressure spray methods.
- b) Drain boards and easily movable dish tables of adequate size shall be provided for proper handling of soiled utensils prior to washing and for clean utensils following sanitizing and shall be located so as not to interfere with the proper use of the dishwashing facilities.
- c) Equipment and utensils shall be pre-flushed or pre-scraped and, when necessary, pre-soaked to remove gross food particles and soil.
- d) 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:

- 1) Sinks shall be cleaned prior to use.
  - 2) Equipment and utensils shall be thoroughly washed in the first compartment with a hot detergent solution that is kept clean.
  - 3) Equipment and utensils shall be rinsed free of detergent and abrasives in clean water in the second compartment.
  - 4) Equipment and utensils shall be sanitized in the third compartment according to one of the methods included in Section 750.820(e)(1) through (4).
- e) 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 170 degrees F.; or
  - 2) Immersion for at least one minute in a clean solution containing at least 50 parts per million of available chlorine as a hypochlorite and having a temperature of at least 75 degrees F.; or
  - 3) Immersion for at least one minute in a clean solution containing at least 12.5 parts per million of available iodine and having a pH not higher than 5.0 and having a temperature of at least 75 degrees F.; or
  - 4) Immersion in a clean solution containing any other chemical sanitizing agent allowed under 21 CFR 178.1010, that will provide the equivalent bactericidal effect of a solution containing at least 50 parts per million of available chlorine as a hypochlorite and having a temperature of at least 75 degrees F. for one minute; or
  - 5) Treatment with steam free from materials or additives other than those specified in 21 CFR 173.310 in the case of equipment too large to be sanitized by immersion but in which steam can be confined; or
  - 6) Rinsing, spraying, or swabbing with a chemical sanitizing solution of at least twice the strength required for that particular sanitizing solution under Section 750.820(e)(4), in the case of equipment too large to sanitize by immersion.
- f) 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 170 degrees F.; and
  - 2) A numerically scaled indicating thermometer accurate to  $\pm 3$  degrees F. convenient to the sink that can be used for frequent checks of water temperature; and
  - 3) Dish baskets of such size and design to permit complete immersion of the tableware, kitchenware, and equipment in the hot water.
- g) When chemicals are used for sanitizing, they shall not have concentrations higher than the maximum permitted under 21 CFR 178.1010, and a test kit or other device that accurately measures the parts per million concentration of the solution shall be provided and used.

#### **Section 750.830 Mechanical Cleaning and Sanitizing**

- a) 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. Such machines and devices shall be properly installed and maintained in good repair. Machines and devices shall be operated in accordance with the manufacturer's instructions, and utensils and equipment placed in the machine shall be exposed to all dishwashing cycles. Automatic detergent dispensers and wetting agent dispensers, and liquid sanitizer injectors, if any, shall be properly installed and maintained.
- b) The pressure of final rinse water supplied to spray-type dishwashing machines shall be not less than 15 or more than 25 pounds per square inch measured in the water line immediately adjacent to the machine. A one-quarter-inch-IPS valve shall be provided immediately upstream from the final-rinse control valve to permit checking the flow pressure of the final rinse water.
- c) Machine or water line mounted numerically scaled indicating thermometers accurate to  $\pm 3$  degrees F. shall be provided to indicate the temperature of the water in each tank of the machine and the temperature of the final rinse water as it enters the manifold.
- d) Rinse-water tanks shall be so protected by baffles, curtains, or other effective means as to minimize the entry of wash water into the rinse water. Conveyors in dishwashing machines shall be accurately timed to assure proper exposure times in wash and rinse cycles in accordance with manufacturer's specifications attached

to the machine.

- e) Drain boards shall be provided and of adequate size for the proper handling of soiled utensils prior to washing and of cleaned utensils following sanitization and shall be so located and constructed as not to interfere with the proper use of the dishwashing facilities. This does not preclude the use of easily movable dish tables for the storage of soiled utensils or the use of easily movable dish tables for the storage of clean utensils following sanitization.
- f) Equipment and utensils shall be flushed or scraped and, when necessary, soaked to remove gross food particles and soil prior to their being cleaned in a dishwashing machine unless a pre-wash cycle is a part of the dishwashing machine operation. Equipment and utensils shall be placed in racks, trays, or baskets, or on conveyors, in a way that food-contact surfaces are exposed to the unobstructed application of detergents, wash and clean rinse water and that permits free draining.
- g) 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 120 degrees 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 manufacturer's specifications for time and concentration.
  - 5) The chemical sanitizing rinse water temperature shall be not less than 75 degrees F. nor less than the temperature specified by the machine's manufacturer.
  - 6) Chemical sanitizers used shall meet the requirements of 21 CFR 178.1010.
  - 7) A test kit or other device that accurately measures the parts per million concentration of solution shall be available and used.
- h) Machines using hot water for sanitizing may be used provided that wash water and pumped rinse water be kept clean and water shall be maintained at not less than the temperature stated in Section 750.830(h)(1) through (5).

- 1) Single-tank, stationary-rack, dual-temperature machine:

wash temperature	150 degrees F.
final rinse temperature	180 degrees F.
  - 2) Single-tank, stationary-rack, single-temperature machine:

wash temperature	165 degrees F.
final rinse temperature	165 degrees F.
  - 3) Single-tank, conveyor machine:

wash temperature	160 degrees F.
final rinse temperature	180 degrees F.
  - 4) Multi-tank, conveyor machine:

wash temperature	150 degrees F.
pumped rinse temperature	160 degrees F.
final rinse temperature	180 degrees F.
  - 5) Single-tank, pot, pan and utensil washer (either stationary or moving rack):

wash temperature	140 degrees F.
final rinse temperature	180 degrees F.
- i) 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.

#### **Section 750.840 Drying**

All equipment, tableware and utensils shall be air-dried.

#### **Section 750.850 Equipment, Utensil, and Tableware Handling**

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 with surfaces that contact the user's mouth.

#### **Section 750.860 Equipment, Utensil, and Tableware Storage**

- a) Cleaned and sanitized utensils and equipment shall be stored at least six inches 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 sewer lines, or water lines except for automatic fire protection sprinkler heads that may be required by law.
- b) Utensils shall be air-dried before being stored or shall be stored in a self-draining position.
- c) Glasses and cups shall be stored inverted. Other stored utensils shall be covered or inverted wherever practical. Facilities for the storage of knives, forks and spoons shall be designed and used to present the handle to the employee or the consumer. Unless tableware is pre-wrapped, holders for knives, forks, and spoons at self-service locations shall protect these articles from contamination and present the handles of the utensils to the consumer.

#### **Section 750.870 Pre-Set Tableware**

Tableware may be set prior to serving a meal when glasses and cups are inverted, and knives, forks and spoons are wrapped or otherwise covered.

#### **Section 750.880 Single-Service Articles**

- a) Single-service articles shall be stored at least six inches above the floor in closed cartons or containers which protect them from contamination and shall not be placed under exposed sewer lines or water lines, except for automatic fire protection sprinkler heads that may be required by law.
- b) Single-service articles shall be handled and dispensed in a manner which prevents contamination of surfaces which may come in contact with food or with the mouth of the user.
- c) Single-service knives, forks and spoons packaged in bulk shall be inserted into holders or be wrapped by an employee who has washed his hands immediately prior to sorting or wrapping the utensils. Unless single-service knives, forks and spoons are pre-wrapped or pre-packaged, holders shall be provided to protect these items from contamination and present the handle of the utensils to the consumer.

#### **Section 750.890 Prohibited Storage Area**

The storage of food equipment, utensils or single-service articles in toilet rooms or vestibules is

prohibited.

## SUBPART F: SANITARY FACILITIES AND CONTROLS

### **Section 750.1000 General – Water Supply**

Enough potable water for the needs of the food service establishment shall be provided from a source constructed and operated according to law. The potable water supply shall be in compliance with the requirements and maximum contaminant levels of the Drinking Water Code (77 Ill. Adm. Code 900).

(Source: Amended at 16 Ill. Reg. 15995, effective October 1, 1992)

### **Section 750.1010 Transportation**

All potable water not provided directly by pipe to the food service establishment from the source shall be transported in a bulk water transport system and shall be delivered to a closed-water system. Both of these systems shall be constructed and operated according to law.

### **Section 750.1020 Bottled Water**

Bottled and packaged potable water shall be obtained from a source that complies with all laws and shall be handled and stored in a way that protects it from contamination. Bottled and packaged potable water shall be dispensed from the original container.

### **Section 750.1030 Water Under Pressure**

Water under pressure at the required temperature shall be provided to all fixtures and equipment that use water.

### **Section 750.1040 Steam**

Steam used in contact with food or food-contact surfaces shall be free from any materials or additives other than those specified in 21 CFR 173.310.

### **Section 750.1050 General – Sewage Disposal**

- a) All water-carried sewage shall be disposed of by means of:
  - 1) A public sewage system; or
  - 2) An approved sewage disposal system which is constructed and operated in conformance with applicable State and local laws, ordinances and regulations.



- b) Non-water-carried sewage-disposal facilities shall not be used except where water-carried disposal methods have been determined by the health authority to be impractical. Under such conditions, only facilities which have been approved by the health authority shall be used, and operation of these facilities shall be in conformance with applicable State and local laws, ordinances, and regulations.

### **Section 750.1060 General – Plumbing**

All plumbing shall be sized, installed, and maintained in accordance with applicable provisions of the Illinois State Plumbing Code. Local ordinances may be followed when standards are equal to or exceed those contained in the aforementioned Code. There shall be no cross-connection between the safe-water supply and any unsafe or questionable water supply, or any source of pollution through which the safe water supply might become contaminated.

### **Section 750.1070 Nonpotable System**

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.

