

216-RICR-50-10-1

## TITLE 216 – DEPARTMENT OF HEALTH

### CHAPTER 50 – ENVIRONMENTAL HEALTH

#### SUBCHAPTER 10 – FOOD PROTECTION-

##### PART 1 – Food Code

### 1.1 Authority and ~~Purpose~~Scope

#### 1.1.1 Authority

These Regulations are amended pursuant to the authority of R.I. Gen. Laws ~~§§~~Chapters 21-27 and 23-1 and are developed for establishing minimum standards for food safety and sanitation in food businesses and food establishments.

#### ~~1.1.2~~ PURPOSE

~~The purpose of these regulations is to establish minimum standards for food safety and sanitation in food businesses and food establishments in Rhode Island. These regulations shall be liberally construed and applied to promote the purpose of protecting the public health.~~

#### 1.1.~~2~~3 Scope

These Regulations establishes definitions; sets standards for management and personnel, food operations and equipment and facilities; and provides food establishment plan review, plan issuance, inspection, employee restriction and permit suspension. It applies to retail food operations within food establishments licensed by the Rhode Island Department of Health (RIDOH) but does not apply to activities regulated by Part 4 and Part 6 and Part 7 of this Subchapter, ~~216-RICR 50 10 06 "Processing and Distribution of Shellfish" and 216-RICR 50 10 07 "Good Manufacturing Practices for Food."~~

### 1.2 Incorporation by Reference

~~A.~~ These Regulations hereby adopt and incorporate the 2017 FDA Food Code including the annexes (2013) by reference and the Supplement to the 2013-2017 Food Code (2015-2019), not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these Regulations.

## 1.3 Definitions

- A. Wherever used in this Part, the terms listed below shall be construed in the following manner: ~~The following definitions shall apply in the interpretation and application of these Regulations:~~
1. "Approved" means approved by the Director or his/her duly appointed agents.
  2. "Approved source" means that the food is purchased from commercial supplies under regulatory control that has been deemed acceptable by RIDOH based on a determination of conformity with principles, practice and generally recognized standards that protect public health.
  - ~~32.~~ "Bed and breakfast" means an owner-occupied residence providing accommodations for a charge to the public in operation for more than ten (10) nights in a twelve (12) month period. Breakfast may be only provided to guests. The total number of visitors shall not exceed twelve (12), including the owner and any other individuals living or eating on the premises. Bed and breakfast establishments shall not include motels, hotels or boarding houses.-
  - ~~43.~~ "Center" means the Center for Food Protection, RIDOH.
  - ~~54.~~ "Code" means the FDA Food Code (~~2013~~2017), ~~including the annexes and Supplement to the 2013 Food Code (2015) that are incorporated by reference within these Regulations.~~
  - ~~65.~~ "Commissary" means an operating base location to which a mobile food establishment or transportation vehicle returns regularly for such things as food preparation, food storage, vehicle and equipment cleaning, discharging liquid or solid wastes, refilling water tanks and ice bins.
  - ~~6.~~ "Cultural heritage education facility" means a facility for up to ten (10) individuals who, for a fee, participate in the preparation and consumption of food, limited to an owner-occupied site documented to be at least one hundred fifty (150) years old and whose drinking water shall be obtained from an approved source which meets all the requirements of R.I. Gen. Laws §46-13.
  7. "Director" refers to the Director of RIDOH or the Director's duly appointed agents.
  8. "Employee" means any person who works with or without pay in a food establishment.

9. "Farm home food manufacture" means the production in accordance with the requirements of R.I. Gen. Laws § 21-27-6.1 of food for retail sale in a residential kitchen on a farm which produces agricultural products for human consumption and the operator of which is eligible for exemptions from the sales and use tax in accordance with R.I. Gen. Laws § 44-18-30(32).
10. "Farmer's market" means a market where two (2) or more farmers are selling produce exclusively grown on their own farms on a retail basis to consumers. Excluded from this term is any market where farmers or others are selling produce at wholesale and/or any market in which any individual is selling produce not grown on his or her own farm.
11. "Food" means:
  - a. Articles used for food or drink for people or animals;
  - b. Chewing gum; and/or
  - c. Articles used for components of any food or drink article.
12. "Food business" means and includes any establishment or place, whether fixed or mobile, where food or ice is held, processed, manufactured, packaged, prepared, displayed, served, transported or sold.
13. "Food service establishment" means any fixed or mobile restaurant, coffee shop, cafeteria, short-order café, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern, bar, cocktail lounge, nightclub, roadside stand, industrial feeding establishment, cultural heritage education facility, private, public or non-profit organization or institution routinely serving food, catering kitchen, commissary or similar place in which food or drink is prepared for sale or for service on the premise or elsewhere, and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.
14. "Full-time equivalent" means forty (40) hours a week.
15. "Good hygiene practices" means proper handwashing and personal cleanliness as specified under §§ 2-3 and 2-4 of the Code.
16. "Hazard analysis critical control point" or "HACCP" means a written document that delineates the formal procedures for following HACCP principles developed by the National Advisory Committee on microbiological criteria for foods.

