



CLAY COUNTY

PUBLIC HEALTH CENTER



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Summary of Proposed Changes to the Clay County Missouri Food Code

This Summary provides a synopsis of the textual changes from the 2013 Food Code to the [2017 FDA Food Code](#) that Clay County proposes to adopt effective January 1, 2020. The primary intent of this record is to capture the nature of the changes rather than to identify every word or editing change. *This record should not be relied upon as an absolute comparison that identifies every change.*

General:

- Numerous editing changes throughout the document for internal consistency, to correct some errors in the 2013 Code and for clarification.

Chapter 1 Purpose and Definitions

Add new term **“Intact Meat”**

“Intact Meat” means a cut of whole muscle(s) MEAT that has not undergone COMMINATION, INJECTION, MECHANICAL TENDERIZATION, or reconstruction.

Revise **“Vending Machine”** to be more inclusive of the diverse means of payment available. **“Vending machine”** means a self-service device that, upon insertion of a coin, paper currency, token, card, or key, or by electronic transaction or optional manual operation, dispenses unit servings of FOOD in bulk or in PACKAGES without the necessity of replenishing the device between each vending operation.

Chapter 2 Management and Personnel

2-102.11 Demonstration.

Based on the RISKS inherent to the FOOD operation, during inspections and upon request the PERSON IN CHARGE shall demonstrate to the REGULATORY AUTHORITY knowledge of foodborne disease prevention, application of the HAZARD Analysis and CRITICAL CONTROL POINT principles, and the requirements of this Code. The PERSON IN CHARGE shall demonstrate this knowledge by:

(A) Being a certified FOOD protection manager who has shown proficiency of required information through passing a test that is part of an ACCREDITED PROGRAM,^{Pf} and



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(B) Complying with this Code by having no violations of PRIORITY ITEMS during the current inspection; ^{Pf} or

(C) Responding correctly to the inspector's questions as they relate to the specific FOOD operation. ^{Pf}

Amend the Food Code to revise the descriptors of illness caused by *Salmonella* Typhi or nontyphoidal *Salmonella*. This change allows the use of plain language descriptors to simplify the restriction and exclusion criteria.

2-102.12

Amend paragraph **2-102.12(A)** to state that the Person in Charge shall be the Certified Food Protection Manager. Now will be listed as a priority foundation violation. ^{Pf}

2-102.20

Amend paragraph **2-102.20(B)** to state that it is the Person in Charge who must be a Certified Food Protection Manager to comply with Section 2-102.12.

2-103.11

Amend to add new paragraph (I) to address additional duty requirement for the Person in Charge to ensure employees are routinely monitoring food temperatures during hot and cold holding and re-designate paragraphs (I) - (O) as new paragraphs (J) - (P).

2-103.12 Food Employee Certificates. (Food-handler)

Required for any person engaged in food preparation, handling, dispensing, or service to the public shall possess a valid Food Handler Card, approved by the REGULATORY AUTHORITY. Now will be listed as a priority foundation violation. ^{Pf}

2-201.11

Amend subparagraph **2-201.11(A)(2)(e)** to add the illness, Typhoid fever, to the descriptor for reportable diagnosis of illness diagnosed due to *Salmonella* Typhi so that it reads: "Typhoid fever (caused by *Salmonella* Typhi)".

Amend subparagraph **2-201.11(A)(2)(f)** to add the word, "*Salmonella*", to the descriptor for reportable diagnosis of illness diagnosed due to nontyphoidal *Salmonella* so that it reads: "*Salmonella* (nontyphoidal)".

Amend subparagraph **2-201.11(A)(3)** to replace the phrase, "Had a previous illness" with the phrase "Had Typhoid fever" and to delete the phrase "due to *Salmonella* Typhi".

Amend subparagraph **2-201.11(A)(4)(c)** to replace "*Salmonella* Typhi" with "Typhoid fever".