### **Section 750.1080 Backflow**

The potable water system shall be installed to preclude the possibility of backflow. Devices to protect against backflow and backsiphonage shall be installed at all fixtures and equipment where an air gap at least twice the diameter of the water inlet is not provided between the water outlet from the fixture and the fixture's flood-level rim and wherever else backflow or backsiphonage may occur. A hose shall not be attached to a faucet unless a backflow prevention device is installed.

### **Section 750.1090 Grease Traps**

If used, grease traps shall be located so they and their surroundings are accessible for cleaning.

### **Section 750.1100 Drains**

- a) Commercial dishwashing machines, dishwashing, sinks, pot washing sinks, pre-rinse sinks, silverware sinks, bar sinks, soda fountain sinks, vegetable sinks, potato peelers, ice machines, steam tables, steam cookers, and other similar fixtures shall be indirectly connected in compliance with 77 Ill. Adm. Code 890.1410(a). The only exception shall be when such fixtures are located adjacent to a floor drain, the waste may be directly connected on the sewer side of the floor

drain trap provided the fixture waste is trapped and vented as required by the Illinois Plumbing Code (77 Ill. Adm Code 890) and the floor drain is located within four feet horizontally of the fixture and in the same room. The indirect piping from the fixture to the air gap shall not exceed five (5) feet developed length. All indirectly connected fixtures shall discharge to a vented trap located in the same room in compliance with 77 Ill. Adm. Code 890.1410(a). In the case of direct connection no other fixture waste shall be connected between the floor drain trap and the fixture protected.

- b) Drain lines from equipment shall not discharge waste water in such a manner as will permit the flooding of floors or the flowing of water across working or walking areas or into difficult-to-clean areas, or otherwise create a nuisance.

(Source: Amended at 12 Ill. Reg. 17918, effective December 1, 1988)

#### **Section 750.1110 General – Toilet Facilities**

- a) Toilet facilities for employees shall be provided and installed according to law, shall be conveniently located and shall be accessible to employees at all times. If toilet facilities are provided for the public, they shall meet the requirements of Section 750.1110 and Section 750.1120.
- b) Toilets and urinals shall be designed to be easily cleanable.
- c) Toilet rooms shall be completely enclosed and shall have tightfitting, self-closing doors. Such doors shall not be left open except during cleaning or maintenance.
- d) Toilet facilities, including vestibules, if present, shall be kept clean and in good repair and free of objectionable odors. A supply of toilet tissue shall be provided at each toilet at all times. Easily cleanable, covered receptacles shall be provided for waste materials.

#### **Section 750.1120 General – Lavatory Facilities**

- a) Lavatories shall be at least the number required by law, shall be installed according to law and 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 or utensils shall not be used for hand washing.

- 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 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 hand washing facilities.
- f) Lavatories, soap dispensers, hand drying devices and all related fixtures shall be kept clean and in good repair.

### **Section 750.1130 Containers – Garbage and Refuse**

- a) Garbage and refuse 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 high wet strength paper bags may be used to line these containers and may be used for storage inside the food service establishment when protected from insects and rodents.
- 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, compactor 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 kept in place at all times, except during cleaning.
- d) There shall be a sufficient number of containers to hold all the garbage and refuse that accumulates.
- e) Soiled containers shall be cleaned at a frequency to prevent insect and rodent attraction. These containers 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.

### **Section 750.1140 Garbage and Refuse Storage**

- a) Garbage and refuse on the premises shall be stored in a manner inaccessible to

insects and rodents. When stored outside, plastic bags or high wet strength paper bags or bale units containing garbage and refuse must be stored in a manner inaccessible to insects and rodents. Cardboard or other packing material not containing garbage or food waste need not be stored in covered containers.

- b) Garbage or refuse storage rooms, if used, shall be constructed of easily cleanable, non-absorbent, washable materials, shall be kept clean, shall be insect and rodent proof, and shall be large enough to store the garbage and refuse containers that accumulate.
- c) Outside storage areas or enclosures shall be large enough to store the garbage and refuse containers that accumulate and shall be kept clean. Garbage and refuse containers and compactor systems located outside shall be stored on or above a smooth surface of non-absorbent material, such as concrete or machine-laid asphalt, that is kept clean, graded to prevent accumulation of liquid waste, and maintained in good repair.

#### **Section 750.1150 Disposal of Garbage and Rubbish**

- a) All garbage and rubbish shall be disposed of daily or at such other frequencies as may be approved by the regulatory authority. Such approval shall be granted if the garbage and rubbish does not create a nuisance.
- b) Where garbage or combustible rubbish is burned on the premises, an approved incinerator shall be provided, and shall be operated in such a manner as to comply with State and local regulations and so that it does not create a nuisance. Areas around such incinerators shall be kept in a clean and orderly condition.

#### **Section 750.1160 General – Insect and Rodent Control**

Effective measures intended to minimize the presence of rodents and flies, roaches, 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.

#### **Section 750.1170 Protection of Openings Against Entrance of Insects and Rodents**

Openings to the outside shall be effectively protected against the entrance of rodents and 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 16 mesh to the inch.

SUBPART G: CONSTRUCTION AND MAINTENANCE OF  
PHYSICAL FACILITIES

**Section 750.1200 General – Floors**

- a) Floors and floor coverings of all food preparation, food storage, and utensil-washing areas, and the floors of all walk-in refrigerating units, dressing rooms, locker rooms, toilet rooms and vestibules shall be constructed of smooth durable material such as sealed concrete, terazzo, ceramic tile, durable grades of linoleum or plastic, or tight wood impregnated with plastic, and shall be maintained in good repair. Nothing in this section shall prohibit the use of anti-slip floor covering in areas where necessary for safety reasons.
- b) Carpeting, if used as a floor covering, shall be of closely woven construction, properly installed, easily cleanable, and maintained in good repair. Carpeting is prohibited in food preparation, equipment-washing and utensil-washing areas where it would be exposed to large amounts of grease and water, in food storage areas, and toilet room areas where urinals or toilet fixtures are located.
- c) The use of sawdust, wood shavings, peanut hulls, or similar material as a floor covering is prohibited.
- d) Properly installed trapped floor drains shall be provided in floors that are water-flushed for cleaning or that receive discharges of water or other fluid waste from equipment, or in areas where pressure spray methods for cleaning equipment are used. Such floors shall be constructed only of sealed concrete, terazzo, ceramic tile or similar materials, and shall be graded to drain.
- e) Mats and duckboards shall be of non-absorbent, grease resistant material and of such size, design, and construction as to facilitate their being easily cleaned. Duckboards shall not be used as storage racks.
- f) In all new or extensively remodeled establishments utilizing concrete, terazzo, ceramic tile or similar flooring materials, and where water-flush cleaning methods are used, the junctures between walls and floors shall be covered and sealed. In all other cases, the juncture between walls and floors shall not present an open seam of more  $\frac{1}{32}$  inch.
- g) Exposed utility service lines and pipes shall be installed in a way that does not obstruct or prevent cleaning of the floor. In all new or extensively remodeled establishments, installation of exposed horizontal utility lines and pipes on the floor is prohibited.

**Section 750.1210 General – Walls and Ceilings**

- a) Walls and ceilings, including doors, windows, and similar enclosures shall be maintained in good repair.
- b) The walls, including non-supporting partitions, wall coverings and ceilings of walk-in refrigerating units, food-preparation areas, equipment-washing and utensil-washing areas, toilet rooms and vestibules shall be light-colored, smooth, non-absorbent and easily cleanable. Concrete or pumice blocks used for interior wall construction in these locations shall be finished and sealed to provide an easily cleanable surface.
- c) Studs, joists, and rafters shall not be exposed in walk-in refrigerating units, food-preparation areas, equipment and utensil-washing areas, in 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. Utility service lines and pipes shall not be unnecessarily exposed on walls or ceilings in walk-in refrigerating units, food-preparation areas, equipment-washing and utensil-washing areas, toilet rooms and vestibules.
- 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 material shall be attached and sealed so as to be easily cleanable.

**Section 750.1220 General – Cleaning Physical Facilities**

- a) Cleaning of floors and walls, except emergency cleaning of floors, shall be done during periods when the least amount of food is exposed, such as after closing or between meals. Floors, mats, duckboard, walls, ceilings, and attached equipment and decorative material shall be kept clean. Only dustless methods of cleaning floors and walls shall be used, such as vacuum cleaning, wet cleaning, or the use of dust-arresting sweeping compounds with brooms.
- b) In new or extensively remodeled establishments, at least one utility sink or curbed cleaning facility with a floor drain shall be provided and used for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water or similar liquid waste. The use of lavatory, utensil-washing or equipment-washing,

or food-preparation sinks for this purpose is prohibited.

### **Section 750.1230 General – Lighting**

- a) Permanently fixed artificial light sources shall be installed to provide at least 20 foot-candles of light on all food preparation surfaces and at equipment or utensil-washing work areas.
- b) Permanently fixed artificial light sources shall be installed to provide, at a distance of thirty inches from the floor:
  - 1) At least 20 foot-candles of light in utensil and equipment storage areas and in lavatory and toilet areas; and
  - 2) At least 10 foot-candles of light in walk-in refrigerating units, dry food storage areas, and in all other areas. This shall also include dining areas during cleaning operations.

### **Section 750.1240 Protective Light Shielding**

- a) Shielding to protect against broken glass falling into food shall be provided for all artificial light fixtures located over, by or within food storage, preparation, service and display facilities and facilities where utensils and equipment are cleaned and stored.
- b) Shielding need not be used in areas used only for storing food in unopened packages if the integrity of the packages cannot be affected by broken glass falling onto them and the packages are capable of being cleaned of debris from broken bulbs before the packages are opened.
- c) Infra-red or other heat lamps shall be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.

(Source: Amended at 37 Ill. Reg. 20365, effective December 6, 2013)

### **Section 750.1250 General – Ventilation**

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 according to law and, when vented to the outside, shall not create an unsightly, harmful or unlawful discharge.