17. "Highly susceptible population" means persons who are more likely than other people in the general population to experience foodborne disease because they are:
- a. Immunocompromised, preschool age children, or older adults; and
  - b. Obtaining 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.
- 18~~15~~. "Itinerant vendor" means a food vending business serving food or drink from any establishment or conveyance without food locations and without connection to water supply and sewage disposal systems.
- 19~~16~~. "Manager certified in food safety" means a person certified in this State in accordance with the requirements in R.I. Gen. Laws Chapter §21-27.
- 20~~17~~. "Mobile food establishment" or ("MFE") means a food service operation that is operated from a movable motor driven or propelled vehicle, portable structure, or watercraft that can change-change location.
- 21~~18~~. "Mobile food service unit" means a unit that prepares and/or sells food products for direct consumption.
- 22~~19~~. "Operator" in relation to food vending machines means any person who by contract, agreement, lease, rental or ownership sells food from vending machines.
- 23~~20~~. "Person" means any individual, firm, co-partnership, association, or private or municipal corporation.
- 24~~21~~. "Person in charge" means the individual present at a food establishment who is responsible for the operation at the time of inspection.
- 25~~22~~. "Permanent food establishment" or "PFE" means a licensed food establishment operating in a permanently constructed structure. This does not include a temporarily food establishment or mobile food establishment.
- 26~~23~~. "Processor" means one who combines, handles, manufactures or prepares, packages and stores food products.
24. ~~"Retail" means when eighty (80%) percent or more of sales are made directly to consumers.~~

2725. "Retail peddler" means a food business which sells meat, seafood, and dairy products directly to the consumer, house to house or in a neighborhood.
2826. "RIDOH" means the Rhode Island Department of Health.
2927. "R.I. Gen. Laws." means the General Laws of Rhode Island, as amended.
3028. "Roadside farm stand" means a stand or location adjacent to a farm where produce grown only on that farm is sold at the time of harvest.
3129. "Special event" means a temporary event, or transitory public gathering that takes place at a given location for a specific purpose, including, but not limited to, a fair, festival, exposition, show, concert or other similar activity that does not recur on a regularly scheduled basis within a year and is conducted wholly on public property or partly on public property. The event has a defined start and stop date, with the given event not exceeding fourteen (14) consecutive days.
3230. "Special event sponsor" means the person, group, association, organization, corporation or governmental agency sponsoring or promoting and coordinating a special event.
3331. "Temporary food establishment" means a food establishment that operates for a period of no more than fourteen (14) consecutive days in conjunction with a single event or celebration.
- ~~32. "These Regulations" shall mean all parts of the Rhode Island Food Code codified as 216-RIGR-50-10-01.~~
3433. "Time Temperature Control for Safety Food" or "TCS" means any food or food ingredient, natural or synthetic, in a form capable of supporting pathogenic microorganism growth or toxin formation. ~~a) the rapid and progressive growth of infectious or toxigenic microorganisms or b) the slower growth of Clostridium botulinum.~~
3534. "Vending machine site or location" means the room, enclosure, space or area where one (1) or more vending machines are installed and/or operated.
3635. "Warehouse" means a place for the storage of dried, fresh or frozen food or food products, not including those areas associated within or directly part of a food establishment or retail market.

~~36. "Wholesale" means when eight or more than twenty (80%) percent or more of the business is for resale purposes.~~

## 1.4 Management and Personnel

### 1.4.1 Supervision

- A. The food establishment shall have a manager certified in food safety, as specified in Part 2 of this Subchapter, the "Certification of Managers in Food Safety" (216 RICR 50-10-02).
- B. Food employees and conditional employees are informed in writing of their responsibility to report in accordance with the law, to the person in charge, information about their health and activities as they relate to diseases that are transmissible through food.

