



REGULATORY CHANGES IN 40-7-1: RETAIL FOOD SALES REGULATIONS

The Department has promulgated new regulations governing retail food sales within the state of Georgia. The new regulations are modeled very closely to the Food and Drug Administration (FDA) 2013 Food Code.

The proposed regulations mark a substantial change from the existing regulations for retail sales, 40-7-1 General Rules. Because of the scope of the change involved, it was determined that the best way to promulgate new regulations was to repeal the existing regulations and adopt the latest version of the Food Code.

The current retail regulations were based on the 2001 Food Code. Adopting the 2013 Food Code means picking up changes introduced in previous versions of the Food Code. Some of those changes had already been incorporated into 40-7-1 General Rules through periodic regulation updates. This document will address changes appearing in the proposed regulations which were not previously incorporated in to 40-7-1 General Rules.

2013 Food Code		Added In	FDA Description of Change	GDA Regulations	
Citation:	Pg #			Citation:	Pg #
FOOD CODE CHAPTER 1: PURPOSE AND DEFINITIONS					
1-201.10(B)	3	2005	Added definition for the term "Asymptomatic"	40-7-1-.02(1) (B)5	1
1-201.10(B)	3	2005	Added definition for the term "Balut"	40-7-1-.02(1) (B)7	1
1-201.10(B)	4	2005	Added definition for the term "Conditional Employee"	40-7-1-.02(1) (B)16	2
1-201.10(B)	4	2009	Added definition for the term "Core item"	40-7-1-.02(1) (B)19	2
1-201.10(B)	5	2007	Added definition for the term "Dealer", Replaced the word "dealer" with "dealer" in small caps to distinguish it as a defined term	40-7-1-.02(1) (B)25	3
1-201.10(B)	5	2003	Added definition for the term "Disclosure"	40-7-1-.02(1) (B)27	3
1-201.10(B)	7	2005	Amended "Eggs" to clarify difference between "egg" (shell egg) and "egg product" (liquid, frozen, or dry egg). Exclusion of baluts and reptile eggs added to clarify that they were not considered when developing the egg-related provisions of the Food Code	40-7-1-.02(1) (B)32	3
1-201.10(B)	7	2005	Amended "Egg Products" to clarify the difference between "egg" (shell egg) and "egg product" (liquid, frozen, or dry egg)	40-7-1-.02(1) (B)33	3
1-201.10(B)	N/A	2013	Deleted "Enterohemorrhagic Escherichia coli" (EHEC) as use of EHEC terminology is outdated.	N/A	N/A
1-201.10(B)	7	2005	Amended "Exclude" to clarify that an excluded person may not enter a food establishment as an employee	40-7-1-.02(1) (B)37	4
1-201.10(B)	10	2005	Amended "Food Processing Plant" subparagraph (b) by deleting the cross reference	40-7-1-.02(1) (B)46(ii)	5
1-201.10(B)	11	2005	Added definition for the term "Handwashing Sink"	40-7-1-.02(1) (B)51	5
1-201.10(B)	11	2005	Added definition for the term "Health Practitioner"	40-7-1-.02(1) (B)53	6
1-201.10(B)	11	2009	Amended definition of "Injected" to remove the public health statement and process where no liquid is introduced	40-7-1-.02(1) (B)57	6
1-201.10(B)	12	2005	Added definition for the term "Major Food Allergen"	40-7-1-.02(1) (B)64	6

2013 Food Code		Added In	FDA Description of Change	GDA Regulations	
Citation:	Pg #			Citation:	Pg #
1-201.10(B)	13	2009	Added definition for the term "Mechanically Tenderized"	40-7-1-.02(1) (B)66	7
1-201.10(B)	13	2009	Added definition for the term "Non-continuous cooking"	40-7-1-.02(1) (B)69	7
1-201.10(B)	13	2013	Amended "Packaged" in (1) to delete the term "securely" to avoid undue emphasis on nature of the package; Amended "Packaged" in (2) to remove the phrase "or other nondurable container" to clarify when foods packaged at retail need to be labeled so that it reads: "Packaged" does not include wrapped or placed in a carry-out container to protect the food during service or delivery to the consumer, by a food employee, upon consumer request.	40-7-1-.02(1) (B)70(i)	7
1-201.10(B)	22	2013	Deleted the term Potentially Hazardous Food (Time/Temperature Control for Safety Food)" (PHF/TCS) and made a universal change throughout the Code to replace it with the term "Time/Temperature Control for Safety Food" (TCS). The definition remains the same.	40-7-1-.02(1) (B)112	11
1-201.10(B)	16	2009	Added definition for the term "Priority item"	40-7-1-.02(1) (B)82	8
1-201.10(B)	16	2009	Added definition for the term "Priority foundation item"	40-7-1-.02(1) (B)83	8
1-201.10(B)	16	2005	Added definition for the term "Ratite"	40-7-1-.02(1) (B)85	8
1-201.10(B)	16	2009	Revised "Ready-to-Eat Food" subparagraph (1)(b) to correctly cross reference 3-401.11 (D)(1) and (3); Revise subparagraph (1)(c) to update reference to subparagraph 3-401.11(D)(4)	40-7-1-.02(1) (B)86(i)(II) and (III)	8
1-201.10(B)	18	2005	Amended "Reduced Oxygen Packaging" to clarify and expand the definition to address cook/chill and sous vide	40-7-1-.02(1) (B)87(ii) (IV) and (V)	9
1-201.10(B)	18	2009	Revised "Reduced oxygen packaging" subparagraph (2)(d) and (2)(e) to correct spelling of "psychrotrophic"	40-7-1-.02(1) (B)87(ii) (IV) and (V)	9
1-201.10(B)	18	2013	Revised "Reduced Oxygen Packaging" subparagraph (2)(e), to delete the phrase "placed in a hermetically sealed, impermeable bag" and replace it with "vacuum packaged in an impermeable bag" so it clearly defines the sous vide process as outlined in Annex 6(2)(B)(4)(b). It now reads: "Sous vide packaging, in which raw or partially cooked food is vacuum packaged in an impermeable bag, cooked in the bag, rapidly chilled, and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens."	40-7-1-.02(1) (B)87(ii)(V)	9
1-201.10(B)	19	2003	Added definition for the term "Reminder"	40-7-1-.02(1) (B)90	9
1-201.10(B)	19	2005	Added definition for the term "Re-service"	40-7-1-.02(1) (B)91	9
1-201.10(B)	20	2013	Revised "Shiga toxin-producing Escherichia coli" (STEC) to reflect current nomenclature.	40-7-1-.02(1) (B)104	10
1-201.10(B)	5	2005	Deleted "Table-mounted equipment" and replaced with "Counter-mounted equipment"	40-7-1-.02(1) (B)21	2
FOOD CODE CHAPTER 2: MANAGEMENT AND PERSONNEL					
2-101.11	25	2007	Redesignated by creating ¶(A) and adding new ¶(B) specifying an alternative that allows a single PIC to be responsible for multiple permitted food establishments co-located on a single food establishment premises, under certain conditions	40-7-1-.03(1) (a) and (b)	12
2-102.11(C)(9)	27	2005	Added to address knowledge of major food allergens	40-7-1-.03(2) (c)9	13