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Amend subparagraph **2-201.11(A)(5)(c)** to add in descriptor text for the illness caused by *Salmonella* Typhi so that it reads: “. . . Typhoid fever (caused by *Salmonella* Typhi).”

Amend subparagraph **2-201.11(C)(2)** to correctly cross-reference paragraph 2-201.13(J).

2-201.12

Amend subparagraph **2-201.12(A)(2)** to replace “nontyphoidal *Salmonella*” with “*Salmonella* (nontyphoidal)”.

Amend the **margin tagline for subparagraph 2-201.12(C)** to replace “diagnosis or reported previous infection due to *S. Typhi*” with “diagnosis or reported previous illness with Typhoid fever”.

Amend paragraph **2-201.12(C)** to replace “diagnosed with an infection from *Salmonella* Typhi” with “diagnosed with Typhoid fever, or reports having had Typhoid fever”.

Amend paragraph **2-201.12(G)** to replace “nontyphoidal *Salmonella*” with “*Salmonella* (nontyphoidal)”.

2-201.13

Amend to:

- revise paragraph (A) to replace “*Salmonella* Typhi” with “Typhoid fever”
- revise subparagraph (A)(5) to replace “nontyphoidal *Salmonella*” with “*Salmonella* (nontyphoidal)”
- revise the margin tag line for paragraph (C) to replace “*S. Typhi* diagnosis – removing exclusions” with “Typhoid fever diagnosis – removing exclusions”
- revise subparagraph (C)(2) to replace “*S. Typhi* infection” with “Typhoid fever”
- revise subparagraph (G)(1) to replace “nontyphoidal *Salmonella* infection” with “*Salmonella* (nontyphoidal) infection”
- revise the margin tagline for subparagraph (J)(3) to replace “*S. Typhi*” with “Typhoid fever (*S. Typhi*)”
- revise subparagraph (J)(3) to replace “*S. Typhi*” with “Typhoid fever (caused by *Salmonella* Typhi)”

2-401.13

Add new Section **2-401.13** Use of Bandages, Finger Cots or Finger Stalls

If used, an impermeable cover such as a bandage, finger cot or finger stall located on the wrist, hand or finger of a FOOD EMPLOYEE working with exposed FOOD shall be covered with a single-use glove.



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2-501.11

Amend Section **2-501.11** to indicate that procedures for the clean-up of vomiting and diarrheal events for employees to follow shall be written.

Chapter 3 Food

3-201.11 Compliance with Food Law.

(A) FOOD shall be obtained from APPROVED sources that comply with LAW.^P

3-302.11

Add new subparagraph **3-302.11(A)(1)(c)** to indicate separating raw animal foods during storage, preparation, holding and display from fruits and vegetables before they are washed and re-designated existing subparagraph 3-302.11(A)(1)(c) as new subparagraph 3-302.11(A)(1)(d).

3-401.11

Amend subparagraph **3-401.11(A)(1)(b)** to include the term intact meat.

Amend subparagraph **3-401.11(A)(2)** to reflect new cooking time in seconds for ratites, mechanically tenderized and injected meats, comminuted fish, comminuted meat, comminuted game animals commercially raised for food or under voluntary inspection, and raw eggs that are not prepared to a consumer's order from 15 seconds to **17 seconds**.

Amend subparagraph **3-401.11(A)(3)** to reflect new cooking time for poultry, baluts, wild game animals, stuffed foods or stuffing containing fish, meat, poultry or ratites from 15 seconds to <1 second (instantaneous).

Amend paragraph **3-401.11(B)** by reversing the order of subparagraphs (B)(1) and (B)(2), where subparagraph (B)(2) is now subparagraph (B)(1).

3-401.13

Amend Section **3-401.13** to delete the phrase "fruits and vegetables" and replace it with the term "plant foods".



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3-402.11

Amend subparagraph **3-402.11(B)(5)** by italicizing the text to correctly indicate it as an exception.