### 1.4.2 Employee Health – Salmonella Exclusions

#### A. Conditions of Exclusion

- 1. The person in charge must exclude a food employee from the premises if the food employee is symptomatic with vomiting or diarrhea and diagnosed with an infection from nontyphoidal Salmonella.
- 2. If a food employee is diagnosed with an infection from nontyphoidal Salmonella and is asymptomatic, the person in charge must discuss good hygiene practices with the employee, and he/she may return to work.

#### B. Removing Exclusion

- 1. If the food employee who was excluded is not associated with a confirmed disease outbreak, unless otherwise prohibited by RIDOH, the person in charge may reinstate the food employee, after discussing good hygiene practices with the employee, once more than twenty-four (24) hours have passed since symptoms of vomiting and diarrhea resolved.
- 2. If the food employee who was excluded is associated with a confirmed disease outbreak, the food employee may be reinstated after the person in charge discusses good hygiene practices with the employee if one (1) of the following conditions is met:
  - a. The excluded food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee is free of nontyphoidal salmonella infection.

based on test results showing two (2) consecutive negative stool specimen cultures taken.

(1) Not earlier than forty-eight (48) hours after discontinuance of antibiotics; and

(2) At least twenty-four (24) hours apart.

b. The person in charge obtains approval from RIDOH to reinstate the food employee.

## **1.5 Food**

### **1.5.1 Preventing Contamination from Hands**

- A. Food employees may not contact exposed, ready-to-eat food with their bare hands and shall use suitable utensils such as deli tissue, spatula, tongs, single-use gloves or dispensing equipment. This does not apply to the following:
1. Contains a raw animal food and is to be cooked in the food establishment to heat all parts of the food to minimum temperatures as specified in the Code.
  2. Does not contain a raw animal food but it is to be cooked in the food establishment to heat all parts of the food to a temperature of at least sixty-three degrees Celsius (63° C) (one hundred forty-five degrees Fahrenheit (145° F)).

### **1.5.2 Raw Animal Foods**

- A. A raw animal food such as raw egg, raw fish, raw-marinated fish, raw molluscan shellfish, or steak tartare; or a partially cooked food such as lightly cooked fish, soft cooked eggs, or rare meat other than whole-muscle, intact beef steaks as specified in the Code, may be served or offered for sale upon consumer request or selection in a ready-to-eat form if:
1. The food service establishment serves a population that is not a highly susceptible population;
  2. The food, if served or offered for service by consumer selection from a children's menu, does not contain comminuted meat;
  3. The consumer is over twelve (12) years of age and is informed as specified under the Consumer Advisory in the Code that to ensure its safety, the food should be cooked as specified therein.

### 1.5.3 Time as a Public Health Control

- A. If time without temperature control is used as the public health control for a working supply of time temperature control for safety food before cooking, or for ready-to-eat time temperature control for safety food that is displayed or held and sold for immediate consumption:
1. Written procedures shall be approved in advance, maintained in the food service establishment and made available to RIDOH upon request that specify:
    - a. Methods of compliance with time-maximum up to four (4) hours and up to six (6) hours if the food starts at  $\leq$  forty-one degrees Fahrenheit ( $41^{\circ}$  F) and never exceeds seventy degrees Fahrenheit ( $70^{\circ}$  F); and
    - b. Methods of compliance with cooling for food that is prepared, cooked, and refrigerated before time is used as a public health control.

### 1.5.4 Pasteurized Foods, Prohibited Reservice and Prohibited Food

In addition to a food service establishment that serves a highly susceptible population, undercooked comminuted meat may not be offered for sale or service for children twelve (12) years of age and under.

### 1.5.5 Drinking Water

- A. Any food business or food service establishment that utilizes drinking water to wash, prepare or cook food or drink that is sold on the premises must obtain its drinking water from a public water system pursuant to R.I. Gen. Laws Chapter 46-13, Public Drinking Water Supply.
- B. Any food business or food service establishment that does not utilize drinking water to wash, prepare or cook food or drink that is sold on the premises may obtain is drinking water from a nonpublic water system that is constructed, maintained and operated pursuant to law regarding nonpublic water systems.
- C. Any variance of exception to the public water system requirement that was granted to a food business or food service establish prior to the effective date of this Part remains in full force and effect and the food business or food service establishment may continue to operate pursuant to the variance or exception.
- D. Any food business or food service establishment that does not use drinking water to wash, prepare or cook food sold on the premises that seeks to use drinking



water to wash prepare or cook food or drink sold on the premises must comply with the requirements of R.I. Gen. Laws Chapter 46-13, Public Drinking Water Supply, and Subchapter 05 Part of this Chapter.