### **Section 750.1260 Special Ventilation**

- a) Intake and exhaust air ducts shall be maintained to prevent the entrance of dust, dirt and other contaminating materials.
- b) In new or extensively remodeled establishments, all rooms from which obnoxious odors, vapors or fumes originate shall be mechanically vented to the outside.

### **Section 750.1270 Dressing Areas**

If employees routinely change clothes within the establishment, areas shall be designated for that purpose. Those areas shall not be located in areas used for food preparation, storage or service, or for utensil washing or storage.

### **Section 750.1280 Lockers**

Enough lockers or other suitable facilities shall be provided and used for the orderly storage of employees' clothing and other belongings. Lockers or other suitable facilities may be located only in designated dressing rooms or in food storage rooms or areas containing only completely packaged food or packaged single-service articles.

### **Section 750.1290 Poisonous or Toxic Materials Permitted**

Only those poisonous or toxic materials necessary for maintaining the establishment, cleaning and sanitizing equipment and utensils, and controlling insects and rodents shall be present in food service establishments. This Section does not apply to packaged poisonous or toxic materials that are for retail sale.

(Source: Amended at 37 Ill. Reg. 20365, effective December 6, 2013)

### **Section 750.1300 Labeling of Poisonous or Toxic Materials**

Containers of poisonous or toxic materials necessary for operational maintenance of the establishment shall be prominently and distinctly labeled in accordance with law. Small working containers of bulk cleaning agents shall be individually labeled for easy identification of contents.

### **Section 750.1310 Storage of Poisonous or Toxic Materials**

- a) Poisonous or toxic materials necessary for the maintenance of the establishment consists of the following two categories:
  - 1) Insecticides and rodenticides;



- 2) Detergents, sanitizers, related cleaning or drying agents, and caustics, acids, polishes and other chemicals.
- b) Materials in each of these two categories shall be stored and located to be physically separated from each other, shall be stored in cabinets or in similar physically separated compartments or facilities used for no other purpose; and, to preclude potential contamination, shall not be stored above or intermingled with food, food equipment, utensils, or single-service articles except that this latter requirement does not prohibit the convenient availability of detergents or sanitizers at dishwashing stations.

#### **Section 750.1320 Use of Poisonous or Toxic Materials**

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

#### **Section 750.1330 Personal Medications**

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

#### **Section 750.1340 First-Aid Supplies**

First-aid supplies shall be stored in a way that prevents them from contaminating food and food-contact surfaces.

#### **Section 750.1350 General – Premises**

- a) Food service establishments and all parts of property used in connection with their operation shall be kept free of litter.
- b) The walking and driving surfaces of all exterior areas of food service establishments shall be surfaced with concrete or asphalt, or with gravel or similar material effectively treated to facilitate maintenance and minimize dust. The surfaces shall be graded to prevent pooling and shall be kept free of litter.
- c) Only articles necessary for the operation and maintenance of the food service establishment shall be stored on the premises.

- d) The travel of unnecessary persons through the food-preparation and utensil-washing areas and the presence in those areas of persons not authorized by the management or person in charge is prohibited.

#### **Section 750.1360 Living Areas**

No operation of a food service establishment shall be conducted in any room used as living or sleeping quarters. Food service operation shall be separated from any living or sleeping quarters by complete partitioning and solid self-closing doors.

#### **Section 750.1370 Laundry Facilities**

- a) Laundry facilities in a food service establishment shall be restricted to the washing and drying of linens, cloths, uniforms and aprons necessary to the operation. If such items are laundered on the premises, an electric or gas dryer shall be provided and use.
- b) Separate rooms shall be provided for laundry facilities except that such operations may be conducted in storage rooms containing only packaged food or packaged single-service articles.

#### **Section 750.1380 Linens and Clothes Storage**

- a) Clean clothes and linens shall be stored in a clean place and protected from contamination until used.
- b) Soiled clothes and linens shall be stored in non-absorbent containers or washable laundry bags until removed for laundering.

#### **Section 750.1390 Cleaning Equipment Storage**

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.

#### **Section 750.1400 Animals**

Live animals, including birds and turtles, shall be excluded from within the food service operational premises and from adjacent areas under the control of the establishment. This exclusion does not apply to edible fish, crustacea, shellfish, or to fish in aquariums. Patrol dogs accompanying security or police officers and support animals, e.g. animals, such as canines and primates trained to assist handicapped persons, accompanying such persons shall be permitted in

dining areas.

(Source: Amended at 11 Ill. Reg. 2345, effective February 1, 1987)

#### SUBPART H: MOBILE FOOD SERVICE

##### **Section 750.1500 General – Mobile Food Units**

Mobile food units and pushcarts shall comply with the requirements of Article II through Article VIII except as otherwise provided in this section and in Section 750.1510 of this Part. The regulatory authority may impose additional requirements to protect against health hazards related to the conduct of the food service establishment as a mobile operation, may prohibit the sale of some or all potentially hazardous foods, and when no health hazard will result, may waive or modify requirements of this Article relating to physical facilities, except those requirements of Section 750.1510 through Section 750.1560.

##### **Section 750.1510 Restricted Operation**

A mobile food unit or pushcart that serves only food that was prepared, packaged in individual servings, transported, and stored under conditions meeting the requirements of this Part or beverages that are not potentially hazardous and are dispensed from covered urns or other protected equipment need not comply with requirements of this Part pertaining to the necessity of water and sewage systems nor to those requirements pertaining to 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 or pushcarts.

##### **Section 750.1520 Single-Service Articles**

Mobile food units or pushcarts shall provide only single-service articles for use by the consumer.

##### **Section 750.1530 Water Systems**

A mobile food unit 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 handwashing in accordance with the requirements of this Part. The water inlet shall be located so that it will not be contaminated by waste discharge, road dust, oil, or grease, and it shall be kept capped unless being filled. The water inlet shall be provided with a transition connection of a size or type that will prevent its use for any other service. All water distribution pipes or tubing shall be constructed and installed in accordance with the requirements of this Part.

##### **Section 750.1540 Waste Retention**

If liquid waste results from operation of a mobile food unit, the waste shall be stored in a permanently installed retention tank that is of at least 50 percent larger capacity than the water supply tank. Liquid waste shall not be discharged from the retention tank when the mobile food unit is in motion. All connections on the vehicle for servicing mobile unit waste disposal facilities shall be of a different size or type than those used for supplying potable water to the mobile food unit. The waste connection shall be located lower than the water inlet connection to preclude contamination of the potable water systems.

#### **Section 750.1550 Base of Operations**

- a) Mobile food units or pushcarts shall operate from a commissary or other fixed food service establishment and shall report at least daily to such location for all supplies and for all cleaning and servicing operations.
- b) The commissary or other fixed food service establishment used as a base of operation for mobile food units or pushcarts shall be constructed and operated in compliance with the requirements of this Part.

#### **Section 750.1560 Servicing Area**

- a) A mobile food unit servicing area shall be provided and shall include at least overhead protection for any supplying, cleaning, or servicing operation. Within this servicing area, there shall be a location provided for the flushing and drainage of liquid waste separate from the location provided for water servicing and for the loading and unloading of food and related supplies. This servicing area will not be required where only packaged food is placed on the mobile food unit or pushcart or where mobile food units do not contain waste retention tanks.
- b) The surface of the servicing area shall be constructed of a smooth non-absorbent material, such as concrete or machine-laid asphalt and shall be maintained in good repair, kept clean, and be graded to drain.
- c) The construction of the walls and ceilings of the servicing area is exempted from the provisions of Section 750.1210(a) through (f) of this Part.

#### **Section 750.1570 Servicing Operations**

- a) Potable water-servicing equipment shall be installed according to law and shall be stored and handled in a way that protects the water and equipment from contamination.
- b) The mobile food unit liquid waste retention tank, where used, shall be thoroughly flushed and drained during the servicing operation. All liquid waste shall be

discharged to the sanitary sewage disposal system in accordance with Section 750.1050 of this Part.

#### SUBPART I: TEMPORARY FOOD SERVICE

##### **Section 750.1600 General – Temporary Food Service Establishments**

A temporary food service establishment shall comply with the requirements of this Part, except as otherwise provided in this section. The regulatory authority may impose additional requirements to protect against health hazards related to the conduct of the temporary food service establishment, may prohibit the sale of some or all potentially hazardous foods, and when no health hazard will result, may waive or modify requirements of this Part, except those requirements of Section 750.1680 and Section 750.1700.

##### **Section 750.1610 Restricted Operations**

- a) This Section is applicable whenever a temporary food service establishment is permitted, under the provisions of Section 750.1600 to operate without complying with all the requirements of this Part.
- b) Only those potentially hazardous foods requiring limited preparation, such as hamburgers and frankfurters, which require seasoning and cooking, shall be prepared or served. The preparation or service of other potentially hazardous foods, including pastries filled with cream or synthetic cream, custards, and similar products, and salads or sandwiches containing meat, poultry, eggs or fish is prohibited. This prohibition does not apply, however, to any potentially hazardous food that has been prepared and packaged under conditions meeting the requirements of this Part, is obtained in individual servings, is stored at a temperature of 41°F or below, or at temperature of 140°F or above in facilities that meet the requirements of this Part, and is served directly in the unopened container in which it was packaged.

(Source: Amended at 20 Ill. Reg. 2171, effective January 20, 1996)

##### **Section 750.1620 Ice**

Ice that is consumed or that contacts food shall have been made under conditions meeting the requirements of this Part. The ice shall be obtained only in chipped, crushed or cubed form and in single-use food-grade plastic or wet-strength paper bags filled and sealed at the point of manufacture. The ice shall be held in these bags until used, and when used, it shall be dispensed in a way that protects it from contamination.