3-402.12

Amend paragraph **3-402.12(C)** to correctly cross reference subparagraph 3-402.11(B)(4).

3-404.11

Amend paragraph **3-404.11(A)** to replace cross reference to paragraphs 8-201.14(B)-(E) with a cross reference to §8-201.14.

3-501.18

Amend subparagraph **3-501.18(A)(3)** by deleting the term “appropriately” and replacing it with “inappropriately”.

3-501.19

Amend subparagraph **3-501.19(A)(1)(a)** to add a missing cross reference to subparagraph 3-501.19(B)(4) to correctly reference subparagraphs 3-501.19(B)(1)-(4).

3-502.12

Amend paragraph **3-502.12(B)** and subparagraphs **(B)(6)(c)**, **(D)(1)**, and **(E)(2)** to replace cross reference to paragraphs 8-201.14 (B) and (D) with a cross reference to paragraphs 8-201.14 (C) and (D).

Amend paragraph **3-502.12(C)** to add in additional exception criteria for fish that is reduced oxygen packaged at retail to bear a label indicating that it is to be kept frozen until time of use.

3-801.11

Amend subparagraph **3-801.11(A)(3)** to replace cross reference to paragraphs 8-201.14 (B)-(E) with a cross reference to paragraphs 8-201.14 (C)-(E).

Chapter 4 Equipment, Utensils, and Linens

Part 4-3 Numbers and Capacities

Amend to add new Subpart **4-303**, Cleaning Agents and Sanitizers.

Amend to add new Section **4-303.11** Cleaning Agents and Sanitizers, Availability, to require that equipment and utensil cleaning agents and sanitizers be provided and readily accessible for use.



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Chapter 5 Water, Plumbing, and Waste

No Changes.

Chapter 6 Physical Facilities

No Changes.

Chapter 7 Poisonous or Toxic Materials

7-204.12

Amend paragraph **7-204.12(A)** to re-designate it as the lead in paragraph for this section.

Amend subparagraphs **7-204.12(A)(1)-(4)** by re-designating them as paragraphs 7-204.12(A)-(D) to be inclusive of all washing chemicals and antimicrobial agents that may be used in the washing and treatment of produce as specified in 21 CFR 173.

Delete existing paragraph **7-204.12(B)**.

Chapter 8 Compliance and Enforcement

8-103.12

Amend paragraph **8-103.12(B)** to replace existing cross reference to paragraphs 8-201.14 (D) and (E) with a cross reference to paragraph 8.201.14 (D) and subparagraph (E)(3).

8-201.14

Amend to: **HACCP**

- add new paragraph (A) to add a new specification for the permit holder or permit applicant to include general information with the HACCP plan submission;
- add a new paragraph (F) that is not a new requirement within §8-201.14, but rather clarifies what was already required under the previous paragraph (E). This new paragraph (F) requires the permit holder to include any other application or submission information required by the regulatory authority;
- delete paragraph (C) and move the food employee and supervisory training plan provision to new paragraph (E);
- re-designate existing paragraph (A) as new paragraph (B) where the intent of paragraph (B) remains the same, although the paragraph was revised to remove the list of examples;
- re-designate existing paragraph (B) (flow diagram) as new paragraph (C) which keeps its original intent, and includes a more descriptive list of what the flow diagram should include;



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- revise subparagraph (D)(3) to clarify that a food employee or person in charge may monitor critical control points;
- revise subparagraph (D)(5) to clarify that a person in charge, or a food employee, may be responsible for taking corrective action when a critical limit is not met; and
- revise paragraph (E) to incorporate the food employee and supervisory training plan from deleted paragraph (C) and included a new requirement for the permit holder's or permit applicant's HACCP plan submission to incorporate copies of blank records forms necessary for implementation of the HACCP Plan.

8-402.10

Amend existing paragraph to re-designate into new paragraph **8-402.10(A)**.