2013 Food Code		Added In	FDA Description of Change	GDA Regulations	
Citation:	Pg #			Citation:	Pg #
2-102.11(C)(17)	28	2005	Added to address knowledge of reporting responsibilities	40-7-1-.03(2)(c)17	14
2-102.11(A)	26	2009	Amended to replace "Critical items" with "Priority items"	40-7-1-.03(2)(a)	12
2-102.12	28	2011	Added new §2-102.12, Certified Food Protection Manager, to require that at least one food establishment employee with management and supervisory responsibility be a Certified Food Protection Manager (CFPM)	40-7-1-.03(3)	14
2-102.20	29	2005	Added new section to recognize National Manager Certification	40-7-1-.03(4)	14
2-102.20	29	2011	Revised the section to redesignate the existing paragraph into ¶(A) and adding a new ¶(B) to specify what constitutes compliance with §2-102.12	40-7-1-.03(4)	14
2-103.11(M)	31	2005	Added new paragraph regarding reporting responsibilities	40-7-1-.03(5)(n)	15
2-103.11 (L)	30	2007	Added "food allergy awareness" as a part of the food safety training of employees by the Person in Charge	40-7-1-.03(5)(m)	15
2-103.11	30	2011	Revised the section to add new ¶(F) to address deliveries to a food establishment during non-operating hours and added new ¶(O) to specify that the development and implementation of all required procedures is to be among the expected duties of the person in charge of a food establishment and revised ¶(M) to require the person in charge to inform employees, in a verifiable manner, of requirements to report information about their health and activities as they relate to diseases transmissible through food and redesignated existing ¶(M) as new ¶(N) ; renumbered ¶¶(F) through (M) as new ¶¶(G) through (N); and updated cross reference in new ¶(L) based on changes made in §3-301.11	40-7-1-.03(5)(f)	15
2-201.11	32	2005	Amended employee health section -- made major revisions throughout	40-7-1-.04(1)	15
2-201.11	32	2013	Amended to add nontyphoidal Salmonella (NTS) as one of the reportable illnesses for action by the Person in Charge; Added Code language to address employee health controls for the exclusion and restriction of nontyphoidal Salmonella, and removal of exclusion and restriction from NTS.	40-7-1-.04(1)	15
2-201.12	35	2005	Amended exclusion and restriction section -- made major revisions throughout	40-7-1-.04(2)	17
2-201.12	35	2013	Amended to add nontyphoidal Salmonella (NTS) as one of the reportable illnesses for action by the Person in Charge; Added Code language to address employee health controls for the exclusion and restriction of nontyphoidal Salmonella, and removal of exclusion and restriction from NTS.	40-7-1-.04(2)	17
2-201.13	38	2005	Amended removal of exclusion and restriction section -- made major revisions throughout	40-7-1-.04(3)	19
2-201.13	38	2007	Revised text from "may" to "shall" in the Code provision	40-7-1-.04(3)	19
2-201.13	38	2013	Amended to add nontyphoidal Salmonella (NTS) as one of the reportable illnesses for action by the Person in Charge; Added Code language to address employee health controls for the exclusion and restriction of nontyphoidal Salmonella, and removal of exclusion and restriction from NTS.	40-7-1-.04(3)	19
2-301.12	46	2005	Amended the excepted cross reference to ¶ (D) in (A); and Amended to update proper sequence for handwashing procedure and avoiding recontamination of the hands, after handwashing.	40-7-1-.05(2)	22
2-301.14(H)	47	2013	Amended to clarify that the requirement to wash hands before donning gloves is specific to the beginning of a task involving working with food and not during the task	40-7-1-.05(3)(h)	23

