

(Effective until March 1, 2022.)

WAC 246-215-03800 Additional safeguards—Pasteurized foods, prohibited reservice, and prohibited food (2009 FDA Food Code 3-801.11).

In a FOOD ESTABLISHMENT that serves a HIGHLY SUSCEPTIBLE POPULATION:

(1) The following requirements apply to JUICE:

(a) For the purposes of this paragraph only, children who are age nine or less and receive FOOD in a school, day care setting, or similar facility that provides custodial care are included as HIGHLY SUSCEPTIBLE POPULATIONS;

(b) PrePACKAGED JUICE or a prePACKAGED BEVERAGE containing JUICE, that bears a warning label as specified in 21 C.F.R., Section 101.17(g) Food Labeling, warning, notice and safe handling statements, JUICES that have not been specifically processed to prevent, reduce, or eliminate the presence of pathogens, or a PACKAGED JUICE or BEVERAGE containing JUICE that bears a warning label as specified under WAC 246-215-03445(2) may not be served or offered for sale; and

(c) JUICE that is prepared on the PREMISES for service or sale in a READY-TO-EAT form and not PACKAGED must be processed under a HACCP PLAN that contains the information specified under WAC 246-215-08215 (2) through (5) and as specified in 21 C.F.R. Part 120 - Hazard Analysis and Critical Control Point (HACCP) Systems, Subpart B Pathogen Reduction, 120.24 Process controls.

(2) Pasteurized EGGS or EGG PRODUCTS must be substituted for raw EGGS in the preparation of:

(a) FOODS such as Caesar salad, hollandaise or Bearnaise sauce, mayonnaise, meringue, eggnog, ice cream, and EGG-fortified BEVERAGES; and

(b) Except as specified in subsection (6) of this section, recipes in which more than one EGG is broken and the EGGS are combined;

(3) The following FOODS may not be served or offered for sale in a READY-TO-EAT form:

(a) Raw animal FOODS such as raw FISH, raw marinated FISH, raw MOLLUSCAN SHELLFISH, and steak tartare;

(b) A partially cooked animal FOOD such as lightly cooked FISH, rare MEAT, soft cooked EGGS that are made from raw EGGS, and meringue; and

(c) Raw seed sprouts.

(4) FOOD EMPLOYEES may not contact READY-TO-EAT FOOD as specified under WAC 246-215-03300 (2) and (4).

(5) Time only, as the public health control as specified under WAC 246-215-03530(4), may not be used for raw EGGS.

(6) Subsection (2)(b) of this section does not apply if:

(a) The raw EGGS are combined immediately before cooking for one CONSUMER'S serving at a single meal, cooked as specified under WAC 246-215-03400 (1)(a), and served immediately such as an omelet, soufflé, or scrambled EGGS;

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

(c) The preparation of the FOOD is conducted under a HACCP PLAN that:

(i) Identifies the FOOD to be prepared;

(ii) Prohibits contacting READY-TO-EAT FOOD with bare hands;

(iii) Includes specifications and practices that ensure:

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

(B) *Salmonella Enteritidis* is destroyed by cooking the EGGS according to the temperature and time specified under WAC 246-215-03400 (1) (b);

(iv) Contains the information specified under WAC 246-215-08215(4) including procedures that:

(A) Control cross contamination of READY-TO-EAT FOOD with raw EGGS; and

(B) Delineate cleaning and SANITIZING procedures for FOOD-CONTACT SURFACES; and

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

(7) Except as specified in subsection (8) of this section, FOOD may be re-served as specified under WAC 246-215-03372 (2) (a) and (b).

(8) FOOD may not be re-served under the following conditions:

(a) Any FOOD served to patients or clients who are under contact precautions in medical isolation or quarantine, or protective environmental isolation may not be re-served to others outside.

(b) Packages of FOOD from any patients, clients, or other CONSUMERS should not be re-served to persons in protective environmental isolation.

[Statutory Authority: RCW 43.20.050 and 43.20.145. WSR 13-03-109, § 246-215-03800, filed 1/17/13, effective 5/1/13.]

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(1) The following requirements apply to JUICE:

(a) For the purposes of subsection (1) of this section, children who are age nine or less and receive FOOD in a school, day care setting, or similar facility that provides custodial care are included as HIGHLY SUSCEPTIBLE POPULATIONS;

(b) PrePACKAGED JUICE or a prePACKAGED BEVERAGE containing JUICE, that bears a warning label as specified in 21 C.F.R., Section 101.17(g) Food Labeling, Warning, Notice and Safe Handling Statements, JUICES that have not been specifically processed to prevent, reduce, or eliminate the presence of pathogens, or a PACKAGED JUICE or BEVERAGE containing JUICE that bears a warning label as specified under WAC 246-215-03445(2) may not be served or offered for sale; and

(c) UnPACKAGED JUICE that is prepared on the PREMISES for service or sale in a READY-TO-EAT form must be processed under a HACCP PLAN that contains the information specified under WAC 246-215-08215 (2) through (5) and as specified in 21 C.F.R. Part 120 - Hazard Analysis and Critical Control Point (HACCP) Systems, Subpart B Pathogen Reduction, 120.24 Process controls.

(2) Pasteurized EGGS or EGG PRODUCTS must be substituted for raw EGGS in the preparation of:

(a) FOODS such as Caesar salad, hollandaise or Bearnaise sauce, mayonnaise, meringue, eggnog, ice cream, and EGG-fortified BEVERAGES; and

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(6) Subsection (2)(b) of this section does not apply if:

(a) The raw EGGS are combined immediately before cooking for one CONSUMER'S serving at a single meal, cooked as specified under WAC 246-215-03400 (1)(a), and served immediately such as an omelet, soufflé, or scrambled EGGS;

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

(c) The preparation of the FOOD is conducted under a HACCP PLAN that:

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(iii) Includes specifications and practices that ensure:

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

(B) *Salmonella* Enteritidis is destroyed by cooking the EGGS according to the temperature and time specified under WAC 246-215-03400 (1)(b);

(iv) Contains the information specified under WAC 246-215-08215(4) including procedures that:

(A) Control cross contamination of READY-TO-EAT FOOD with raw EGGS; and

(B) Delineate cleaning and SANITIZING procedures for FOOD-CONTACT SURFACES; and

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(a) Any FOOD served to patients or clients who are under contact precautions in medical isolation or quarantine, or protective environmental isolation may not be re-served to others outside.

(b) Packages of FOOD from any patients, clients, or other CONSUMERS should not be re-served to persons in protective environmental isolation.

(9) Reheating, as specified under WAC 246-215-03527(1), may not be used for improperly marked FOOD.

[Statutory Authority: RCW 43.20.050 and 43.20.145. WSR 21-01-122, § 246-215-03800, filed 12/15/20, effective 3/1/22; WSR 13-03-109, § 246-215-03800, filed 1/17/13, effective 5/1/13.]