##### **Section 750.1630 Equipment**

- a) Equipment shall be located and installed in a way that facilitates cleaning the establishment and that prevents food contamination.
- b) Food-contact surfaces of equipment shall be protected from contamination by consumers and other contaminating agents. Where helpful to prevent contamination, effective shields for such equipment shall be provided.

#### **Section 750.1640 Water**

Enough potable water shall be available in the establishment for food preparation, for cleaning and sanitizing utensils and equipment and for handwashing. A heating facility capable of producing enough hot water for these purposes shall be provided on the premises.

#### **Section 750.1650 Wet Storage**

The storage of packaged food in contact with water or undrained ice is prohibited, except that cans or bottles of non-potentially hazardous beverages may be so stored when the water contains at least 50 parts per million of available chlorine and is changed often enough to keep both the water and containers clean. Wrapped sandwiches shall not be stored in direct contact with ice.

#### **Section 750.1660 Waste Disposal**

All sewage, including liquid waste, shall be disposed of according to law.

#### **Section 750.1670 Handwashing**

A facility shall be provided for employee handwashing. Where water under pressure is unavailable, such facility shall consist of at least a pan, warm water, soap and individual paper towels.

#### **Section 750.1680 Floors**

Floors shall be made of concrete, tight wood, asphalt, or other similar cleanable material, except that dirt or gravel floors may be used if graded to preclude the accumulation of liquids and covered with removable, cleanable platforms or duckboards.

#### **Section 750.1690 Walls and Ceilings of Food Preparation Areas**

- a) Ceilings shall be made of wood, canvas or other material that protects the interior of the establishment from the weather. Walls and ceilings of food preparation areas shall be constructed in a way that prevents the entrance of insects. Doors to food preparation areas shall be solid or screened and shall be self-closing. Screening material used for the walls, doors, or windows shall be at least 16 mesh

to the inch.

- b) Counter-service openings shall not be larger than necessary for the particular operation conducted. These openings shall be provided with tight-fitting solid or screened doors or windows or shall be provided with fans installed and operated to restrict the entrance of flying insects. Counter-service openings shall be kept closed, except when in actual use.

### **Section 750.1700 Single-Service Articles**

All temporary food service establishments shall provide only single-service articles for use by the consumer.

## **SUBPART J: FOOD SERVICE SANITATION MANAGER CERTIFICATION**

### **Section 750.1800 General**

The Food Service Sanitation Manager Certification program shall comply with the requirements of this Part.

(Source: Added at 13 Ill. Reg. 18888, effective December 1, 1989)

### **Section 750.1810 Instructor Approval**

- a) The Food Service Sanitation Manager's Certification course shall be taught by a Department approved instructor. Employees of the Department are not eligible to teach the Food Service Sanitation Manager Certification course while employed by the Department. Any approved instructor working as a sanitarian for a local health department is restricted from teaching a food service sanitation manager certification course on his or her own time outside of his or her duties as a sanitarian within the jurisdiction of the local health department by which he or she is employed.
- b) The minimum qualifications for certification or recertification, renewable every five years, as a Department-approved instructor are all of the following:
  - 1) Possession of a high school diploma or its equivalent;
  - 2) Possession of a valid State of Illinois Food Service Sanitation Manager Certificate;
  - 3) Minimum experience or education prior to initial application as an approved instructor consisting of one of the following:

- A) Two years experience with a Food Service Sanitation Manager Certification or in an educator role with written verification from the applicant's employer; or
  - B) Two years experience as a retail food inspector with written verification from the applicant's employer; or
  - C) An Associate's Degree or higher degree with at least 15 hours of science-related course work in a chemical, physical or biological science or in math verified by the educational institution from which the degree was earned;
- 4) Completion of a Conference for Food Protection (CFP) Food Service Sanitation Manager Certification examination with a final score of 75% or higher; and
  - 5) Payment of a \$200 application fee to the Department with the application.
- c) An instructor does not have to maintain his or her Food Service Sanitation Manager Certification while he or she has a valid instructor certification. The instructor certification can be used in place of the manager certification, as required in Section 750.540.

(Source: Amended at 39 Ill. Reg. 5006, effective March 17, 2015)

#### **Section 750.1812 Instructor Renewal**

- a) An instructor shall complete at least 20 hours of continuing education every five years for recertification. The continuing education shall cover food safety and sanitation topics and be completed by the instructor certification expiration date. The following are examples of proof of attendance:
  - 1) A college transcript with course description;
  - 2) A certificate of completion of a course with a course description; or
  - 3) An agenda and certificate of completion/attendance documenting continuing education contact hours for training from a Department-approved organization.
- b) A renewal application and certificate fee of \$35 are due to the Department by the expiration date of the instructor's certificate. When the instructor's certificate has expired for more than 90 days, reapplication shall require compliance with



Section 750.1810(b)(1) through (4).

(Source: Added at 39 Ill. Reg. 5006, effective March 17, 2015)

#### **Section 750.1814 Proctor Approval**

A proctor, as defined in Section 750.10, is an individual who is not teaching a Food Service Sanitation Manager Certification course, but is acting only as a test administrator/monitor for a Department-approved national examination provider. Each Department-approved national examination provider approves proctors for its examination, and the proctors shall seek approval from the Department to proctor examinations in order for his or her students to be eligible for a Food Service Sanitation Manager Certificate. A proctor is responsible for following the guidelines set forth by the national examination provider, verifying that each examinee has met the training hour requirement, as listed in Section 750.1820, and following the administrative procedures of the Department, as listed in Section 750.1860.

- a) An individual who is an approved proctor with a Department-approved national examination provider can be registered with the Department as an approved proctor with the following:
  - 1) Department-provided application and the renewal fee of \$50;
  - 2) Proof of approved proctor status with a Department-approved national examination provider; and
  - 3) Attendance at a training by the Department on administrative procedures.
- b) Proctor registration is valid for five years from the date of initial registration and shall be renewed every five years.
- c) Proctor registrations can be renewed by submitting an application, renewal fee of \$50, and proof of current proctor status with a Department-approved national examination provider to the Department prior to the proctor registration expiration date.

(Source: Added at 39 Ill. Reg. 5006, effective March 17, 2015)

#### **Section 750.1815 Instructor and Proctor Compliance and Enforcement Process**

- a) The Department will monitor the performance of all instructors. The instructor shall comply with program changes and administrative procedures provided to the instructors by the Department. The Department will consider the following in granting and revoking approval of certificates for all instructors:

- 1) Instructor performance, including compliance with administrative procedures when submitting information to the Department, as listed in Section 750.1860;
  - 2) Ability to effectively communicate information to the course participants; and
  - 3) Compliance with this Part.
- b) Instructor compliance will be addressed by the following enforcement process:
- 1) Notification of violation to the instructor/proctor electronically via e-mail;
  - 2) Compliance conference with the instructor/proctor in person with the Department;
  - 3) Suspension of the instructor certification/proctor registration until the compliance issue is resolved; and
  - 4) Opportunity for a hearing before the Department pursuant to Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).
- c) If an approved instructor or proctor is found to have assisted students taking the examination or helping them to cheat in any way, the instructor will be notified to appear at a compliance conference with the Department. Based on the outcome of the conference, the instructor certificate or proctor approval may be suspended indefinitely.
- d) If a national examination provider suspends or revokes an instructor/proctor approval, the Department will also suspend that instructor's certificate or proctor registration.
- e) An individual found to have cheated on the instructor examination will not be certified as an instructor.

(Source: Amended at 39 Ill. Reg. 5006, effective March 17, 2015)

### **Section 750.1820 Course Content**

- a) The minimum course content and eight hours of training, inclusive of the examination, are as follows. The instructor shall consider expanding the number of contact hours when a review of the participants reveals learning disabilities,

language barriers or other inhibiting factors to learning. To renew an instructor's certificate, a new syllabus must be submitted using the format outlined in subsection (b).

- b) Subject Area – Specific Elements of Knowledge
  - 1) Identify foodborne illness and discuss food allergens (90 minutes).
    - A) Define terms associated with foodborne illness: outbreak, food infection, food intoxication, communicable disease, pathogens, potentially hazardous foods, temperature danger zone.
    - B) Recognize the major microorganisms and toxins that can contaminate food and the problems that can be associated with the contamination: bacteria, viruses, parasites, fungi. Define and recognize illnesses that can be associated with chemical and physical contamination.
    - C) Define and recognize potentially hazardous foods (time/temperature control for food safety).
    - D) Define and recognize the major factors that contribute to foodborne illness.
    - E) Identify common food allergens and recognize causes of cross-contact.
  - 2) Identify time/temperature relationship with foodborne illness (60 minutes).
    - A) Recognize the relationship between time/temperature and microorganisms (survival, growth and toxin production) during the following stages: receiving, storing, thawing, cooking, holding/displaying, serving, cooling, storing (post production), reheating, transporting.
    - B) Describe the use of thermometers in monitoring food temperatures: types of thermometers, techniques and frequency, calibration and frequency.
  - 3) Describe the relationship between personal hygiene and food safety (45 minutes).
    - A) Recognize the association of hand contact and foodborne

- illness: hand-washing technique and frequency; proper use of gloves, including replacement frequency and use with food allergens; and minimal hand contact with food.
- B) Recognize the association of personal habits and behaviors and foodborne illness: smoking, eating and drinking, wearing clothing that may contaminate food, personal behaviors, including sneezing, coughing, etc.
  - C) Recognize the association of health of a food handler to foodborne illness: free of symptoms of communicable disease, free of infections, food protected from contact with open wounds.
- 4) Describe methods for preventing food contamination, from purchasing to serving (135 minutes).
- A) Define and identify potential hazards prior to delivery and during delivery: contamination, adulteration, damage, approved source, sound and safe condition.
  - B) Define HACCP and identify potential hazards and methods to minimize or eliminate hazards after delivery: personal hygiene, cross-contamination (food to food and equipment and utensils), contamination (chemical, additives, physical), service/display – customer contamination, storage, re-service.
- 5) Identify and apply correct procedures for cleaning, sanitizing and facility management (60 minutes).
- A) Define terms associated with cleaning, and sanitizing.
  - B) Apply appropriate methods of cleaning and sanitizing: manual ware washing, mechanical ware washing, clean in place (CIP).
  - C) Identify frequency of cleaning and sanitizing.
  - D) Identify facility, design and construction suitable for food establishments: refrigeration, heating and hot holding, floors, walls, ceilings, pest control, lighting, plumbing, ventilation, water supply, wastewater disposal, waste disposal.