2013 Food Code		Added In	FDA Description of Change	GDA Regulations	
Citation:	Pg #			Citation:	Pg #
2-301.16(A)(2)	48	2003	Revised the criteria for hand sanitizers to more accurately and concisely identify current federal food additive regulations that relate to hand sanitizer formulations and redesignated (A)(2) as (A)(2)(a)-(d)	40-7-1-.05(5) (a)2	24
2-301.16	48	2005	Amended to eliminate use of the "sanitizer" and "sanitizing" since "sanitization" does not apply to hand antiseptics; replaced the terms "hand sanitizer" with "hand antiseptic"	40-7-1-.05(5)	23
2-301.16(A)(2)	48	2013	Amended to remove (A)(2)(b)(i-ii) and add new subparagraphs (A)(2)(b-e) to clarify and align the codified text with applicable CFR's and the FD&C Act with regard to the use of hand antiseptics as a food additive	40-7-1-.05(5) (a)2(ii)-(v)	24
Part 2-5	52	2011	Added new Part 2-5, Responding to Contamination Events and new Subpart, 2-501, Procedures for Responding, and new §2-501.11 Clean-up of Vomiting and Diarrheal Events	40-7-1-.07(1)	25
FOOD CODE CHAPTER 3: FOOD					
Chapter 3	N/A	2007	Replaced the word "dealer" with "dealer" in small caps to distinguish it as a defined term	N/A	N/A
3-201.11(G)	55	2005	Amended language relating to egg and egg products	40-7-1-.09(1) (g)	26
3-201.11 (D)	54	2009	Amended to correctly cross reference subparagraph 3-401.11 (D)	40-7-1-.09 (1)(d)	26
3-201.16(A)	56	2013	Amended to remove existing 2009 ¶(A) language in reserve; Added new ¶(A) to recognize a regulatory authority's ability to approve the sale of wild mushrooms within a food establishment and regulate wild mushrooms according to their LAW	40-7-1-.09(6) (a)	27
3-202.11(C)	58	2005	Amended language relating to egg and egg products	40-7-1-.09(8) (c)	28
3-202.13	59	2005	Amended language relating to egg and egg products; removed small caps from words "restricted" and "consumer"	40-7-1-.09(10)	29
3-202.14(A)	59	2005	Amended language relating to egg products	40-7-1-.09(11) (a)	29
3-202.17(A)(2)	60	2007	Added "best if used by"	40-7-1-.09(14) (a)2	29
3-202.18(A)	61	2007	Amended to delete the words "and each" before the word "dealer"	40-7-1-.09(15) (a)	29
3-202.110	62	2005	Revised to clarify that the section applies to treated pre-packaged juice from a commercial processor; deleted ¶ (C) that provided the option of a warning label on commercially processed juice as this is no longer allowed per the CFR	40-7-1-.09(17)	30
3-203.11	63	2005	Added new ¶ (D)	40-7-1-.09(18) (d)	31
3-203.12 (B)(2)(b)	64	2005	Amended to clarify the intent of commingling to allow combining containers of shellstock that were harvested in the same growing area on the same harvest date by the same certified shellfish shipper	40-7-1-.09(19) (c)2(ii)	31
3-203.12	64	2007	Amended by revising a cross-reference in ¶ (A), deleting ¶ (B), adding new language in new ¶ (B), that requires recording of the date that a shellfish container is emptied, and adding new ¶ (C) that defines record keeping requirements	40-7-1-.09(19)	31
3-301.11(B)	65	2005	Amended to delete "or when otherwise approved" and replacing with "or as specified in ¶ (D) of this section"	40-7-1-.10(1) (b)	32
3-301.11(D)	65	2005	Added new ¶ (D) to provide within the codified text the criteria that must be met for approval of an alternative procedure to No Bare Hand Contact with ready-to-eat foods and require prior approval from regulatory authority	40-7-1-.10(1) (d)	32

2013 Food Code		Added In	FDA Description of Change	GDA Regulations	
Citation:	Pg #			Citation:	Pg #
3-301.11(D)(3)	66	2005	Added provision to require a written employee health policy	40-7-1-.10(1) (e)3	32
3-301.11	65	2011	Added new ¶(D) to specify that the prohibition of bare hand contact with ready-to-eat foods does not apply to the handling of ready-to-eat foods as they are being added as ingredients to a food that is to be cooked in the food establishment to a minimum temperature specified in the Code and redesignated existing ¶(D) as new ¶(E); updated internal cross references in ¶(B) and new subparagraph (E)(7)	40-7-1-.10(1)	32
3-301.11(D)	65	2013	Amended to revise subparagraph (D)(2) to clarify that Paragraph (B) does not apply where a ready-to-eat food is added as an ingredient to another food that does not contain a raw animal food and the combined product will be heated to at least 63°C (145°F)	40-7-1-.10(1) (d)	32
3-302.11(A)(1)	68	2009	Amended language to exempt frozen, commercially processed and packaged raw animal foods from separate storage or display from RTE foods; Added new subparagraph (c) that allows this exemption	40-7-1-.10(3) (a)1	33
3-302.11	68	2013	Amended to remove subparagraph (A)(3) and renumbered the remaining paragraphs as (4) – (8)	40-7-1-.10(3)	33
3-302.13	70	2005	Amended language relating to meringue	40-7-1-.10(5)	34
3-302.15	71	2011	Added new ¶(C) to address devices used on-site to generate chemicals for washing raw, whole fruits and vegetables	40-7-1-.10(7) (c)	35
3-304.11	72	2005	Amended to add new ¶(B) specifying that single-service and single-use articles can be used to contact food	40-7-1-.10(10) (b)	35
3-304.11	72	2013	Amended to add a new ¶(C) to clarify that food may contact surfaces of linens and napkins as specified in §3-304.13 and added term “Linens” to the tag line	40-7-1-.10(10) (c)	35
3-304.13	73	2013	Amended to clarify that napkins in this section refers to cloth napkins and they are by definition considered linens	40-7-1-.10(12)	36
3-304.14	73	2003	Added new paragraph (E) to address storage of wiping cloth containers	40-7-1-.10(13) (e)	36
3-304.14	73	2005	Amended to clarify use of wiping cloths	40-7-1-.10(13)	36
3-304.17	75	2013	Amended to relocate the requirement regarding the cleaning of returnables into this section from §4-603.17	40-7-1-.10(16)	37
3-304.17	75	2013	Amended ¶3-304.17(A) to clarify conditions under which the re-use of returnables are permitted	40-7-1-.10(16) (a)	37
3-304.17	75	2013	Amended ¶3-304.17(B) to establish conditions under which refilling of returnable take-home containers is permitted	40-7-1-.10(16) (b)	37
3-304.17	75	2013	Amended to relocate the exception for filling a food-specific container with a beverage from ¶4-603.17(B) to ¶3-304.17(C)	40-7-1-.10(16) (c)	37
3-304.17	76	2013	Amended to renumber ¶3-304.17(C) as a new ¶3-304.17(D)	40-7-1-.10(16) (d)	38
3-304.17	76	2013	Amended to relocate the exception for filling consumer-owned, personal take-out containers that are not food-specific from ¶4-603.17(C) to ¶3-304.17(E)	40-7-1-.10(16) (e)	38
3-306.14	79	2005	Amended to correct cross-reference regarding re-service of food in HSP	40-7-1-.10(24)	39
3-401.11(A)(1)	80	2005	Amended subparagraph (b) to delete the word "pork" since it is included in the definition of meat; updated the language in (a) relating to eggs; added cross-reference to ¶ 3-401.11(C); added exception regarding cooking intact steaks	40-7-1-.11(1) (a)1	40
3-401.11(B)	81	2005	Amended to clarify that lamb and other meat roasts are included	40-7-1-.11(1) (b)	40
3-401.11(D)	83	2003	Added language regarding a consumer's selection of raw or under cooked animal foods and a reference to 3-801.11 (C) (1)-(2)	40-7-1-.11(1) (d)	41