### **1.5.6 Food Donation**

All food donations must be made pursuant to R.I. Gen. Laws § 21-34.1-1, Rhode Island Food Donation Act.

### **1.5.7 Approved Source, Romaine Lettuce**

Romaine lettuce shall be obtained from an approved source **marked with the harvest location and date.**

## **1.6 Physical Facilities**

### **1.6.1 Prohibiting Animals**

A. Live animals may not be allowed on the premises of a food establishment, except as follows: ~~Except in the following incidents:~~

1. Live animals may be allowed in the following situations if the contamination of food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles will not ~~cannot~~ result:
  - a. Edible fish or decorative fish in aquariums, shellfish or crustacea on ice or under refrigeration, and shellfish and crustacea in display tank systems;
  - b.- Patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas, and sentry dogs running loose in outside fenced areas;
  - c.- Service animals controlled by a disabled employee or person are permitted in areas that are not used for food preparation and that are usually open to for customers, such as indoor and outdoor dining and sales areas, ~~service animals that are controlled by the disabled employee or person,~~ but only if a health or safety hazard will not result from the presence or activities of the service animal.
  - d. Pets in the common dining areas of institutional care facilities such as nursing homes, assisted living facilities, group homes, or residential care facilities at times other than during meals if:

- ~~(1)i.~~ Effective partitioning and self-closing doors separate the common dining areas from food storage or food preparation areas,
  - ~~(2)ii.~~ Condiments, equipment, and utensils are stored in enclosed cabinets or removed from the common dining areas when pets are present, and
  - ~~(3)iii.~~ Dining areas including tables, countertops, and similar surfaces are effectively cleaned before the next meal service; and
- e. In areas that are not used for food preparation, storage, sales, display, or dining, in which there are caged animals or animals that are similarly confined, such as in a variety store that sells pets or a tourist park that displays animals.
- 2. Live or dead fish bait may be stored if contamination of food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles ~~will not~~ result.
- 3. A food establishment with an outdoor dining area may allow a patron's dog to accompany the patron in the outdoor dining area during the hours designated by the owner of the restaurant.
  - a. All persons must comply with R.I. Gen. Laws § 21-27-12 and [this Part. these Regulations](#)
  - b. This section shall not affect the right of an individual to use a service animal as provided by R.I. Gen. Laws.

## 1.7 Compliance

### 1.7.1 Contents of the Plans and Specifications

- A. The plans and specifications for a food establishment, including a food establishment specified under HACCP Plan requirements under the Code, shall include, as required by RIDOH based on the type of operation, type of food preparation, and foods prepared, the following information to demonstrate conformance with Code provisions:
  - 1. Intended menu;
  - 2. Anticipated volume of food to be stored, prepared, and sold or served;

3. Proposed layout, mechanical schematics, construction materials, and finish schedules;
4. Proposed equipment types, manufacturers, model numbers, locations, dimensions, performance capacities, and installation specifications;
5. Evidence that standard operating procedures that ensure compliance with the requirements of the Code are developed or being developed; and
6. Other information that may be required by RIDOH for the proper review of the proposed construction, conversion or modification, and procedures for operating a food establishment.

### **1.7.2 When a Hazard Analysis Critical Control Point (HACCP) Plan is Required**

- A. Before engaging in an activity that requires a HACCP plan, a permit applicant or permit holder shall submit to RIDOH for approval a properly prepared HACCP plan as specified [in](#) the relevant provisions of the Code if:
  1. Submission of a HACCP plan is required according to law;
  2. A variance is required as specified under §§ [3-401.11\(D\)\(3\)](#), [3-502.11](#), [4-204.110\(B\)](#) of the Code;
  3. RIDOH determines that a food preparation or processing method requires a variance based on a plan submittal specified [in](#) § 1.7.1 of [this Part these Regulations](#), an inspectional finding, or a variance request.
- B. Before engaging in reduced oxygen packaging without a variance as specified under § 3-502.12 of the Code, a permit applicant or permit holder shall submit a properly prepared HACCP plan to RIDOH.