Amend by adding a new paragraph **8-402.10(B)** to address the requirement for the Regulatory Authority to ensure that authorized representatives who inspect food establishments or conduct plan reviews for compliance with this Code have access to training and continuing education as needed to properly identify violations and apply the Code.

8-404.11

Amend by adding subparagraphs **8-404.11(C)(1)-(3)** as new exception criteria indicating that the regulatory authority may agree to continuing operations during an extended water or electrical outage if written operational plans have been approved by the regulatory authority.

8-701.10

Amend to:

- re-designate subparagraphs **8-701.10(A)-(C)** to **8-801.10(A)-(C)** Proper Methods.
- add new section **8-701.10** to address Adoption of Regulations to address the requisite legal authority by statute/ordinance of the Regulatory Authority to adopt and enforce regulations to carry out the administrative and judicial provisions of the Code that are critical to the framework of a Food Establishment regulatory program.

8-701.11

Add new section **8-701.11** to address modifications to adoption forms, where used, to be made consistent with said legal authority to enact regulations and enforce compliance with the Code, whether adopted as statutes or regulations.

8-701.20

Amend to:

- re-designate sub paragraphs **8-801.20(A)-(B)** to **8-801.20(A)-(B)** Restriction or Exclusion Order, Hold Order or Summary Suspension.
- Add new section **8-701.20** to address the requirement for the Regulatory Authority to clearly state and reference within the Code the legally sound basis for compliance and



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enforcement action, the responsibilities of parties, sanctions for noncompliance and due process.

8-701.30

Amend to re-designate paragraph **8-701.30** to **8-801.30** When Notice is Effective.

8-701.40

Amend to re-designate paragraph **8-701.40** to **8-801.40** Proper Proof of Service.

8-801.10

Amend to re-designate subparagraphs **8-801.10(A)-(G)** to **8-901.10(A)-(G)** Conditions Warranting Remedy.

8-802.10

Amend to re-designate subparagraphs **8-802.10(A)-(C)** to **8-902.10(A)-(C)** Gaining Access to Premises and Records.

8-802.20

Amend to re-designate subparagraphs **8-802.20(A)-(C)** to **8-902.20(A)-(C)** Contents of an Inspection Order.

8-803.10

Amend to re-designate subparagraphs **8-803.10(A)-(B)** to **8-903.10(A)-(B)** Justifying Conditions and Removal of Food.

8-803.20

Amend to re-designate paragraph **8-803.20** to **8-903.20** Hold Order, Warning or Hearing Not Required.

8-803.30

Amend to re-designate subparagraphs **8-803.30(A)-(F)** to **8-903.30(A)-(F)** Hold Order, Contents.

8-803.40

Amend to re-designate subparagraphs **8-803.40(A)-(B)** to **8-903.40(A)-(B)** Hold Order, Official Tagging of Food.

8-803.51

Amend to re-designate subparagraphs **8-803.51(A)-(B)** to **8-903.51(A)-(B)** Hold Order, Food May Not Be Used or Moved.

8-803.60

Amend to re-designate paragraph **8-803.60** to **8-903.60** Examining, Sampling, and Testing Food.



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8-803.70

Amend to re-designate paragraph **8-803.70** to **8-903.70** Hold Order, Removing the Official Tag.

8-803.80

Amend to re-designate paragraph **8-803.80** to **8-903.80** Destroying or Denaturing Food.

8-803.90

Amend to re-designate paragraph **8-803.90** to **8-903.90** Releasing Food from Hold Order.

8-804.10

Amend to re-designate subparagraphs **8-804.10(A)-(B)** to **8-904.10(A)-(B)** Conditions Warranting Action.

8-804.20

Amend to re-designate paragraph **8-804.20** to **8-904.20** Summary Suspension, Warning or Hearing Not Required.

8-804.30

Amend to re-designate subparagraphs **8-804.30(A)-(D)** to **8-904.30(A)-(D)** Contents of the Notice.

8-804.40

Amend to re-designate paragraph **8-804.40** to **8-904.40** Time Frame for Reinspection.