2013 Food Code		Added In	FDA Description of Change	GDA Regulations	
Citation:	Pg #			Citation:	Pg #
3-401.11(A)(2)	80	2009	Added "mechanically tenderized" meats to the list of foods that shall be cooked to heat all parts of the food to 68°C (155°F) for 15 seconds	40-7-1-.11(1)(a)2	40
3-401.11(D)	83	2009	Amended to add new subparagraph (D)(2) to not allow the sale of undercooked, comminuted meat from a children's menu	40-7-1-.11(1)(d)2	41
3-401.11(D)(2)	83	2009	Amended to become the new (D)(3)	40-7-1-.11(1)(d)3	42
3-401.11(D)(3)	83	2009	Amended to become the new (D)(4)	40-7-1-.11(1)(d)4	42
3-401.12(C)	84	2011	Editorial change to revise ¶C to a risk designation of Priority Item "P"	40-7-1-.11(2)(c)	42
3-401.14	84	2009	Added a new section on Non-continuous cooking of raw animal foods that specifies the criteria for using a non-continuous cooking process	40-7-1-.11(4)	42
3-401.14(F)(5)	85	2011	Editorial change to correct the cross reference from ¶3-302.11(D) to ¶3-302.11(A)	40-7-1-.11(4)(f)5	43
3-401.14	84	2013	Amended to revise ¶(D) to clarify that prior to sale or service, raw animal foods cooked using a non-continuous cooking process shall be cooked to a temperature and for a time as specified under ¶¶3-401.11 (A)-(C)	40-7-1-.11(4)(d)	42
3-402.11	85	2005	Added third option for freezing to control parasites and added exemption for certain fish that are aquacultured	40-7-1-.11(5)(a)3	43
3-402.11(B)	86	2009	Added new subparagraph (4) to exempt fish eggs that have been removed from the skein and rinsed from freezing for parasite destruction	40-7-1-.11(5)(b)5	43
3-402.11(B)	86	2013	Amended ¶3-402.11(B) to add a new ¶(2) to clarify that scallop products consisting solely of the shucked adductor muscle are excluded from the requirements for parasite destruction and re-designated existing ¶¶(2)-(4) to be new ¶¶ (3)-(5)	40-7-1-.11(5)(b)2	43
3-402.12(C)	86	2005	Added provision for record keeping for certain aquacultured fish that are exempted from freezing	40-7-1-.11(6)	43
3-403.11	87	2005	Amended to clarify reheating in 2 hours and changed "beef" to "meat" roasts	40-7-1-.11(8)	44
3-403.11(E)	87	2009	Added new ¶ (E) which was missing in 2007 Supplement	40-7-1-.11(8)(e)	44
3-403.11	87	2013	Amended ¶3-403.11(C) to clarify that this provision applies to all commercially processed TCS foods that are ready-to-eat. Previous text suggested that it applied only immediately upon removal of the food from a sealed container	40-7-1-.11(8)(c)	44
3-404.11(A)	88	2009	Amended to correct the reference ¶ 8-201.12 (B) – (E) to ¶ 8-201.14(B) – (E)	40-7-1-.11(9)(a)	44
3-501.13	89	2013	Amended to add new ¶(E) specifying frozen fish packaged using a ROP method be removed from the ROP environment either prior to initiating thawing procedures under refrigeration as specified in ¶ (A) or prior to, or immediately upon completion of, its thawing using procedures specified in ¶ (B) of this section	40-7-1-.12(3)(e)	45
3-501.14(D)	90	2005	Amended language relating to eggs	40-7-1-.12(4)(d)	45
3-501.16(B)	91	2005	Amended language relating to eggs	40-7-1-.12(6)(b)	46
3-501.16	91	2007	Added a new ¶ (C) that is an allowance for holding potentially hazardous food (time/temperature control for safety food) in specially designed dispensing equipment that maintain the safety of aseptically-packaged fluid foods when the equipment is manufactured and operated in conformance with the NSF/ANSI Standard No. 18	40-7-1-.12(6)(c)	46
3-501.17	92	2005	Amended date marking to include cheese exemptions and other exemptions based on the <i>Listeria monocytogenes</i> Risk Assessment	40-7-1-.12(7)	46