### **1.7.3 Contents of a HACCP Plan**

- A. For a food service establishment that is required under § [8-201.13](#) of the Code to have a HACCP plan, the plan and specifications shall indicate:
  1. General information such as the name of the permit applicant or permit holder, the food establishment address, and contact information;
  2. A categorization of the types of time temperature control for safety foods that are to be controlled under the HACCP Plan; and
  3. A flow diagram or chart for each specific food or category type that identifies:

- a. Each step in the process;
  - b. The hazards and controls for each step in the flow diagram or chart;
  - c. The steps that are critical control points;
  - d. The ingredients, materials, and equipment used in the preparation of that food; and
  - e. Formulations or recipes that delineate methods and procedural control measures that address the food safety concerns involved.
4. A critical control points summary for each specific food or category type that clearly identifies:
- a. Each critical control point;
  - b. The critical limits for each critical control point;
  - c. The method and frequency for monitoring and controlling each critical control point by the designated food employee or the person in charge;
  - d. The method and frequency for the person in charge to routinely verify that the food employee is following standard operating procedures and monitoring critical control points;
  - e. Action to be taken by designated food employee or person in charge if the critical limits for each critical control point are not met; and
  - f. Records to be maintained by the person in charge to demonstrate that the HACCP plan is properly operated and managed.
5. Supporting documents such as:
- a. Food employee and supervisory training plan that addresses the food safety issues of concern;
  - b. Copies of blank records forms that are necessary to implement the HACCP Plan;
  - c. Additional scientific data or other information, as required by RIDOH, supporting the determination that food safety is not compromised by the proposal.

6. Any other information required by RIDOH.

#### **1.7.4 Performance and Risk-Based Inspections**

- A. RIDOH shall prioritize, and conduct inspections based upon its assessment of a food establishment's history of compliance with the Code and [this Part ~~these~~ Regulations](#) and the establishment's potential as a vector of foodborne illness by evaluating:
  1. Past performance, for nonconformance with the Code and [this Part ~~these~~ Regulations](#) or HACCP plan requirements that are critical;
  2. Past performance, for numerous or repeat violations of the Code and [this Part ~~these~~ Regulations](#) or HACCP plan requirements that are noncritical;
  3. Past performance, for complaints investigated and found to be valid;
  4. The hazards associated with the particular foods that are prepared, stored, or served;
  5. The type of operation including the methods and extent of food storage, preparation, and service;
  6. The number of people served; and
  7. Whether the population served is a highly susceptible population.

#### **1.7.5 Responsibilities of the Permit Holder**

In addition to the §8.304.11 of the Code, permit holders must provide immediate access to shopper card and customer [food product purchase](#) information when needed during an investigation for a foodborne illness or other imminent threat to public health.

### **1.8 Supplemental Regulations for Mobile Food Establishments**

In addition to the specific requirements of [this Part ~~these~~ Regulations](#), the following apply to Mobile Food Establishments:

#### **1.8.1 Classifications of Mobile Food Establishments**

- A. MFE Type 1
  1. Commercially processed pre-packaged food that is Non-Time Temperature Control for Safety food ([e.g., i.e.](#) cookies, crackers, potato chips, pretzels)

2. Commercially processed pre-packaged Time Temperature Control for Safety food that is ready to eat (~~e.g., i.e.~~ cold sandwiches, ice cream)
3. Dispensed bulk Non-Time Temperature Control for Safety food (~~i.e.g.~~ popcorn, roasted nuts, frozen lemonade)
4. Pre-cooked, low-risk Time Temperature Control for Safety food (~~i.e.g.~~ hot dogs, precooked sandwiches)
5. Requirements:
  - a. Adequate cold holding if Time Temperature Control for Safety food
  - b. No commissary needed
  - c. No hand sink required

B. MFE Type 2

1. Time Temperature Control for Safety food for same day service (~~i.e.g.~~ hamburgers, grilled sandwiches)
2. Reheating commercially-processed Time Temperature Control for Safety food (~~i.e.g.~~ reheating canned soups)
3. Shellfish shucking
4. Requirements:
  - a. Adequate cold holding
  - b. Adequate cooking and hot holding equipment
  - c. Hand sink
  - d. Three (3) bay sink
  - e. Manager certified in food safety as required under [Part 2 of this Subchapter: "Certification of Managers in Food Safety" \(216 RICR-50-10-02\)](#).
  - f. Purchase food daily or need commissary for food storage
  - g. Tags for shellfish

C. MFE Type 3

1. Complex Time Temperature Control for Safety food that includes advanced preparation and/or cooling (i.e.g., chowders, meatballs)
2. Requirements:
  - a. Adequate cold holding
  - b. Adequate cooking and hot holding equipment
  - c. Hand sink
  - d. Three (3) bay sink
  - e. Manager certified in food safety as required under [Part 2 of this Subchapter: "~~Certification of Managers in Food Safety~~" \(216-RICR-50-10-02\)](#)
  - f. Commissary for food preparation and/or storage

### **1.8.2 Food Operation Limitation**

RIDOH may limit and/or modify the nature of the food service operation and/or the type of food served by a mobile food establishment to protect the health and safety of the public. Mobile food establishment operations may be limited regarding types of food and methods of preparation.