- 6) Codes related to food service establishments (30 minutes).
  - A) Public Health Codes: responsibilities affecting operation:
    - i) Illinois Food, Drug and Cosmetic Act
    - ii) Food Service Sanitation Code
    - iii) Meat and Poultry Inspection Act as those rules pertain to food service establishments
    - iv) Federal regulations regarding food safety and food allergens
  - B) Appendix A (Retail Food Sanitary Inspection Report) and its use as a control tool.
- 7) Examination (minimum 60 minutes or per approved national examination provider).
  - A) An examination shall be proctored by an approved proctor for an approved national examination provider.
  - B) Additional time shall be provided for the examination as allowed in the procedures set forth by the approved national examination provider. Additional time is allowed for examination, but shall not be substituted for required training hours.

(Source: Amended at 39 Ill. Reg. 5006, effective March 17, 2015)

### **Section 750.1830 Course Approval**

Course approval by the Department is contingent upon compliance with the following requirements:

- a) An approved Food Service Sanitation Manager Certification instructor shall teach the course.
- b) An approved course syllabus shall be used. Each course shall meet the standards for content and length of training (see Section 750.1820). The syllabus shall delineate:
  - 1) The textbook and other teaching materials used;

- 2) The methods and locations used for instruction;
  - 3) The course content;
  - 4) The topics and length of class meetings; and
  - 5) The method used to determine students' participation and presence during the course sessions, for example, sign-up sheets or a roster.
- c) Instructors shall submit one copy of the syllabus to the Department and receive approval prior to teaching a State-approved course. Any syllabus content revision shall be sent to the Department for approval.

(Source: Amended at 39 Ill. Reg. 5006, effective March 17, 2015)

### **Section 750.1831 Alternative Training Methods**

The Department will approve alternative training methods, such as interactive computer training courses, interactive video or distance learning for purposes of certification or recertification if the training provider/sponsor submits the following information to the Department for approval before use:

- a) Documentation that the training course content is:
  - 1) Equivalent to the course content described in Section 750.1820(b) titled Subject Area – Specific Elements of Knowledge; and
  - 2) Based on a psychometrically valid job analysis developed by personnel who include qualified test development specialists and a representative group of individuals with significant experience in food safety. A psychometrically valid job analysis is a detailed job description in which a profession, in this instance food service sanitation manager, is broken down into necessary knowledge and skills. The job analysis study is then used as the basis for examination development in the profession being credentialed.
- b) The Department-approved instructor/proctor shall monitor time spent by students during the alternative method of training to ensure that the student is meeting the minimum required number of training hours described in Section 750.1820 and that the students are not allowed to complete the training at their own pace if less than the required number of training hours has been completed.

- c) Only Department-approved instructors and proctors may oversee alternative methods of training. If a student is using an alternative method of training, the Department-approved instructor affiliated with that training is responsible for proctoring the certification examination or for issuing a letter of permission to take the examination to the student and assisting the student in finding an approved proctor to provide an examination.
- d) The Department will evaluate the effectiveness of the alternative method of training based on a 70% pass rate over a 12 month period. Approval will be revoked if the Department determines that the alternative method of training is not effective in preparing students to pass an approved Food Service Sanitation Manager Certification examination.

(Source: Amended at 39 Ill. Reg. 5006, effective March 17, 2015)

#### **Section 750.1835 Make Up Work (Repealed)**

(Source: Repealed at 39 Ill. Reg. 5006, effective March 17, 2015)

#### **Section 750.1836 Home Study (Repealed)**

(Source: Repealed at 39 Ill. Reg. 5006, effective March 17, 2015)

#### **Section 750.1837 Course Waiver (Repealed)**

(Source: Repealed at 39 Ill. Reg. 5006, effective March 17, 2015)

#### **Section 750.1838 Course Denial**

Approval of a course shall be cancelled based on performance of students taking the exam. A failure rate of 33% or higher of the participants in two consecutive classes or in three out of five classes shall be grounds for course disapproval. Department staff shall work closely with each new instructor and assist any instructor with course review or presentation techniques when a second, high failure class is noted.

(Source: Added at 13 Ill. Reg. 18888, effective December 1, 1989)

#### **Section 750.1840 Reciprocity**

- a) *The Department shall award an Illinois certificate to anyone presenting a valid certificate issued by another state, so long as the holder of the certificate provides proof of having passed an examination accredited under standards developed and adopted by the Conference for Food Protection or its successor. Reciprocity is*

*only for individuals who have moved to or begun working in Illinois in the six months prior to applying for reciprocity.* (Section 3 of the Food Handling Regulation Enforcement Act) Individual's seeking reciprocity shall submit:

- 1) A \$35.00 nonrefundable *issuance fee* (Section 3 of the Food Handling Regulation Enforcement Act) to be paid at the time of reciprocity request; and
  - 2) Proof of having moved to or begun working in Illinois in the last six months, such as an out-of-state identification card or driver's license, utility bill with out-of-state address and postmark, or a letter from a current employer, dated and on letterhead, confirming recent employment.
- b) *The reciprocal Illinois certificate shall expire on the same date as the presented certificate. Any individual presenting an out-of-state certificate may do so only once.* (Section 3 of the Food Handling Regulation Enforcement Act)
- c) *On or before the expiration date, the holder must have met the Illinois recertification requirements of this Part in order to be reissued an Illinois certificate.* (Section 3 of the Food Handling Regulation Enforcement Act)
- d) The City of Chicago reciprocity agreement shall be reviewed on an annual basis.

(Source: Amended at 38 Ill. Reg. 11775, effective May 21, 2014)

#### **Section 750.1850 Certification Examination**

*The Department shall only accept certification examinations accredited under the standards developed and adopted by the Conference for Food Protection or its successor.* (Section 3 of the Act)

(Source: Amended at 39 Ill. Reg. 5006, effective March 17, 2015)

#### **Section 750.1855 Testing Criteria (Repealed)**

(Source: Repealed at 39 Ill. Reg. 5006, effective March 17, 2015)

#### **Section 750.1860 Administration of Examination**

- a) The Department-approved national examination provider shall administer and secure the examinations as set forth in the proctor agreement.



- b) The instructor shall complete and electronically submit a Course Notification Form (CNF) to the Department prior to conducting the training course or examination.
- c) Each examination packet sent to the Department shall consist of the following:
  - 1) A copy of the CNF;
  - 2) A class enrollment form with names listed in alphabetical order by last name. The presence of a student's name on this list is the instructor's verification that the individual completed the required course; and
  - 3) Scantrons completed completely and accurately, arranged in alphabetical order by last name.
- d) All required examination documentation shall be sent to the Department within 45 days after the examination date. Sending examination materials later than 45 days after the examination date will result in enforcement action against the instructor/proctor as outlined in Section 750.1815.
- e) Scantrons for those students who failed an examination do not need to be submitted to the Department until the student receives a passing grade of 75% or higher. Instructors/proctors shall remove or strike that failing student's name from the list that they are submitting to the Department for that examination date.
- f) An individual who is found to have cheated on the certification examination shall not be entitled to certification. The individual shall retake an approved course before taking the examination again.

(Source: Amended at 39 Ill. Reg. 5006, effective March 17, 2015)

**Section 750.1861 Class Enrollment Form (Repealed)**

(Source: Repealed at 39 Ill. Reg. 5006, effective March 17, 2015)

**Section 750.1862 Administration of Examination (Repealed)**

(Source: Repealed at 39 Ill. Reg. 5006, effective March 17, 2015)

**Section 750.1865 Monitors (Repealed)**

(Source: Repealed at 39 Ill. Reg. 5006, effective March 17, 2015)

**Section 750.1868 Cheating (Repealed)**

(Source: Repealed at 39 Ill. Reg. 5006, effective March 17, 2015)

**Section 750.1870 Re-test Class (Repealed)**

(Source: Repealed at 39 Ill. Reg. 5006, effective March 17, 2015)

**Section 750.1876 Dictionary (Repealed)**

(Source: Repealed at 39 Ill. Reg. 5006, effective March 17, 2015)

**Section 750.1880 Retake Examination (Repealed)**

(Source: Repealed at 39 Ill. Reg. 5006, effective March 17, 2015)

**Section 750.1890 Revocation of Certificates**

Food Service Sanitation Manager certificates will be valid for five years after the date of the examination unless revoked under Section 750.560.

(Source: Amended at 39 Ill. Reg. 5006, effective March 17, 2015)

**Section 750.1895 Change of Address (Repealed)**

(Source: Repealed at 39 Ill. Reg. 5006, effective March 17, 2015)

**SUBPART K: REDUCED OXYGEN PACKAGING**

**Section 750.2000 General**

Reduced oxygen packaging of food products in retail food establishments shall comply with the requirements of this Part.

(Source: Added at 16 Ill. Reg. 15995, effective October 1, 1992)

**Section 750.2010 Acceptable Products**

A list of products approved by the regulatory authority for reduced oxygen packaging shall be posted in the processing area along with a warning against packaging unapproved foods.

(Source: Added at 16 Ill. Reg. 15995, effective October 1, 1992)

**Section 750.2020 Employee Training**

Retail employees assigned to process foods in reduced oxygen packages must be familiar with these rules and the potential hazards associated with reduced oxygen packaged foods. A description of the training and course content provided to the retail employees must be available for review by the regulatory authority.