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Citation:	Pg #			Citation:	Pg #
3-501.17(D)(2)	93	2009	Amended to correct a typographical error	40-7-1-.12(7) (d)2	47
3-501.17(A)	92	2011	Editorial change to add new sentence at the end of ¶(A) that reads: "The day of preparation shall be counted as Day 1. ^{Pf5} "	40-7-1-.12(7) (a)	46
3-501.17	93	2013	Amended to add new ¶(F) that exempts raw, live in-shell molluscan shellfish from date marking and re-designated former ¶(F) as new ¶(G)	40-7-1-.12(7) (f)	47
3-501.17	93	2013	Amended existing subparagraph 3-501.17 (F)(6) to clarify that the exemption from date marking for shelf stable dry fermented sausages produced in USDA-regulated facilities is not dependent on the product retaining the original casing; Renumbered existing ¶(F)(6) as new ¶(G)(6) as a result of the addition of new ¶ (F)	40-7-1-.12(7) (g)6	47
3-501.19	94	2005	Added a provision for longer time out of temperature control when food is removed from cold holding at 41°F	40-7-1-.12(9)	48
3-501.19	95	2007	Revised subparagraphs 3-501.19(B)(3) and (C)(4)(b) by stating that ready-to-eat food held using time only as the public health control can be served at any temperature upon a consumer's request	40-7-1-.12(9) (b)3 and (c)4(ii)	48
3-501.19 (B)	95	2011	Editorial change to revise paragraph to add the term "without" to the introductory sentence so that it reads: (B) If time without temperature control is used . . ."	40-7-1-.12(9) (b)	48
3-502.11(H)	97	2005	Amended the list of items requiring a variance and HACCP plan to include sprouting beans or seeds in a food establishment	40-7-1-.12(10) (h)	49
3-502.11(D)	97	2009	Amended to include <i>Listeria monocytogenes</i> controls which are specified under § 3-502.12	40-7-1-.12(10) (d)	49
3-502.11(E)	97	2009	Amended ¶ (E) to replace the word "and" with "or" to clarify that a variance would be required when operating a molluscan shellfish life-support system display tank, regardless of whether the tank was used for storing (back-of-the-house) or displaying (front-of-the-house) shellfish	40-7-1-.12(10) (e)	49
3-502.11	97	2013	Amended to revise ¶(D) to make clear that only TCS foods prepared under ROP methods that do not control for growth of and toxin formation by <i>Clostridium botulinum</i> and the growth of <i>Listeria monocytogenes</i> require a variance	40-7-1-.12(10) (d)	49
3-502.12(B)(5)	98	2003	Revised to include "except the time the product is maintained frozen"	40-7-1-.12(11) (b)4	50
3-502.12	99	2005	Amended provisions for ROP to address growth of <i>Listeria monocytogenes</i> and added cook/chill and sous vide, added ROP cheese	40-7-1-.12(11)	49
3-502.12(D)	99	2007	Revised subparagraph (D)(2)(c) for cook chill and sous vides processes, revised subparagraph (2)(d) to specify when bags are sealed and removed subparagraph (2)(e)(i)-(ii) for storage times and temperatures and replaced it with a new subparagraph (2)(e)(i)-(iv) to provide for additional options	40-7-1-.12(11) (d)2(iii) and (e)2-4	51
3-502.12	97	2009	Amended tag line to clarify that no variance is required for Reduced Oxygen Packaging methods listed in this section	40-7-1-.12(11)	49
3-502.12(A)	97	2009	Amended to clarify that all Reduced Oxygen Packaging methods in this section require controls for growth and/or toxin formation by <i>Clostridium botulinum</i> and <i>Listeria monocytogenes</i> , not just methods with two barriers	40-7-1-.12(11) (a)	49
3-502.12(B)(2) (d)	98	2009	Amended to clarify that raw vegetables have high levels of competing organisms	40-7-1-.12(11) (b)2(iv)	50
3-502.12(B)(5) (a)	98	2009	Amended to clarify that prohibition only applies to ready-to-eat food to prevent conflict with § 3-301.11	40-7-1-.12(11) (b)5(i)	50
3-502.12(D)	99	2009	Amended to show this paragraph is not optional and remove italics	40-7-1-.12(11) (d)	50