### **1.8.3 Mobile Food Establishment Vendor Requirements**

#### **A. Plan Review**

1. Any person desiring to operate any Mobile Food Establishment shall submit structural and operating plans.
  - a1. The structural plan should include the materials and layout of the mobile food establishment, dimensions, mechanical schematics, plumbing, equipment and the finish schedule.
  - b2. Standard operating procedures shall include menu, methods of preparation and temperature control, food and water sources, employee health and hygiene and staff training.

### **1.8.4 Application Requirements**

- A. An applicant shall submit an application for a permit at least thirty (30) days in advance.

- B. An applicant shall pay the required fee for mobile food establishment license.
- C. An applicant shall provide:
  - 1. Vehicle Identification Number (VIN) of the vehicle used for the mobile food establishment;
  - 2. The license plate number and State of issuance of the vehicle used for the mobile unit;
  - 3. The menu and methods of preparation;
  - 4. A signed agreement with a licensed commissary when applicable
- D. Unapproved license applications may be returned to the applicant with information regarding the reason(s) for not approving the license.
- E. The following mobile food establishments may be exempt from obtaining a permit:
  - 1. Food which is sold, offered, displayed for sale, or served at the establishment does not constitute a potential or actual hazard to the public health. Exemptions include, but are not limited to:
    - a. Commercially bottled or canned beverages, including water, that do not require refrigeration and are served from the sealed original properly labeled container without addition of ice or other regulated product.
    - b. Sealed, commercially packaged food not requiring time temperature control from an approved source with proper labeling including but not limited to candy bars and other similar food.

### **1.8.5 Approval Procedure**

- A. RIDOH shall conduct an inspection of the mobile food establishment and approve or reject the pending license based on adherence to the operational plan that was previously submitted.
- B. RIDOH shall record the findings on an inspection report and furnish the original to the mobile food establishment.
- C. The mobile food establishment shall ensure that all documented violations are corrected as specified on the health inspection report.



- D. Any changes in the operation including the commissary, menu and mobile food establishment must be approved by the RIDOH.

### 1.8.6 General Requirements

#### A. Supervision

1. Each mobile food establishment shall have a designated person in charge responsible for knowledge of, and compliance with [this Part](#), ~~these Regulations~~. Such person shall be on-site and accessible during all hours of operation of the mobile food establishment. Facilities without such person in charge shall not be approved to open or operate.
2. Except for [§ 1.8.6\(A\)\(3\) of this Part](#), ~~these Regulations~~, the mobile food establishment shall have a manager certified in food safety as specified in [Part 2 of this Subchapter "Certification of Managers in Food Safety" \(216-RICR-50-10-02\)](#).
3. As specified in [this Part](#) ~~these Regulations~~, mobile food establishments that serve only commercially pre-packaged foods, beverages and commercially pre-cooked potentially hazardous foods requiring no manual handling and/or when only cold foods are prepared and there is no modified atmospheric packaging, a manager certified in food safety may not be required.

#### B. Food Preparation

1. All food handling and preparation shall take place within the licensed mobile food establishment unless prepared at an approved commissary.
2. Food employees shall eliminate bare hand contact with ready-to-eat food by suitable means including but not limited to deli paper, spatulas, tongs, single-use nonlatex gloves, or dispensing equipment.
3. Food employees shall minimize hand and arm contact with exposed food that is not in ready to eat form.
4. Hands shall be washed before donning gloves for working with food and after removing gloves when handling raw animal products.
5. Food employees of a mobile food establishment shall not use a pair of gloves intended for a single use for more than one (1) purpose and shall discard the gloves after they are damaged or soiled, or after the process of preparing food has been interrupted.

### C. Physical Structure

1. The interior walls and ceiling of the mobile food establishment shall be durable, smooth and easily cleanable. Floors shall be constructed of nonabsorbent, durable material. A floor covering such as carpeting or similar material may not be installed in food preparation areas.
2. The exterior structure of the mobile food establishment shall effectively protect the interior from the weather and the entry of insects, rodents and other animals.
3. A mobile food establishment shall not be used for living or sleeping quarters.
4. The mobile food establishment shall be maintained in good repair.
5. The mobile food establishment shall be kept clean and free of food debris, grease and other dirt.
6. The light intensity shall be sufficient for food preparation.
7. Adequate ventilation shall be provided to keep the vehicle free of food debris, grease and other dirt.
8. The water tank of the mobile food establishment shall meet the requirements specified within [this Part](#)~~these Regulations~~.
9. Sewage and liquid waste shall be removed from a mobile food establishment at an approved commissary or by a sewage transport vehicle.