(Source: Added at 16 Ill. Reg. 15995, effective October 1, 1992)

### **Section 750.2030 Refrigeration Requirements**

All retail processed foods in reduced-oxygen packages shall be refrigerated at 41°F or below, at all times, except as otherwise provided in this Part.

(Source: Amended at 32 Ill. Reg. 11980, effective July 10, 2008)

### **Section 750.2031 Labeling – Refrigeration Statements**

All retail packaged foods in a reduced oxygen atmosphere shall bear a statement "Important - Must Be Kept Refrigerated" or "Important - Must Be Kept Frozen" in addition to other required information. This statement must appear on the principal display panel in bold type on a contrasting background using this format:

Important	Important
Must Be Kept	Must Be Kept
Refrigerated	Frozen

(Source: Added at 16 Ill. Reg. 15995, effective October 1, 1992)

### **Section 750.2032 Labeling – "Use By" Dates**

Each package of refrigerated retail processed food in a reduced oxygen atmosphere shall bear a "use by" date. This date cannot exceed 14 days from retail processing. Also, the date assigned by the retailer shall not go beyond the manufacturer's recommended "pull date" for the food. The "use by" date must be listed on the principal display panel in bold type on a contrasting background. Foods that remain frozen before, during, and after processing are exempt from this requirement.

(Source: Added at 16 Ill. Reg. 15995, effective October 1, 1992)

### **Section 750.2040 Safety Barriers**

All retail processed foods in reduced-oxygen packages shall be refrigerated at 41°F or below, at all times, except as otherwise provided in Section 750.2030. Only refrigerated foods that possess one or more of the following secondary safety barriers can be packaged in a reduced-oxygen atmosphere at retail:

- a) Foods with a water activity ( $a_w$ ) below .91; or
- b) Foods with an acidity (pH) of less than 4.6; or
- c) Foods with high levels of non-pathogenic competing organisms (such as raw meat or raw poultry) that prohibit the growth of pathogenic bacteria; or
- d) Meat or poultry products processed under USDA or Illinois Department of Agriculture supervision, with a nitrite level of at least 120 PPM and a minimum brine concentration of 3.5%; or
- e) Frozen foods, provided that the product is maintained in a frozen state before, during and after packaging.

(Source: Amended at 32 Ill. Reg. 11980, effective July 10, 2008)

#### **Section 750.2041 Fish and Fishery Products**

Raw or processed fish and fishery products may not be packaged at retail in a reduced oxygen atmosphere unless held frozen before, during and after packaging.

(Source: Added at 16 Ill. Reg. 15995, effective October 1, 1992)

#### **Section 750.2042 Safety Barrier Verification**

The safety barrier requirement must be verified in writing for all foods processed in a reduced oxygen atmosphere at retail. This can be accomplished via written certification from the product manufacturer or through independent laboratory analysis of the incoming product using the official method of analysis.

- a) Any changes in product formulation or processing procedures that impacts on the safety barrier requires recertification of the product.
- b) All barrier certifications must be updated every twelve months or immediately in the event of a change in product ingredients, process or barriers.
- c) A record of all safety barrier verifications must be maintained and available at the processing site for regulatory review to determine compliance with the criteria specified in Section 750.2040.
- d) Meat and poultry products, cured under U.S.D.A. inspection or a state program equal to U.S.D.A., with a nitrite level of at least 120 PPM and a brine concentration of at least 3.5% are exempt from the safety barrier verification

requirements.

(Source: Added at 16 Ill. Reg. 15995, effective October 1, 1992)

#### **Section 750.2050 Hazard Analysis Critical Control Point (HACCP) Program**

All retail food establishments processing food in a reduced oxygen atmosphere must develop a HACCP Program and maintain a copy of this program at the processing site for review by the appropriate regulatory authority. This HACCP Program shall include:

- a) A complete description of the processing, packaging and storage procedures. The program must also identify the critical control points in the procedure with a description of how these will be monitored and controlled and provide barrier certifications for all foods;
- b) A list of the equipment and food-contact packaging supplies used;
- c) A description of the lot identification system;
- d) A description of the employee training program;
- e) If gases are used, identification of the gases as being of food grade quality and a listing by proportion of gas(es) used in the packaging;
- f) A description of the procedure along with frequency for cleaning and sanitizing the involved food-contact surfaces in the processing area; and
- g) A description of action to be taken if there is a deviation from the process approved by the regulatory agency.

(Source: Added at 16 Ill. Reg. 15995, effective October 1, 1992)

#### **Section 750.2060 Precautions Against Contamination**

Only unopened packages of commercially manufactured food products can be used to process in a reduced oxygen atmosphere. If it is necessary to stop processing for a period in excess of one-half hour, the remainder of the product must be diverted for another use in the retail operation.

(Source: Added at 16 Ill. Reg. 15995, effective October 1, 1992)

#### **Section 750.2070 Disposition of Expired Product**

Retail processed reduced oxygen foods that exceed the "use by" date or the manufacture's "pull

date" cannot be sold or donated in any form and must be destroyed in a proper manner.

(Source: Added at 16 Ill. Reg. 15995, effective October 1, 1992)

### **Section 750.2080 Dedicated Area/Restricted Access**

All aspects of reduced oxygen packaging shall be conducted in an area specifically designated for this purpose.

- a) There shall be a physical separation to prevent cross-contamination between raw and cooked products.
- b) Access to the processing area shall be restricted to responsible trained personnel who are familiar with the potential hazards of this operation.

(Source: Added at 16 Ill. Reg. 15995, effective October 1, 1992)

## **SUBPART L: MEAT/POULTRY PROCESSING AND LABELING**

### **Section 750.3000 Exceptions**

Meat products which are prepared, packaged and labeled in establishments operating under the inspection of the United States Department of Agriculture, pursuant to the authority of the Federal Wholesome Meat Act and regulations promulgated thereunder and meat products which are prepared and labeled in establishments operating under the inspection of the Illinois Department of Agriculture, pursuant to the authority of the Meat and Poultry Inspection Act (Ill. Rev. Stat. 1991, ch. 56½, pars. 301 et seq.) and regulations promulgated thereunder, shall not be subject to the requirements of Subpart L.

(Source: Added at 16 Ill. Reg. 15995, effective October 1, 1992)

### **Section 750.3100 Meat and Poultry Labeling**

Every package of meat or poultry or meat or poultry product shall comply with all labeling requirements of Section 750.110(g) of this Part.

- a) All ground beef is to be labeled "Ground Beef", "Chopped Beef" or "Hamburger." When beef cheek meat (trimmed beef cheeks) is used in the preparation of chopped beef, ground beef or hamburger, the amount of such cheek meat shall be limited to 25 percent and its presence shall be declared on the label, either contiguous to the name of the product or in the ingredient statement.
- b) It is not necessary to indicate the lean-to-fat content. However, if it is shown, the label must indicate "Not Less than % Lean," or "Not More Than % Fat." An

example would be:

GROUND BEEF  
Not Less Than 75% Lean  
or  
Not More Than 25% Fat

- c) An added descriptive name may be used where the ground beef is prepared from a specific beef cut such as the chuck, round, sirloin, etc. An example would be:

GROUND BEEF CHUCK  
or  
GROUND BEEF CHUCK  
Not Less Than 75% Lean

- d) The label of a prepacked product which conforms to the definition of "Beef Pattie Mix", as prescribed in Section 750.10, shall declare, in addition to the name of the product, the percentage by weight of beef contained in the product, and the common or usual name of each ingredient in decreasing order of its predominance. Binders or extenders and/or partially defatted beef fatty tissue may be used without added water or with added water only in amounts such that the product characteristics are essentially that of a meat pattie. If displayed in bulk, a placard must be exhibited to identify the product in accordance with this rule. A sample label or placard would be:

BEEF PATTIE MIX  
70% Beef  
Ingredients: Beef, water  
non-meat protein extenders

- e) "Seasoning" permitted in ground or chopped beef or hamburger or poultry may include salt, natural sweeteners, spices, flavoring, including essential oils, oleoresins and other spice extractives, monosodium glutamate, hydrolyzed vegetable protein and similar flavorings when used in condimental proportions. Seasoning does not include coloring, sulfites or color enhancers.
- f) The requirements which apply to ground beef shall also apply to veal, lamb, pork or poultry if offered in the chopped or ground form. If these ground meats are merchandised as a combination package, each component must be indicated on the label. A sample label for beef, lamb, pork and poultry would be:

Ground Beef	Beef
Ground Lamb	Lamb

Ground Pork	Pork
Ground Turkey	Turkey
Ground Veal	Veal

- g) Fanciful or characterizing names of ground meats or poultry are permitted, but only if they do not obscure or replace the approved name. The fanciful or characterizing name may be placed on the regular price-weight label or on a separate label but the approved identification must appear conspicuously and unobscured.
- h) No grade designation may be used for ground meat or poultry. After trimming and grinding, meat loses its grade identification and therefore does not have a grade in the ground form.
- i) "Previously Frozen" must be labeled on the package, container or wrapping, in type of uniform size and prominence so as to be readable and understood by the general public if a meat or meat food product or poultry or poultry food product has been frozen prior to sale.
- j) Meat, poultry, game birds or game animals smoked or processed as a service to the customer shall be marked with the customer's name and labeled "not for sale."

(Source: Amended at 20 Ill. Reg. 3210, effective February 5, 1996)

### **Section 750.3200 Smoked Meat, Poultry and Other Food Products**

- a) Any smoking operation shall comply with all other applicable requirements of this Part.
- b) Approved materials for use with a smoke generator include hardwood, hardwood sawdust, corn cobs, and natural liquid smoke. Products approved by USDA, FDA or the Illinois Department of Agriculture meet these safety requirements.
- c) The internal temperature of any smoked product shall comply with the requirements of Section 750.180 (Cooking Potentially Hazardous Foods).
  - 1) Automatic recording thermometers with internal product temperature probes or a metal-stemmed thermometer shall be available and used whenever product is smoked.
  - 2) Product to be smoked shall be uniformly sized to ensure that each piece reaches the required end cooking temperature.