2013 Food Code		Added In	FDA Description of Change	GDA Regulations	
Citation:	Pg #			Citation:	Pg #
3-502.12(D)(1)	99	2009	Amended to clarify that implementing a HACCP plan is required	40-7-1-.12(11) (d)1	50
3-502.12(D)(2) (c)	99	2009	Amended to add cross reference to Part 3-3	40-7-1-.12(11) (d)2(iii)	51
3-502.12(D)(2) (d)	100	2009	Amended to clarify when bags should be sealed for cook-chill and sous vide	40-7-1-.12(11) (d)2(iv)	51
3-502.12(E)	101	2009	Amended to show this paragraph is not optional with no variance and remove italics	40-7-1-.12(11) (e)	51
3-502.12(E)(2) and (E)(3)	101	2009	Amended to combine (E)(2) with (E)(3)	40-7-1-.12(11) (e)2	51
3-502.12(E)(4)	101	2009	Amended to become the new (E)(3)	40-7-1-.12(11) (e)3	51
3-502.12(E)(5)	101	2009	Amended to become the new (E)(4)	40-7-1-.12(11) (e)4	51
3-502.12	97	2013	Amended ¶¶3-502.12(B), (D), and (E) lead-in paragraphs to reference new ¶ (F) of this section	40-7-1-.12(11)	49
3-502.12	97	2013	Amended ¶3-502.12(B) lead in paragraph and subparagraphs (B)(6)(c), (D)(1), and (E)(2) to reference ¶8-201.14(B) along with existing reference to ¶ (D)	40-7-1-.12(11)	49
3-502.12	98	2013	Amended subparagraphs 3-502.12(B)(3)(b) and (B)(4) to delete 14 days and add 30 days	40-7-1-.12(11) (b)3(ii) and (b)4	50
3-502.12	99	2013	Amended ¶ 3-502.12(B) to add new subparagraph 7 specifying that a HACCP plan be provided to the regulatory authority prior to implementation	40-7-1-.12(11) (b)7	50
3-502.12	99	2013	Amended ¶3-502.12(D) lead in paragraph to delete the word “FOOD” and replace it with the term “Time/Temperature control for safety food” to clarify that this section applies to TCS food	40-7-1-.12(11) (d)	50
3-502.12	99	2013	Amended subparagraph 3-502.12(D)(2)(b) to specify only the cooking parameters in ¶¶ 3-401.11(A), (B) and (C) apply	40-7-1-.12(11) (d)2(ii)	51
3-502.12	100	2013	Amended subparagraph 3-502.12(D)(2)(e)(ii) to allow for cold holding at 41°F for 7 days after cooling to 41°F	40-7-1-.12(11) (d)2(v)(II)	51
3-502.12	100	2013	Amended to delete existing subparagraph 3-502.12(D)(2)(e)(iii) and amended subparagraph 3-502.12(D)(2)(e)(iv) to renumber it as the new subparagraph (D)(2)(e)(iii)	40-7-1-.12(11) (d)2(v)(III)	51
3-502.12	101	2013	Amended to add new ¶(F) to identify the conditions under which a HACCP Plan is not required for ROP TCS foods	40-7-1-.12(11) (f)	52
3-602.11	102	2013	Amended ¶3-602.11(B)(2),(3),(5), and (7) to clarify the information that a label should include	40-7-1-.13(3) (b)2,3,5 and 7	52
3-602.11	102	2013	Amended subparagraph 3-602.11(B)(2) to clarify what information must be included in the statement of ingredients. The term “sub ingredients” was added to this subparagraph to clarify that individual component ingredients of a main ingredient must be disclosed in the statement of ingredients. This clarification helps to make clear that all individual ingredients in a packaged food will be disclosed in the statement of ingredients	40-7-1-.13(3) (b)2	52

2013 Food Code		Added In	FDA Description of Change	GDA Regulations	
Citation:	Pg #			Citation:	Pg #
3-602.11	103	2013	Amended subparagraph 3-602.11(C)(2) to remove cross reference to subparagraph (B)(5) to correctly refer to what a labeling device such as a card, sign, or other method of notification needs to declare. This change corrects an inadvertent error that was created in the 2005 Food Code when a new subparagraph (B)(5) for food allergens was added and the subparagraph for nutritional labeling was renumbered to (B)(6), but the accompanying cross reference in (C)(2) was not changed to correctly cross reference (B)(1), (2), and (6), nutritional labeling	40-7-1-.13(3) (c)2	53
3-603.11	104	2003	Revised to require a disclosure and reminder for satisfactory compliance with the consumer advisory provision	40-7-1-.13(5)	54
3-603.11(A)	104	2009	Amended cross reference from 3-401.11(D)(3) to 3-401.11(D)(4)	40-7-1-.13(5) (a)	54
FOOD CODE CHAPTER 4: EQUIPMENT, UTENSILS, AND LINENS					
4-101.13	110	2005	Amended to combine lead, pewter, solder and flux restrictions into one section	40-7-1-.16(3)	56
4-203.13	116	2007	Revised language regarding the acceptable range of fresh hot water sanitizing rinse pressure measuring device	40-7-1-.17(13)	59
4-204.13	118	2007	Added new ¶(E) and subparagraphs (E)(1) and (E)(2)	40-7-1-.17(16) (e)	60
4-204.110(A) and (B)	119	2009	Amended to clarify that subparagraphs 4-204.110(A) and (B) applies to molluscan shellfish life support system tanks that are used for either storing or displaying molluscan shellfish	40-7-1-.17(23) (a) and (b)	60
4-204.111(B)(2)	121	2003	Revised vending machine automatic shutoff requirement for potentially hazardous foods that are held hot from 60°C (140°F) to 57°C (135°F)	40-7-1-.17(24) (b)2	61
4-204.117	123	2003	Removed the words, "designed and" from the introductory phrase to clarify that the warewashing machine's features prescribed in this section are not necessarily integrated into the machine design by the manufacturer and instead may be added at the time of installation	40-7-1-.17(30)	62
4-204.122	124	2005	"Equipment" to be changed to "apparatus" to be consistent with definition of "equipment"	40-7-1-.17(35)	63
4-302.13	128	2013	Amended the tag line to add "mechanical warewashing"	40-7-1-.18(8)	64
4-302.13	128	2013	Amended to redesignate the existing section into ¶(A) and new ¶(B) to require the availability of irreversible registering temperature indicators	40-7-1-.18(8)	64
4-402.11(B)	130	2005	Amended reference to counter-mounted equipment	40-7-1-.19(2) (b)	65
4-402.12(D) & (E)	131	2005	Amended reference to counter-mounted equipment	40-7-1-.19(3) (d) and (e)	66
4-501.113	135	2007	Revised the tag line and the text regarding the acceptable range of the flow pressure of the fresh hot water sanitizing rinse	40-7-1-.20(13)	68
4-501.114	135	2005	Changed opening paragraph to cross-reference to Chapter 7	40-7-1-.20(14)	68
4-501.114	135	2009	Amended lead-in paragraph to change "exposure times" to "contact times" and "manufacturer's label use instruction or directions" to "EPA-registered label use instructions" to harmonize with EPA terminology	40-7-1-.20(14)	68
4-501.114(A)	136	2009	Added chlorine concentration ranges and changed "Minimum Concentration" to "Concentration Range" in the chart	40-7-1-.20(14) (a)	68
4-501.114(B)(1)	136	2009	Amended to change the minimum temperature requirement for an iodine solution from "24°C (75°F)" to "20°C (68°F) to be consistent with EPA iodophor registration protocols	40-7-1-.20(14) (b)1	68
4-501.114(C)(3)	136	2009	Amended to change "manufacturer's label" to "EPA-registered label use instructions" to harmonize with EPA terminology	40-7-1-.20(14) (c)3	68