### D. Restroom Facilities

1. A toilet facility on a mobile food establishment shall be fully enclosed with a tight-fitting self-closing door.
2. The toilet facility shall be clean and in good repair.
3. The toilet facility shall have toilet paper and a hand sink with water, soap and paper towels.
4. A mobile food establishment that does not have ~~a~~ toilet facilities and that does business at a location for more than sixty (60) minutes shall have access to a toilet room located within two hundred feet (200') of the vehicle.

## 1.9 Supplemental Regulations for Temporary Food Establishment

RIDOH may limit and/or modify the nature of the food service operation and/or the type of food served at the temporary food establishment to protect the health and safety of the public. Temporary food establishment operations may be limited in terms of the number of individuals served, methods of preparation and storage, the kinds of utensils used, or the type of food served.

### 1.9.1 Sponsor Requirements

- A. The event sponsor shall complete the sponsor form thirty (30) days prior to the event.
- B. The event sponsor shall inform RIDOH of any changes or additions made after the original application was reviewed.
- C. The event sponsor shall notify temporary food establishments that will be associated with the special event that they are required to make advance application for a permit to operate.
- D. The event sponsor shall ensure that unapproved temporary food establishments do not operate at or during the special event.

### 1.9.2 Site Requirements

- A. Temporary food establishments shall be constructed and located to minimize the risk of food contamination from external sources including, but not limited to, sewage, flooding, dust, insects and vermin.
- B. Outdoor open food operations shall have overhead protection unless otherwise specified by the local fire authority.
- C. Temporary food establishments may not be closer than fifty feet (50') from any non-sewered toilets and/or animal pens. The fifty foot (50') setback requirement may be waived by [RIDOH](#) if public health concerns are not compromised.

### 1.9.3 Responsibilities of the Sponsor

- A. The event sponsor shall be responsible for all items as specified on the event sponsor application which may include, but ~~it are~~ not limited to the following:
  - 1A. The event coordinator shall ensure that there is an adequate potable water supply for cooking purposes, handwashing, and cleaning and sanitization of equipment, utensils and food contact surfaces.

- 2B.** A public water supply shall be protected with the appropriate backflow prevention device. Non-food grade or garden hoses shall not be used for delivery of water for human consumption or food preparation.
- 3C.** Handwashing sinks shall be located at all toileting areas utilized by food handlers, including all non-sewered toilet areas.
- a1.** The operator of a special event shall provide at least one (1) facility for hand washing for each group of toilet facilities.-
- b2.** Handwashing sinks shall be adequately serviced, stocked and maintained during the event with soap in a pump dispense and single-use paper towels dispensed in a sanitary manner.
- 4D.** Adequate power shall be supplied by the event sponsor to those temporary food establishments that require electrical or mechanical means to hold food products at required temperatures. When mechanical refrigeration is used, power shall be provided in advance to bring units down to adequate temperatures.
- 5E.** When central refrigeration services for food vendors are provided, the event sponsor shall ensure that equipment is capable of maintaining food at required temperatures. When equipment is not maintaining food at required temperatures, it shall be taken out of service and any temperature abused food shall be discarded.
- 6F.** A minimum of twenty foot (20') candles of artificial light shall be provided after dusk in all common areas.
- 7G.** Common warewashing facilities, if provided, shall be maintained as specified in these Regulations, and drain into an approved sewage disposal system.
- 8H.** The event sponsor shall ensure that an adequate number of toilet facilities are provided for patron and participant use so as not to create a nuisance or public health hazard.
- a1.** When the number of sewerred toilets is insufficient, non-sewerred toilets shall be provided.
- b2.** All toilets shall be adequately serviced, stocked with dispenser-held toilet tissue, and maintained during the event.
- 9I.** Hoses connected to potable water sources shall meet the requirements as specified in [this Part](#)~~these Regulations~~ and [§ 5-3 of the Code](#).

10J. The event coordinator shall ensure that all wastewater generated at an event is discharged as specified in [this Part](#).~~these Regulations.~~

11K. The event coordinator shall ensure proper disposal of garbage.

a1. The event coordinator shall provide for the removal of any solid waste scattered on the event premises as a result of event activities, including the removal of such waste during and at the conclusion of the event. Trash receptacles shall be emptied as often as necessary to prevent excessive accumulation of solid waste so as not to create a public health nuisance.