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

(Source: Amended at 32 Ill. Reg. 11980, effective July 10, 2008)

### **Section 750.3300 Curing of Meat and Poultry**

- a) No food service establishment shall cure meat and/or poultry on the premises of the food service establishment without written approval from the Department or its designee.
- b) Any food service establishment desiring to conduct curing operations on the premises shall submit a written application to the appropriate local health department for review. The application shall include all information required in this Section and shall be product specific. The local health department will perform a preliminary review of the application. The local health department shall forward the application and its recommendation regarding the application, along with any comments, to the Department for final approval. The Department may,

upon request of a local health department, enter into an agreement with the local health department to allow the local health department to grant final approval for meat and poultry curing operations within its jurisdiction. Prior to commencing curing operations, the local health department shall perform an on-site inspection of the food service establishment to ensure that the curing operations conform to the approved HACCP plan. Where no local health department exists, the Department will accept and review HACCP plans and will conduct on-site inspections of the facility.

- c) A list of acceptable products approved for curing within the food service establishment must be available in the processing area of the establishment.
- d) Employees assigned to cure meat or poultry must complete a training course developed by the food service establishment and demonstrate familiarity with this Section and the potential hazards associated with the curing of foods. A description of the training course content provided to the employees must be included in the application and available for review by the local health department.
- e) An approved HACCP plan is required for all curing operations. The following criteria must be met for the curing of meat and poultry in the establishment. All critical control points must be addressed including purchase of prepared cure mixes; use of calibrated and certified weighing devices if cure mixes are blended on the premises instead of pre-mixed blends; storage of cure ingredients in a dry, protected location; and discarding of any packet if it becomes wet.
- f) Raw material handling must be considered when thawing to prevent temperature abuse. Improperly thawed meat can cause insufficient cure penetration. Temperature abuse can cause spoilage or growth of pathogens. Curing may not be used to salvage meat that has excessive bacterial growth or spoilage.
- g) Formulation, Preparation and Curing:
  - 1) A formulation and preparation procedure must be documented;
  - 2) All equipment and utensils must be cleaned and sanitized;
  - 3) Pieces of meat or poultry must be prepared to uniform size to assure uniform cure penetration (this is extremely critical for dry and immersion curing);
  - 4) Calibrated and certified scales with decals affixed indicating that the scales have been calibrated and certified by the Department of

- Agriculture, or one of their registered service companies, must be used to weigh ingredients;
- 5) A schedule or recipe must be established for determining the exact amount of curing formulation to be used, using only pre-measured and weighed packets, for a specified weight of meat or meat mixture;
  - 6) Methods and procedures must be strictly controlled to ensure uniform cure;
  - 7) Mixing of curing formulation with comminuted ingredients must be controlled and monitored (See 9 CFR 318 and 381);
  - 8) All surfaces of meat or poultry must be rotated and rubbed at intervals of sufficient frequency to assure cure penetration when a dry curing method is used;
  - 9) Immersion curing requires periodic mixing of the batch to facilitate uniform curing;
  - 10) The application of salt during dry curing of muscle cuts requires that the temperature of the product be strictly controlled between 35° F and 41° F. The lower temperature is set for the purpose of assuring cure penetration and the upper temperature is set to limit microbial growth (See 9 CFR 318.10(c)(3)(iv));
  - 11) Curing solutions must be discarded daily unless they remain with the same batch of product during its entire curing process;
  - 12) Injection needles must be inspected for plugging when stitch pumping or artery pumping of muscle cuts is performed;
  - 13) Sanitary casings must be provided for sausage, chub or loaf forming; and
  - 14) Casings may not be stripped for reuse in forming additional chubs or sausages from batch to batch.
- h) Cooking and smoking shall be done according to Section 750.180, Cooking Potentially Hazardous Foods, or Section 750.3200, Smoked Meat, Poultry or Other Food Products (See also 9 CFR 318.17 and 318.23).
  - i) Cooling:

- 1) Cooling shall be done according to Section 760.150(c)(1)(A) and (B), with written cooling procedures established;
  - 2) Chill water used in water sprays or immersion chilling which is in direct contact with products in casings or products cooked in an impervious package must be properly chlorinated;
  - 3) Chill water temperature must be monitored and controlled;
  - 4) Chill water may not be reused until properly chlorinated. Reclaimed chill water must be discarded daily;
  - 5) Product must be placed in a manner that allows chilled water or air to uniformly contact the product for assurance of uniform cooling;
  - 6) Internal temperatures must be monitored during cooling by using calibrated temperature measuring devices;
  - 7) Adequate cooling medium circulation must be maintained and monitored;
  - 8) Temperatures of the cooling medium must be monitored and recorded in accordance with a written procedure;
  - 9) Direct hand contact with product during cooling, peeling of casing and packaging is prohibited.
- j) Fermentation and Drying:
- 1) Fermentation and drying must be done in conjunction with a cooking or smoking step in accordance with subsection (g) of this Section and 9 CFR 318.10(c)(3);
  - 2) Temperature and time must be controlled during fermentation or drying and record logs that record the monitoring of this process must be maintained;
  - 3) Humidity must be controlled during fermentation or drying by use of a humidistat. Monitoring of the process must be recorded in a written log;
  - 4) The product must be kept separated during fermentation and drying to allow adequate air circulation during the process;
  - 5) The use of an active and pure culture must be assured to effect a rapid pH

- drop of the product. Use of commercially produced culture is necessary and the culture must be used according to the manufacturer's instructions;
- 6) Determination of the pH of fermented sausages at the end of the fermentation cycle must be recorded;
  - 7) Dry (unfermented) products may not be hot smoked until the curing and drying procedures are completed; and
  - 8) Semi-dry fermented sausage must be heated after fermentation to a time/temperature sufficient to meet requirements in Section 750.180 (Cooking Potentially Hazardous Foods).
- k) All aspects of curing operations must be conducted in an area specifically designated for this purpose. There must be an effective separation to prevent cross contamination between raw and cooked foods or cured and uncured foods. Access to processing equipment shall be restricted to responsible trained personnel who are familiar with the potential hazards inherent in curing foods.
- l) Any records required in this Section must be retained by the food service establishment for at least 6 months.

(Source: Added at 20 Ill. Reg. 3210, effective February 5, 1996)

#### SUBPART M: FOOD HANDLER TRAINING

##### **Section 750.3400 General Requirements**

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

(Source: Added at 38 Ill. Reg. 23109, effective November 20, 2014)

##### **Section 750.3410 Course Content**

- a) Food handler training programs shall cover and assess knowledge of the following topics:

- 1) *The relationship between time and temperature with respect to foodborne illness, including the relationship between time and temperature and micro-organisms during the various food handling preparation and serving states, and the type, calibration, and use of thermometers in monitoring food temperatures.*
  - 2) *The relationship between personal hygiene and food safety, including the association of hand contact, personal habits and behaviors, and the food handler's health to foodborne illness, and recognition of how policies, procedures and management contribute to improved food safety practices.*
  - 3) *Methods of preventing food contamination in all stages of food handling, including terms associated with contamination and potential hazards prior to, during and after delivery.*
  - 4) *Procedures for cleaning and sanitizing equipment and utensils.*
  - 5) *Problems and potential solutions associated with temperature control, preventing cross-contamination, and housekeeping and maintenance.*  
(Section 3.05(b) of the Food Handling Regulation Enforcement Act)
- b) All food handler training courses shall have an assessment of knowledge.

(Source: Added at 38 Ill. Reg. 23109, effective November 20, 2014)

### **Section 750.3420 Course Approval**

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

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

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

*exempt from disclosure under Section 7 of the Freedom of Information Act.  
(Section 3.06(g) of the Food Handling Regulation and Enforcement Act)*

(Source: Added at 38 Ill. Reg. 23109, effective November 20, 2014)

### **Section 750.3430 Requirements for Food Handlers**

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



- 4) *Training is not transferable between individuals or employers* (Section 3.05(a) of the Food Handling Regulation and Enforcement Act).
- c) *All food handlers employed in nursing homes, licensed day care homes and facilities, hospitals, schools, and long-term care facilities must renew their training every three years.* (Section 3.06(b) of the Food Handling Regulation and Enforcement Act)
- d) Kane County shall issue expirations of food handler training to food handlers in accordance with Section 3.06(b) of the Food Handling Regulation Enforcement Act starting July 1, 2014. If a food handler in Kane County received training prior to July 1, 2014, then the expiration of the certificate issued shall be valid. Upon expiration, the food handler shall obtain training in accordance with the frequency set forth in Section 3.06(b) of the Food Handling Regulation Enforcement Act.
- e) *There is no limit to how many times an employee may take the training.* (Sections 3.05(a) and 3.06(b) of the Food Handling Regulation and Enforcement Act)
- f) *Proof that a food handler has been trained shall be available upon reasonable request by a State or local health department inspector and may be in an electronic format.* (Sections 3.05(a) and 3.06(b) of the Food Handling Regulation and Enforcement Act)

(Source: Added at 38 Ill. Reg. 23109, effective November 20, 2014)

#### SUBPART N: FARMERS' MARKETS

##### **Section 750.4000 Definitions**

"Act" means Food Handling Regulation Enforcement Act.

"Certified local health department" means a local government agency that administers, and assures compliance with, health-related programs and services within its jurisdiction and is certified pursuant to 77 Ill. Adm. Code 600.210 (Certification).