2013 Food Code		Added In	FDA Description of Change	GDA Regulations	
Citation:	Pg #			Citation:	Pg #
4-501.114(E)	137	2009	Amended to change "manufacturer's directions including the labeling" to "EPA-registered label use instructions" to harmonize with EPA terminology	40-7-1-.20(14)(e)	68
4-501.114	137	2011	Added new ¶(F) as requirements for devices that generate chemical sanitizers on-site and moved the priority designation "P" to immediately follow the requirements in the introductory paragraph; deleted "or" from end of ¶(D) and added "and" at end of ¶(E)	40-7-1-.20(14)(f)	68
4-602.11	140	2013	Amended ¶ 4-602.11(B) to change the cleaning and sanitizing frequency for food contact surfaces or utensils that are in contact with a raw animal food that is a major food allergen such as fish, followed by other types of raw animal foods. With this change, the exception to existing subparagraph (A)(1) found in ¶(B) now applies only to raw meat and poultry	40-7-1-.21(2)(b)	70
4-603.17	N/A	2013	Amended to delete §4-603.17 and relocate its requirements into §3-304.17	N/A	N/A
4-703.11(C)	146	2009	Amended to change "exposure time" to "contact time" to harmonize with EPA terminology in (C)(1)(2)(3) and (4) (CFP 2008-III-010); Added sentence to clarify that contact times shall be consistent with EPA-registered labels and to harmonize with EPA terminology	40-7-1-.22(3)(c)	73
4-802.11	147	2013	Amended ¶4-802.11(C) to clarify that napkins in this section refers to cloth napkins and they are by definition considered linens as mentioned in ¶3-304.11(C) and §3-304.13	40-7-1-.23(2)(c)	74
4-901.11	148	2005	Updated CFR reference in (A)	40-7-1-.24(1)(a)	74
4-902.11	149	2005	Added cross-reference to § 7-205.11	40-7-1-.24(3)	75
4-904.13	151	2005	Revised the text regarding preset tableware to clarify under what circumstances preset tableware may be exposed and not protected from contamination by wrapping, covering, or inverting	40-7-1-.24(9)	76
4-904.14	151	2009	Added a new § 4-904.14 to allow the application of a post-sanitizing rinse restricted to commercial warewashing machines and the circumstances under which it may be allowed	40-7-1-.24(10)	76
FOOD CODE CHAPTER 5: WATER, PLUMBING, AND WASTE					
Chapter 5	N/A	2005	Changed "handwashing facility" to new term "handwashing sink"	N/A	N/A
5-102.12(B)	154	2009	Amended to remove "and irrigation"	40-7-1-.25(5)(b)	77
5-203.13	158	2009	Added a new ¶ (B) to address use limitations for toilets and urinals and amended existing paragraph to be new ¶ (A)	40-7-1-.26(9)(b)	79
5-203.15	159	2009	Amended to change "double" check valve to "dual" check valve	40-7-1-.26(11)	79
5-203.15(A)	159	2011	Editorial change to add the correct risk designation as a Priority Item "P"	40-7-1-.26(11)(a)	79
5-402.11	165	2005	Amended to clarify that floor drains are allowed in walk-in refrigerators	40-7-1-.28(3)(b)	82
5-501.14	168	2005	Moved the exception to the beginning of the section	40-7-1-.29(5)	83
FOOD CODE CHAPTER 6: PHYSICAL FACILITIES					
6-202.17	179	2005	Moved the exception to the beginning of the section	40-7-1-.31(15)	88
6-202.18	179	2005	Moved the exception to the beginning of the section	40-7-1-.31(16)	88
6-301.12	181	2009	Added new ¶ (D) to allow the use of a high velocity blade of non-heated, pressurized air for hand drying	40-7-1-.32(3)(d)	89
6-303.11(A) and (B)	182	2005	The lux (foot candles) level of light intensity was adjusted to more accurately match conversion formulas for light intensity	40-7-1-.32(9)(a) and (b)	89
6-501.111	186	2009	Amended the lead-in paragraph to clarify that establishments are expected to be free of pests	40-7-1-.34(11)	91