8-804.50

Amend to re-designate subparagraphs **8-804.50(A)-(B)** to **8-904.30(A)-(B)** Term of Suspension, Reinstatement of Permit.

8-805.10

Amend to re-designate subparagraphs **8-805.10(A)-(D)** to **8-905.10(A)-(D)** Response to Notice of Hearing or Request for Hearing, Basis and Time Frame.

8-805.20

Amend to re-designate paragraph **8-805.20(A)-(C)** to **8-905.20(A)-(C)** Response to Notice of Hearing or Request for Hearing, Required Form and Contents.

8-805.30

Amend to re-designate subparagraphs **8-805.30(A)-(B)** to **8-905.30(A)-(B)** Provided Upon Request.



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8-805.40

Amend to re-designate paragraph **8-805.40** to **8-905.40** Provided in Accordance with Law.

8-805.50

Amend to re-designate subparagraphs **8-805.50(A)-(B)** to **8-905.50(A)-(B)** Timeliness, Appeal Proceeding Within 5 Business Days, Other Proceeding Within 30 Calendar Days.

8-805.60

Amend to re-designate subparagraphs **8-805.60(A)-(J)** to **8-905.60(A)-(J)** Notice Contents.

8-805.70

Amend to re-designate paragraph **8-805.70** to **8-905.70** Proceeding Commences Upon Notification.

8-805.80

Amend to re-designate paragraph **8-805.80** to **8-905.80** Procedure, Expeditious and Impartial.

8-805.90

Amend to re-designate subparagraphs **8-805.90(A)-(B)** to **8-905.90(A)-(B)** Confidential.

8-805.100

Amend to re-designate paragraph **8-805.100** to **8-905.100** Record of Proceeding

8-806.10

Amend to re-designate subparagraphs **8-806.10(A)-(C)** to **8-906.10(A)-(C)** Appointment by Regulatory Authority and Purpose.

8-806.20

Amend to re-designate subparagraphs **8-806.20(A)-(B)** to **8-906.20(A)-(B)** Qualifications.

8-806.30

Amend to re-designate subparagraphs **8-806.30(A)-(B)** to **8-906.30(A)-(B)** Powers, Administration of Hearings.

8-806.40

Amend to re-designate subparagraphs **8-806.40(A)-(J)** to **8-906.40 (A)-(J)** Powers, Administrative Remedies.

8-907.10

Add new section **8-907.10** Rights of Parties to address parties to a hearing may be represented by counsel, examine and cross examine witnesses, and present evidence in support of their position.



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8-907.20

Add new section **8-907.20** Evidence to be Presented by the Regulatory Authority to address the Regulatory Authority shall present at the hearing its evidence, orders, directives, and reports related to the proposed or appealed administrative remedy.

8-907.30

Add new section **8-907.30** Evidence to be Excluded to address evidence that shall be excluded if it is irrelevant, immaterial, unduly repetitious, or excludable on constitutional or statutory grounds or based on evidentiary privilege recognized by the state's courts; or otherwise according to law.

8-907.40

Add new section **8-907.40** Testimony Under Oath to address testimony of parties and witnesses shall be made under oath or affirmation administered by a duly authorized official.

8-907.50

Add new section **8-907.50** Written Evidence to address written evidence may be received if it will expedite the hearing without substantial prejudice to a party's interests.

8-907.60

Add new section **8-907.60** Documentary Evidence to address documentary evidence may be received in the form of a copy or excerpt.

8-908.10

Add new section **8-908.10** Authorization to address the Regulatory Authority may settle a case after a notice of hearing is served by providing a respondent with an opportunity to request a settlement before a hearing commences on the matter and by entering into a consent agreement with the respondent.

8-908.20

Add new section **8-908.20** Respondent Acceptance of Consent Agreement Is Waiver of Right to Appeal to address respondents accepting a consent agreement waive their right to a hearing on the matter.