- WAC 246-215-03348 Preventing contamination from equipment, utensils, and linens—Refilling returnables (FDA Food Code 3-304.17). (1) Except as specified in subsections (2) through (6) of this section, empty containers returned to a FOOD ESTABLISHMENT for cleaning and refilling with FOOD shall be cleaned and refilled in a regulated FOOD PROCESSING PLANT.
- (2) A take-home FOOD container returned to a FOOD ESTABLISHMENT may be refilled at a FOOD ESTABLISHMENT with FOOD if the FOOD container is:
- (a) Designed and constructed for reuse and in accordance with the requirements specified in Part 4, Subparts A and B of this chapter;
- (b) One that was initially provided by the FOOD ESTABLISHMENT to the CONSUMER, either empty or filled with FOOD by the FOOD ESTABLISHMENT, for the purpose of being returned for reuse;
  - (c) Returned to the FOOD ESTABLISHMENT by the CONSUMER after use;
- (d) Subject to the following steps before being refilled with FOOD:
  - (i) Cleaned as specified under Part 4, Subpart F of this chapter;
- (ii) Sanitized as specified under Part 4, Subpart G of this chapter; and
- (iii) Visually inspected by a FOOD EMPLOYEE to verify that the container, as returned, meets the requirements specified under Part 4, Subparts A and B of this chapter.
- (3) A take-home food container returned to a food establishment may be refilled at a food establishment with a beverage if:
  - (a) The BEVERAGE is not a TIME/TEMPERATURE CONTROL FOR SAFETY FOOD;
- (b) The design of the container and of the rinsing EQUIPMENT and the nature of the BEVERAGE, when considered together, allow effective cleaning at home or in the FOOD ESTABLISHMENT;
- (c) Facilities for rinsing before refilling returned containers with fresh, hot water that is under pressure and not recirculated are provided as part of the dispensing system;
- (d) The CONSUMER-owned container returned to the FOOD ESTABLISHMENT for refilling is refilled for sale or service only to the same CONSUMER; and
  - (e) The container is refilled by:
  - (i) An EMPLOYEE of the FOOD ESTABLISHMENT; or
- (ii) The owner of the container if the BEVERAGE system includes a contamination-free transfer process as specified under WAC 246-215-04230 (1), (2), and (4) that cannot be bypassed by the container owner.
- (4) Consumer-owned multiuse BEVERAGE containers may be refilled, including TIME/TEMPERATURE CONTROL FOR SAFETY FOOD beverages, by EMPLOYEES or the CONSUMER if refilling is a contamination-free process as specified in WAC 246-215-04230 (1), (2), and (4).
- (5) CONSUMER-owned containers that are not FOOD-specific may be filled at a water VENDING MACHINE or system.
  - (6) A FOOD ESTABLISHMENT under an APPROVED plan may allow consumers to:
- (a) Refill a visibly clean consumer-owned container with nonready-TO-EAT FOOD, bulk FOOD, and PACKAGED FOOD;
- (b) Refill a visibly clean CONSUMER-Owned container with READY-TO-EAT FOOD when dispensed from equipment, such as a gravity-flow unit, meeting standards for liquid FOOD and ice in WAC 246-215-04230; and
- (c) Request a FOOD EMPLOYEE of the FOOD ESTABLISHMENT to refill a visually clean consumer-owned container with FOOD using a contamination-free process.

[Statutory Authority: RCW 43.20.050 and 43.20.145. WSR 21-01-122, § 246-215-03348, filed 12/15/20, effective 3/1/22; WSR 13-03-109, § 246-215-03348, filed 1/17/13, effective 5/1/13.]