12L. Animal attractions shall not create nuisance, odors, or fly problems that impact food service operations. RIDOH may impose additional restrictions and requirements to ensure the health of the public.

#### **1.9.4 Application Requirements**

A. ~~Except for 1.9.4.F of these Regulations,~~ Aa person desiring to operate any temporary food establishment shall submit a written application for a permit in accordance with [this Part](#).~~these Regulations.~~

1A. An applicant shall submit an application for a permit at least thirty (30) days in advance.

2B. An applicant shall pay the required fee for the temporary event license.

3C. An applicant should complete the temporary event form and submit it with the written application for a temporary event license.

4D. If approved by RIDOH, the temporary food establishment will receive a license.

5E. Unapproved license applications will be returned to the applicant with information regarding the reason(s) for not approving the license.

6F. The following food establishments may be exempt from obtaining a permit:

a1. A religious, charitable or other non-profit organization that sells food occasionally to raise money, provided the sale occurs on the premises of the organization. If the sale is to occur off the premises of the organization, a permit shall be required.

b2. Food which is sold, offered, displayed for sale or served at the establishment does not constitute a potential or actual hazard to the public health. Exemptions include but are not limited to:

(1)a. Commercially bottled or canned beverages, including water, that do not require refrigeration, and are served from the sealed original properly labeled container without addition of ice or other regulated product.

(2)b. Sealed, commercially packaged food not requiring time temperature control from an approved source with proper labeling including but not limited to candy bars and other similar food.

### 1.9.5 Approval Procedure

- A. RIDOH shall conduct an inspection of the temporary food establishment at the special event and approve or reject the license.
- B. RIDOH shall record the findings on an inspection report and furnish the original to the temporary food establishment.
- C. The temporary food establishment shall ensure that all documented violations are corrected as specified on the health inspection report.

### 1.9.6 General Requirements

- A. Each temporary food establishment shall have a designated person in charge responsible for knowledge of, and compliance with, [this Part](#)~~these Regulations~~. Such person shall be on-site and accessible during all hours of operation of the temporary food establishment. Facilities without such person in charge shall not be approved to open or operate.
- B. When indicated by menu and/or food preparation, the temporary food establishment may need a manager certified in food safety as specified in [Part 2 of this Subchapter](#).~~"Certification of Managers in Food Safety" (216 RIGR 50-10-02)~~.

## 1.10 Enforcement

### 1.10.1 Denial, Suspension, Revocation of Registration

- A. RIDOH is authorized to deny, suspend or revoke the registration of a food establishment for just cause which includes but is not limited to:
  - 1. Failure to comply with [this Part](#)~~these Regulations~~; and
  - 2. Failure to comply with any Federal, State, or local laws and Regulations relating to food and/or food establishments.

B. Whenever an action shall be proposed to deny, suspend, or revoke the registration of a food business, RIDOH shall notify the food business by certified mail, setting forth the reasons for the proposed action, and the applicant or licensee shall be given an opportunity for a prompt and fair hearing in accordance with R.I. Gen. Laws § [42-35-9](#).

1. If RIDOH finds that public health, safety or welfare imperatively requires emergency action and incorporates a finding to that effect in its order, RIDOH may order summary suspension of ~~fr~~ registration or curtailment of activities pending proceedings for revocation or other action in accordance with R.I. Gen. Laws §§ [23-1-21](#) and ~~R.I. Gen. Laws~~ [42-35-14\(c\)](#).

### **1.10.2 Other Enforcement Actions**

RIDOH is empowered to institute such measures authorized by law which it deems appropriate to secure compliance with the provisions of ~~this Part~~[these Regulations](#). Any such action shall include notice and opportunity for ~~a~~ hearing, provided; however, if an imminent health hazard exists the Director may issue an immediate compliance order requiring immediate action pursuant to the authority contained in R.I. Gen. Laws § [23-1-21](#).

### **1.10.3 Hearings and Reviews**

All hearings and reviews required under the provisions of R.I. Gen. Laws ~~Chapter~~[§ 21-31](#) and/or R.I. Gen. Laws ~~Chapter~~ [§23-1](#) and ~~this Part~~[these Regulations](#) shall be held in accordance with the provisions of ~~Part 10-05-4 of this Title, the rules and regulations for Practices and Procedures Before the Rhode Island Department of Health (216 RICR 10-05-4).~~