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Citation:	Pg #			Citation:	Pg #
FOOD CODE CHAPTER 7: POISONOUS OR TOXIC MATERIALS					
7-204.11	192	2005	Amended to correct CFR reference to 40 CFR 180.940	40-7-1-.36(5)	93
7-204.11	192	2011	Revised the section to redesignate the existing paragraph into a new lead-in paragraph with ¶(A) and (B); added “chemical sanitizers, including chemical sanitizing solutions generated on site” to new lead in paragraph; and added a new ¶(B) to provide additional sanitizer requirements	40-7-1-.36(5)	93
7-204.12	192	2009	Added a new ¶ (B) that allows the use of ozone on fruits and vegetables according to 21 CFR 173.368	40-7-1-.36(6)(b)	93
7-204.12	192	2011	Revised ¶(A) to add that chemicals generated on-site for the washing or peeling of raw, whole fruits and vegetables shall meet the requirements specified in 21 CFR 173.315; added risk designation to ¶(B) as a Priority Item, “P”; and changed “food establishment” to “food establishment” in small caps	40-7-1-.36(6)(a) and (b)	93
7-204.12	192	2013	Amended ¶7-204.12(A) to redesignate ¶(A) into a lead-in paragraph with four new subparagraphs: Added 21 CFR 173 Secondary Direct Food Additives Permitted in Food for Human Consumption as new subparagraph (A)(1); Added GRAS ingredients as new subparagraph (A)(2); Added effective food contact notifications as new subparagraph (A)(3); Added 40 CFR 156 Labeling Requirements for Pesticides and Devices as new subparagraph (A)(4) to allow the use of other antimicrobial agents allowed under the food contact notification program for washing fruits and vegetables as well as GRAS ingredients permitted as antimicrobials or for general food use	40-7-1-.36(6)(a)1-4	93
7-204.14	193	2011	Added new subparagraphs (A)(3) and (A)(4) to expand the criteria for use of drying agents to include other regulatory procedures that can be used to determine GRAS status of drying agents; redesignated existing subparagraphs (A)(3), (A)(4), and (A)(5) to become new subparagraphs (A)(5), (A)(6) and (A)(7); removed 21 CFR 181 reference in new subparagraph (A)(5) and inserted new cross reference to Federal Food Drug and Cosmetic Act; updated the cross reference in new subparagraph (A)(6) to include part 174; and updated the internal cross references in ¶(B)	40-7-1-.36(8)(a)3 and (a)4	94
FOOD CODE CHAPTER 8: COMPLIANCE AND ENFORCEMENT					
8-201.13(A)(2)	201	2009	Amended cross reference from subparagraph 3-401.11(D)(3) to subparagraph 3-401.11(D)(4)	40-7-1-.39(3)(a)2	97
8-201.13	201	2013	Amended ¶8-201.13(B) to add new language to have the food establishment notify the Regulatory Authority through submission of a HACCP plan that they will be conducting ROP operations that conform with procedures in § 3-502.12	40-7-1-.39(3)(b)	97
8-304.11	208	2005	Amended to correct cross-reference in ¶ (D) to §2-201.11	40-7-1-.40(10)(d)	101
8-304.11(G)	208	2009	Amended to remove reference to deleted ¶ 8-304.11(H)	40-7-1-.40(10)(g)	101
8-304.11(H)	N/A	2009	Deleted ¶ (H) as it references subparagraph 3-501.16(A)(2) that was deleted from the Code in the Supplement to the 2005 Food Code; renumbered remaining paragraphs	N/A	N/A
8-304.11(I)	209	2009	Amended to become new ¶ (H)	40-7-1-.40(10)(h)	101
8-304.11(J)	209	2009	Amended to become new ¶ (I)	40-7-1-.40(10)(i)	101
8-304.11(K)	209	2009	Amended to become new ¶ (J)	40-7-1-.40(10)(j)	101

2013 Food Code		Added In	FDA Description of Change	GDA Regulations	
Citation:	Pg #			Citation:	Pg #
8-401.20(A)	211	2009	Amended to change "critical" to "priority items or priority foundation items"	40-7-1-.41(2)(a)	101
8-401.20(B)	211	2009	Amended to change "noncritical" to "core items"	40-7-1-.41(2)(b)	102
8-403.10	213	2005	Amended to correct cross-reference in subparagraph (B)(2) to §2-201.11	40-7-1-.41(7)(b)2	103
8-403.10(B)(3)	214	2009	Amended to change "critical items" to "priority items or priority foundation items"	40-7-1-.41(7)(b)3	103
8-405.11(A) and (B)	216	2009	Amended to change "critical item" to "priority item or priority foundation item"	40-7-1-.41(14)(a) and (b)	104
8-405.11(B)	216	2011	Revised the paragraph to redesignate it into subparagraphs (1) and (2) to maintain consistency with the three tier risk designation ranking system and allow, with Regulatory Authority agreement, up to 72 hours to correct violations of a Priority Item or up to 10 days to correct violations of a Priority Foundation Item or HACCP Plan deviations	40-7-1-.41(14)(b)1-2	104
8-405.20(A) and (B)	216	2009	Amended to change "critical item" to "priority item or priority foundation item"	40-7-1-.41(15)(a) and (b)	104
8-406.11(A)	216	2009	Amended to change "noncritical violations" to "core items"	40-7-1-.41(16)(a)	104
8-501.10	217	2005	Amended opening phrase, added "conditional employee"	40-7-1-.42(1)	104
8-501.20	218	2005	Added "conditional employee"	40-7-1-.42(2)	105
8-501.40	219	2005	Amended entire section to reflect reinstatement of excluded or restricted food employee or conditional employee consistent with new Part 2-2	40-7-1-.42(4)	105
FOOD CODE ANNEX 1: COMPLIANCE AND ENFORCEMENT					
8-801.10(D)	228	2005	Added reference to "conditional employee"	40-7-1-.43(1)	105
Annex 1	224	2009	Added new Part 8-7 Authority, Subpart 8-701 Legal Authority, and §§ 8-701.10, 8-701.11, and 8-701.20	40-7-1-.43(1)	105
Annex 1	N/A	2009	Re-numbered existing Parts such that the existing Part 8-7 Notices, becomes new Part 8-8 Notices, and existing Part 8-8 Remedies, becomes new Part 8-9 Remedies, respectively	40-7-1-.43(1)	105