*"Farmers' market" means a common facility or area where the primary purpose is for two or more farmers to gather to sell a variety of fresh fruits and vegetables and other locally produced farm and food products directly to consumers.*  
(Section 3.3(b) of the Act)

*"Food product sampling" means food product samples distributed free of charge for promotional or educational purposes only.* (Section 3.4(a) of the Act)

"Food product sampling handler" means any person who is engaged in performing tasks such as unpackaging, cutting, slicing, preparing or distributing food product samples to consumers at a farmers' market.

"Food product sample" means an individual portion of food given to a consumer without charge to allow consumers to experience a small portion of the product.

"Local health department" means a local governmental agency that administers, and assures compliance with, health-related programs and services within its jurisdiction.

"Point of sale" means the physical location where food products are sold to customers.

(Source: Added at 39 Ill. Reg. 10619, effective July 15, 2015)

### **Section 750.4300 Food Product Sampling Handler Certificate for Farmers' Markets**

- a) Food Product Sampling Handler Certificate (certificate) Application Requirements
  - 1) Individuals possessing a valid Illinois Food Service Sanitation Manager Certification (FSSMC) (see Subpart J) shall submit the following:
    - A) An application on a form provided by the Department; and
    - B) Payment of the \$10 application fee.
  - 2) Individuals who do not possess a valid FSSMC shall submit the following:
    - A) Evidence of successful completion of a food handler training course as outlined in Subpart M;
    - B) Evidence of successful completion of Department farmers' market food sampling handler training;
    - C) An application on a form provided by the Department; and
    - D) Payment of the \$40 application fee.

- b) Certificate
  - 1) Certificates issued to a Food Service Sanitation Manager (FSSM) will be valid 36 months from the issue date.
  - 2) Certificates issued to a non-FSSM will be valid for 36 months from the date of the successful completion of the Department farmers' market food sampling handler training.
  - 3) Food Product Sampling Handler Certificates are not transferable between individuals.
  - 4) Food Product Sampling Handler Certificates are required for all persons who engage in performing tasks such as unpacking, cutting, slicing, preparing or distributing food product samples.
- c) Replacement certificates issued under this Subpart will:
  - 1) Be issued after the Department's receipt of a \$10 replacement fee; and
  - 2) Have the same expiration date as the original certificate.
- d) All persons possessing a valid original certificate or a copy of the certificate shall display the certificate at the point of sale.
- e) Suspension or Revocation of a Certificate
  - 1) Any violation of this Subpart by the food product sampling handler that creates a potential health hazard shall result in suspension of the certificate by the Department or a certified local health department unless the violation is corrected during the inspection. The following procedures shall be followed for the suspension of a certificate:
    - A) The certified local health department shall notify the certificate holder in writing at the time of suspension, stating the reason for the suspension and corrective measures needed to reinstate the certificate.
    - B) The certificate holder shall apply, in writing, to the certified local health department responsible for suspending the certificate to request reinstatement of the certificate. If the certified local health department considers the violations to be corrected, the certificate shall be reinstated.

- C) The certified local health department shall, within five days after the suspension and certificate reinstatement, notify the Department in writing of the suspension and certificate reinstatement. The certified local health department shall forward to the Department a copy of the inspection, including the reason for suspension and resolution of the suspension, if any.
  - D) If the issue is not resolved, the holder of the certificate may apply to the Department for reinstatement of the certificate, in writing, to request a conference to determine whether the holder is in compliance with this Subpart.
- 2) If the certificate holder receives two or more suspensions in a 12-month period, the Department will revoke the certificate. The Department will notify the certificate holder of the Department's intent to revoke the certificate and will provide an opportunity for a hearing in accordance with Practice and Procedure in Administrative Hearings. If the certificate holder does not file a request for a hearing with the Department within 10 days following service of the notice, the certificate will be revoked.
- f) **Exemption**  
A vendor who possesses a permit from the local health department to conduct food service is exempted from the training and permit requirements of this Subpart. A permit to conduct food service is valid only in the jurisdiction of the issuing local health department.

(Source: Added at 39 Ill. Reg. 10619, effective July 15, 2015)

**Section 750.APPENDIX A Retail Food Sanitary Inspection Report**

- Food Service Establishment
- Retail Food Store
- Temporary
- Mobile

Illinois Department of Public Health  
 Division of Food, Drugs and Dairies  
 525 West Jefferson Street, Springfield, IL 62761  
 Phone: (217)785-2439  
**RETAIL FOOD SANITARY INSPECTION REPORT**

Establishment  
 Number \_\_\_\_\_  
 Telephone \_\_\_\_\_  
 Original Inspection  
 Follow-up Inspection  
 Other \_\_\_\_\_

Name of Establishment \_\_\_\_\_ Owner/Agent \_\_\_\_\_  
 Address \_\_\_\_\_ City \_\_\_\_\_ Zip Code \_\_\_\_\_

Based on an inspection this day, the items marked below identify violations of the Illinois Food, Drug and Cosmetic Act and/or the Sanitary Inspection Law and Rules Promulgated under these acts. Failure to correct these violations within the time specified may result in prosecution under the Enforcement Provisions of these acts. • = Critical Items Requiring Immediate Correction.

Item	x	WT	DESCRIPTION	Item	x	WT	DESCRIPTION	Item	x	WT	DESCRIPTION
			FOOD	18		1	Pre-flushed scraped, soaked	34		1	Outside storage area, enclosures properly constructed, clean; controlled incineration
• 1		5	Source, Wholesome, No Spoilage	19		2	Wash, rinse water, clean proper temperature				INSECT, RODENT ANIMAL CONTROL
2		1	Original Container, Property Labeled	• 20		4	Sanitization rinse: clean, temperature, concentration	• 35		4	Presence of insect/rodents – outer openings protected, no birds, turtles, other animals
			FOOD PROTECTION	21		1	Wiping cloths, clean, use restricted				FLOORS, WALLS AND CEILINGS
• 3		5	Potentially hazardous food meets temperature requirements during storage, preparation, display service and transportation	22		2	Food-contact surfaces of equipment and utensils clean, free of abrasions and detergents	36		1	Floors: constructed, drained, clean, good repair, covering installation, dustless cleaning methods
• 4		4	Facilities to maintain product temperature	23		1	Non-food contact surfaces of equipment and utensils clean	37		1	Walls, ceiling, attached equipment: constructed good repair, clean surfaces, dustless cleaning methods
5		1	Thermometers provided and conspicuous	24		1	Storage, handling of clean equipment, utensils	38		1	LIGHTING
6		2	Potentially hazardous food properly thawed	25		1	Single-serving articles, storage, dispensing				Lighting provided as required – fixtures shielded
• 7		4	Unwrapped and potentially hazardous food not re-served. CROSS CONTAMINATION	26		2	No re-use of single-service articles	39		1	VENTILATION
8		2	Food protection during storage, preparation, display, service and transportation				WATER				Rooms and equipment – vented as required
9		2	Handling of food (ice) minimized, methods	• 27		5	Water source, safe, hot and cold under pressure	40		1	DRESSING ROOMS
10		1	Food (ice) dispensing utensils properly stored				SEWAGE				Rooms clean, lockers provided, facilities clean
			PERSONNEL	• 28		4	Sewage and wastewater disposal	• 41		5	OTHER OPERATIONS
• 11		5	Personnel with infections restricted				PLUMBING	42		1	Toxic items property stored, labeled and used
• 12		5	Hands washed and cleaned, good hygienic practices	29		1	Installed, maintained	43		1	Premises: maintained, free of litter, unnecessary articles, cleaning/maintenance equipment property stored, authorized personnel
13		1	Clean clothes, hair restraints	• 30		5	Cross-connection, back siphonage, back flow	44		1	Complete separation from living/sleeping quarters, laundry
			FOOD EQUIPMENT AND UTENSILS				TOILET AND HAND-WASHING FACILITIES	• 45			Clean, soiled linen properly stored
14		2	Food (ice) contact surfaces: designed, constructed, maintained, installed, located	• 31		4	Number, convenience, accessible, designed, installed				Management personnel certified Yes <input type="checkbox"/> No <input type="checkbox"/>
15		1	Non-Food contact surfaces: designed, constructed, maintained, installed, located	32		2	Toilet rooms enclosed, self-closing doors, fixtures, good repair, clean: hand cleanser, sanitary towels/hand drying devise provided, proper water receptacles, tissue				
16		2	Dishwashing facilities: designed, constructed, maintained, installed, located, operated				GARBAGE AND REFUSE DISPOSAL				
17		1	Accurate thermometers, chemical test kits provided, gauge cock	33		2	Containers or receptacles covered; adequate number insect/rodent proof, frequency clean				

Temperature: Temp/PPM Chemical \_\_\_\_\_ Hot Foods \_\_\_\_\_ Cold Foods \_\_\_\_\_

Manager Certification No: \_\_\_\_\_

ITEM	Remarks and Recommendations for Corrections	Corrected by

Received by/Title: \_\_\_\_\_  
Signature of Owner or Representative)

Sanitation Score \_\_\_\_\_ (100 Minus Demerits) Date \_\_\_\_\_

Time In \_\_\_\_\_ Time Out \_\_\_\_\_ By \_\_\_\_\_  
(Sanitarian)

IL 482-0200 Page \_\_\_\_\_ of \_\_\_\_\_

(Source: Added at 13 Ill. Reg. 18888, effective December 1, 1989)

**Section 750.APPENDIX B Examination Date Notification Form (Repealed)**

(Source: Repealed at 39 Ill. Reg. 5006, effective March 17, 2015)

**Section 750.APPENDIX C Class Enrollment Form (Repealed)**

(Source: Repealed at 39 Ill. Reg. 5006, effective March 17, 2015)

**Section 750.APPENDIX D Permission to Retake Certification Examination Form (Repealed)**

(Source: Repealed at 39 Ill. Reg. 5006, effective March 17, 2015)

**Section 750.APPENDIX E Monitor's Agreement Form (Repealed)**

(Source: Repealed at 39 Ill. Reg. 5006, effective March 17, 2015)